

JEREMYKNIGHT & CO

CHARTERED ACCOUNTANTS
LICENSED INSOLVENCY PRACTITIONERS

	DISTRESS (old law)	CRAR (new law)
Available to:	* Landlord	* Landlord * Secured creditor who has taken steps to enforce their security or take possession
Type of premises:	* Commercial and residential	* Commercial only
Remedy available to recover:	* Rent * Service charge * Additional costs * Rates	* Rent only
When available:	* When rent is one day in arrears	* When rent is seven days in arrears
Notice requirement:	* None required	* To be served by an Enforcement Agent * 7 clear days excluding Sundays, Christmas Day, Good Friday and Bank Holidays)
What happens to the goods:	* Goods are removed from premises, or * Walking possession of goods and tenant is given five days to clear the arrears. * If arrears are not cleared, landlord can return to collect goods	* Goods are removed from premises, or * Tenant and Landlord enter into a "Controlled Goods Agreement" (similar to walking possession) * Agent must wait seven days before selling the goods. * Goods must be sold within twelve months.
Penalty for tenant selling goods subject to walking possession or CRAR notice:	* Pound-breach, resulting in Treble Damages	* N/A
When and how enforcement can take place:	* When tenant falls in arrears * From sunrise to sunset * May enter the premises through open window or by climbing fence * May not force entry (unless he is already in property)	* Within 12 months from notice * Any day of the week (including Sundays and Bank Holidays) between 6am and 9pm * Can only enter through usual means of entry * May use reasonable force
Exempt goods:	* Goods with absolute privilege, including: - perishable items - things in actual use (e.g. clothes) - household goods and tools of trade - hired and leased goods - third party goods * Goods with qualified privilege including: - tools of trade in excess of those protected by absolute privilege	* Goods defined at S4 of The Taking Control of Goods Regulations 2013, including: - assistance dogs or sheep dogs - a vehicle with a disabled badge - household goods and tools of trade - a vehicle with a health emergency badge - third party goods

If you have any queries on the above or any other insolvency matter, please do not hesitate to contact us by email at info@jeremyknight.co.uk or telephone us for some free independent advice:

Croydon office
Tel: 020 8680 4274

Brighton office
Tel: 01273 203654

Guildford office
Tel: 01483 302782

You may also call any of our offices for an appointment at one of our consulting rooms in:

Birchington, Kent; Chipping Norton, Oxfordshire; Kingston upon Thames, Surrey; and London