

---

STATUTORY INSTRUMENTS

---

**2013 No. 1894**

**The Taking Control of Goods Regulations 2013**

**PART 7**

**COMMERCIAL RENT ARREARS RECOVERY (CRAR)**

*General*

**Part 7 to apply only to CRAR**

**50.** This Part only applies to debts enforceable under section 72 of the Act.

**Authorisation by landlord to another to exercise CRAR on landlord's behalf**

**51.** Where a landlord gives authorisation under section 73(8) of the Act to a person to exercise CRAR on the landlord's behalf, the authorisation must—

- (a) only authorise an enforcement agent; and
- (b) be in writing, be signed by the landlord and provide the following information—
  - (i) the date of authorisation;
  - (ii) the landlord's name and contact details;
  - (iii) the name and contact details of the person authorised to act on behalf of the landlord;
  - (iv) sufficient detail to enable the authorised person to identify the commercial premises in respect of which CRAR may now be exercised on the landlord's behalf;
  - (v) the amount of rent owed; and
  - (vi) the period in relation to which the rent is owed.

**Minimum amount of net unpaid rent for CRAR to become exercisable**

**52.** The minimum amount of net unpaid rent for the purposes of section 77(3) of the Act is an amount equal to 7 days' rent.

*Right to rent from sub-tenant*

**Notice to sub-tenant: when notice takes effect and service**

**53.—(1)** A notice served on any sub-tenant under section 81(2) of the Act takes effect 14 clear days after the notice is served on that sub-tenant.

(2) The notice must be served on the sub-tenant by a method required under regulation 8(1) (method of giving notice).

**Notice to sub-tenant: form and contents**

**54.** The notice must be in writing, be signed by the landlord and contain the following information—

- (a) the landlord’s name, reference and contact details and the date of the notice;
- (b) the amount of rent the landlord has the right to recover from the immediate tenant by CRAR (the notified amount);
- (c) that while the notified amount remains unpaid, the sub-tenant must pay the sub-tenant’s rent directly to the landlord instead of to the immediate tenant, as a discharge for any rent payable by the sub-tenant under the sub-lease, until—
  - (i) the notified amount has been paid (by payments under the notice or otherwise); or
  - (ii) the notice is replaced or withdrawn; and
- (d) that the landlord may withdraw the notice in accordance with regulation 55.

**Notice to sub-tenant: withdrawal of notice**

**55.** A notice served on any sub-tenant under section 81(2) of the Act is withdrawn if the landlord provides written notice to the sub-tenant who received that notice that it is withdrawn.