



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

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 [^{F1}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—

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- (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 [^{F2}a dwelling-house [^{F3}let on a statutory periodic tenancy which is an assured tenancy]] if apart from this section they would not have been so.

^{F4}(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 [^{F5}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 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) ^{F6}where the premises are a dwelling-house subject to a protected occupancy or statutory tenancy as defined in the ^{M1}Rent (Agriculture) Act 1976.][or
- (d) ^{F7}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 [^{F8}relevant local policing body or] relevant police authority or by another person under arrangements made by [^{F9}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

- 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 substituted by [Housing Act 1988 \(c. 50, SIF 75:1\), s. 140\(1\), Sch. 17 para. 6\(1\)](#)
- F2** Words substituted by [Rent Act 1968 \(c. 23\), s. 117\(2\), Sch. 15](#)

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- F3** Words substituted by Housing Act 1988 (c. 50, SIF 75:1), s. 140(1), **Sch. 17 para. 6(1)**
- F4** S. 18(2) repealed by Housing Act 1988 (c. 50, SIF 75:1), s. 140(1)(2), Sch. 17 para. 6(3), **Sch. 18**
- F5** 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)
- F6** S. 18(3)(c) and word “or” preceding it added by Rent (Agriculture) Act 1976 (c. 80), **Sch. 8 para. 2**
- F7** 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)**
- F8** 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
- F9** 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

- M1** 1976 c. 80.

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 [^{F10}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 [^{F11}a dwelling-house [^{F10}let on a statutory assured tenancy]] if apart from this section they would not have been so.

^{F12}(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 [^{F13}which, by virtue of a

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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.
- (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 [^{F8}relevant local policing body or] relevant police authority or by another person under arrangements made by [^{F9}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

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

Textual Amendments

- F8** 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
- F9** 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
- F10** Words substituted by [Housing Act 1988 \(c. 50, SIF 75:1\)](#), s. 140(1), [Sch. 17 para. 6\(2\)](#)
- F11** Words substituted by virtue of s. 24(j) of this Act
- F12** S. 18(2) repealed by [Housing Act 1988 \(c. 50, SIF 75:1\)](#), s. 140(1)(2), Sch. 17 para. 6(3), [Sch. 18](#)
- F13** 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)

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Changes to legislation:

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