



# Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951

1951 CHAPTER 65 14 and 15 Geo 6

## PART II

### PROTECTION AGAINST INSECURITY OF TENURE OF PLACE OF RESIDENCE

#### Modifications etc. (not altering text)

C1 Pt. II (ss. 14-25) modified (E.W.) by S.I. 1990/776, art. 5(2)(g)

#### *Protection during service other than short period of training*

#### 14 **Period of residence protection, and scope of three succeeding sections (protection of tenure under lettings at a rent).** **E+W**

- (1) The three next succeeding sections shall have effect, subject to subsection (2) of this section, in the case of a service man who performs a period of relevant service, other than a short period of training, either wholly after the commencement of this Act or partly theretofore and partly thereafter, for giving, during that period of service, or the residue of it if it began before the commencement of this Act, and four months from the date of the ending of it (in this Part of this Act referred to, in relation to such a service man, as his “period of residence protection”), security of tenure of premises which at any time during the period of protection are a rented family residence of his.

For the purposes of the operation of this Part of this Act at any time during a service man’s period of residence protection—

- (a) the expression “rented family residence” means premises in which (or in part of which) the service man was living immediately before the beginning of his period of service with a dependant or dependants of his in right of a tenancy at a rent of those premises being a tenancy vested in him or in that dependant or any of those dependants, and in which (or in part of which) at the time in

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question during the period of protection a dependant or dependants of his is or are living, whether with or without him, in right of such a tenancy of those premises being a tenancy vested in him or in that dependant or any of those dependants; and

- (b) the expression “tenancy qualifying for protection” means the tenancy of a rented family residence of the service man in right of which a dependant or dependants of his is or are living therein or in part thereof at the time in question.

- (2) The three next succeeding sections shall not have effect if and so long as the rented family residence—

- [<sup>F1</sup>(a) is a dwelling house which consists of or comprises premises [<sup>F2</sup>in England and Wales which, by virtue of a premises licence under the Licensing Act 2003, may be used for the supply of alcohol (within the meaning of section 14 of that Act) on the premises or in Scotland which are] licensed for the sale of intoxicating liquor on the premises; or]
- (b) is bona fide let at a rent which includes payments in respect of board, [<sup>F3</sup>or
- (c) is a dwelling-house which is subject to a protected occupancy or statutory tenancy as defined in the <sup>M1</sup>Rent (Agriculture) Act 1976.]

#### Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

#### Textual Amendments

- F1** S. 14(2)(a) substituted by [Rent Act 1968 \(c. 23\)](#), s. 117(2), [Sch. 15](#)
- F2** Words in s. 14(2)(a) inserted (24.11.2005) by [Licensing Act 2003 \(c. 17\)](#), s. 201(2), [Sch. 6 para. 22](#) (with ss. 2(3), 15(2), 195); S.I. 2005/3056, art. 2(2)
- F3** Words added by [Rent \(Agriculture\) Act 1976 \(c. 80\)](#), [Sch. 8 para. 1](#)

#### Marginal Citations

- M1** [1976 c. 80](#).

## 14 Period of residence protection, and scope of three succeeding sections (protection of tenure under lettings at a rent). **S**

- (1) The three next succeeding sections shall have effect, subject to subsection (2) of this section, in the case of a service man who performs a period of relevant service, other than a short period of training, either wholly after the commencement of this Act or partly theretofore and partly thereafter, for giving, during that period of service, or the residue of it if it began before the commencement of this Act, and four months from the date of the ending of it (in this Part of this Act referred to, in relation to such a service man, as his “period of residence protection”), security of tenure of premises which at any time during the period of protection are a rented family residence of his.

For the purposes of the operation of this Part of this Act at any time during the service man’s period of residence protection—

- (a) the expression “rented family residence” means premises in which (or in part of which) the service man was living immediately before the beginning of his period of service with a dependant or dependants of his in right of a tenancy at a rent of those dependants, and in which (or in part of which) at the time

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- in question during the period of protection a dependant or dependants of his or are living, whether with or without him, in right of such tenancy of those premises being a tenancy vested in him or in that dependant or any of those dependants; and
- (b) the expression “tenancy qualifying for protection” means the tenancy of a rented family residence of the service man in right of which a dependant or dependants of his is or are living therein or in part thereof at the time in question.
- (2) The three next succeeding sections shall not have effect if and so long as the rented family residence—
- [<sup>F100</sup>(a) is a dwelling house which consists of or comprises premises [<sup>F101</sup>which, by virtue of a premises licence issued under the Licensing (Scotland) Act 2005, are licensed for the sale of alcohol (within the meaning of section 2 of that Act) for consumption on the premises]; or]
- (b) is bona fide let at a rent which includes payments in respect of board.

#### Extent Information

**E10** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

#### Textual Amendments

**F100** S. 14(2)(a) substituted by [Rent \(Scotland\) Act 1971 \(c. 28\)](#), s. 135(2), **Sch. 18 Pt. II**

**F101** Words in s. 14(2)(a) substituted (S.) (1.9.2009 at 5.00 a.m.) by [The Licensing \(Scotland\) Act 2005 \(Consequential Provisions\) Order 2009 \(S.S.I. 2009/248\)](#), art. 1(1), **sch. 1 para. 1(2)** (with art. 3)

## 15 <sup>X1</sup>Protection of tenure of furnished, and certain other, rented premises, by extension of the Furnished Houses (Rent Control) Act. **E+W**

- (1) Subject to subsection (2) of the last preceding section, where at any time during a service man’s period of residence protection.
- (a) the rented family residence is let under the tenancy qualifying for protection either on such terms as are mentioned in [<sup>F4</sup>section 19(2) of the <sup>M2</sup>Rent Act 1977 (which relates to premises let in consideration of a rent which includes payment for the use of furniture or for services) or on terms of sharing with the lessor, and
- (b) a notice to quit has been served by the lessor on the lessee (whether after or before the beginning of the period of protection) and the notice has not expired, but
- [ the condition specified in subsection 1(b) of [<sup>F6</sup>section 104 of the Rent Act 1977] is not fulfilled, <sup>F7</sup>the said section 104] shall apply in relation to the notice to quit as if that condition had been fulfilled as to the contract under which that tenancy subsists.]
- [<sup>F8</sup>(1A) This section does not apply in relation to any tenancy entered into after the commencement of section 69(2) of the <sup>M3</sup>Housing Act 1980.]
- (2) The reference in paragraph (a) of the preceding subsection to a letting on terms of sharing with the lessor is a reference to a letting under which—
- (a) the lessee has the exclusive occupation of some accommodation (in this subsection referred to as “the separate accommodation”);

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- (b) he has the use of other accommodation in common with the lessor or with the lessor and other persons; and
  - (c) the accommodation mentioned in the last preceding paragraph is or includes accommodation of such a nature that the circumstance specified in that paragraph is sufficient to prevent the separate accommodation from being a dwelling-house [<sup>F9</sup>let on or subject to a protected tenancy or statutory tenancy within the meaning of the Rent Act 1977], whether apart from that circumstance it would be such a dwelling-house or not.
- (3) [<sup>F10</sup>The subsistence of a Crown interest in premises shall not affect the operation of this section], if the reversion immediately expectant on the tenancy in question is not a Crown interest, [<sup>F11</sup>but nothing in this subsection shall be construed as excluding the operation of this Part of this Act in cases where there subsists a Crown interest not being the reversion immediately expectant on the tenancy in question.]
- (4) References in the said [<sup>F12</sup>section 104] to that section shall be construed as including references to the preceding provisions of this section and to the said [<sup>F13</sup>section 104] as extended by those provisions.
- (5) Nothing in the preceding provisions of this section shall be construed as rendering the said [<sup>F14</sup>section 104] applicable in a case in which the contract under which the tenancy in question subsists is excluded from [<sup>F15</sup>being a restricted contract (within the meaning of the <sup>M4</sup>Rent Act 1977) by paragraph 17 of Schedule 24 to that Act.]

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#### Editorial Information

**X1** Unreliable marginal note

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#### Extent Information

**E2** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

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#### Textual Amendments

- F4** Words substituted by [Rent Act 1977 \(c. 42\)](#), **Sch. 23 para. 3**
- F5** [S. 15\(1\)\(c\)](#) and words thereafter substituted by [Rent Act 1968 \(c. 23\)](#), s. 117(2), **Sch. 15**
- F6** Words substituted by [Rent Act 1977 \(c. 42\)](#), **Sch. 23 para. 3**
- F7** Words substituted by [Rent Act 1977 \(c. 42\)](#), **Sch. 23 para. 3**
- F8** [S. 15\(1A\)](#) inserted by [Housing Act 1980 \(c. 51\)](#), **Sch. 25 Pt. I para. 1**
- F9** Words substituted by [Rent Act 1977 \(c. 42\)](#), **Sch. 23 para. 3**
- F10** Words substituted by [Rent Act 1968 \(c. 23\)](#), s. 117(2), **Sch. 15**
- F11** Words added by [Rent Act 1968 \(c. 23\)](#), s. 117(2), **Sch. 15**
- F12** Words substituted by [Rent Act 1977 \(c. 42\)](#), **Sch. 23 para. 3**
- F13** Words substituted by [Rent Act 1977 \(c. 42\)](#), **Sch. 23 para. 3**
- F14** Words substituted by [Rent Act 1977 \(c. 42\)](#), **Sch. 23 para. 3**
- F15** Words substituted by [Rent Act 1977 \(c. 42\)](#), **Sch. 23 para. 3**

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#### Marginal Citations

- M2** [1977 c. 42](#).
- M3** [1980 c. 51](#).
- M4** [1977 c. 42](#).

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*Changes to legislation:* There are currently no known outstanding effects for the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951, Part II. (See end of Document for details)

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**15** <sup>X4</sup>**Protection of tenure or furnished and certain other, rented premises, by extension of the Furnished Houses (Rent Control) Act.** **S**

- (1) Subject to subsection (2) of the last preceding section, where at any time during a service man's period of residence protection,
- (a) the rented family residence is let under the tenancy qualifying for protection either on such terms as are mentioned in <sup>F102</sup>section <sup>F103</sup>[<sup>F103</sup>63(1)] of the Rent (Scotland) Act <sup>F103</sup>[<sup>F103</sup>1984]] (which relates to premises let in consideration of a rent which includes payment for the use of furniture or for services) or on terms of sharing with the lessor, and
  - (b) a notice to quit has been served by the lessor on the lessee (whether after or before the beginning of the period of protection) and the notice has not expired, but
  - <sup>F104</sup>(c) the condition specified in subsection (1)(b) of section <sup>F103</sup>[<sup>F103</sup>72] of the Rent (Scotland) Act <sup>F103</sup>[<sup>F103</sup>1984] is not fulfilled,
- the said section <sup>F103</sup>[<sup>F103</sup>72] shall apply in relation to the notice to quit as if that condition had been fulfilled as to the contract under which that tenancy subsists.]
- <sup>F105</sup>(1A) This section does not apply in relation to any tenancy entered into <sup>F106</sup>[<sup>F106</sup>on or after 1st December 1980].]
- (2) The reference in paragraph (a) of the preceding subsection to a letting on terms of sharing with the lessor is a reference to a letting under which—
- (a) the lessee has the exclusive occupation of some accommodation (in this subsection referred to as “the separate accommodation”);
  - (b) he has the use of other accommodation in common with the lessor or with the lessor and other persons; and
  - (c) the accommodation mentioned in the last preceding paragraph is or includes accommodation of such a nature that the circumstance specified in that paragraph is sufficient to prevent the separate accommodation from being <sup>F107</sup>[<sup>F107</sup>a dwelling-house subject to a statutory tenancy within the meaning of the Rent (Scotland) Act <sup>F103</sup>[<sup>F103</sup>1984]], whether apart from that circumstance it would be such a dwelling-house or not.
- <sup>F108</sup>(3) The subsistence of a Crown interest in premises shall not affect the operation of this section if the interest of the immediate landlord of the tenant under the tenancy in question is not a Crown interest; but nothing in this subsection shall be construed as excluding the operation of this Part of this Act in cases where there subsists a Crown interest not being the interest of the immediate landlord of the tenant under the tenancy in question.]
- (4) References in the said <sup>F109</sup>section <sup>F103</sup>[<sup>F103</sup>72]] to that section shall be construed as including references to the preceding provisions of this section and to the said <sup>F109</sup>section <sup>F103</sup>[<sup>F103</sup>72]] as extended by those provisions.
- <sup>F110</sup>(5) .....

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**Editorial Information**

**X4** Unreliable marginal note

*Changes to legislation: There are currently no known outstanding effects for the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951, Part II. (See end of Document for details)*

#### Extent Information

- E11** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

#### Textual Amendments

- F102** Words substituted by [Rent \(Scotland\) Act 1971 \(c. 28\), s. 135\(2\)](#), **Sch. 18 Pt. II**
- F103** Figure substituted by [Rent \(Scotland\) Act 1984 \(c. 58, SIF 75:4\), s. 117\(1\)](#), **Sch. 8 Pt. II**
- F104** [S. 15\(1\)\(c\)](#) and words thereafter substituted by [Rent \(Scotland\) Act 1971 \(c. 28\), s. 135\(2\)](#), **Sch. 18 Pt. II**
- F105** [S. 15\(1A\)](#) inserted by [Tenants' Rights, Etc. \(Scotland\) Act 1980 \(c. 52\), s. 39\(2\)](#)
- F106** Words substituted by [Rent \(Scotland\) Act 1984 \(c. 58, SIF 75:4\), s. 117\(1\)](#), **Sch. 8 Pt. II**
- F107** Words substituted by virtue of [s. 24\(j\)](#) of this Act
- F108** [S. 15\(3\)](#) substituted by [Rent \(Scotland\) Act 1971 \(c. 28\), s. 135\(2\)](#), **Sch. 18 Pt. II**
- F109** Words substituted by [Rent \(Scotland\) Act 1971 \(c. 28\), s. 135\(2\)](#), **Sch. 18 Pt. II**
- F110** [S. 15\(5\)](#) repealed by [Rent \(Scotland\) Act 1971 \(c. 28\), s. 135\(5\)](#), **Sch. 20**

### [<sup>F16</sup>16] **Protection of tenure of certain rented premises by extension of Housing Act 1988.** **E+W**

- (1) Subject to subsection (2) of section 14 of this Act and subsection (3) below, if at any time during a service man's period of residence protection—
- (a) a tenancy qualifying for protection which is a fixed term tenancy ends without being continued or renewed by agreement (whether on the same or different terms and conditions), and
  - (b) by reason only of such circumstances as are mentioned in subsection (4) below, on the ending of that tenancy no statutory periodic tenancy of the rented family residence would arise, apart from the provisions of this section,

Chapter I of Part I of the Housing Act 1988 shall, during the remainder of the period of protection, apply in relation to the rented family residence as if those circumstances did not exist and had not existed immediately before the ending of that tenancy and, accordingly, as if on the ending of that tenancy there arose a statutory periodic tenancy which is an assured tenancy during the remainder of that period.

- (2) Subject to subsection (2) of section 14 of this Act and subsection (3) below, if at any time during a service man's period of residence protection—
- (a) a tenancy qualifying for protection which is a periodic tenancy would come to an end, apart from the provisions of this section, and
  - (b) by reason only of such circumstances as are mentioned in subsection (4) below that tenancy is not an assured tenancy, and
  - (c) if that tenancy had been an assured tenancy, it would not have come to an end at that time,

Chapter I of Part I of the Housing Act 1988 shall, during the remainder of the period of protection, apply in relation to the rented family residence as if those circumstances did not exist and, accordingly, as if the tenancy had become an assured tenancy immediately before it would otherwise have come to an end.

- (3) Neither subsection (1) nor subsection (2) above applies if, on the ending of the tenancy qualifying for protection, a statutory tenancy arises.
- (4) The circumstances referred to in subsections (1) and (2) above are any one or more of the following, that is to say,—



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- (a) that the tenancy was entered into before, or pursuant to a contract made before, Part I of the Housing Act 1988 came into force;
- (b) that the rateable value (as defined for the purposes of that Act) of the premises which are the rented family residence, or of a property of which those premises form part, exceeded the relevant limit specified in [F17] paragraph 2A] of Schedule 1 to that Act;
- (c) that the circumstances mentioned in [F18] paragraph 2, 3, 3A, 3B] or paragraph 6 of that Schedule applied with respect to the tenancy qualifying for protection; and
- (d) that the reversion immediately expectant on the tenancy qualifying for protection belongs to any of the bodies specified in paragraph 12 of that Schedule.]

#### Extent Information

**E3** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

#### Textual Amendments

**F16** S. 16 substituted by [Housing Act 1988 \(c. 50, SIF 75:1\)](#), s. 140(1), [Sch. 17 para. 3](#)

**F17** Words substituted by [S.I. 1990/434, reg. 2](#), [Sch. para. 1\(a\)](#)

**F18** Words substituted by [S.I. 1990/434, reg. 2](#), [Sch. para. 1\(b\)](#)

## 16 Protection of tenure of certain rented premises by extension of Housing (Scotland) Act 1988. **S**

- (1) Subject to subsection (2) of section 14 of this Act and subsection (3) below, if at any time during a service man's period of residence protection—
- (a) a tenancy qualifying for protection ends without being continued or renewed by agreement (whether on the same or different terms and conditions), and
  - (b) by reason only of such circumstances as are mentioned in subsection (4) below, on the ending of that tenancy no statutory tenancy of the rented family residence would arise, apart from the provisions of this section,
- sections 12 to 31 of the Housing (Scotland) Act 1988 shall, during the remainder of the period of protection, apply in relation to the rented family residence as if those circumstances did not exist and had not existed immediately before the ending of that tenancy and, accordingly, as if on the ending of that tenancy there arose a statutory assured tenancy during the remainder of that period.
- (2) Subject to subsection (2) of section 14 of this Act and subsection (3) below, if at any time during a service man's period of residence protection—
- (a) a tenancy qualifying for protection would come to an end, apart from the provisions of this section,
  - (b) by reason only of such circumstances as are mentioned in subsection (4) below that tenancy is not an assured tenancy, and
  - (c) if that tenancy had been an assured tenancy, it would not have come to an end at that time,

sections 12 to 31 of the Housing (Scotland) Act 1988 shall, during the remainder of the period of protection, apply in relation to the rented family residence as if those

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circumstances did not exist and, accordingly, as if the tenancy had become an assured tenancy immediately before it would otherwise have come to an end.

- (3) Neither subsection (1) nor subsection (2) above applies if, on the ending of the tenancy qualifying for protection, a statutory tenancy arises.
- (4) The circumstances referred to in subsections (1) and (2) above are one or more of the following, that is to say—
- (a) that the circumstances mentioned in paragraph 2 of Schedule 4 to the Housing (Scotland) Act 1988 applied with respect to the tenancy qualifying for protection;
  - (b) that the circumstances mentioned in paragraph 5 of that Schedule applied with respect to the tenancy qualifying for protection; and
  - (c) that the reversion immediately expectant on the tenancy qualifying for protection belongs to any of the bodies specified in paragraph 11 of that Schedule.

#### **Extent Information**

**E12** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

### **17 Provisions supplementary to section sixteen in case of rented premises which include accommodation shared otherwise than with the landlord. E+W**

- (1) Where at any time during a service man's period of residence protection a tenancy qualifying for protection [<sup>F19</sup>which is a fixed term tenancy] ends as mentioned in paragraph (a) of subsection (1) of the last preceding section, and immediately before the ending of the tenancy—

(a) the tenant under the terms of the tenancy had the exclusive occupation of some accommodation (in this section referred to as “the separate accommodation”) and had the use of other accommodation in common with another person or other persons, not being or including the landlord, but

[<sup>F20</sup>(b) by reason only of such circumstances as are mentioned in [<sup>F21</sup>section 16(4) above, subsection (1) of section 3 of the Housing Act 1988] (provisions where tenant B shares accommodation with persons other than landlord) did not have effect with respect to the separate accommodation,

the [<sup>F22</sup>said section 3]] shall during the remainder of the period of protection apply in relation to the separate accommodation as if the circumstances referred to in paragraph (b) of this subsection did not exist, and had not existed immediately before the ending of the tenancy [<sup>F23</sup>and, accordingly, as if on the ending of the tenancy there arose a statutory periodic tenancy which is an assured tenancy during the remainder of that period].

[<sup>F24</sup>(2) Where, at any time during a service man's period of residence protection—

- (a) a tenancy qualifying for protection which is a periodic tenancy would come to an end, apart from the provisions of this section and section 16 above, and
- (b) paragraphs (a) and (b) of subsection (1) above apply,

section 3 of the Housing Act 1988 shall, during the remainder of the period of protection, apply in relation to the separate accommodation as if the circumstances referred to in subsection (1)(b) above did not exist and, accordingly, as if the tenancy



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had become an assured tenancy immediately before it would otherwise have come to an end.

- (3) Neither subsection (1) nor subsection (2) above applies if, on the ending of the tenancy qualifying for protection, a statutory tenancy arises.]

#### Extent Information

- E4** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

#### Textual Amendments

- F19** Words inserted by [Housing Act 1988 \(c. 50, SIF 75:1\)](#), s. 140(1), [Sch. 17 para. 4\(2\)\(a\)](#)  
**F20** [S. 17\(1\)\(b\)](#) and words substituted by [Rent Act 1968 \(c. 23\)](#), s. 117(2), [Sch. 15](#)  
**F21** Words substituted by [Housing Act 1988 \(c. 50, SIF 75:1\)](#), s. 140(1), [Sch. 17 para. 4\(2\)\(b\)](#)  
**F22** Words substituted by virtue of the [Housing Act 1988 \(c. 50, SIF 75:1\)](#), s. 140(1), [Sch. 17 para. 4\(2\)\(c\)](#)  
**F23** Words added by [Housing Act 1988 \(c. 50, SIF 75:1\)](#), s. 140(1), [Sch. 17 para. 4\(2\)\(d\)](#)  
**F24** [S. 17\(2\)\(3\)](#) substituted for s. 17(2) by [Housing Act 1988 \(c. 50, SIF 75:1\)](#), s. 140(1), [Sch. 17 para. 4\(3\)](#)

## 17 Provisions supplementary to section sixteen in case of rented premises, which include accomodation shared otherwise than with the landlord. **S**

- (1) Where at any time during a service man's period of residence protection a tenancy qualifying for protection ends as mentioned in paragraph (a) of subsection (1) of the last preceding section, and immediately before the ending of the tenancy—
- (a) the tenant under the terms of the tenancy had the exclusive occupation of some accomodation (in this section referred to as “the seperate accomodation”) and had the use of other accomodation in common with another person or other persons, not being or including the landlord, but
- (b) by reason only of such circumstances as are mentioned in [<sup>F111</sup>section 16(4) above, subsection (1) of section 14 of the Housing (Scotland) Act 1988] did not have effect as respects the seperate accomodation,

then subject to the next succeeding subsection the [<sup>F112</sup>said section 14] shall during the remainder of the period of protection apply in relation to the separate accomodation as if the circumstances referred to in paragraph (b) of this subsection did not exist, and had not existed immediately before the ending of the tenancy [<sup>F113</sup>and, accordingly, as if on the ending of the tenancy there arose a statutory assured tenancy during the remainder of that period].

- [<sup>F114</sup>(2) Where, at any time during a service man's period of residence protection—
- (a) a tenancy qualifying for protection would come to an end, apart from the provisions of this section and section 16 above, and
- (b) paragraphs (a) and (b) of subsection (1) above apply,
- section 14 of the Housing (Scotland) Act 1988 shall, during the remainder of the period of protection, apply in relation to the separate accommodation as if the circumstances in subsection (1)(b) above did not exist and, accordingly, as if the tenancy had become an assured tenancy immediately before it would otherwise come to an end.
- (3) Neither subsection (1) nor subsection (2) above applies if, on the ending of the tenancy qualifying for protection, a statutory tenancy arises.]

*Changes to legislation: There are currently no known outstanding effects for the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951, Part II. (See end of Document for details)*

#### Extent Information

- E13** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

#### Textual Amendments

- F111** Words substituted by virtue of [Rent \(Scotland\) Act 1984 \(c. 58, SIF 75:4\)](#), s. 117(1), [Sch. 8 Pt. II](#) (which inter alia substituted “1984” for “1971” in section 17) and [Housing Act 1988 \(c. 50, SIF 75:1\)](#), s. 140(1), [Sch. 17 para. 5\(2\)\(a\)](#) (by which the new words referred to above were expressed to be substituted in paragraph (b) for the words from “subsection (2)” to “1977”)
- F112** Words substituted by virtue of [Housing Act 1988 \(c. 50, SIF 75:1\)](#), s. 140(1), [Sch. 17 para. 5\(2\)\(c\)](#)
- F113** Words added by [Housing Act 1988 \(c. 50, SIF 75:1\)](#), s. 140(1), [Sch. 17 para. 5\(2\)\(c\)](#)
- F114** [S. 17\(2\)\(3\)](#) substituted for s. 17(2) by [Housing Act 1988 \(c. 50, SIF 75:1\)](#), s. 140(1), [Sch. 17 para. 5\(3\)](#)

### 18 Protection of tenure, in connection with employment, under a licence or a rent-free letting, by extension of the Rent Acts. **E+W**

(1) Where—

- (a) a service man begins a period of relevant service, other than a short period of training, after the commencement of this Act, and immediately before beginning it he was living, together with a dependant or dependants of his, in any premises by virtue of a licence in that behalf granted to him by his employer in consequence of his employment, or by virtue of a tenancy so granted otherwise than at a rent (in this section referred to as a “rent-free tenancy”), or
- (b) a service man is performing a period of relevant service, other than a short period of training, at the commencement of this Act, and immediately before beginning it he was living as aforesaid, and a dependant or dependants of his is or are living in the premises or in part thereof, otherwise than in right of a tenancy at a rent, at the commencement of this Act,

then during the service man’s period of residence protection as defined in section fourteen of this Act [<sup>F25</sup>Chapter I of Part I of the Housing Act 1988] shall, subject to the provisions of this section, apply in relation to those premises as if instead of the licence, or of the rent-free tenancy, as the case may be, there had been granted to the service man a tenancy at a rent—

- (i) for a term of years certain expiring at the beginning of the period of service, or at the commencement of this Act if the period of service began theretofore, and
- (ii) in other respects on the same terms and conditions (excluding any terms or conditions relating to the employment) as those on which the licence, or the rent-free tenancy, as the case may be, was granted;

and those premises shall be deemed to be during the period of protection [<sup>F26</sup>a dwelling-house [<sup>F27</sup>let on a statutory periodic tenancy which is an assured tenancy]] if apart from this section they would not have been so.

<sup>F28</sup>(2) .....

(3) Subsection (1) of this section shall not have effect—

- (a) where the licence, or the rent-free tenancy, as the case may be, was granted in connection with the management of premises [<sup>F29</sup>in England and Wales which,

*Changes to legislation:* There are currently no known outstanding effects for the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951, Part II. (See end of Document for details)

- by virtue of a premises licence under the Licensing Act 2003, may be used for the supply of alcohol (within the meaning of section 14 of that Act) on the premises for consumption on the premises or in Scotland which are] licensed for the sale of intoxicating liquor for consumption thereon, or
- (b) where the licence, or the rent-free tenancy, as the case may be, was granted pursuant to a contract which imposed on the grantor thereof an obligation to provide board for the service man and the dependant or dependants, [or
  - (c) <sup>F30</sup>where the premises are a dwelling-house subject to a protected occupancy or statutory tenancy as defined in the <sup>M5</sup>Rent (Agriculture) Act 1976.][or
  - (d) <sup>F31</sup>is a dwelling-house which is let on or subject to an assured agricultural occupancy within the meaning of Part I of the Housing Act 1988 which is not an assured tenancy.]
- (4) As regards the assumption of the granting of a tenancy which is to be made for the purposes of subsection (1) of this section in a case where the grant in question was of a licence, if the granting of such a tenancy would have been a subletting of the premises it shall not be treated for any purpose as constituting a breach of any covenant or agreement prohibiting or restricting subletting.
- (5) The subsistence of a Crown interest in the premises shall not affect the application of this section if the interest of the grantor of the licence, or the rent-free tenancy, as the case may be, is not a Crown interest.
- (6) In relation to a policeman service man this section shall have effect with the substitution of a reference to a grant to him, either by the [<sup>F32</sup>relevant local policing body or] relevant police authority or by another person under arrangements made by [<sup>F33</sup>that body or authority] with that person, in consequence of the service man's membership of the relevant police force, for the reference in subsection (1) to a grant to a service man by his employer in consequence of his employment.

#### Extent Information

- E5** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

#### Textual Amendments

- F25** Words substituted by [Housing Act 1988 \(c. 50, SIF 75:1\)](#), s. 140(1), [Sch. 17 para. 6\(1\)](#)
- F26** Words substituted by [Rent Act 1968 \(c. 23\)](#), s. 117(2), [Sch. 15](#)
- F27** Words substituted by [Housing Act 1988 \(c. 50, SIF 75:1\)](#), s. 140(1), [Sch. 17 para. 6\(1\)](#)
- F28** [S. 18\(2\)](#) repealed by [Housing Act 1988 \(c. 50, SIF 75:1\)](#), s. 140(1)(2), [Sch. 17 para. 6\(3\)](#), [Sch. 18](#)
- F29** Words in [s. 18\(3\)\(a\)](#) inserted (24.11.2005) by [Licensing Act 2003 \(c. 17\)](#), s. 201(2), [Sch. 6 para. 23](#) (with [ss. 2\(3\)](#), [15\(2\)](#), [195](#)); [S.I. 2005/3056](#), art. 2(2)
- F30** [S. 18\(3\)\(c\)](#) and word “or” preceding it added by [Rent \(Agriculture\) Act 1976 \(c. 80\)](#), [Sch. 8 para. 2](#)
- F31** [S. 18\(3\)\(d\)](#) and word “or” preceding it added by [Housing Act 1988 \(c. 50, SIF 75:1\)](#), s. 140(1), [Sch. para. 6\(4\)](#)
- F32** Words in [s. 18\(6\)](#) inserted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 70\(a\)](#); [S.I. 2011/3019](#), art. 3, [Sch. 1](#)
- F33** Words in [s. 18\(6\)](#) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 70\(b\)](#); [S.I. 2011/3019](#), art. 3, [Sch. 1](#)

#### Marginal Citations

- M5** 1976 c. 80.

*Changes to legislation: There are currently no known outstanding effects for the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951, Part II. (See end of Document for details)*

**18 Protection of tenure, in connection with employment, under a licence or a rent-free letting, by extension of the Rent Acts. S**

(1) Where—

- (a) a service man begins a period of relevant service, other than a short period of training, after the commencement of this Act, and immediately before beginning it he was living, together with a dependant or dependants of his, in any premises by virtue of a licence in that behalf granted to him by his employer in consequence of his employment, or by virtue of a tenancy so granted otherwise than at a rent (in this section referred to as a “rent-free tenancy”), or
- (b) a service man is performing a period of relevant service, other than a short period of training, at the commencement of this Act, and immediately before beginning it he was living as aforesaid, and a dependant or dependants of his or are living in the premises or in part thereof, otherwise than in right of a tenancy at a rent, at the commencement of this Act,

then during the service man’s period of residence protection as defined in section fourteen of this Act [<sup>F115</sup>sections 12 to 31 of the Housing (Scotland) Act 1988] shall, subject to the provisions of this section, apply in relation to those premises as if instead of the licence or, of the rent-free tenancy, as the case may be, there had been granted to the service man a tenancy at a rent—

- (i) for a term of years certain expiring at the beginning of the period of service, or at the commencement of this Act if the period of service began theretofore, and
- (ii) in other respects on the same terms and conditions (excluding any terms or conditions relating to the employment) as those on which the licence, or the rent-free tenancy, as the case may be, was granted;

and those premises shall be deemed to be during the period of protection [<sup>F116</sup>a dwelling-house [<sup>F115</sup>let on a statutory assured tenancy]] if apart from this section they would not have been so.

<sup>F117</sup>(2) . . . . .

(3) Subsection (1) of this section shall not have effect—

- (a) where the licence, or the rent-free tenancy, as the case may be, was granted in connection with the management of premises [<sup>F118</sup>which, by virtue of a premises licence issued under the Licensing (Scotland) Act 2005, are licensed for the sale of alcohol (within the meaning of section 2 of that Act) for consumption on the premises], or
- (b) where the licence, or the rent-free tenancy, as the case may be, was granted pursuant to a contract which imposed on the grantor thereof an obligation to provide board for the service man and the dependant or dependants.

(4) As regards the assumption of the granting of a tenancy which is to be made for the purposes of subsection (1) of this section in a case where the grant in question was of a licence, if the granting of such a tenancy would have been a subletting of the premises it shall not be treated for any purpose as constituting a breach of any covenant or agreement prohibiting of restricting subletting.

(5) The subsistence of a Crown interest in the premises shall not affect the application of this section if the interest of the grantor of the licence, or the rent-free tenancy, as the case may be, is not a Crown interest.

*Changes to legislation:* There are currently no known outstanding effects for the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951, Part II. (See end of Document for details)

- (6) In relation to a policeman service man this section shall have effect with the substitution of a reference to a grant to him, either by the [<sup>F32</sup>relevant local policing body or] relevant police authority or by another person under arrangements made by [<sup>F33</sup>that body or authority] with that person under arrangements made by that authority with that person, in consequence of the service man's membership of the relevant police force, for the reference in subsection (1) to a grant to a service man by his employer in consequence of his employment.

#### Extent Information

- E14** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

#### Textual Amendments

- F32** Words in s. 18(6) inserted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 70\(a\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F33** Words in s. 18(6) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 70\(b\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F115** Words substituted by [Housing Act 1988 \(c. 50, SIF 75:1\)](#), s. 140(1), [Sch. 17 para. 6\(2\)](#)
- F116** Words substituted by virtue of s. 24(j) of this Act
- F117** S. 18(2) repealed by [Housing Act 1988 \(c. 50, SIF 75:1\)](#), s. 140(1)(2), Sch. 17 para. 6(3), [Sch. 18](#)
- F118** Words in s. 18(3)(a) substituted (S.) (1.9.2009 at 5.00 a.m.) by [The Licensing \(Scotland\) Act 2005 \(Consequential Provisions\) Order 2009 \(S.S.I. 2009/248\)](#), art. 1(1), [sch. 1 para. 1\(3\)](#) (with art. 3)

### [<sup>F34</sup>19] **Limitation on application of Housing Act 1988 by virtue of sections 16 to 18.** **E** **+W**

Where by virtue of sections 16 to 18 above, the operation of Chapter I of Part I of the Housing Act 1988 in relation to any premises is extended or modified, the extension or modification shall not affect—

- (a) any tenancy of those premises other than the statutory periodic tenancy which is deemed to arise or, as the case may be, the tenancy which is for any period deemed to be an assured tenancy by virtue of any of those provisions; or
- (b) any rent payable in respect of a period beginning before the time when that statutory periodic tenancy was deemed to arise or, as the case may be, before that tenancy became deemed to be an assured tenancy; or
- (c) anything done or omitted to be done before the time referred to in paragraph (b) above.]

#### Extent Information

- E6** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

#### Textual Amendments

- F34** S. 19 substituted by [Housing Act 1988 \(c. 50, SIF 75:1\)](#), s. 140(1)(2), [Sch. 17 para. 8](#)

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*Changes to legislation: There are currently no known outstanding effects for the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951, Part II. (See end of Document for details)*

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## 19 Limitation on application of Housing (Scotland) Act 1988 by virtue of sections 16 to 18. **S**

Where by virtue of sections 16 to 18 above, the operation of sections 12 to 31 of the Housing (Scotland) Act 1988 in relation to any premises is extended or modified, the extension or modification shall not affect—

- (a) any tenancy of those premises other than the statutory assured tenancy which is deemed to arise or, as the case may be, the tenancy which is for any period deemed to be an assured tenancy by virtue of any of those provisions; or
- (b) any rent payable in respect of a period beginning before the time when that statutory assured tenancy was deemed to arise or, as the case may be, before that tenancy became deemed to be an assured tenancy; or
- (c) anything done or omitted to be done before the time referred to in paragraph (b) above.

### Extent Information

**E15** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

## 20 Modifications of Rent Acts as respects occupation by employees. **E+W**

- (1) Where the carrying out of duties connected with an employment which a service man had before beginning a period of relevant service (or, in the case of a policeman service man, the carrying out of his police duties) constitutes an obligation of a tenancy, and his performing that service prevents his carrying out those duties, the fact that he does not carry them out shall not be treated for the purposes of [<sup>F35</sup>Case 1 in [<sup>F36</sup>Schedule 15 to the <sup>M6</sup>Rent Act 1977]] [<sup>F37</sup>or Ground 12 in Schedule 2 to the Housing Act 1988] (which relates to recovery of possession where an obligation of a tenancy has been broken or not performed) [<sup>F38</sup>or the ground in section 157 of the Renting Homes (Wales) Act 2016 (anaw 1) (which relates to breach of contract)] as a breach or non-performance of the obligation.
- (2) [<sup>F39</sup>Case 8 in the said Schedule 15]] [<sup>F40</sup>or, as the case may be, Ground 16 in the said Schedule 2] (which relates to recovery of possession, without proof of suitable alternative accommodation, in circumstances connected with occupation by employees) shall not apply for the purposes of the proceedings on an application for possession of premises made at any time during a service man's period of residence protection (as defined in section fourteen of this Act) if either—
  - (a) the premises are a rented family residence of his as defined in that section; or
  - [<sup>F41</sup>(b) Chapter I of Part I of the Housing Act 1988 applies in relation to the premises as mentioned in section 18(1) of this Act and a dependant or dependants of the service man is or are living in the premises or in part thereof in right of the statutory periodic tenancy or assured tenancy referred to in section 19(a) of this Act]
- (3) Where the last preceding subsection has effect as to an application for possession, the circumstances specified in [<sup>F42</sup>the Cases in Part I of the said [<sup>F43</sup>Schedule 15]] [<sup>F44</sup>or, as the case may be, Grounds 10 to 16 in Part II of the said Schedule 2] in which the court has power to make or give an order or judgment for the recovery of possession without proof of suitable alternative accommodation shall include the circumstances specified in either of the following paragraphs, that is to say—



*Changes to legislation:* There are currently no known outstanding effects for the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951, Part II. (See end of Document for details)

- (a) that the landlord is a body who are statutory undertakers or a local authority or development corporation having public utility functions, and that the premises are required by that body in the public interest for occupation as a residence for some person who is engaged in their whole-time employment in connection with their public utility functions or with whom, conditional on housing accommodation being provided, a contract for such employment has been entered into;
- (b) where the last preceding subsection has effect by virtue of paragraph (b) thereof and the service man in question is a policeman service man, that the premises are required by the <sup>F45</sup>relevant local policing body or] relevant police authority for occupation as a residence by a member of the police force in question:

Provided that, where the court is satisfied that circumstances exist such as are specified in paragraph (a) of this subsection, the matters relevant for the court in determining under <sup>F46</sup>section 98(1) of the <sup>M7</sup>Rent Act 1977] <sup>F47</sup>or, as the case may be, section 7(4) of the Housing Act 1988] whether it is reasonable to make or give such an order or judgment shall (without prejudice to the generality of that subsection) include the question whether the body seeking the order or judgment have at their disposal any vacant accommodation which would be suitable alternative accommodation for the tenant, or will have such accommodation at their disposal at or before the time when it is proposed that the order or judgment should take effect.

- (4) In the last preceding subsection the expressions “statutory undertakers” and “local authority” have the same meanings as in <sup>F48</sup>the <sup>M8</sup>Town and Country Planning Act, 1971], the expression “development corporation” has the same meaning as in <sup>F49</sup>the <sup>M9</sup>New Towns Act 1965], and the expression “public utility functions” means powers or duties conferred or imposed by or under any enactment being powers or duties to carry on a statutory undertaking (as defined in <sup>F50</sup>the said Act of 1971]) <sup>F51</sup>or being powers or duties of an internal drainage board].

#### Extent Information

- E7 This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

#### Textual Amendments

- F35 Words substituted by [Rent Act 1968 \(c. 23\)](#), s. 117(2), [Sch. 15](#)
- F36 Words substituted by [Rent Act 1977 \(c. 42\)](#), [Sch. 23 para. 8](#)
- F37 Words inserted by [Housing Act 1988 \(c. 50, SIF 75:1\)](#), s. 140(1), [Sch. 17 para. 9\(2\)](#)
- F38 Words in s. 20(1) inserted (E.W.) (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), 4(2)
- F39 Words substituted by [Rent Act 1977 \(c. 42\)](#), [Sch. 23 para. 8](#)
- F40 Words inserted by [Housing Act 1988 \(c. 50, SIF 75:1\)](#), s. 140(1), [Sch. 17 para. 9\(3\)](#)
- F41 S. 20(2)(b) substituted by [Housing Act 1988 \(c. 50, SIF 75:1\)](#), s. 140(1), [Sch. 17 para. 9\(3\)](#)
- F42 Words substituted by [Rent Act 1968 \(c. 23\)](#), s. 117(2), [Sch. 15](#)
- F43 Words substituted by [Rent Act 1977 \(c. 42\)](#), [Sch. 23 para. 8](#)
- F44 Words inserted by [Housing Act 1988 \(c.50, SIF 75:1\)](#), s. 140(1), [Sch. 17 para. 9\(4\)](#)
- F45 Words in s. 20(3)(b) inserted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 71](#); S.I. 2011/3019, art. 3, Sch. 1
- F46 Words substituted by [Rent Act 1977 \(c. 42\)](#), [Sch. 23 para. 8](#)
- F47 Words inserted by [Housing Act 1988 \(c.50, SIF 75:1\)](#), s. 140(1), [Sch. 17 para. 9\(4\)](#)
- F48 Words substituted by virtue of [Town and Country Planning Act 1971 \(c. 78\)](#), [Sch. 24 Pt. I para. 2](#)

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- F49** Words substituted by virtue of **New Towns Act 1965 (c. 59), Sch. 11 para. 5(1)**
- F50** Words substituted by virtue of **Town and Country Planning Act 1971 (c. 78), Sch. 24 Pt. I para. 2**
- F51** Words substituted by **Water Act 1989 (c.15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 161, 163, 189(4)–(10), 190(1), 193(1), Sch. 25 para. 1(2)(v), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58**

**Modifications etc. (not altering text)**

- C2** S. 20 amended by **Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 161, 163, 189(4)–(10), 190(1), 193(1), Sch. 25 para. 1(2)(v), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58**

**Marginal Citations**

- M6** 1977 c. 42.  
**M7** 1977 c. 42.  
**M8** 1971 c. 78.  
**M9** 1965 c. 59.

**20 Modifications of Rent Acts as respects occupation by employees. S**

- (1) Where the carrying out of duties connected with an employment which a service man had before beginning a period of relevant service (or, in the case of a policeman service man, the carrying out of his police duties) constitutes an obligation of a tenancy, and his performing that service prevents his carrying out those duties, the fact that he does not carry them out shall not be treated for the purposes of [F119 Case 1 in [F120 Schedule 2] to the Rent (Scotland) Act [F120 1984]] [F121 or Ground 13 in Schedule 5 to the Housing (Scotland) Act 1988] (which relates to recovery of possession where an obligation of a tenancy has been broken or not performed) as a breach or non-performance of the obligation.
- (2) [F119 Case 7 in the said [F120 Schedule 2]] [F122 or, as the case may be, Ground 17 in the said Schedule 5] (which relates to recovery of possession, without proof of suitable alternative accommodation, in circumstances connected with occupation by employees) shall not apply for the purposes of the proceedings on an application for possession of premises made at any time during a service man's period of residence protection (as defined in section fourteen of this Act) if either—
- (a) the premises are a rented family residence of his as defined in that section; or
- [F123 (b) sections 12 to 31 of the Housing (Scotland) Act 1988 apply in relation to the premises as mentioned in section 18(1) of this Act and a dependant or dependants of the service man is or are living in the premises or in part thereof in right of the statutory assured tenancy or assured tenancy referred to in paragraph (a) of section 19 of this Act]
- (3) Where the last preceding subsection has effect as to an application for possession, the circumstances specified in [F119 the Cases in Part I of the said [F120 Schedule 2]] [F124 or, as the case may be, Grounds 10 to 17 in Part II of the said Schedule 5] in which the court has power to make or give an order or judgment for the recovery of possession without proof of suitable alternative accommodation shall include the circumstances specified in either of the following paragraphs, that is to say—
- (a) that the landlord is a body who are statutory undertakers of a local authority or development corporation having public utility functions, and that the premises are required by that body in the public interest for occupation as a residence for some person who is engaged in their whole-time employment in connection with their public utility functions or with whom, conditional on housing

*Changes to legislation:* There are currently no known outstanding effects for the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951, Part II. (See end of Document for details)

accommodation being provided, a contract for such employment has been entered into;

- (b) where the last preceding subsection has effect by virtue of paragraph (b) thereof and the service man in question is a policeman service man, that the premises are required by the <sup>F45</sup>[relevant local policing body or] relevant police authority for occupation as a residence by a member of the police force in question:

Provided that, where the court is satisfied that circumstances exist such as are specified in paragraph (a) of this subsection, the matters relevant for the court in determining under <sup>F119</sup>[<sup>F120</sup>section 11(1)] of the Rent (Scotland) Act <sup>M15</sup>[<sup>F120</sup>1984]]<sup>F125</sup> or, as the case may be, section 18(4) of the Housing (Scotland) Act 1988] whether it is reasonable to make or give such an order or judgment shall (without prejudice to the generality of that subsection) include the question whether the body seeking the order or judgment have at their disposal any vacant accommodation which would be suitable alternative accommodation for the tenant, or will have such accommodation at their disposal at or before the time when it is proposed that the order or judgment should take effect.

- (4) In the last preceding subsection the expressions “statutory undertakers” and “local authority” have the same meaning as in <sup>F126</sup>the Town and Country Planning (Scotland) Act <sup>M16</sup>1972], the expression “development corporation” has the same meaning as in <sup>F127</sup>the New Towns (Scotland) Act <sup>M17</sup>1968], and the expression “public utility functions” means powers or duties conferred or imposed by or under any enactment being powers or duties to carry on a statutory undertaking (as defined in <sup>F126</sup>the said Act of 1972]) or to provide public sewers or provide for the disposal of sewage, <sup>F128</sup> . . .

#### Extent Information

- E16** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

#### Textual Amendments

- F45** Words in s. 20(3)(b) inserted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 71](#); S.I. 2011/3019, art. 3, Sch. 1
- F119** Words substituted by [Rent \(Scotland\) Act 1971 \(c. 28\)](#), s. 135(2), [Sch. 18 Pt. II](#)
- F120** Words substituted by [Rent \(Scotland\) Act 1984 \(c. 58, SIF 75:4\)](#), s. 117(1), [Sch. 8 Pt. II](#)
- F121** Words inserted by [Housing Act 1988 \(c. 50, SIF 75:1\)](#), s. 140(1), [Sch. 17 para. 10\(2\)](#)
- F122** Words inserted by [Housing Act 1988 \(c. 50, SIF 75:1\)](#), s. 140(1), [Sch. 17 para. 10\(3\)](#)
- F123** S. 20(2)(b) substituted by [Housing Act 1988 \(c. 50, SIF 75:1\)](#), s. 140(1), [Sch. 17 para. 10\(3\)](#)
- F124** Words inserted by [Housing Act 1988 \(c. 50, SIF 75:1\)](#), s. 140(1), [Sch. 17 para. 10\(4\)\(a\)](#)
- F125** Words inserted after “section 11 of the Rent (Scotland) Act 1984” by [Housing Act 1988 \(c. 50, SIF 75:1\)](#), s. 140(1), [Sch. 17 para. 10\(4\)\(b\)](#)
- F126** Words substituted by virtue of s. 24(d) of this Act
- F127** Words substituted by virtue of [New Towns \(Scotland\) Act 1968 \(c. 16\)](#), [Sch. 9 para. 5](#)
- F128** Words do not extend to Scotland

#### Marginal Citations

- M15** 1984 c.58 (75:4).  
**M16** 1972 c. 52  
**M17** 1968 c. 16

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*Changes to legislation: There are currently no known outstanding effects for the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951, Part II. (See end of Document for details)*

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**21** <sup>x2</sup>† **Modifications of Agricultural Holdings Act 1948, where tenant is a service man.**

[<sup>F52</sup>(1) The three next succeeding subsections shall have effect where the tenant of an agricultural holding to which this section applies performs a period of relevant service, other than a short period of training, either wholly after the commencement of this Act or partly theretofore and partly thereafter, and after the commencement of this Act or partly theretofore and partly thereafter, and after the commencement of this Act, at a time during his period of residence protection, there is given to him notice to quit the holding, or notice to quit a part of the holding, being a part to which this section applies.

This section applies to [<sup>F53</sup>a dwelling-house comprised in an agricultural holding and occupied by the person responsible for the control (whether as tenant or as servant of agent of the tenant) of the farming of the holding], and applies to any part of an agricultural holding being a part which consists of or comprises such a dwelling-house.

(2) [<sup>F54</sup>section 22 of the Agricultural Holdings (Scotland) Act 1991] (which restricts the operation of notices to quit) shall apply notwithstanding the existence of any such circumstances as are mentioned in subsection (2) <sup>F55</sup>... of that section; but where [<sup>F56</sup>the Scottish Land Court] is satisfied that such circumstances exist then (subject to the next succeeding subsection) [<sup>F56</sup>the Scottish Land Court] shall not be required to withhold [<sup>F56</sup>its] consent to the operation of the notice to quit by reason only that [<sup>F56</sup>it] is not satisfied that circumstances exist such as are mentioned in paragraphs (a) to (e) of subsection (1) of [<sup>F54</sup>section 24 of that Act].

(3) In determining whether to give or withhold his consent under the said [<sup>F57</sup>section 22][<sup>F56</sup>the Scottish Land Court]—

- (a) if satisfied that circumstances exist such as are mentioned in subsection (2) <sup>F55</sup>... of the said [<sup>F57</sup>section 22] or in subsection (1) of the said [<sup>F57</sup>section 24], shall consider to what extent (if at all) the existence of those circumstances is directly or indirectly attributable to the service man's performing or having performed the period of service in question, and
- (b) in any case, shall consider to what extent (if at all) the giving of such consent at a time during the period of protection would cause special hardship in view of circumstances directly or indirectly attributable to the service man's performing or having performed that period of service;

and [<sup>F56</sup>the Scottish Land Court] shall withhold [<sup>F56</sup>its] consent to the operation of the notice to quit unless in all the circumstances [<sup>F56</sup>it] considers it reasonable to give [<sup>F56</sup>its] consent thereto.

<sup>F58</sup>(4) .....

(5) Where the tenant of an agricultural holding to which this section applies performs such a period of service as is mentioned in subsection (1) of this section and—

- (a) a notice to quit the holding or a part thereof to which this section applies was given to him before the commencement of this Act or is given to him thereafter but before the beginning of his period of residence protection, and
- (b) the tenant duly serves or has served a counter-notice under subsection (1) of the said section twenty-four, and
- [<sup>F59</sup>(c) the Scottish Land Court has not before the beginning of his period of residence protection decided whether to give or withhold consent to the operation of the notice to quit,]

*Changes to legislation:* There are currently no known outstanding effects for the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951, Part II. (See end of Document for details)

the two last preceding subsections shall (with the necessary modifications) apply in relation to the giving or withholding of consent to the operation of the notice to quit as they apply in relation to the giving or withholding of consent to the operation of a notice to quit given in the circumstances mentioned in subsection (1) of this section.

- (6) [<sup>F56</sup>Section twenty-seven (as originally enacted) of the said Act of 1949] (which authorises [<sup>F60</sup>the Secretary of State] to make regulations as to matters arising out of sections twenty-four and twenty-five of that Act) shall apply in relation to the provisions of those sections as modified by the preceding provisions of this section as it applies in relation to the provisions of those sections apart from this section.

<sup>F58</sup>(7) . . . . .

- (8) In this section the expression “agricultural holding” has the same meaning as in [<sup>F61</sup>the Agricultural Holdings (Scotland) Act 1991]... .]

#### Editorial Information

X2 Unreliable marginal note

#### Textual Amendments

- F52 S. 21 repealed (E.W.) (except in relation to a notice to quit an agricultural holding or part of an agricultural holding given before 7.4.1978) by [Agricultural Holdings \(Notices to Quit\) Act 1977](#) (c. 12), s. 14, [Sch. 2](#)
- F53 Words substituted by virtue of s. 24(b) of this Act
- F54 Words in s. 21(2) substituted (S.) (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991](#) (c. 55, SIF 2:3), ss. 88(1), 89(3), [Sch. 11](#), para. 2(a) (with s. 45(3), Sch. 12 para. 3)
- F55 Words repealed by [Agriculture Act 1958](#) (c. 71), [Sch. 3](#)
- F56 Words substituted by virtue of [Agriculture Act 1958](#) (c. 71), [Sch. 1 Pt. II para. 45\(a\)](#) as read with s. 24(a) of this Act
- F57 Words in s. 21(3) substituted (S.) (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991](#) (c. 55, SIF 2:3), ss. 88(1), 89(3), [Sch. 11](#), para. 2(b) (with s. 45(3), Sch. 12, para. 3)
- F58 S. 21(4)(7) repealed by [Agriculture Act 1958](#) (c. 71), [Sch. 2 Pt. II](#)
- F59 S. 21(5)(c) substituted by [Agriculture Act 1958](#) (c. 71), [Sch. 1 Pt. II para. 45\(c\)](#)
- F60 Words substituted by virtue of s. 24(a) of this Act
- F61 Words in s. 21(8) substituted (S.) (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991](#) (c. 55, SIF 2:3), ss. 88(1), 89(3), [Sch. 11](#), para. 2(c) (with s. 45(3), Sch. 12, para. 3)

#### Modifications etc. (not altering text)

- C3 S. 21(2)(3) amended (S.) (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991](#) (c. 55, SIF 2:3), ss. 87, 89(3), [Sch. 12](#), para. 4(a) (with s. 45(3), Sch. 12 para. 3)
- C4 S. 21(6) amended (S.) (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991](#) (c. 55, SIF 2:3), ss. 87, 89(3), [Sch. 12](#), para. 4(b) (with s. 45(3), Sch. 12 para. 3)

## 22 Facilities for action on behalf of men serving abroad in proceedings as to tenancies. **E+W**

- (1) Where in the course of any proceedings [<sup>F62</sup>brought under [<sup>F63</sup>Part I of the <sup>M10</sup>Protection from Eviction Act 1977] or under [<sup>F64</sup>Part III, IV, or VII of the <sup>M11</sup>Rent Act 1977][<sup>F65</sup>or under Part I of the Housing Act 1988], [<sup>F66</sup>or under Part 9 of the Renting Homes (Wales) Act 2016 (anaw 1) (termination etc of occupation contracts),] or of any proceedings consequential upon the making of a reference or application to [<sup>F67</sup>the

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*Changes to legislation:* There are currently no known outstanding effects for the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951, Part II. (See end of Document for details)

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appropriate tribunal] under [<sup>F68</sup>Part V of the Rent Act 1977 or Part I of the Housing Act 1988], [<sup>F69</sup>or under the Renting Homes (Wales) Act 2016,] or under this Part of this Act, it appears to the court or tribunal—

- (a) that the proceedings relate to a tenancy [<sup>F70</sup>or licence] vested in a service man;
- (b) that a person other than the service man desires to take a step in the proceedings on behalf of the service man at a time when he is serving abroad, or has purported to take a step in the proceedings on his behalf at a time when he was so serving; and
- (c) that the said person, in seeking or purporting to take that step, is or was acting in good faith in the interests of the service man, and is or was a fit person to take that step on his behalf, but is or was not duly authorised to do so,

the court or tribunal may direct that the said person shall be deemed to be, or to have been, duly authorised to take that step on behalf of the service man.

- (2) The provisions of the preceding subsection apply in relation to the institution of proceedings before a court as they apply in relation to the taking of a step in such proceedings, and apply in relation to the making of a reference or application to [<sup>F71</sup>an appropriate tribunal] as they apply in relation to the taking of a step in proceedings consequential upon the making of such a reference or application; and references in that subsection to proceedings brought or a reference or application made as therein mentioned include references to proceedings which purport to be so brought or to a reference or application which purports to be so made, as the case may be.

- (3) Where in the course of any proceedings a court or tribunal gives a direction under subsection (1) of this section, the person to whom the direction relates shall have the like right of audience in those proceedings as the service man himself would have.

[<sup>F72</sup>(3A) In relation to any proceedings before a rent officer <sup>F73</sup> ..., within the meaning of [<sup>F74</sup>the <sup>M12</sup>Rent Act 1977], subsections (1) to (3) of this section shall have effect as if the references to the court or tribunal included references to a rent officer <sup>F73</sup> ....]

<sup>F75</sup>(4) .....

- (7) References in this section to a time when a service man is serving abroad are references to a time when he is performing a period of relevant service and is outside the United Kingdom.

#### Extent Information

- E8** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

#### Textual Amendments

- F62** Words substituted by [Rent Act 1968 \(c. 23\)](#), s. 117(2), **Sch. 15**
- F63** Words substituted by [Protection from Eviction Act 1977 \(c. 43\)](#), **Sch. 1 para. 1**
- F64** Words substituted by [Rent Act 1977 \(c. 42\)](#), **Sch. 23 para. 9**
- F65** Words inserted by [Housing Act 1988 \(c. 50, SIF 75:1\)](#), s. 140(1), **Sch. 17 para. 11(a)(b)**
- F66** Words in s. 22(1) inserted (E.W.) (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **4(3)(a)**
- F67** Words in s. 22(1) substituted (E.W.) (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, **Sch. 1 para. 2(a)** (with Sch. 3)
- F68** Words substituted by [Housing Act 1988 \(c. 50, SIF 75:1\)](#), s. 140(1), **Sch. 17 para. 11(a)(b)**



*Changes to legislation:* There are currently no known outstanding effects for the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951, Part II. (See end of Document for details)

- F69** Words in s. 22(1) inserted (E.W.) (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **4(3)(b)**
- F70** Words inserted by [Housing Act 1988 \(c. 50, SIF 75:1\)](#), s. 140(1), **Sch. 17 para. 11(c)**
- F71** Words in s. 22(2) substituted (E.W.) (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, **Sch. 1 para. 2(b)** (with Sch. 3)
- F72** S. 22(3A) added by [Rent Act 1968 \(c. 23\)](#), s. 117(2), **Sch. 15**
- F73** Words in s. 22(3A) omitted (E.W.) (1.7.2013) by virtue of [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, **Sch. 1 para. 2(c)** (with Sch. 3)
- F74** Words substituted by [Rent Act 1977 \(c. 42\)](#), **Sch. 23 para. 9**
- F75** S. 22(4)-(6) repealed (except in relation to a notice to quit an agricultural holding or part of an agricultural holding given before 7.4.1978) by [Agricultural Holdings \(Notices to Quit\) Act 1977 \(c. 12\)](#), s. 14, **Sch. 2**

#### Marginal Citations

- M10** 1977 c. 43.  
**M11** 1977 c. 42.  
**M12** 1977 c. 42.

## 22 Facilities for action on behalf of men serving abroad in proceedings as to tenancies. **S**

- (1) Where in the course of any proceedings [<sup>F129</sup>brought under [<sup>F130</sup>the Rent (Scotland) Act 1984 or under Part II of the Housing (Scotland) Act 1988], or of any proceedings consequential upon making of a reference or application to a [<sup>F130</sup>rent assessment committee] under [<sup>F130</sup>Part VII of the said Act of 1984 or under Part II of the Housing (Scotland) Act 1988], or under this Part of this Act, it appears to the court [<sup>F130</sup>or committee]—
- that the proceedings relate to a tenancy [<sup>F131</sup>or licence] vested in a service man;
  - that a person other than the service man desires to take a step in the proceedings on behalf of the service man at a time when he is serving abroad, or has purported to take a step in the proceedings on his behalf at a time when he was so serving; and
  - that the said person, in seeking or purporting to take that step, is or was acting in good faith in the interests of the service man, and is or was a fit person to take that step on his behalf, but is or was not duly authorised to do so,
- the court or tribunal may direct that the said person shall be deemed to be, or to have been, duly authorised to take that step on behalf of the service man.
- (2) The provisions of the preceding subsection apply in relation to the institution of proceedings in a court as they apply in relation to the taking of a step in such proceedings, and apply in relation to the making of a reference or application to a rent tribunal as they apply in relation to the taking a step in relation to the taking of a step in proceedings consequential upon the making of such a reference or application; and references in that subsection to proceedings brought or a reference or application made as therein mentioned include references to proceedings which purport to be so brought or to a reference or application which purports to be so made, as the case may be.
- (3) Where in the course of any proceedings a court or tribunal gives a direction under subsection (1) of this section, the person to whom the direction relates shall have the like right of audience in those proceedings as the service man himself would have.

*Changes to legislation:* There are currently no known outstanding effects for the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951, Part II. (See end of Document for details)

- [<sup>F132</sup>(3A) In relation to any proceedings before a rent officer or rent assessment committee, within the meaning of the Rent (Scotland) Act [<sup>F133</sup>1984], subsections (1) to (3) of this section shall have effect as if the references to the court or tribunal included references to a rent officer or rent assessment committee.]
- (4) [<sup>F134</sup>The Secretary of State] may make regulations—
- (a) for enabling a counter-notice under [<sup>F135</sup>section 22(1) of the Agricultural Holdings (Scotland) Act 1991], to be served on behalf of the service man at a time when he is serving abroad, in a case where a notice to quit is given to him as mentioned in subsection (1) of section twenty-one of this Act; and
  - (b) for enabling any act or proceedings consequential upon the service of a counter-notice under subsection (1) of the said section twenty-four to be performed or conducted on behalf of a service man at a time when he is serving abroad, either in such case as is mentioned in the preceding paragraph or in a case where subsection (5) of section twenty-five of this Act applies in relation to the service man.
- (5) Regulations made under the last preceding subsection may contain such incidental and consequential provisions as may appear to [<sup>F134</sup>the Secretary of State] to be necessary or expedient for the purposes of the regulations.
- (6) The power to make regulations under subsection (4) of this section shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) References in this section to a time when a service man is serving abroad are references to a time when he is performing a period of relevant service and is outside the United Kingdom.

#### Extent Information

**E17** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

#### Textual Amendments

- F129** Words substituted by [Rent \(Scotland\) Act 1971 \(c. 28\)](#), s. 135(2), **Sch. 18 Pt. II**
- F130** Words substituted by [Housing Act 1988 \(c. 50, SIF 75:1\)](#), s. 140(1), **Sch. 17 para. 12(a)(b)(c)**
- F131** Words inserted by [Housing Act 1988 \(c.50, SIF 75:1\)](#), s. 140(1), **Sch. 17 para. 12(d)**
- F132** [S. 22\(3A\)](#) added by [Rent Act 1968 \(c. 23\)](#), s. 117(2), **Sch. 15**
- F133** Figure substituted by [Rent \(Scotland\) Act 1984 \(c. 58, SIF 75:4\)](#), s. 117(1), **Sch. 8 Pt. II**
- F134** Words substituted by virtue of s. 24(a) of this Act
- F135** Words in [s. 22\(4\)\(a\)](#) substituted (S.) (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991 \(c. 55, SIF 2:3\)](#), ss. 88(1), 89(3), **Sch. 11, para. 3** (with s. 45(3), [Sch. 12 para. 3](#))

## 23 Interpretation of Part II. **E+W**

- (1) In this Part of this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—
- “agricultural land” has the same meaning as [<sup>F76</sup>it has for the purposes of [<sup>F77</sup>section 26 of the <sup>M13</sup>Rent Act 1977]];
- [<sup>F78</sup>“assured tenancy” has the same meaning as in Part I of the Housing Act 1988]

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**Changes to legislation:** There are currently no known outstanding effects for the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951, Part II. (See end of Document for details)

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“Crown interest” means an interest belonging to His Majesty in right of the Crown or of the Duchy of Lancaster, or to the Duchy of Cornwall, or to a Government department, or held on behalf of His Majesty for the purposes of a Government department;

“dependant”, in relation to a service man, means—

- (a) his [<sup>F79</sup>spouse or civil partner], and
- (b) any other member of his family who was wholly or mainly maintained by him immediately before the beginning of the period of service in question;

[<sup>F80</sup>“fixed term tenancy” means any tenancy other than a periodic tenancy]

[<sup>F81</sup>in relation to a statutory tenancy or to a provision of the Rent Act 1977 “landlord” and “tenant” have the same meaning as in that Act but, subject to that, those expressions have the same meaning as in Part I of the Housing Act 1988];

“policeman service man” means a service man who, immediately before beginning the period of relevant service in question, was a member of a police force;

<sup>F82</sup> . . . . .

[<sup>F83</sup>“relevant local policing body” or “relevant police authority”] means, in relation to a police force <sup>F84</sup> . . . , [<sup>F85</sup>the local policing body or the police authority]<sup>F86</sup> . . . responsible for the maintenance of that force;

[<sup>F87</sup>“statutory periodic tenancy” has the same meaning as in Part I of the Housing Act 1988]

“statutory tenancy” means a right to retain possession of premises after the ending of a tenancy thereof, being a right arising on the ending of that tenancy from the operation of [<sup>F88</sup>the <sup>M14</sup>Rent Act 1977] (or of [<sup>F89</sup>the Rent Act 1977] as extended by this Part of this Act) in relation to a person as being, or being the [<sup>F90</sup>surviving spouse or surviving civil partner] of or otherwise related to, the former owner of the tenancy, or a right to retain possession of premises arising by virtue of subsection (1) of section eighteen of this Act;

“tenancy” includes a statutory tenancy, and, apart from a statutory tenancy, means a tenancy created either immediately or derivatively out of the freehold, whether by a lease or underlease, by an agreement for a lease or underlease or by a tenancy agreement, but does not include any relationship between a mortgagor and a mortgagee as such.

[<sup>F91</sup>(1A) Any reference in this Part of this Act to Chapter I of Part I of the Housing Act 1988 includes a reference to the General Provisions of Chapter VI of that Part, so far as applicable to Chapter I.]

(2) In this Part of this Act—

- (a) references to the ending of a tenancy are references to the coming to an end thereof however brought about, whether by effluxion of time, notice to quit or otherwise, and in particular, as respects a statutory tenancy, include references to the coming to an end thereof as between the tenant and a landlord who is himself a tenant by reason of the ending of the tenancy of the landlord;
- (b) references to a tenancy vested in any person include references to a tenancy vested in trustees, or held as part of the estate of a deceased person, where the first-mentioned person has a right or permission to occupy the premises arising by reason of a beneficial interest (whether direct or derivative) under

*Changes to legislation:* There are currently no known outstanding effects for the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951, Part II. (See end of Document for details)

the trusts or, as the case may be, in the estate of the deceased person or under trusts of which the deceased person was trustee.

- (3) In this Part of this Act, and in [F92the Rent Act 1977][F93or Chapter I of Part I of the Housing Act 1988] as applied by any provision thereof, references to rent shall be construed as including references to any sum in the nature of rent payable in respect of such a licence as is mentioned in section eighteen of this Act.

#### Extent Information

- E9** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

#### Textual Amendments

- F76** Words substituted by Rent Act 1968 (c. 23), s. 117(2), **Sch. 15**
- F77** Words substituted by Rent Act 1977 (c. 42), **Sch. 23 para. 10**
- F78** Definition inserted by Housing Act 1988 (c. 50, SIF 75:1), s. 140(1), **Sch. 17 para. 13(2)(a)**
- F79** Words in s. 23(1) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(a), **Sch. 26 para. 21(a)**; S.I. 2005/3175, art. 2(1), Sch. 1
- F80** Definition inserted by Housing Act 1988 (c. 50, SIF 75:1), s. 140(1), **Sch. 17 para. 13(2)(b)**
- F81** Definition substituted by Housing Act 1988 (c. 50, SIF 75:1), s. 140(1), **Sch. 17 para. 13(2)(c)**
- F82** Definition repealed by Police Act 1964 (c. 48), **Sch. 10 Pt. I**
- F83** Words in s. 23(1) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 72(a)**; S.I. 2011/3019, art. 3, Sch. 1
- F84** Words repealed by Police Act 1964 (c. 48), **Sch. 10 Pt. I**
- F85** Words in s. 23(1) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 72(b)**; S.I. 2011/3019, art. 3, Sch. 1
- F86** Words repealed by Police Act 1964 (c. 48), **Sch. 10 Pt. I**
- F87** Definition inserted by Housing Act 1988 (c. 50, SIF 75:1), s. 140(1), **Sch. 17 para. 13(2)(d)**
- F88** Words substituted by Rent Act 1977 (c. 42), **Sch. 23 para. 10**
- F89** Words substituted by Rent Act 1977 (c. 42), **Sch. 23 para. 10**
- F90** Words in s. 23(1) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(8)(a), **Sch. 26 para. 21(b)**; S.I. 2005/3175, art. 2(1), Sch. 1
- F91** S. 23(1A) inserted by Housing Act 1988 (c. 50, SIF 75:1), s. 140(1), **Sch. 17 para. 13(3)**
- F92** Words substituted by Rent Act 1977 (c. 42), **Sch. 23 para. 10**
- F93** Words inserted by Housing Act 1988 (c. 50, SIF 75:1), s. 140(1), **Sch. 17 para. 13(4)**

#### Marginal Citations

- M13** 1977 c. 42.
- M14** 1977 c. 42.

## 23 Interpretation of Part II. **S**

- (1) In this Part of this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

“agricultural land” has the same meaning as in [F136section [F137115(1)] of the Rent (Scotland) Act [F1371984]];

[F138“assured tenancy”; and “statutory assured tenancy” have the same meaning as in Part II of the Housing (Scotland) Act 1988]

“Crown interest” means an interest belonging to His Majesty in right of the Crown or of the Duchy of Lancaster, or to the Duchy of Cornwall, or to

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*Changes to legislation:* There are currently no known outstanding effects for the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951, Part II. (See end of Document for details)

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a Government department, or held on behalf of His Majesty for the purposes of a Government department;

“dependant” in relation to a service man, means—

- (a) his [<sup>F79</sup>spouse or civil partner], and
- (b) any other member of his family who was wholly or mainly maintained by him immediately before the beginning of the period of service in question;

[<sup>F139</sup>in relation to a statutory tenancy or to a provision of the Rent (Scotland) Act 1984 “landlord” and “tenant” have the same meaning as in that Act but, subject to that, those expressions have the same meaning as in Part II of the Housing (Scotland) Act 1988]

“policeman service man” means a service man who, immediately before beginning the period of relevant service in question, was a member of a police force;

<sup>F140</sup>  
.....

[<sup>F83</sup>“relevant local policing body” or “relevant police authority”] means, in relation to a police force <sup>F141</sup> . . . , [<sup>F85</sup>the local policing body or the police authority]<sup>F142</sup> . . . responsible for the maintenance of that force;

“statutory tenancy” means a right to retain possession of premises after the ending of that tenancy from the operation of [<sup>F143</sup>the Rent (Scotland) Act [<sup>F137</sup>1984]] (or of [<sup>F143</sup>the Rent (Scotland) Act [<sup>F137</sup>1984]] as extended by this Part of this Act) in relation to a person as being, or being the [<sup>F90</sup>surviving spouse or surviving civil partner] of or otherwise related to, the former owner of the tenancy, or right to retain possession of premises arising by virtue of subsection (1) of section eighteen of this Act;

“tenancy” includes a statutory tenancy, and, apart from a statutory tenancy, means a tenancy created either immediately or derivatively out of the freehold, whether by a lease or underlease, by an agreement for a lease or underlease or by a tenancy agreement, but does not include any relationship between a mortgagor and mortgagee as such.

[<sup>F144</sup>(1A) Any reference in this Part of this Act to sections 12 to 31 of the Housing (Scotland) Act 1988 includes a reference to sections 47 to 55 of that Act so far as applicable to those sections.]

(2) In this Part of this Act—

- (a) references to the ending of a tenancy are references to the coming to an end thereof however brought about, whether by effluxion of time, notice to quit or otherwise, and in particular, as respects a statutory tenancy, include references to the coming to an end thereof as between the tenant and a landlord who is himself a tenant by reason of the ending of the tenancy of the landlord;
- (b) references to a tenancy vested in any person include references to a tenancy vested in trustees, or held as part of the estate of a deceased person, where the first-mentioned person has a right or permission to occupy the premises arising by reason of a beneficial interest (whether direct or derivative) under the trusts or, as the case may be, in the estate of the deceased person or under trusts of which the deceased person was trustee.

(3) In this Part of this Act, and in [<sup>F136</sup>the Rent (Scotland) Act [<sup>F145</sup>1984]] [<sup>F146</sup>or sections 12 to 31 of the Housing (Scotland) Act 1988] as applied by any provision thereof, references to rent shall be construed as including references to any sum in the nature of rent payable in respect of such a licence as is mentioned in section eighteen of this Act.

*Changes to legislation: There are currently no known outstanding effects for the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951, Part II. (See end of Document for details)*

### Extent Information

- E18** This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

### Textual Amendments

- F79** Words in s. 23(1) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(8)(a), **Sch. 26 para. 21(a)**; S.I. 2005/3175, art. 2(1), Sch. 1
- F83** Words in s. 23(1) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 72(a)**; S.I. 2011/3019, art. 3, Sch. 1
- F85** Words in s. 23(1) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 72(b)**; S.I. 2011/3019, art. 3, Sch. 1
- F90** Words in s. 23(1) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(8)(a), **Sch. 26 para. 21(b)**; S.I. 2005/3175, art. 2(1), Sch. 1
- F136** Words substituted by [Rent \(Scotland\) Act 1971 \(c. 28\)](#), s. 135(2), **Sch. 18 Pt. II**
- F137** Figure substituted by [Rent \(Scotland\) Act 1984 \(c. 58, SIF 75:4\)](#), s. 117(1), **Sch. 8 Pt. II**
- F138** Definition inserted by [Housing Act 1988 \(c. 50, SIF 75:1\)](#), s. 140(1), **Sch. 17 para. 14(2)(a)**
- F139** Definition substituted by [Housing Act 1988 \(c. 50, SIF 75:1\)](#), s. 140(1), **Sch. 17 para. 14(2)(b)**
- F140** Definition repealed by [Police \(Scotland\) Act 1967 \(c. 77\)](#), **Sch. 5 Pt. I**
- F141** Words repealed by [Police \(Scotland\) Act 1967 \(c. 77\)](#), **Sch. 5 Pt. II**
- F142** S. 24(c) repealed by [Agriculture Act 1958 \(c. 71\)](#), **Sch. 2 Pt. II**
- F143** Words substituted by [Rent \(Scotland\) Act 1971 \(c. 28\)](#), s. 135(2), **Sch. 18 Pt. II**
- F144** S. 23(1A) inserted by [Housing Act 1988 \(c. 50, SIF 75:1\)](#), s. 140(1), **Sch. 17 para. 14(3)**
- F145** Words substituted by [Rent \(Scotland\) Act 1984 \(c. 58, SIF 75:4\)](#), s. 117(1), **Sch. 8 Pt. II**
- F146** Words inserted by [Housing Act 1988 \(c. 50, SIF 75:1\)](#), s. 140(1), **Sch. 17 para. 14(4)**

## 24 Application of Part II in Scotland.

In the application of the preceding sections of this Part of this Act to Scotland—

- (a) for any reference to the Minister of Local Government and Planning or to the Minister of Agriculture and Fisheries there shall be substituted a reference to the Secretary of State; and for any reference to the county court there shall be substituted a reference to the sheriff;
- (b) <sup>F94</sup> . . . ; <sup>F95</sup> . . . ; and for any reference to such a dwelling-house as is mentioned in paragraph 1 of the Seventh Schedule to the Agricultural Holdings Act, 1948, there shall be substituted a reference to a dwelling-house comprised in an agricultural holding and occupied by the person responsible for the control (whether as tenant or as servant or agent of the tenant) of the farming of the holding;
- <sup>F96</sup>(c) . . . . .
- (d) for any reference to the Town and Country Planning Act, 1947, there shall be substituted a reference to the Town and Country (Scotland) Act, 1947, and for references to the Furnished Houses (Rent Control) Act, 1946, and to section eight thereof, there shall be respectively substituted references to the Rent of Furnished Houses Control (Scotland) Act, 1943, and to section six thereof;
- (e) for any reference to a valuation list there shall be substituted a reference to a valuation roll; for any reference to a hereditament there shall be substituted a reference to lands and heritages; and for any reference to intoxicating liquor there shall be substituted a reference to excisable liquor;



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*Changes to legislation: There are currently no known outstanding effects for the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951, Part II. (See end of Document for details)*

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(f) the expression “licence” means a right or permission derived otherwise than under a lease; and any reference to the reversion immediately expectant on a tenancy shall be construed as a reference to the interest of the immediate landlord of the tenant under the tenancy;

<sup>F97</sup>(g) . . . . .

<sup>X3</sup>(h) section sixteen of this Act shall have effect as if for subsection (8) there were substituted the following subsection—

“(8) A notice for the purposes of this section may be served in like manner as a notice under section three hundred and forty-nine of the Local Government (Scotland) Act, 1947.”

[<sup>F98</sup>(j) for any reference to the Rent Restrictions Acts there shall be substituted a reference to the Rent (Scotland) Act 1971; and for any reference, however expressed, to a dwelling-house to which the Rent Restrictions Acts apply there shall be substituted a reference to a dwelling-house subject to a statutory tenancy within the meaning of the Rent (Scotland) Act 1971.]

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**Editorial Information**

**X3** The text of s. 24(h), which is spent, is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

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**Textual Amendments**

- F94** Words in s. 24(b) repealed (S.)(25.9.1991) by **Agricultural Holdings (Scotland) Act 1991 (c. 55, SIF 2:3)**, ss. 88(2), 89(3), **Sch. 13, Pt.I** (with s. 45(3), **Sch. 12, paras. 1, 3**)
- F95** Words repealed by **Agriculture Act 1958 (c.71), Sch. 2 pt. II**
- F96** S. 24(c) repealed by **Agriculture Act 1958 (c. 71), Sch. 2 Pt. II**
- F97** S. 24(g) repealed by **Police (Scotland) Act 1967 (c. 77), Sch. 5**
- F98** S. 24(j) added by **Rent (Scotland) Act 1971 (c. 28), s. 135(2), Sch. 18 Pt. II**

*Protection during short period of training*

**25 Protection during short period of training.**

(1) Where a service man who has been living with a dependant or dependants of his in any premises in right of a tenancy, of of a licence in that behalf granted by his employer in consequence of his employment, performs a short period of training, then, for so long during that period and within fourteen days from the ending of it as the dependant or dependants and the service man or any of them is or are still living in the premises or any part thereof, no person shall be entitled, except with the leave of the appropriate court, to proceed—

- (a) to execution on, or otherwise to the enforcement of, any judgement or order given or made against any of them for the recovery of possession of any part of the premises in which any of them is or are living, or
- (b) to exercise against any of them any right to take possession of, or to re-enter upon, any such part thereof.

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*Changes to legislation: There are currently no known outstanding effects for the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951, Part II. (See end of Document for details)*

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- (2) If, on any application for such leave as is required by the preceding subsection, the court is of opinion that, by reason of circumstances directly or indirectly attributable to the service man's performing or having performed the period of service in question, the judgement, order or right ought not to be immediately executed, enforced or exercised, the court may refuse leave or give leave subject to such restrictions and conditions as the court thinks proper.
- (3) References in this section to a judgement or order for the recovery of possession of premises include references to any judgement or order the effect of which is to enable a person to obtain possession of the premises, and in particular includes, in relation to a mortgagee, a judgement or order for the delivery of possession of the premises.
- (4) For the purposes of this section a person shall be deemed to be proceeding to execution on, or otherwise to the enforcement of, a judgement or order in the circumstances in which, by virtue subsection (9) of section three of this Act, he would be deemed to be so proceeding for the purposes of section two of this Act, and where a person has, in a case for which leave was not required under this section, taken out any judicial process with a view to, or in the course of, the enforcement of a judgement of order or proceeded to the exercise of a right to take possession of or to re-enter upon premises, he shall be deemed to be proceeding to the enforcement of the judgement of order of to the exercise of the right when any step is taken by him or on his behalf towards its completion.
- (5) The references in section five and subsection (1) of section eleven of this Act to the provisions of Part I of this Act shall include references to the provisions of this section, and the provisions of section thirteen of this Act which relate to omission to obtain leave required under section two of this Act shall have effect in relation to omission to obtain leave required under this section.
- (6) In this section the expression "dependant", in relation to a service man, means—
- (a) his [<sup>F99</sup>spouse or civil partner], and
  - (b) any other member of his family wholly or mainly maintained by him.
- (7) In the application of this section to Scotland—
- (a) the expression "licence" has the meaning assigned to it by paragraph (f) of section twenty-four of this Act;
  - (b) a reference to proceeding to execution on or otherwise to the enforcement of a judgement of order shall be construed as a reference to the enforcement of a decree, and any reference to a mortgagee shall be omitted;
  - (c) for the references to section two and to subsection (9) of section three of this Act there shall be respectively substituted references to section eight and to subsection (7) of section nine of this Act.

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#### **Textual Amendments**

**F99** Words in s. 25(6)(a) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(8)(a), [Sch. 26 para. 22](#); S.I. 2005/3175, art. 2(1), [Sch. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951, Part II.