



Commonhold and Leasehold Reform Act 2002

2002 CHAPTER 15

PART 1

COMMONHOLD

Commonhold unit

21 Part-unit: interests

- (1) It shall not be possible to create an interest in part only of a commonhold unit.
- (2) But subsection (1) shall not prevent—
 - (a) the creation of a term of years absolute in part only of a residential commonhold unit where the term satisfies prescribed conditions,
 - (b) the creation of a term of years absolute in part only of a non-residential commonhold unit, or
 - (c) the transfer of the freehold estate in part only of a commonhold unit where the commonhold association consents in writing to the transfer.
- (3) An instrument or agreement shall be of no effect to the extent that it purports to create an interest in contravention of subsection (1).
- (4) Subsection (5) applies where—
 - (a) land becomes commonhold land or is added to a commonhold unit, and
 - (b) immediately before that event there is an interest in the land which could not be created after that event by reason of subsection (1).
- (5) The interest shall be extinguished by virtue of this subsection to the extent that it could not be created by reason of subsection (1).
- (6) Section 17(2) and (4) shall apply (with any necessary modifications) in relation to subsection (2)(a) and (b) above.

Status: This is the original version (as it was originally enacted).

- (7) Where part only of a unit is held under a lease, regulations may modify the application of a provision which—
- (a) is made by or by virtue of this Part, and
 - (b) applies to a unit-holder or a tenant or both.
- (8) Section 20(4) shall apply in relation to subsection (2)(c) above.
- (9) Where the freehold interest in part only of a commonhold unit is transferred, the part transferred—
- (a) becomes a new commonhold unit by virtue of this subsection, or
 - (b) in a case where the request for consent under subsection (2)(c) states that this paragraph is to apply, becomes part of a commonhold unit specified in the request.
- (10) Regulations may make provision, or may require a commonhold community statement to make provision, about—
- (a) registration of units created by virtue of subsection (9);
 - (b) the adaptation of provision made by or by virtue of this Part or by or by virtue of a commonhold community statement to a case where units are created or modified by virtue of subsection (9).