

4. Notice of Intention to exercise CRAR

No notice needed in past. Now 7 days clear notice. Crt's can order shorter period if concern that Ten will move goods away.

Prescribed information in the notice.

5. Need to use "Enforcement Agents"

Used to be certified bailiffs and now enforcement agents

6. Minimum amount of rent owing

Equals 7 days rent (excluding VAT and interest)

7. Practicalities for seizing/selling goods

- Only between 6.00am to 9.00pm **or** if Ten business has different opening hours – within those hours.
- Access via a door/usual means to access
- If Ten breaches Controlled Goods Agreement ten must be given 2 clear days notice before re-entry
- Period of seizure = 7 days

8. Sanctions for Breach of Rules

If LL/enforcement agent breach rules, then could be treated as a trespasser and legal action- damages.

If Ten breach – i.e. obstruct an enforcement agent then criminal offence max = 51 weeks imprisonment/fine

9. Recoverable Costs

Charge can be levied – fixed fee/% of value of goods

10. New Procedure re: Sub-Tenants

So if tenant in arrears LL can serve notice on sub-tenant and have rent re-directed.

Tort

- Negligence – Duty of care owed
- Nuisance
- Trespass
- Statutory Torts
- Defective Premises Act 1972 – If LL has an obligation to repair and has notice of disrepair or should be aware of a defect and no repairs carried out, then LL owes a duty of care and if an injury arises then LL is potentially liable.
- Remedies
 - Damages
 - Equitable relief