



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

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 [^{F1}it has for the purposes of [^{F2}section 26 of the ^{M1}Rent Act 1977]];

[^{F3}“assured tenancy” has the same meaning as in Part I of the Housing 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 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 [^{F4}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;

[^{F5}“fixed term tenancy” means any tenancy other than a periodic tenancy]

[^{F6}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];

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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, Section 23. (See end of Document for details)

“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;

^{F7}

[^{F8}“relevant local policing body” or “relevant police authority”] means, in relation to a police force ^{F9} . . . , [^{F10}the local policing body or the police authority]^{F11} . . . responsible for the maintenance of that force;

[^{F12}“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 [^{F13}the ^{M2}Rent Act 1977] (or of [^{F14}the Rent Act 1977] as extended by this Part of this Act) in relation to a person as being, or being the [^{F15}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.

[^{F16}(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 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 [^{F17}the Rent Act 1977][^{F18}or 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

- 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. 10](#)

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- F3** Definition inserted by Housing Act 1988 (c. 50, SIF 75:1), s. 140(1), **Sch. 17 para. 13(2)(a)**
- F4** 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
- F5** Definition inserted by Housing Act 1988 (c. 50, SIF 75:1), s. 140(1), **Sch. 17 para. 13(2)(b)**
- F6** Definition substituted by Housing Act 1988 (c. 50, SIF 75:1), s. 140(1), **Sch. 17 para. 13(2)(c)**
- F7** Definition repealed by Police Act 1964 (c. 48), **Sch. 10 Pt. I**
- F8** 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
- F9** Words repealed by Police Act 1964 (c. 48), **Sch. 10 Pt. I**
- F10** 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
- F11** Words repealed by Police Act 1964 (c. 48), **Sch. 10 Pt. I**
- F12** Definition inserted by Housing Act 1988 (c. 50, SIF 75:1), s. 140(1), **Sch. 17 para. 13(2)(d)**
- F13** Words substituted by Rent Act 1977 (c. 42), **Sch. 23 para. 10**
- F14** Words substituted by Rent Act 1977 (c. 42), **Sch. 23 para. 10**
- F15** 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
- F16** S. 23(1A) inserted by Housing Act 1988 (c. 50, SIF 75:1), s. 140(1), **Sch. 17 para. 13(3)**
- F17** Words substituted by Rent Act 1977 (c. 42), **Sch. 23 para. 10**
- F18** Words inserted by Housing Act 1988 (c. 50, SIF 75:1), s. 140(1), **Sch. 17 para. 13(4)**

Marginal Citations

- M1** 1977 c. 42.
- M2** 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 [F19] section [F20]115(1) of the Rent (Scotland) Act [F20]1984];

[F21]“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 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 [F4]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;

[F22]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;

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[^{F8}“relevant local policing body” or “relevant police authority”] means, in relation to a police force [^{F24} . . . , [^{F10}the local policing body or the police authority]^{F25} . . . 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 [^{F26}the Rent (Scotland) Act [^{F20}1984]] (or of [^{F26}the Rent (Scotland) Act [^{F20}1984]] as extended by this Part of this Act) in relation to a person as being, or being the [^{F15}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.

[^{F27}(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 [^{F19}the Rent (Scotland) Act [^{F28}1984]] [^{F29}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.

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

- F4** 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
- F8** 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
- F10** 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
- F15** 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
- F19** Words substituted by [Rent \(Scotland\) Act 1971 \(c. 28\)](#), s. 135(2), [Sch. 18 Pt. II](#)

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- F20** Figure substituted by Rent (Scotland) Act 1984 (c. 58, SIF 75:4), s. 117(1), **Sch. 8 Pt. II**
- F21** Definition inserted by Housing Act 1988 (c. 50, SIF 75:1), s. 140(1), **Sch. 17 para. 14(2)(a)**
- F22** Definition substituted by Housing Act 1988 (c. 50, SIF 75:1), s. 140(1), **Sch. 17 para. 14(2)(b)**
- F23** Definition repealed by Police (Scotland) Act 1967 (c. 77), **Sch. 5 Pt. I**
- F24** Words repealed by Police (Scotland) Act 1967 (c. 77), **Sch. 5 Pt. II**
- F25** S. 24(c) repealed by Agriculture Act 1958 (c. 71), **Sch. 2 Pt. II**
- F26** Words substituted by Rent (Scotland) Act 1971 (c. 28), s. 135(2), **Sch. 18 Pt. II**
- F27** S. 23(1A) inserted by Housing Act 1988 (c. 50, SIF 75:1), s. 140(1), **Sch. 17 para. 14(3)**
- F28** Words substituted by Rent (Scotland) Act 1984 (c. 58, SIF 75:4), s. 117(1), **Sch. 8 Pt. II**
- F29** Words inserted by Housing Act 1988 (c. 50, SIF 75:1), s. 140(1), **Sch. 17 para. 14(4)**

Status:

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- E+W - England and Wales extent
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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, Section 23.