Table of Statutes referred to in this Act

Short Title	Session and Chapter
Motor Car (International Circulation) Act, 1909	9 Edw. 7. c. 37
Finance Act, 1920	10 & 11 Geo. 5. c. 18
Government of Ireland Act, 1920	10 & 11 Geo. 5. c. 67
Roads Act, 1920	10 & 11 Geo. 5. c. 72
Statutory Instruments Act, 1946	9 & 10 Geo. 6. c. 36
Vehicles (Excise) Act, 1949	12, 13 & 14 Geo. 6. c. 89

CHAPTER 40

Crown Lessees (Protection of Sub-Tenants) Act, 1952

ARRANGEMENT OF SECTIONS

Section
1. Crown exemption from Rent Control Acts not to extend to mesne tenants or assignees from Crown.
2. Consequential provisions.
3. Short title, interpretation, extent and commencement.

SCHEDULE.—Consequential Adaptation of Enactments.

An Act to abolish exemptions from the Rent and Mortgage Interest Restrictions Acts, 1920 to 1939, the Rent of Furnished Houses Control (Scotland) Act, 1943, the Furnished Houses (Rent Control) Act, 1946, and the Landlord and Tenant (Rent Control) Act, 1949, which arise by reason of the subsistence of a superior interest belonging to the Crown, the Duchy of Lancaster or the Duchy of Cornwall. [1st August, 1952.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Crown exemption from Rent Control Acts not to extend to mesne tenants or assignees from Crown.

1.—(1) Notwithstanding any rule of law excluding the operation of any of the Rent Control Acts where there subsists, or at any material time subsisted, an interest belonging to Her Majesty in right of the Crown or of the Duchy of Lancaster, or to the Duchy of Cornwall, or belonging to a Government department or held in trust for Her Majesty for the purposes of a Government department, the Rent Control Acts shall, subject

to the provisions of this Act, apply in relation to premises in which there subsists, or at any material time subsisted, an interest belonging or held as aforesaid as they apply in relation to premises in which no such interest subsists or ever subsisted.

(2) A tenant, lessee or mortgagor shall not be protected by virtue of this section at any time when the interest of the landlord, lessor or mortgagee belongs or is held as aforesaid.

(3) Subsection (1) of this section shall not affect the requiring of a premium, or of any sum which in accordance with any provision of the Landlord and Tenant (Rent Control) Act, 1949, is to be treated as if it were a premium—

(*a*) as a condition of the grant, continuance or renewal of a tenancy or of rights under a contract by a landlord or lessor whose interest belongs or is held as aforesaid; or

(*b*) as a condition of the assignment of a tenancy or of rights under a contract by a tenant or lessee where the interest of the landlord or lessor is an interest so belonging or held.

Nothing in paragraph (*a*) of this subsection shall be construed as limiting the generality of the last foregoing subsection.

(4) In this Act the expression " the Rent Control Acts " means the Rent and Mortgage Interest Restrictions Acts, 1920 to 1939, the Rent of Furnished Houses Control (Scotland) Act, 1943, the Furnished Houses (Rent Control) Act, 1946, and the Landlord and Tenant (Rent Control) Act, 1949.

Consequential provisions.

2.—(1) In so far as the Rent and Mortgage Interest Restrictions Acts, 1920 to 1938 have effect by virtue of the foregoing section, they shall subject as hereinafter provided have effect as they have effect in relation to a dwelling-house to which they were applied by the Rent and Mortgage Interest Restrictions Act, 1939:

Provided that—

(*a*) paragraph (*a*) of subsection (1) of section twelve of the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, which defines standard rent, shall have effect as if for the words from " the rent at which the dwelling-house was let " to " at which it was first let " there were substituted the words " the rent at which the dwelling-house was let on the critical date as defined in the Crown Lessees (Protection of Sub-Tenants) Act, 1952 ";

(*b*) the enactments specified in the Schedule to this Act shall have effect subject to the adaptations specified in that Schedule.

(2) Where under the foregoing provisions of this Act the standard rent for any premises would be a rent or amount such as is mentioned in paragraph (*a*) or (*b*) of subsection (1) of section one of the Landlord and Tenant (Rent Control) Act, 1949—

(*a*) the said provisions shall have effect subject to the said section one, and

(*b*) those provisions shall not be treated as such a limitation of rent as is mentioned in paragraph (*b*) of subsection (7) of the said section one (which paragraph excludes the operation of that section while a limitation of rent is in force which is imposed by or under certain enactments).

(3) In this section, and in the Schedule to this Act, the expression " the critical date " in relation to a dwelling-house means—

(*a*) if a tenant of the dwelling-house was protected by virtue of the foregoing section immediately after the commencement of this Act, the eighth day of February, nineteen hundred and fifty-two, or, if the dwelling-house was not then let, the date on which it was first let thereafter;

(*b*) in any other case, the first date after the commencement of this Act on which a tenant of the dwelling-house is protected by virtue of the foregoing section.

(4) Where any order or judgment has been made or given by a court before the commencement of this Act, but has not been executed, and in the opinion of the court the order or judgment would not have been made or given if this Act had been in operation at the time when the order or judgment was made or given, the court may, on application by the tenant, rescind or vary the order or judgment in such manner as the court thinks fit for the purpose of giving effect to this Act.

(5) In subsection (3) of section fifteen of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951, for the words from the beginning to the second " quit " there shall be substituted the words " The subsistence of a Crown interest in premises shall not affect the operation of this section ", and paragraph (*c*) of subsection (2) of section sixteen of that Act shall cease to have effect; but nothing in the foregoing provisions of this subsection shall be construed as excluding the operation of Part II of that Act, as amended by those provisions, in cases where there subsists a Crown interest (as defined in the said Part II) not being the reversion immediately expectant on the tenancy in question.

(6) In the application of the last foregoing subsection to Scotland any reference to the reversion immediately expectant on a tenancy shall be construed as a reference to the interest of the immediate landlord of the tenant under the tenancy.

Short title, interpretation, extent and commencement.

3.—(1) This Act may be cited as the Crown Lessees (Protection of Sub-Tenants) Act, 1952.

(2) In this Act the expressions "lessee" and "lessor," in relation to premises in England or Wales, have the same meanings as in the Furnished Houses (Rent Control) Act, 1946, and, in relation to premises in Scotland, have the same meanings as in the Rent of Furnished Houses Control (Scotland) Act, 1943; and other expressions used in this Act and in the Rent and Mortgage Interest Restrictions Acts, 1920 to 1939, or the Landlord and Tenant (Rent Control) Act, 1949, have the same meanings in this Act as in those Acts.

(3) This Act shall not extend to Northern Ireland.

(4) This Act shall come into operation on the first day of September, nineteen hundred and fifty-two.

SCHEDULE

Section 2.

CONSEQUENTIAL ADAPTATION OF ENACTMENTS

Adaptations of Acts of 1920 *to* 1938 *as modified by Act of* 1939

Section one of the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920 (which restricts increases of rent and mortgage interest) shall have effect—

(*a*) so far as it relates to rent, as if for the reference to the passing of the Rent and Mortgage Interest Restrictions Act, 1939, there were substituted a reference to the critical date, and in relation to a tenant protected by virtue of section one of this Act immediately after the commencement thereof, as if for the reference to the commencement of the said Act of 1939 there were substituted a reference to the commencement of this Act, and

(*b*) so far as it relates to the rate of interest on a mortgage, as if for the reference to the passing of the said Act of 1939 there were substituted a reference to the eighth day of February, nineteen hundred and fifty-two and for the reference to the commencement of that Act there were substituted a reference to the commencement of this Act.

In paragraphs (*a*) and (*b*) of subsection (1) of section two of the said Act of 1920 (which specify permitted increases of rent for improvements, structural alterations and increases in rates) for the references to the commencement of the said Act of 1939 there shall be substituted references to the critical date.

SCH. —*cont.*

In paragraph (i) of the proviso to section seven of the said Act of 1920 (which provides certain exceptions from the restriction imposed by that section on the calling in of mortgages) for the reference to the date of the passing of the said Act of 1939 there shall be substituted a reference to the eighth day of February, nineteen hundred and fifty-two.

In subsection (1) of section nine and in section ten of the said Act of 1920 (which restrict the rents to be charged on furnished lettings) for the references to the passing and to the commencement of the said Act of 1939 there shall be substituted references to the commencement of this Act, and for the purposes of the said section nine the expression " normal profit " shall mean the profit which might reasonably have been expected from a similar letting in the year ending with the critical date.

Paragraph (*b*) of subsection (1) of section twelve of the said Act of 1920 (which defines " standard rate of interest ") shall have effect as if the reference to a mortgage in force on the day therein mentioned were a reference to a mortgage in force on the eighth day of February, nineteen hundred and fifty-two.

In subsection (4) of section four of the Rent and Mortgage Interest Restrictions (Amendment) Act, 1933 (which requires a tenant to supply the landlord with particulars of any subletting) for the reference to the commencement of the said Act of 1939 there shall be substituted a reference to the commencement of this Act.

In section six of the said Act of 1933 (which enables the court to determine the standard rent where it is not reasonably practicable to obtain sufficient evidence) for the words from " at which the dwelling-house was let " to " the rent at which it was first let " there shall be substituted the words " at which the dwelling-house was let on the critical date (as defined in the Crown Lessees (Protection of Sub-Tenants) Act, 1952) ".

In the First Schedule to the said Act of 1933 (which specifies grounds for possession or ejectment without proof of alternative accommodation) paragraph (*h*) shall have effect with the substitution for the date therein mentioned of the eighth day of February, nineteen hundred and fifty-two.

Adaptation of 12, 13 & 14 *Geo.* 6. *c.* 40

Sections two and twelve of the Landlord and Tenant (Rent Control) Act, 1949 (which prohibit the requiring of premiums on the grant, continuance, renewal or assignment of unfurnished and furnished lettings respectively) shall not affect the payment of any premium or other sum required under an agreement made before the eighth day of February, nineteen hundred and fifty-two.

In head (*a*) of sub-paragraph (1) of paragraph 5 of the First Schedule to the said Act of 1949, for the words from " before " to " paid " there shall be substituted the words " a premium has been lawfully required and paid under an agreement made before the commencement of the Crown Lessees (Protection of Sub-Tenants) Act, 1952."

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Increase of Rent and Mortgage Interest (Restrictions) Act, 1920	10 & 11 Geo. 5. c. 17.
Rent and Mortgage Interest Restrictions (Amendment) Act, 1933	23 & 24 Geo. 5. c. 32.
Rent and Mortgage Interest Restrictions Act, 1939	2 & 3 Geo. 6. c. 71.
Rent of Furnished Houses Control (Scotland) Act, 1943	6 & 7 Geo. 6. c. 44.
Furnished Houses (Rent Control) Act, 1946 ...	9 & 10 Geo. 6. c. 34.
Landlord and Tenant (Rent Control) Act, 1949	12, 13 & 14 Geo. 6. c. 40.
Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951	14 & 15 Geo. 6. c. 65.

CHAPTER 41

An Act to amend the Bastardy Laws Amendment Act, 1872, by increasing to thirty shillings the maximum weekly payment in respect of a child under an affiliation order, and, in the case of a child engaged in a course of education or training, to extend until the child reaches the age of twenty-one the period for which under that Act payments may be continued under an affiliation order or for which under the Illegitimate Children (Scotland) Act, 1930, the parents are under obligation to provide aliment; and for purposes connected therewith. [1st August, 1952.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Increase in sums payable under affiliation orders.

1.—(1) The maximum weekly payment which the putative father of an illegitimate child may be required by an affiliation order to make in respect of the child shall be thirty shillings.

(2) Accordingly in section four of the Bastardy Laws Amendment Act, 1872 (as originally enacted), " thirty shillings " shall be substituted for " five shillings ", and section two of the Bastardy Act, 1923 (which increased the maximum weekly payment to twenty shillings), is hereby repealed.

(3) An affiliation order may be varied under subsection (3) of section thirty of the Criminal Justice Administration Act, 1914, so as to require the making of weekly payments of more than