

## SCHEDULES

### SCHEDULE 14

Section 86

#### RENT ARREARS RECOVERY: AMENDMENTS

##### *Distress for Rent Act 1689 (c. 5)*

1 The Distress for Rent Act 1689 ceases to have effect.

##### *Landlord and Tenant Act 1709 (c. 18)*

2 In the Landlord and Tenant Act 1709 omit the following—  
(a) section 1;  
(b) sections 6 to 8.

##### *Landlord and Tenant Act 1730 (c. 28)*

3 In the Landlord and Tenant Act 1730 omit section 5.

##### *Distress for Rent Act 1737 (c. 19)*

4 In the Distress for Rent Act 1737 the following cease to have effect—  
(a) sections 1 to 10;  
(b) sections 16 and 17;  
(c) section 19.

##### *Deserted Tenements Act 1817 (c. 52)*

5 The Deserted Tenements Act 1817 ceases to have effect.

##### *Fines and Recoveries Act 1833 (c. 74)*

6 (1) In section 67 of the Fines and Recoveries Act 1833 (assignees to recover rent of the lands of a bankrupt), for the words from “or may distrain” to “recovering of rent in arrear;” substitute “or, so far as the power under section 72(1) of the Tribunals, Courts and Enforcement Act 2007 (commercial rent arrears recovery) is exercisable to recover any of those rents and profits, may exercise that power, as if they were the landlord, on behalf of the creditors;”.

(2) This paragraph does not extend to Northern Ireland.

##### *Metropolitan Police Courts Act 1840 (c. 84)*

7 The Metropolitan Police Courts Act 1840 ceases to have effect.

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*Execution Act 1844 (c. 96)*

8 The Execution Act 1844 ceases to have effect.

*Lands Clauses Consolidation Act 1845 (c. 18)*

- 9 (1) In section 11 of the Lands Clauses Consolidation Act 1845 (payment of rents to be charged on tolls) omit the words from “or it shall be lawful” to the end.
- (2) This paragraph extends only to England and Wales.

*Inclosure Act 1845 (c. 118)*

10 In section 112 of the Inclosure Act 1845 (recovery of rents of allotment) for “by distress” substitute “under section 72(1) of the Tribunals, Courts and Enforcement Act 2007 (commercial rent arrears recovery)”.

*Markets and Fairs Clauses Act 1847 (c. 14)*

- 11 (1) Section 38 of the Markets and Fairs Clauses Act 1847 (recovery of stallage, rents or tolls) is amended as follows.
- (2) The existing words become subsection (1).
- (3) After “England” insert “(subject to subsection (2))”.
- (4) After subsection (1) insert—
- “(2) Subsection (1) does not apply to the levying of rent in respect of premises in England and Wales to the extent that the power under section 72(1) of the Tribunals, Courts and Enforcement Act 2007 (commercial rent arrears recovery) is exercisable to recover such rent.
- (3) Where that power is exercisable to recover such rent, either the undertakers or their lessee, if not the landlord for the purposes of section 72(1) of that Act, may exercise that power as if they or he were the landlord.”
- (5) This paragraph extends only to England and Wales.

*Sequestration Act 1849 (c. 67)*

- 12 (1) Section 1 of the Sequestration Act 1849 (sequestrator enabled to sue etc. in his own name) is amended as follows.
- (2) For “levy any distress” substitute “exercise the power under section 72(1) of the Tribunals, Courts and Enforcement Act 2007 (commercial rent arrears recovery)”.
- (3) Omit the words “levy” and “distress” in the second place where each occurs.
- (4) Omit “levied”.

*Landlord and Tenant Act 1851 (c. 25)*

- 13 (1) The Landlord and Tenant Act 1851 ceases to have effect.
- (2) This paragraph extends only to England and Wales.

*Common Law Procedure Act 1852 (c. 76)*

- 14 The Common Law Procedure Act 1852 is amended as follows.
- 15 In section 210 (proceedings in ejectment by landlord for non-payment of rent), for “and that no sufficient distress was to be found on the demised premises, countervailing the arrears then due” substitute “and that either of the conditions in section 210A was met in relation to the arrears”.
- 16 After that section insert—

**“210A Conditions relating to commercial rent arrears recovery**

- (1) The first condition is that the power under section 72(1) of the Tribunals, Courts and Enforcement Act 2007 (commercial rent arrears recovery) was not exercisable to recover the arrears.
- (2) The second condition is that there were not sufficient goods on the premises to recover the arrears by that power.”

*Improvement of Land Act 1864 (c. 114)*

- 17 (1) In section 64 of the Improvement of Land Act 1864 (interest on arrears of rentcharges), for the words from “a sufficient distress” to “charges of such distress” substitute “goods that would be sufficient to pay the amount outstanding under Schedule 12 to the Tribunals, Courts and Enforcement Act 2007 (taking control of goods)”.
- (2) This paragraph extends only to England and Wales.

*Railway Rolling Stock Protection Act 1872 (c. 50)*

- 18 (1) The Railway Rolling Stock Protection Act 1872 ceases to have effect.
- (2) This paragraph extends only to England and Wales.

*Law of Distress Amendment Act 1888 (c. 21)*

- 19 The Law of Distress Amendment Act 1888 ceases to have effect.

*Law of Distress Amendment Act 1908 (c. 53)*

- 20 The Law of Distress Amendment Act 1908 ceases to have effect.

*Law of Property Act 1925 (c. 20)*

- 21 The Law of Property Act 1925 is amended as follows.
- 22 In section 109 (powers etc. of receiver appointed by mortgagee), in subsection (3), for “, distress” substitute “or under section 72(1) of the Tribunals, Courts and Enforcement Act 2007 (commercial rent arrears recovery)”.
- 23 Section 121(2) ceases to have effect.
- 24 In section 150 (surrender of a lease, without prejudice to underleases with a view to the grant of a new lease), in subsection (5), for “by distress or” substitute “under

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section 72(1) of the Tribunals, Courts and Enforcement Act 2007 (commercial rent arrears recovery) or by”.

25 In section 162 (restrictions on the perpetuity rule) in subsection (1) omit paragraph (a).

26 In section 189 (indemnities against rents) omit subsection (1).

27 (1) Section 190 (equitable apportionment of rents and remedies for non-payment or breach of covenant) is amended as follows.

(2) Omit subsection (2).

(3) For subsections (4) and (5) substitute—

“(4) Subsection (5) applies where—

- (a) any default is made in payment of the whole or part of a rent by the person (“the defaulter”) who, by reason of a charge or apportionment within subsection (3), is liable to pay it, and
- (b) the lessee for the time being of any other land comprised in the lease, in whom, as respects that land, the residue of the term or interest created by the lease is vested, (“the paying lessee”) pays or is required to pay the whole or part of the rent which ought to have been paid by the defaulter.

(5) Section 72(1) of the Tribunals, Courts and Enforcement Act 2007 (commercial rent arrears recovery) applies, subject to the other provisions of Chapter 2 of Part 3 of that Act, to the recovery by the paying lessee from the defaulter of the rent paid by the paying lessee which ought to have been paid by the defaulter, as if the paying lessee were the landlord, and the defaulter his tenant, under the lease.”

(4) In subsection (7) omit “owner or”.

#### *Administration of Estates Act 1925 (c. 23)*

28 (1) Section 26 of the Administration of Estates Act 1925 (rights of action by and against personal representative) is amended as follows.

(2) Omit subsection (3).

(3) For subsection (4) substitute—

“(4) To recover rent due or accruing to the deceased, a personal representative may exercise any power under section 72(1) (commercial rent arrears recovery) or 81 (right to rent from sub-tenant) of the Tribunals, Courts and Enforcement Act 2007 that would have been exercisable by the deceased if he had still been living.”

#### *Leasehold Reform Act 1967 (c. 88)*

29 In section 15 of the Leasehold Reform Act 1967 (terms of tenancy to be granted on extension), in subsection (3) for “distress, re-entry or otherwise” substitute “re-entry or otherwise (subject to section 85 of the Tribunals, Courts and Enforcement Act 2007)”.

*Agriculture Act 1970 (c. 40)*

- 30 In section 85 of the Agriculture Act 1970 (exemption for certain sales), in paragraph (d) after “warrant of distress” insert “or warrant of control”.

*Rent (Agriculture) Act 1976 (c. 80)*

- 31 Section 8 of the Rent (Agriculture) Act 1976 ceases to have effect.

*Rent Act 1977 (c. 42)*

- 32 The Rent Act 1977 is amended as follows
- 33 In section 141(5) (county court jurisdiction) (until its repeal by the Courts and Legal Services Act 1990 (c. 41) comes into force) for “sections 147 and” substitute “section”.
- 34 Section 147 ceases to have effect.

*Limitation Act 1980 (c. 58)*

- 35 The Limitation Act 1980 is amended as follows
- 36 In section 19 (time limit for actions to recover rent) for “or distress made” substitute “and the power conferred by section 72(1) of the Tribunals, Courts and Enforcement Act 2007 shall not be exercisable”.
- 37 In section 38 (interpretation) omit “rentcharges and” and “rent or”.

*County Courts Act 1984 (c. 28)*

- 38 The County Courts Act 1984 is amended as follows.
- 39 Section 116 ceases to have effect.
- 40 In section 139, for subsection (1)(c) substitute—
- “(c) the power under section 72(1) of the Tribunals, Courts and Enforcement Act 2007 (commercial rent arrears recovery) is exercisable to recover the arrears; and
  - (d) there are not sufficient goods on the premises to recover the arrears by that power.”.

*Agricultural Holdings Act 1986 (c. 5)*

- 41 The Agricultural Holdings Act 1986 is amended as follows.
- 42 Omit sections 16 to 19.
- 43 In section 24 (restriction of landlord’s remedies for breach of contract of tenancy) omit “, by distress or otherwise,”.

*Insolvency Act 1986 (c. 45)*

- 44 (1) Section 347 of the Insolvency Act 1986 (distress etc.) is amended as follows.
- (2) In subsection (1) for the words from the beginning to “available” substitute “CRAR (the power of commercial rent arrears recovery under section 72(1) of the Tribunals,

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Courts and Enforcement Act 2007) is exercisable where the tenant is an undischarged bankrupt”.

(3) In subsection (2)—

- (a) for the words from the beginning to “goods and effects of” substitute “Where CRAR has been exercised to recover rent from”;
- (b) for “that distress” substitute “CRAR”;
- (c) for “the distress was levied” substitute “goods were taken control of under CRAR”.

(4) In subsection (5) for the words from the beginning to “upon” substitute “CRAR is not exercisable at any time after the discharge of a bankrupt against”.

(5) Omit subsections (6) and (7).

(6) Omit subsection (11).

*Housing Act 1988 (c. 50)*

45 Omit section 19 of the Housing Act 1988.

*Water Industry Act 1991 (c. 56)*

46 In section 179 of the Water Industry Act 1991 (vesting of works in undertaker) in subsection (4)(b) omit “or to the landlord’s remedy for rent”.

*Leasehold Reform, Housing and Urban Development Act 1993 (c. 28)*

47 In section 57 of the Leasehold Reform, Housing and Urban Development Act 1993 (terms on which new lease is to be granted), in subsection (2)(b)(ii) for “distress, re-entry or otherwise” substitute “re-entry or otherwise (subject to section 85 of the Tribunals, Courts and Enforcement Act 2007)”.

*Constitutional Reform Act 2005 (c. 4)*

48 In Schedule 7 to the Constitutional Reform Act 2005 (protected functions of the Lord Chancellor), in paragraph 4, omit the entry for the Law of Distress Amendment Act 1888.