



# Tribunals, Courts and Enforcement Act 2007

## 2007 CHAPTER 15

### PART 3

#### ENFORCEMENT BY TAKING CONTROL OF GOODS

#### CHAPTER 2

#### RENT ARREARS RECOVERY

#### *Commercial rent arrears recovery*

#### **77 The rent recoverable**

- (1) CRAR is not exercisable except to recover rent that meets each of these conditions—
  - (a) it has become due and payable before notice of enforcement is given;
  - (b) it is certain, or capable of being calculated with certainty.
- (2) The amount of any rent recoverable by CRAR is reduced by any permitted deduction.
- (3) CRAR is exercisable only if the net unpaid rent is at least the minimum amount immediately before each of these—
  - (a) the time when notice of enforcement is given;
  - (b) the first time that goods are taken control of after that notice.
- (4) The minimum amount is to be calculated in accordance with regulations.
- (5) The net unpaid rent is the amount of rent that meets the conditions in subsection (1), less—
  - (a) any interest or value added tax included in that amount under section 76(1) (a) or (b), and

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*Status: Point in time view as at 26/05/2015. This version of this provision has been superseded.*

*Changes to legislation: Tribunals, Courts and Enforcement Act 2007, Section 77 is up to date with all changes known to be in force on or before 08 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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- (b) any permitted deductions.
- (6) Regulations may provide for subsection (5)(a) not to apply in specified cases.
- (7) Permitted deductions, against any rent, are any deduction, recoupment or set-off that the tenant would be entitled to claim (in law or equity) in an action by the landlord for that rent.

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**Commencement Information**

- I1** S. 77(1)-(3)(5)(7) in force at 6.4.2014 by S.I. 2014/768, **art. 2(1)(a)**
- I2** S. 77(4)(6) in force at 15.7.2013 for specified purposes by S.I. 2013/1739, **art. 3(d)**
- I3** S. 77(4)(6) in force at 6.4.2014 in so far as not already in force by S.I. 2014/768, **art. 2(1)(a)**

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