

SCHEDULES

SCHEDULE 14

RENT ARREARS RECOVERY: AMENDMENTS

Law of Property Act 1925 (c. 20)

- 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”.