



Fines and Recoveries Act 1833

1833 CHAPTER 74 3 and 4 Will 4

67 Assignees to recover rents of the lands of a bankrupt, of which the Commissioner has power to make disposition, and to enforce covenants, as if entitled to the reversion. This clause to apply to all copyhold land; but as to other lands, only to such as the Commissioner may dispose of after the bankrupt's death.

The rents and profits of any lands of which any commissioner acting in the execution of any such fiat as aforesaid hath power to make disposition under this Act shall in the meantime and until such disposition shall be made, or until it shall be ascertained that such disposition shall not be required for the benefit of the creditors of the person [^{F1}made] bankrupt under the fiat, be received by the assignees of the estate of the bankrupt, for the benefit of his creditors; and the assignees may proceed by action of debt for the recovery of such rents and profits, [^{F2} 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;] and such assignees, and their bailiffs, agents, and servants, shall also have all such and the same remedies, powers, privileges, and advantages of pleading, avowing, and making cognizance, and be entitled to the same costs and damages, and the same remedies for the recovery thereof, as landlords, their bailiffs, agents, and servants, are now or hereafter may be by law entitled to have when rent is in arrear; and such assignees shall also have the same power and authority of enforcing the observance of all covenants, conditions, and agreements in respect of the lands of which such Commissioner as aforesaid hath the power of disposition under this Act, and in respect of the rents and profits thereof, and of entry into and upon the same lands for the non-observance of any such covenant, condition, and agreement, and of expelling and amoving therefrom the tenants or other occupiers thereof, and thereby determining and putting an end to the estate of the persons who shall not have observed such covenants, conditions, and agreements, as the bankrupt would have had in case he had not been [^{F1}made] a bankrupt: Provided always, that this clause shall apply to all lands held by copy of court roll, but shall only apply to those lands of any other tenure which any Commissioner acting in the execution of any such fiat as aforesaid may have power to dispose of under this Act after the bankrupt's decease.

Changes to legislation: There are currently no known outstanding effects for the Fines and Recoveries Act 1833, Section 67. (See end of Document for details)

Textual Amendments

- F1** Word in s. 67 substituted (6.4.2016) by [The Enterprise and Regulatory Reform Act 2013 \(Consequential Amendments\) \(Bankruptcy\)](#) and the [Small Business, Enterprise and Employment Act 2015 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/481\)](#), reg. 1, **Sch. 1 para. 18**
- F2** Words in s. 67 substituted (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, **Sch. 14 para. 6** (with s. 89); S.I. 2014/768, art. 2(1)(b)

Modifications etc. (not altering text)

- C1** Ss. 57, 58, 60–65, 67, 69, 71 applied by [Bankruptcy Act 1914 \(c. 59\)](#), **s. 55(5)** which is repealed (E.W.) by [Insolvency Act 1985 \(c. 65, SIF 66\)](#), s. 235(3), **Sch. 10 Pt. III**

Changes to legislation:

There are currently no known outstanding effects for the Fines and Recoveries Act 1833, Section 67.