(2) References in this Act to any enactment shall be construed as references to that enactment as amended by any subsequent enactment, including (unless the context otherwise requires) this Act.

(3) This Act shall come into force one month after the passing of this Act.

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

CHAPTER 28

An Act to make temporary provision for the protection of occupiers of residential property in Scotland under leases of not less than thirty-one years.

[10th May 1951.]

BE it enacted by the King'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:—

Continuation of certain leases.

1.—(1) Where, in terms of any lease to which this section applies, the ish falls within the period of two years beginning with the commencement of this Act, the lease shall, subject as hereinafter provided, have effect as if for such ish there were substituted the date when the said period expires.

(2) This section applies to any lease for not less than thirty-one years of property in Scotland if, immediately before the ish, the tenant or a member of his family is living in the property or a part thereof in pursuance of the lease.

Power of tenant to exclude operation of foregoing section.

2.—(1) Where the tenant under any such lease as is mentioned in subsection (1) of the foregoing section gives to the landlord, within the time hereinafter specified, notice in writing that he does not desire that the lease shall be continued under the said subsection (1), that subsection shall not have effect regarding such lease.

(2) Notice for the purposes of the last foregoing subsection shall be given not later than forty days before the ish, or, if the ish occurs not more than forty days after the commencement of this Act, such notice shall be given not later than forty days after such commencement.

(3) Where a lease has been continued under subsection (1) of section one of this Act, and the tenant gives to the landlord notice in writing that he desires that the said subsection (1)

shall no longer apply to the lease, the lease shall come to an end on such date not earlier than forty days after the giving of the notice as may be specified therein.

Restrictions on enforcement of irritancy, etc.

3.—(1) While, in pursuance of a lease of property in Scotland for not less than thirty-one years and terminating at an ish falling within the period specified in subsection (1) of section one of this Act, the tenant or a member of his family is living in the property or part thereof, it shall not be lawful for the landlord during the aforesaid period—

(*a*) to enforce any irritancy of the lease whether legal or conventional; or

(*b*) to exercise any power conferred by the lease to resume possession of the land or any part thereof; or

(*c*) to bring any action of damages against the tenant for failure to comply with any term or condition of the lease,

and any proceedings to enforce such irritancy or to recover possession in pursuance of such power or to recover such damages brought at any time between the twenty-first day of November nineteen hundred and fifty and the commencement of this Act and not finally disposed of before the commencement of this Act shall be sisted until the expiry of the period specified in subsection (1) of section one of this Act or until there is no longer living in the property or any part thereof the tenant or a member of his family, whichever first occurs, without prejudice, however, to the making of any order as to expenses.

(2) Nothing in the last foregoing subsection shall apply in relation to any lease where the tenant has given notice to the landlord under subsection (1) or subsection (3) of section two of this Act, or where the tenant is in breach of any obligation with regard to the payment of rent or to the insurance of the buildings comprised in the lease.

Application to Crown.

4. This Act shall apply where there is an interest belonging to His Majesty in right of the Crown or to a Government department or held on behalf of His Majesty for the purposes of a Government department in like manner as where no such interest subsists.

Interpretation.

5. For the purposes of this Act—

(*a*) any reference to the ish shall, in relation to a lease continued by tacit relocation, be construed as a reference to the date to which the lease has, at the commencement of this Act, been so continued; and

(*b*) any reference to a tenant living in a property or a part thereof in pursuance of a lease shall include a reference

(i) to a minister or full-time lay missionary of any religious denomination living in the property or a part thereof by virtue of his office as such minister or missionary; and

(ii) in the case of a tenancy vested in trustees or forming part of the estate of a deceased person, to a person beneficially interested under the trust or in the estate and living in the property or a part thereof.

Citation.

6. This Act may be cited as the Long Leases (Temporary Provisions) (Scotland) Act, 1951.

CHAPTER 29

An Act to indemnify the Reverend James Godfrey MacManaway from any penal consequences incurred under the House of Commons (Clergy Disqualification) Act, 1801, by sitting or voting as a member of the Commons House of the Parliament of the United Kingdom or as a member of the House of Commons of Northern Ireland. [10th May 1951.]

WHEREAS the Reverend James Godfrey MacManaway was declared elected on the eleventh day of February, nineteen hundred and forty-nine, as a member of the House of Commons of Northern Ireland, and on the twenty-fourth day of February, nineteen hundred and fifty, as a member of the Commons House of the Parliament of the United Kingdom:

And whereas on the seventeenth day of October, nineteen hundred and fifty, the Judicial Committee of His Majesty's Privy Council, upon a reference made by Order in Council pursuant to an Address presented by the Commons House of the Parliament of the United Kingdom, advised His Majesty that the said James Godfrey MacManaway, having been ordained as a priest according to the use of the Church of Ireland, was disabled by the House of Commons (Clergy Disqualification) Act, 1801, from sitting and voting in that House and a resolution to that effect was agreed to by that House on the 19th day of October nineteen hundred and fifty:

41 Geo. 3. c. 63.