



# 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 short period of training*

### 25 Protection during short period of training.

- (1) Where a service man who has been living with a dependant or dependants of his in any premises in right of a tenancy, of of a licence in that behalf granted by his employer in consequence of his employment, performs a short period of training, then, for so long during that period and within fourteen days from the ending of it as the dependant or dependants and the service man or any of them is or are still living in the premises or any part thereof, no person shall be entitled, except with the leave of the appropriate court, to proceed—
  - (a) to execution on, or otherwise to the enforcement of, any judgement or order given or made against any of them for the recovery of possession of any part of the premises in which any of them is or are living, or
  - (b) to exercise against any of them any right to take possession of, or to re-enter upon, any such part thereof.
- (2) If, on any application for such leave as is required by the preceding subsection, the court is of opinion that, by reason of circumstances directly or indirectly attributable to the service man's performing or having performed the period of service in question, the judgement, order or right ought not to be immediately executed, enforced or excersised, the court may refuse leave or give leave subject to such restrictions and conditions as the court thinks proper.
- (3) References in this section to a judgement or order for the recovery of possession of premises include references to any judgement or order the effect of which is to enable

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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 25. (See end of Document for details)*

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a person to obtain possession of the premises, and in particular includes, in relation to a mortgagee, a judgement or order for the delivery of possession of the premises.

- (4) For the purposes of this section a person shall be deemed to be proceeding to execution on, or otherwise to the enforcement of, a judgement or order in the circumstances in which, by virtue subsection (9) of section three of this Act, he would be deemed to be so proceeding for the purposes of section two of this Act, and where a person has, in a case for which leave was not required under this section, taken out any judicial process with a view to, or in the course of, the enforcement of a judgement or order or proceeded to the exercise of a right to take possession of or to re-enter upon premises, he shall be deemed to be proceeding to the enforcement of the judgement or order of to the exercise of the right when any step is taken by him or on his behalf towards its completion.
- (5) The references in section five and subsection (1) of section eleven of this Act to the provisions of Part I of this Act shall include references to the provisions of this section, and the provisions of section thirteen of this Act which relate to omission to obtain leave required under section two of this Act shall have effect in relation to omission to obtain leave required under this section.
- (6) In this section the expression “dependant”, in relation to a service man, means—
- (a) his [<sup>F1</sup>spouse or civil partner], and
  - (b) any other member of his family wholly or mainly maintained by him.
- (7) In the application of this section to Scotland—
- (a) the expression “licence” has the meaning assigned to it by paragraph (f) of section twenty-four of this Act;
  - (b) a reference to proceeding to execution on or otherwise to the enforcement of a judgement or order shall be construed as a reference to the enforcement of a decree, and any reference to a mortgagee shall be omitted;
  - (c) for the references to section two and to subsection (9) of section three of this Act there shall be respectively substituted references to section eight and to subsection (7) of section nine of this Act.

#### **Textual Amendments**

- F1** Words in s. 25(6)(a) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(8)(a), [Sch. 26 para. 22](#); S.I. 2005/3175, art. 2(1), [Sch. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951, Section 25.