



# 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*

#### **14 Period of residence protection, and scope of three succeeding sections (protection of tenure under lettings at a rent)**

- (1) The three next succeeding sections shall have effect, subject to subsection (2) of this section, in the case of a service man who performs a period of relevant service, other than a short period of training, either wholly after the commencement of this Act or partly theretofore and partly thereafter, for giving, during that period of service, or the residue of it if it began before the commencement of this Act, and four months from the date of the ending of it (in this Part of this Act referred to, in relation to such a service man, as his " period of residence protection "), security of tenure of premises which at any time during the period of protection are a rented family residence of his.

For the purposes of the operation of this Part of this Act at any time during a service man's period of residence protection—

- (a) the expression " rented family residence " means premises in which (or in part of which) the service man was living immediately before the beginning of his period of service with a dependant or dependants of his in right of a tenancy at a rent of those premises being a tenancy vested in him or in that dependant or any of those dependants, and in which (or in part of which) at the time in question during the period of protection a dependant or dependants of his is or are living, whether with or without him, in right of such a tenancy of those premises being a tenancy vested in him or in that dependant or any of those dependants ; and

- (b) the expression "tenancy qualifying for protection" means the tenancy of a rented family residence of the service man in right of which a dependant or dependants of his is or are living therein or in part thereof at the time in question.
- (2) The three next succeeding sections shall not have effect if and so long as the rented family residence—
- (a) is such a dwelling-house as is mentioned in paragraph (a) of subsection (2) of section three of the Rent Act of 1939 (which relates to on-licensed premises); or
  - (b) is bona fide let at a rent which includes payments in respect of board.

**15 Protection of tenure of furnished, and certain other, rented premises, by extension of the Furnished Houses (Rent Control) Act**

- (1) Subject to subsection (2) of the last preceding section, where at any time during a service man's period of residence protection—
- (a) the rented family residence is let under the tenancy qualifying for protection either on such terms as are mentioned in subsection (1) of section two of the Furnished Houses (Rent Control) Act, 1946 (which relates to premises let in consideration of a rent which includes payment for the use of furniture or for services) or on terms of sharing with the lessor, and
  - (b) a notice to quit has been served by the lessor on the lessee (whether after or before the beginning of the period of protection) and the notice has not expired, but
  - (c) the conditions required for the operation of section eleven of the Rent Act of 1949 (which makes provision as to security of tenure) that the contract in question should have been referred to a tribunal under the Furnished Houses (Rent Control) Act, 1946, and that the reference should not have been withdrawn, are not fulfilled,
- the said section eleven shall apply in relation to the notice to quit as if those conditions had been fulfilled as to the contract under which that tenancy subsists.
- (2) The reference in paragraph (a) of the preceding subsection to a letting on terms of sharing with the lessor is a reference to a letting under which—
- (a) the lessee has the exclusive occupation of some accommodation (in this subsection referred to as "the separate accommodation");
  - (b) he has the use of other accommodation in common with the lessor or with the lessor and other persons; and
  - (c) the accommodation mentioned in the last preceding paragraph is or includes accommodation of such a nature that the circumstance specified in that paragraph is sufficient to prevent the separate accommodation from being a dwelling-house to which the Rent Restrictions Acts apply, whether apart from that circumstance it would be such a dwelling-house or not.
- (3) Subject to subsection (2) of the last preceding section, where at any time during a service man's period of residence protection the rented family residence is let as mentioned in paragraph (a) of subsection (1) of this section and a notice to quit has been served as aforesaid and has not expired, the subsistence of a Crown interest in the premises shall not affect the application of section eleven of the Rent Act of 1949 (or of that section as extended by subsection (1) of this section) in relation to the notice to

quit, if the reversion immediately expectant on the tenancy in question is not a Crown interest.

- (4) References in the said section eleven to that section shall be construed as including references to the preceding provisions of this section and to the said section eleven as extended by those provisions.
- (5) Nothing in the preceding provisions of this section shall be construed as rendering the said section eleven applicable in a case in which the contract under which the tenancy in question subsists is excluded from the operation of the Furnished Houses (Rent Control) Act, 1946, by subsection (4) of section twelve of that Act (which relates to accommodation let under Regulation sixty-eight CB of the Defence (General) Regulations, 1939).

## **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;
  - (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

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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 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.

**17 Provisions supplementary to section sixteen in case of rented premises which include accommodation shared otherwise than with the landlord**

- (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 subsection (2) of the last preceding section subsection (1) of section eight of the Rent Act of 1949 (which applies the Rent Restrictions Acts to accommodation of which a tenant has the exclusive occupation where under the terms of the tenancy he shares other accommodation with other persons but not with his landlord) did not have effect as respects the separate accommodation,
- then subject to the next succeeding subsection the said section eight 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.
- (2) As regards any period during which the said section eight applies as mentioned in the last preceding subsection—
- (a) if the said circumstances did not include the circumstances mentioned in paragraph (e) of subsection (2) of the last preceding section, the standard rent of the separate accommodation shall be the rent payable in respect of the tenancy immediately before its ending, and section one of the Rent Act of 1949 shall not apply;
  - (b) if the said circumstances did include the circumstances mentioned in the said paragraph (e), then for ascertaining the standard rent of the separate accommodation the provisions of subsections (5) to (8) of the last preceding section shall apply with the necessary modifications.

**18 Protection of tenure, in connection with employment, under a licence or a rent-free letting, by extension of the Rent Acts**

- (1) Where—

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- (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 the Rent Restrictions Acts 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 a dwelling-house to which those Acts apply if apart from this section they would not have been so.

- (2) As regards any period during which the Rent Restrictions Acts apply in relation to premises as mentioned in the preceding subsection—
  - (a) if the grant in question was of a licence and a rent not less than two-thirds of the rateable value of the premises was payable in respect thereof immediately before the beginning of the period of service, the standard rent of the premises shall be that rent, and section one of the Rent Act of 1949 shall not apply;
  - (b) if the grant in question was of a licence and no such rent as aforesaid was payable as aforesaid, or if the grant in question was of a rent-free tenancy, then for ascertaining the standard rent of the premises the provisions of subsections (5) to (8) of section sixteen of this Act shall apply with the necessary modifications ;

and where paragraph (b) of this subsection applies, subsection (7) of section twelve of the Rent Act of 1920 shall be treated as not having applied as respects the tenancy assumed for the purposes of subsection (1) of this section.

In this subsection the expression "rateable value", in relation to any premises, means the value shown for the time being in the valuation list then in force as the rateable value thereof or, where the net annual value differs from the rateable value, as the net annual value thereof:

Provided that, where the premises are not separately shown in the valuation list, the rateable value thereof shall be taken to be an apportioned part of the rateable value of the hereditament shown in the valuation list which comprises the premises, and any apportionment required for the purposes of this proviso shall, in default of agreement, be made by the county court.

- (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 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.
- (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 relevant police authority or by another 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.

## **19 Limitation on application of Rent Acts by virtue of sections sixteen to eighteen**

- (1) Where by virtue of any of the three last preceding sections, or by virtue of the succeeding provisions of this section, the operation of the Rent Restrictions Acts in relation to any premises is extended or modified, the extension or modification shall not affect any tenancy of those premises other than—
- (a) the statutory tenancy arising by virtue of section sixteen or seventeen of this Act on the ending of a tenancy qualifying for protection (as defined in section fourteen of this Act), or arising by virtue of the last preceding section at the beginning of a period of relevant service or at the commencement of this Act, and
  - (b) any subsequent statutory tenancy arising on the ending of a statutory tenancy that falls within the preceding paragraph, or within this paragraph,
- and shall not affect rent payable in respect of any period before the beginning of the statutory tenancy arising as mentioned in paragraph (a) of this subsection or anything done or omitted theretofore.
- (2) In relation to premises to which the Rent Restrictions Acts apply as mentioned in subsection (1) of either section sixteen or section eighteen of this Act, or apply by virtue of section seventeen of this Act, paragraph (h) of the First Schedule to the Rent Act of 1933 (which excepts a landlord who purchased after the date therein mentioned from provisions as to possession for occupation for himself or certain relatives of his) shall have effect with the substitution of references to the seventeenth day of April, nineteen hundred and fifty-one for references to the date therein mentioned.
- (3) In the application to any premises of the Rent Restrictions Acts as mentioned in the last preceding subsection—

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- (a) they shall have effect subject to the modifications set out in the first column of the First Schedule to the Rent Act of 1939 (being modifications subject to which, by virtue of section three of that Act, they apply in relation to dwelling-houses brought within them by that section) if apart from this subsection they would not so have effect, but
  - (b) whether apart from this subsection they would so have effect or not, those modifications shall apply (except as provided by the last preceding subsection) with the substitution, for references to the passing or the commencement of the Rent Act of 1939, of references to the beginning of the statutory tenancy referred to in paragraph (a) of subsection (1) of this section.
- (4) Subsection (6) of section twelve of the Rent Act of 1920 (which provides that that Act shall continue to apply to premises to which it has once become applicable) shall not apply as respects any premises to which the Rent Restrictions Acts apply as mentioned in subsection (2) of this section.
- (5) A mortgage which, if the three last preceding sections had not been enacted, would not be a mortgage to which the Rent Restrictions Acts apply shall be deemed not to be such a mortgage.

In this subsection the expression " mortgage " has the same meaning as in the Rent Act of 1920.

- (6) References in this section to premises to which the Rent Restrictions Acts apply by virtue of section seventeen of this Act are references to premises to which those Acts apply in accordance with the provisions of section eight of the Rent Act of 1949, in a case where the said section eight applies as mentioned in subsection (1) of the said section seventeen.

## **20 Modifications of Rent Acts as respects occupation by employees**

- (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 paragraph (a) of the First Schedule to the Rent Act of 1933 (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) Paragraph (g) of the said First Schedule (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
  - (b) the Rent Restrictions Acts apply to the premises as mentioned in subsection (1) of section eighteen 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 a statutory tenancy that falls within paragraph (a) or (b) of subsection (1) of the last preceding section.
- (3) Where the last preceding subsection has effect as to an application for possession, the circumstances specified in the said First Schedule in which the court has power to



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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 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 subsection (1) of section three of the Rent Act of 1933 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 the Town and Country Planning Act, 1947, the expression " development corporation " has the same meaning as in the New Towns Act, 1946, 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 the said Act of 1947) or to provide public sewers or provide for the disposal of sewage, or being powers or duties of a river board or other drainage authority (as defined respectively in the River Boards Act, 1948, and the Land Drainage Act, 1930).

## **21 Modifications of Agricultural Holdings Act, 1948, where tenant is a service man**

- (1) The three next succeeding subsections shall have effect where the tenant of an agricultural holding to which this section applies performs a period of relevant service, other than a short period of training, either wholly after the commencement of this Act or partly theretofore and partly thereafter, and after the commencement of this Act, at a time during his period of residence protection, there is given to him notice to quit the holding, or notice to quit a part of the holding, being a part to which this section applies.

This section applies to any agricultural holding which comprises such a dwelling-house as is mentioned in paragraph 1 of the Seventh Schedule to the Agricultural Holdings Act, 1948, and applies to any part of an agricultural holding being a part which consists of or comprises such a dwelling-house.

- (2) Subsection (1) of section twenty-four of the said Act of 1948 (which restricts the operation of notices to quit) shall apply notwithstanding the existence of any such circumstances as are mentioned in subsection (2) or subsection (3) of that section; but where the Minister is satisfied that such circumstances exist then (subject to the next succeeding subsection) the Minister shall not be required to withhold his consent to the

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operation of the notice to quit by reason only that he is not satisfied that circumstances exist such as are mentioned in paragraphs (a) to (e) of subsection (1) of section twenty-five of that Act.

(3) In determining whether to give or withhold his consent under the said section twenty-four the Minister—

- (a) if satisfied that circumstances exist such as are mentioned in subsection (2) or subsection (3) of the said section twenty-four or in subsection (1) of the said section twenty-five, shall consider to what extent (if at all) the existence of those circumstances is directly or indirectly attributable to the service man's performing or having performed the period of service in question, and
- (b) in any case, shall consider to what extent (if at all) the giving of such consent at a time during the period of protection would cause special hardship in view of circumstances directly or indirectly attributable to the service man's performing or having performed that period of service;

and the Minister shall withhold his consent to the operation of the notice to quit unless in all the circumstances he considers it reasonable to give his consent thereto.

(4) The two last preceding subsections shall apply in relation to the giving or withholding of consent by the Agricultural Land Tribunal, on a reference to that Tribunal under subsection (4) of the said section twenty-five, as they apply in relation to the giving or withholding of consent by the Minister.

(5) Where the tenant of an agricultural holding to which this section applies performs such a period of service as is mentioned in subsection (1) of this section and—

- (a) a notice to quit the holding or a part thereof to which this section applies was given to him before the commencement of this Act or is given to him thereafter but before the beginning of his period of residence protection, and
- (b) the tenant duly serves or has served a counter-notice under subsection (1) of the said section twenty-four, and
- (c) either the Minister has not consented to the operation of the notice to quit or the matter of his consent thereto is or has been duly referred to the Agricultural Land Tribunal and the Tribunal has not determined the matter so referred,

the two last preceding subsections shall (with the necessary modifications) apply in relation to the giving or withholding of consent to the operation of the notice to quit as they apply in relation to the giving or withholding of consent to the operation of a notice to quit given in the circumstances mentioned in subsection (1) of this section.

(6) Section twenty-six of the said Act of 1948 (which authorises the Minister to make regulations as to matters arising out of sections twenty-four and twenty-five of that Act) shall apply in relation to the provisions of those sections as modified by the preceding provisions of this section as it applies in relation to the provisions of those sections apart from this section.

(7) For the avoidance of doubt it is hereby declared that the power of the Minister under section seventy-two of the Agriculture Act, 1947, to make regulations providing for the delegation of functions to a County Agricultural Executive Committee extends to the making of regulations providing for the delegation to such a committee of any functions of his under section twenty-four or section twenty-five of the said Act of 1948 as modified by the preceding provisions of this section.

- (8) In this section the expression " agricultural holding " has the same meaning as in the said Act of 1948 and the expression " the Minister " means the Minister of Agriculture and Fisheries.

## **22 Facilities for action on behalf of men serving abroad in proceedings as to tenancies**

- (1) Where in the course of any proceedings brought before a court under the Rent Restrictions Acts, or of any proceedings consequential upon the making of a reference or application to a rent tribunal under the Furnished Houses (Rent Control) Act, 1946, or under this Part of this Act, it appears to the court or tribunal—
- (a) that the proceedings relate to a tenancy vested in a service man;
  - (b) that a person other than the service man desires to take a step in the proceedings on behalf of the service man at a time when he is serving abroad, or has purported to take a step in the proceedings on his behalf at a time when he was so serving; and
  - (c) that the said person, in seeking or purporting to take that step, is or was acting in good faith in the interests of the service man, and is-or was a fit person to take that step on his behalf, but is or was not duly authorised to do so,
- the court or tribunal may direct that the said person shall be deemed to be, or to have been, duly authorised to take that step on behalf of the service man.
- (2) The provisions of the preceding subsection apply in relation to the institution of proceedings before a court as they apply in relation to the taking of a step in such proceedings, and apply in relation to the making of a reference or application to a rent tribunal as they apply in relation to the taking of a step in proceedings consequential upon the making of such a reference or application; and references in that subsection to proceedings brought or a reference or application made as therein mentioned include references to proceedings which purport to be so brought or to a reference or application which purports to be so made, as the case may be.
- (3) Where in the course of any proceedings a court or tribunal gives a direction under subsection (1) of this section, the person to whom the direction relates shall have the like right of audience in those proceedings as the service man himself would have.
- (4) The Minister of Agriculture and Fisheries may make regulations—
- (a) for enabling a counter-notice under subsection (1) of section twenty-four of the Agricultural Holdings Act, 1948, to be served on behalf of a service man at a time when he is serving abroad, in a case where a notice to quit is given to him as mentioned in subsection (1) of section twenty-one of this Act; and
  - (b) for enabling any act or proceedings consequential upon the service of a counter-notice under subsection (1) of the said section twenty-four to be performed or conducted on behalf of a service man at a time when he is serving abroad, either in such a case as is mentioned in the preceding paragraph or in a case where subsection (5) of section twenty-one of this Act applies in relation to the service man.
- (5) Regulations made under the last preceding subsection may contain such incidental and consequential provisions as may appear to the said Minister to be necessary or expedient for the purposes of the regulations.

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- (6) The power to make regulations under subsection (4) of this section shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) References in this section to a time when a service man is serving abroad are references to a time when he is performing a period of relevant service and is outside the United Kingdom.

## 23 Interpretation of Part II

- (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 the Rent Act of 1939;

" 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 wife, 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;

" landlord " and " tenant " have the same meanings as in the Rent Restrictions Acts;

" 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;

" police force " means a police force maintained by virtue of a scheme under the Police Act, 1946, or maintained for a police area mentioned in the Third Schedule to the Police Pensions Act, 1921;

" relevant police authority " means, in relation to a police force maintained by virtue of a scheme under the Police Act, 1946, the authority responsible under the scheme for the maintenance of that force, and, in relation to any other police force, the police authority (within the meaning of the Police Pensions Act, 1921) responsible for the maintenance of that force;

" 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 the Rent Restrictions Acts (or of those Acts as extended by this Part of this Act) in relation to a person as being, or being the widow 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.

- (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

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- 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 the Rent Restrictions Acts 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.

## **24 Application of Part II to Scotland**

In the application of the preceding sections of this Part of this Act to Scotland—

- (a) for any reference to the Minister of Local Government and Planning or to the Minister of Agriculture and Fisheries there shall be substituted a reference to the Secretary of State; and for any reference to the county court there shall be substituted a reference to the sheriff;
- (b) for references to the Agricultural Holdings Act, 1948, and to sections twenty-four, twenty-five and twenty-six thereof, there shall be respectively substituted references to the Agricultural Holdings (Scotland) Act, 1949, and to sections twenty-five, twenty-six and twenty-seven thereof; for references to the Agricultural Land Tribunal and to references thereto there shall be respectively substituted references to the Scottish Land Court and to appeals thereto; and for any reference to such a dwelling-house as is mentioned in paragraph 1 of the Seventh Schedule to the Agricultural Holdings Act, 1948, there shall be substituted a reference to a dwelling-house comprised in an agricultural holding and 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 ;
- (c) for references to the Agriculture Act, 1947, and to section seventy-two thereof there shall be respectively substituted references to the Agriculture (Scotland) Act, 1948, and to section sixty-nine thereof; and for any reference to a County Agricultural Executive Committee there shall be substituted a reference to an Agricultural Executive Committee;
- (d) for any reference to the Town and Country Planning Act, 1947, there shall be substituted a reference to the Town and Country Planning (Scotland) Act, 1947, and for references to the Furnished Houses (Rent Control) Act, 1946, and to section eight thereof, there shall be respectively substituted references to the Rent of Furnished Houses Control (Scotland) Act, 1943, and to section six thereof;
- (e) for any reference to a valuation list there shall be substituted a reference to a valuation roll; for any reference to a hereditament there shall be substituted a reference to lands and heritages; and for any reference to intoxicating liquor there shall be substituted a reference to exciseable liquor ;
- (f) the expression " licence " means a right or permission derived otherwise than under a lease; and any reference to the reversion immediately expectant on

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*Status: This is the original version (as it was originally enacted).*

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a tenancy shall be construed as a reference to the interest of the immediate landlord of the tenant under the tenancy;

(g) for references to the Police Act, 1946, and to an authority responsible under a scheme for the maintenance of a police force there shall be respectively substituted references to the Police (Scotland) Act, 1946, and to a joint police committee to whom the functions of constituent authorities have been delegated;

(h) section sixteen of this Act shall have effect as if for subsection (8) there were substituted the following subsection—

“(8) A notice for the purposes of this section may be served in like manner as a notice under section three hundred and forty-nine of the Local Government (Scotland) Act, 1947.”