



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

21 ^{X1}† **Modifications of Agricultural Holdings Act 1948, where tenant is a service man.**

[^{F1}(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 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 [^{F2}a dwelling-house comprised in an agricultural holding and occupied by the person responsible for the control (whether as tenant or as servant of agent of the tenant) of the farming of the holding], and applies to any part of an agricultural holding being a part which consists of or comprises such a dwelling-house.

(2) [^{F3}section 22 of the Agricultural Holdings (Scotland) Act 1991] (which restricts the operation of notices to quit) shall apply notwithstanding the existence of any such circumstances as are mentioned in subsection (2) ^{F4}... of that section; but where [^{F5}the Scottish Land Court] is satisfied that such circumstances exist then (subject to the next succeeding subsection) [^{F5}the Scottish Land Court] shall not be required to withhold [^{F5}its] consent to the operation of the notice to quit by reason only that [^{F5}it] is not

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satisfied that circumstances exist such as are mentioned in paragraphs (a) to (e) of subsection (1) of [F3section 24 of that Act].

(3) In determining whether to give or withhold his consent under the said [F6section 22][F5the Scottish Land Court]—

- (a) if satisfied that circumstances exist such as are mentioned in subsection (2) ^{F4}... of the said [F6section 22] or in subsection (1) of the said [F6section 24], 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 [F5the Scottish Land Court] shall withhold [F5its] consent to the operation of the notice to quit unless in all the circumstances [F5;it] considers it reasonable to give [F5;its] consent thereto.

^{F7}(4)

(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 of is given to him thereafter but before the beginning of his period of residence protection, and
- (b) the tenant duly serves of has served a counter-notice under subsection (1) of the said section twenty-four, and
- [F8(c) the Scottish Land Court has not before the beginning of his period of residence protection decided whether to give or withhold consent to the operation of the notice to quit,]

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) [F5Section twenty-seven (as originally enacted) of the said Act of 1949] (which authorises [F9the Secretary of State] 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.

^{F7}(7)

(8) In this section the expression “agricultural holding” has the same meaning as in [F10the Agricultural Holdings (Scotland) Act 1991]... .]

Editorial Information

X1 Unreliable marginal note

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Textual Amendments

- F1** S. 21 repealed (E.W.) (except in relation to a notice to quit an agricultural holding or part of an agricultural holding given before 7.4.1978) by [Agricultural Holdings \(Notices to Quit\) Act 1977](#) (c. 12), s. 14, **Sch. 2**
- F2** Words substituted by virtue of s. 24(b) of this Act
- F3** Words in s. 21(2) substituted (S.) (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991](#) (c. 55, SIF 2:3), ss. 88(1), 89(3), **Sch. 11**, para. 2(a) (with s. 45(3), Sch. 12 para. 3)
- F4** Words repealed by [Agriculture Act 1958](#) (c. 71), **Sch. 3**
- F5** Words substituted by virtue of [Agriculture Act 1958](#) (c. 71), **Sch. 1 Pt. II para. 45(a)** as read with s. 24(a) of this Act
- F6** Words in s. 21(3) substituted (S.) (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991](#) (c. 55, SIF 2:3), ss. 88(1), 89(3), **Sch. 11**, para. 2(b) (with s. 45(3), Sch. 12, para. 3)
- F7** S. 21(4)(7) repealed by [Agriculture Act 1958](#) (c. 71), **Sch. 2 Pt. II**
- F8** S. 21(5)(c) substituted by [Agriculture Act 1958](#) (c. 71), **Sch. 1 Pt. II para. 45(c)**
- F9** Words substituted by virtue of s. 24(a) of this Act
- F10** Words in s. 21(8) substituted (S.) (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991](#) (c. 55, SIF 2:3), ss. 88(1), 89(3), **Sch. 11**, para. 2(c) (with s. 45(3), Sch. 12, para. 3)

Modifications etc. (not altering text)

- C1** S. 21(2)(3) amended (S.) (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991](#) (c. 55, SIF 2:3), ss. 87, 89(3), **Sch. 12**, para. 4(a) (with s. 45(3), Sch. 12 para. 3)
- C2** S. 21(6) amended (S.) (25.9.1991) by [Agricultural Holdings \(Scotland\) Act 1991](#) (c. 55, SIF 2:3), ss. 87, 89(3), **Sch. 12**, para. 4(b) (with s. 45(3), Sch. 12 para. 3)

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