



# Landlord and Tenant Act 1709

## 1709 CHAPTER 18 8 Ann

X1

F1

An Act for the better Security of Rents and to prevent Frauds committed by Tenants.

### Editorial Information

X1 This Act is Chapter XIV. in the Common printed Editions

### Textual Amendments

F1 Certain words repealed by [Statute Law Revision Act 1948 \(c. 62\)](#), [Sch.1](#)

### Modifications etc. (not altering text)

C1 Short title “The Landlord and Tenant Act 1709” given by [Short Titles Act 1896 \(c. 14\)](#)

C2 Words of enactment omitted under authority of [Statute Law Revision Act 1948 \(c. 62\)](#), [s. 3](#)

## [I.] **Goods taken in Execution not removed unless Party taking pay Rent due. Proviso as to the Amount of Rent. Power of Sheriff.**

FOR the more easie and effectual Recovery of Rents reserved on Leases for Life or Lives Term of Years at Will or otherwise No Goods or Chattels whatsoever lying or being in or upon any Messuage Lands or Tenements which are or shall be leased for Life or Lives Term of Years at Will or otherwise shall be liable to be taken by virtue of any Execution on any Pretence whatsoever unless the Party at whose Suit the said Execution is sued out shall before the Removal of such Goods from off the said Premises by virtue of such Execution or Extent pay to the Landlord of the said Premises or his Bailiff all such Sum or Sums of Money as are or shall be due for Rent for the said Premises at the Time of the taking such Goods or Chattels by virtue of such Execution Provided the said Arrears of Rent do not amount to more than One Years Rent and in case the said Arrears shall exceed One Years Rent then the said Party at whose Suit such Execution is sued out paying the said Landlord or his Bailiff One Years Rent may proceed to execute his Judgment as he might have done before the making of this Act <sup>X2</sup>and the Sheriff or other Officer is hereby impowered and

*Status: Point in time view as at 01/02/1991.*  
*Changes to legislation: There are currently no known outstanding effects for the Landlord and Tenant Act 1709. (See end of Document for details)*

required to levy and pay to the Plaintiff as well the Money so paid for Rent as the Execution Money]

**Editorial Information**  
 X2 annexed to the Original Act in a separate Schedule

**Modifications etc. (not altering text)**  
 C3 S. 1 excluded (E.W.) by County Courts Act 1984 (c.28, SIF 34), s. 102(1)  
 C4 S. 1 restricted (E.W.) by Insolvency Act 1986 (c.45, SIF 66), s. 347(6)(a)(7)(8)

II ..... F2

**Textual Amendments**  
 F2 Ss. 2, 3, 5 repealed by Statute Law Revision Act 1867 (c. 59)

III ..... F3

**Textual Amendments**  
 F3 Ss. 2, 3, 5 repealed by Statute Law Revision Act 1867 (c. 59)

IV **Action for Arrears of Rent against Tenant for Life.**

AND whereas no Action of Debt lies against a Tenant for Life or Lives for any Arrears of Rent during the Continuance of such Estate for Life or Lives it shall and may be lawful for any Person or Persons having any Rent in Arrear or due upon any Lease or Demise for Life or Lives to bring an Action or Actions of Debt for such Arrears of Rent in the same Manner as they might have done in case such Rent were due and reserved upon a Lease for Years

V ..... F4

**Textual Amendments**  
 F4 Ss. 2, 3, 5 repealed by Statute Law Revision Act 1867 (c. 59)

VI **Distress for Arrears on Leases determined.**

AND whereas Tenants per auter vie and Lessees for Years or at Will frequently hold over the Tenements to them demised after the Determination of such Leases And whereas after the Determination of such or any other Leases no Distress can by Law be made for any Arrears of Rent that grew due on such respective Leases before the Determination thereof it shall and may be lawful for any Person or Persons having any Rent in arrear or due upon any Lease for Life or Lives or for Years or at Will ended or

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determined to distrain for such Arrears after the Determination of the said respective Leases in the same Manner as they might have done if such Lease or Leases had not been ended or determined

## **VII Limitation of such Distress.**

[<sup>X3</sup>PROVIDED That such Distress be made within the Space of Six Calendar Months after the Determination of such Lease [<sup>X4</sup>and] during the Continuance of such Landlords Title or Interest and during the Possession of the Tenant from whom such Arrears became due]

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### **Editorial Information**

- X3** annexed to the Original Act in a separate Schedule
- X4** interlined on the Roll

## **VIII Proviso for the Crown.**

[<sup>X5</sup>PROVIDED always That nothing in this Act contained shall extend or be construed to extend to let hinder or prejudice Her Majesty Her Heires or Successors in the levying recovering or seizing any Debts Fines Penalties or Forfeitures that are or shall be due payable or answerable to Her Majesty Her Heirs or Successors but that it shall and may be lawful for Her Majesty Her Heirs and Successors to levy recover and seize such Debts Fines Penalties and Forfeitures in the same Manner as if this Act had never been made Any thing in this Act contained to the contrary thereof in any wise notwithstanding]

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### **Editorial Information**

- X5** annexed to the Original Act in a separate Schedule

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**Changes to legislation:**

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