



# Commonhold and Leasehold Reform Act 2002

## 2002 CHAPTER 15

### PART 1

#### COMMONHOLD

##### *Operation of commonhold*

#### **40 Rectification of documents**

- (1) A unit-holder may apply to the court for a declaration that—
  - (a) the memorandum or articles of association of the relevant commonhold association do not comply with regulations under paragraph 2(1) of Schedule 3;
  - (b) the relevant commonhold community statement does not comply with a requirement imposed by or by virtue of this Part.
- (2) On granting a declaration under this section the court may make any order which appears to it to be appropriate.
- (3) An order under subsection (2) may, in particular—
  - (a) require a director or other specified officer of a commonhold association to take steps to alter or amend a document;
  - (b) require a director or other specified officer of a commonhold association to take specified steps;
  - (c) make an award of compensation (whether or not contingent upon the occurrence or non-occurrence of a specified event) to be paid by the commonhold association to a specified person;
  - (d) make provision for land to cease to be commonhold land.
- (4) An application under subsection (1) must be made—

---

*Status: This is the original version (as it was originally enacted).*

---

- (a) within the period of three months beginning with the day on which the applicant became a unit-holder,
- (b) within three months of the commencement of the alleged failure to comply, or
- (c) with the permission of the court.