



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

## 1951 CHAPTER 65

### PART II

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

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

#### **16 Protection of tenure of rented premises not within the preceding section, by extension of the Rent Acts**

(1) Subject to subsection (2) of section fourteen of this Act, 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 on different terms and conditions), and
- (b) by reason only of such circumstances as are mentioned in the next succeeding subsection no statutory tenancy arises (apart from the provisions of this section) or the ending of the tenancy qualifying for protection,

the Rent Restrictions Acts 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, but shall so apply subject to the modifications provided for by this section as to standard rent.

(2) The circumstances referred to in the last preceding subsection are any one or more of the following, that is to say—

- (a) that the rateable value on the appropriate day (as defined for the purposes of the Rent Act of 1939) of the premises which are the rented family residence, or of a property of which at the ending of the tenancy qualifying for protection those premises form part, exceeded the relevant limit specified in subsection (1) of section three of that Act;

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- (b) that those premises are such a dwelling-house as is mentioned in paragraph (c) of subsection (2) of the said section three (which relates to local authorities' houses);
  - (c) that there is a Crown interest in those premises, not being the reversion immediately expectant on the tenancy qualifying for protection ;
  - (d) that immediately before the ending of the tenancy qualifying for protection those premises were let together with agricultural land exceeding two acres in extent but were not such a dwelling-house as is mentioned in paragraph 1 of the Seventh Schedule to the Agricultural Holdings Act, 1948 (which excludes from the Rent Restrictions Acts any dwelling-house which is comprised in an agricultural holding and is 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);
  - (e) that immediately before the ending of the tenancy qualifying for protection the circumstances mentioned in subsection (7) of section twelve of the Rent Act of 1920 (which relates to tenancies where the rent is less than two-thirds of the rateable value) applied as respects that tenancy or applied as respects a tenancy having effect subject to that tenancy.
- (3) As regards any period during which the Rent Restrictions Acts apply in relation to a rented family residence as mentioned in subsection (1) of this section, the succeeding provisions of this section shall have effect as to the standard rent of any premises (hereafter in this section referred to as " the protected premises ") of which a statutory tenancy arises by virtue of the said subsection (1) on the ending of the tenancy qualifying for protection.
- (4) If the circumstances referred to in paragraph (b) of subsection (1) of this section do not include the circumstances mentioned in paragraph (e) of subsection (2) of this section—
- (a) the standard rent of the protected premises shall be the rent payable in respect of the tenancy qualifying for protection immediately before its ending or, if the protected premises are only part of the property comprised in that tenancy, an amount to be ascertained by apportionment of the rent so payable ;
  - (b) section one of the Rent Act of 1949 (which provides for varying a standard rent in certain cases) shall not apply; and
  - (c) any apportionment required for the purposes of paragraph (a) of this subsection shall, in default of agreement, be made by the county court, and the decision of the county court on the apportionment shall be final and conclusive.
- (5) If the circumstances referred to in paragraph (b) of subsection (1) of this section do include the circumstances mentioned in paragraph (e) of subsection (2) of this section, the standard rent of the protected premises shall be such amount as may be agreed between the parties or, in default of agreement, as may be determined in accordance with the following provisions, that is to say—
- (a) subject to the succeeding paragraphs, the standard rent shall be ascertained in accordance with paragraph (a) of the last preceding subsection ;
  - (b) if at any time, whether before or after the ending of the tenancy qualifying for protection, the landlord serves on the tenant a notice (in such form as may be prescribed by the Minister of Local Government and Planning by statutory instrument) specifying the amount which is to be the standard rent, then as from the service of the notice or from the ending of the tenancy qualifying for

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protection (whichever is the later) that amount shall, subject to the succeeding paragraphs, be the standard rent;

- (c) at any time after the service of a notice under the last preceding paragraph the tenant may apply to the tribunal to determine what rent is reasonable for the protected premises and on any such application the tribunal shall determine that rent and shall notify the parties of their determination ; and
- (d) the rent determined by the tribunal under the last preceding paragraph shall as from the date of the determination be the standard rent of the protected premises:

Provided that, if the tribunal so determine, the rent determined by the tribunal shall be the standard rent as from such earlier date as they may direct, being a date not earlier than the serving of the notice under paragraph (b) of this subsection nor earlier than the ending of the tenancy qualifying for protection.

- (6) In determining under paragraph (c) of the last preceding subsection what rent is reasonable for the protected premises the tribunal shall have regard to the terms and conditions (other than terms and conditions fixing the amount of the rent) of the statutory tenancy to which, by virtue of subsection (1) of this section, the premises are for the time being subject or will become subject on the ending of the tenancy qualifying for protection, as the case may be, but save as aforesaid shall disregard any considerations arising from the personal circumstances of any of the parties.
- (7) For the purposes of the said paragraph (c) the tribunal shall be the tribunal which, if the application were an application under section one of the Rent Act of 1949, would be the tribunal for the purposes of that section, and paragraph (b) of section eight of the Furnished Houses (Rent Control) Act, 1946 (under which the Minister of Local Government and Planning has power to make regulations with regard to proceedings before tribunals for the purposes of the said section one) shall apply.
- (8) Section one hundred and ninety-six of the Law of Property Act, 1925 (which relates to service of notices) shall apply to notices for the purposes of this section.