



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

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

Status: This is the original version (as it was originally enacted).

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.
- (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.