



# 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*

#### 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 [F<sup>1</sup>Case 1 in [F<sup>2</sup>Schedule 15 to the <sup>M1</sup>Rent Act 1977]] [F<sup>3</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) [F<sup>4</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) [F<sup>5</sup>Case 8 in the said Schedule 15]] [F<sup>6</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
  - [F<sup>7</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

*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 20. (See end of Document for details)*

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 [F8the Cases in Part I of the said [F9Schedule 15]] [F10or, 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—

- (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 [F11relevant 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 [F12section 98(1) of the M2Rent Act 1977]] [F13or, 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 [F14the M3Town and Country Planning Act, 1971], the expression “development corporation” has the same meaning as in [F15the M4New 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 [F16the said Act of 1971]) [F17or being powers or duties of an internal drainage board].

#### 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 [Rent Act 1968 \(c. 23\)](#), s. 117(2), [Sch. 15](#)
- F2 Words substituted by [Rent Act 1977 \(c. 42\)](#), [Sch. 23 para. 8](#)
- F3 Words inserted by [Housing Act 1988 \(c. 50, SIF 75:1\)](#), s. 140(1), [Sch. 17 para. 9\(2\)](#)
- F4 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\(2\)](#)
- F5 Words substituted by [Rent Act 1977 \(c. 42\)](#), [Sch. 23 para. 8](#)
- F6 Words inserted by [Housing Act 1988 \(c. 50, SIF 75:1\)](#), s. 140(1), [Sch. 17 para. 9\(3\)](#)

*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 20. (See end of Document for details)

- F7** S. 20(2)(b) substituted by Housing Act 1988 (c. 50, SIF 75:1), s. 140(1), **Sch. 17 para. 9(3)**
- F8** Words substituted by Rent Act 1968 (c. 23), s. 117(2), **Sch. 15**
- F9** Words substituted by Rent Act 1977 (c. 42), **Sch. 23 para. 8**
- F10** Words inserted by Housing Act 1988 (c.50, SIF 75:1), s. 140(1), **Sch. 17 para. 9(4)**
- F11** 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
- F12** Words substituted by Rent Act 1977 (c. 42), **Sch. 23 para. 8**
- F13** Words inserted by Housing Act 1988 (c.50, SIF 75:1), s. 140(1), **Sch. 17 para. 9(4)**
- F14** Words substituted by virtue of Town and Country Planning Act 1971 (c. 78), **Sch. 24 Pt. I para. 2**
- F15** Words substituted by virtue of New Towns Act 1965 (c. 59), **Sch. 11 para. 5(1)**
- F16** Words substituted by virtue of Town and Country Planning Act 1971 (c. 78), **Sch. 24 Pt. I para. 2**
- F17** 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

- M1** 1977 c. 42.  
**M2** 1977 c. 42.  
**M3** 1971 c. 78.  
**M4** 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 [F18Case 1 in [F19Schedule 2] to the Rent (Scotland) Act [F191984]] [F20or 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) [F18Case 7 in the said [F19Schedule 2]] [F21or, 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
- [F22(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 [F18the Cases in Part I of the said [F19Schedule 2]] [F23or, as the case may be, Grounds 10 to 17 in Part II of the said Schedule 5] in which the court

*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 20. (See end of Document for details)*

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 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>F11</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>F18</sup>[<sup>F19</sup>section 11(1)] of the Rent (Scotland) Act <sup>M5</sup>[<sup>F19</sup>1984]]<sup>F24</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>F25</sup>the Town and Country Planning (Scotland) Act <sup>M6</sup>1972], the expression “development corporation” has the same meaning as in <sup>F26</sup>the New Towns (Scotland) Act <sup>M7</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>F25</sup>the said Act of 1972]) or to provide public sewers or provide for the disposal of sewage, <sup>F27</sup> . . .

#### 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

- F11** 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
- F18** Words substituted by Rent (Scotland) Act 1971 (c. 28), s. 135(2), **Sch. 18 Pt. II**
- F19** Words substituted by Rent (Scotland) Act 1984 (c. 58, SIF 75:4), s. 117(1), **Sch. 8 Pt. II**
- F20** Words inserted by Housing Act 1988 (c. 50, SIF 75:1), s. 140(1), **Sch. 17 para. 10(2)**
- F21** Words inserted by Housing Act 1988 (c. 50, SIF 75:1), s. 140(1), **Sch. 17 para. 10(3)**
- F22** S. 20(2)(b) substituted by Housing Act 1988 (c. 50, SIF 75:1), s. 140(1), **Sch. 17 para. 10(3)**
- F23** Words inserted by Housing Act 1988 (c. 50, SIF 75:1), s. 140(1), **Sch. 17 para. 10(4)(a)**
- F24** 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)**
- F25** Words substituted by virtue of s. 24(d) of this Act
- F26** Words substituted by virtue of New Towns (Scotland) Act 1968 (c. 16), **Sch. 9 para. 5**
- F27** Words do not extend to Scotland

---

**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 20. (See end of Document for details)*

---

**Marginal Citations**

**M5** 1984 c.58 (75:4).

**M6** 1972 c. 52

**M7** 1968 c. 16

**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 20.