SCHEDULE 1
TENEMENT MANAGEMENT SCHEME

RULE 2 –

PROCEDURE FOR MAKING SCHEME DECISIONS

Making scheme decisions

2.1   Any decision to be made by the owners shall be made in accordance with the following provisions of this rule.

Allocation and exercise of votes

2.2   Except as mentioned in rule 2.3, for the purpose of voting on any proposed scheme decision one vote is allocated as respects each flat, and any right to vote is exercisable by the owner of that flat or by someone nominated by the owner to vote as respects the flat.

Qualification on allocation of votes

2.3   No vote is allocated as respects a flat if—
   (a)   the scheme decision relates to the maintenance of scheme property, and
   (b)   the owner of that flat is not liable for maintenance of, or the cost of maintaining, the property concerned.

Exercise of vote where two or more persons own flat

2.4   If a flat is owned by two or more persons the vote allocated as respects that flat may be exercised in relation to any proposal by either (or any) of them, but if those persons disagree as to how the vote should be cast then the vote is not to be counted unless—
   (a)   where one of those persons owns more than a half share of the flat, the vote is exercised by that person, or
   (b)   in any other case, the vote is the agreed vote of those who together own more than a half share of the flat.

Decision by majority

2.5   A scheme decision is made by majority vote of all the votes allocated.

Notice of meeting

2.6   If any owner wishes to call a meeting of the owners with a view to making a scheme decision at that meeting that owner must give the other owners at least 48 hours' notice of the date and time of the meeting, its purpose and the place where it is to be held.

Consultation of owners if scheme decision not made at meeting

2.7   If an owner wishes to propose that a scheme decision be made but does not wish to call a meeting for the purpose that owner must instead—

(a)   unless it is impracticable to do so (whether because of absence of any owner or for other good reason) consult on the proposal each of the other owners of flats as respects which votes are allocated, and

(b)   count the votes cast by them.

Consultation where two or more persons own flat

2.8   For the purposes of rule 2.7, the requirement to consult each owner is satisfied as respects any flat which is owned by more than one person if one of those persons is consulted.

Notification of scheme decisions

2.9   A scheme decision must, as soon as practicable, be notified—

(a)   if it was made at a meeting, to all the owners who were not present when the decision was made, by such person as may be nominated for the purpose by the persons who made the decision, or

(b)   in any other case, to each of the other owners, by the owner who proposed that the decision be made.

Case where decision may be annulled by notice

2.10   Any owner (or owners) who did not vote in favour of a scheme decision to carry out, or authorise, maintenance to scheme property and who would be liable for not less than 75 per cent. of the scheme costs arising from that decision may, within the time mentioned in rule 2.11, annul that decision by giving notice that the decision is annulled to each of the other owners.

Time limits for rule 2.10

2.11   The time within which a notice under rule 2.10 must be given is—

(a)   if the scheme decision was made at a meeting attended by the owner (or any of the owners), not later than 21 days after the date of that meeting, or

(b)   in any other case, not later than 21 days after the date on which notification of the making of the decision was given to the owner or owners (that date being, where notification was given to owners on different dates, the date on which it was given to the last of them).