



# 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

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

**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>F1</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>F2</sup>(b) by reason only of such circumstances as are mentioned in [<sup>F3</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>F4</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>F5</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>F6</sup>(2) Where, at any time during a service man's period of residence protection—

*Status:* There are multiple versions of this provision on screen. These apply to different geographical extents. **Skip to:** E+W - England and Wales extent S - Scotland extent

**Changes to legislation:** There are currently no known outstanding effects for the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951, Section 17. (See end of Document for details)

- (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 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

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

#### Textual Amendments

- F1** Words inserted by [Housing Act 1988 \(c. 50, SIF 75:1\)](#), s. 140(1), [Sch. 17 para. 4\(2\)\(a\)](#)
- F2** [S. 17\(1\)\(b\)](#) and words substituted by [Rent Act 1968 \(c. 23\)](#), s. 117(2), [Sch. 15](#)
- F3** Words substituted by [Housing Act 1988 \(c. 50, SIF 75:1\)](#), s. 140(1), [Sch. 17 para. 4\(2\)\(b\)](#)
- F4** Words substituted by virtue of the [Housing Act 1988 \(c. 50, SIF 75:1\)](#), s. 140(1), [Sch. 17 para. 4\(2\)\(c\)](#)
- F5** Words added by [Housing Act 1988 \(c. 50, SIF 75:1\)](#), s. 140(1), [Sch. 17 para. 4\(2\)\(d\)](#)
- F6** [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 accommodation 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 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
- (b) by reason only of such circumstances as are mentioned in <sup>[F7]</sup>section 16(4) above, subsection (1) of section 14 of the Housing (Scotland) Act 1988] did not have effect as respects the separate accommodation,
- then subject to the next succeeding subsection the <sup>[F8]</sup>said section 14] 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>[F9]</sup>and, accordingly, as if on the ending of the tenancy there arose a statutory assured tenancy during the remainder of that period].

<sup>[F10]</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,

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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.]

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#### Extent Information

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

- F7** 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”)
- F8** Words substituted by virtue of [Housing Act 1988 \(c. 50, SIF 75:1\)](#), s. 140(1), [Sch. 17 para. 5\(2\)\(c\)](#)
- F9** Words added by [Housing Act 1988 \(c. 50, SIF 75:1\)](#), s. 140(1), [Sch. 17 para. 5\(2\)\(c\)](#)
- F10** [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\(3\)](#)

**Status:**

There are multiple versions of this provision on screen. These apply to different geographical extents.

**Skip to:**

- E+W - England and Wales extent
- S - Scotland extent

**Changes to legislation:**

There are currently no known outstanding effects for the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951, Section 17.