



# Commonhold and Leasehold Reform Act 2002

## 2002 CHAPTER 15

### PART 1

#### COMMONHOLD

##### *Termination: voluntary winding-up*

#### **43 Winding-up resolution**

(1) A winding-up resolution in respect of a commonhold association shall be of no effect unless—

- (a) the resolution is preceded by a declaration of solvency,
- (b) the commonhold association passes a termination-statement resolution before it passes the winding-up resolution, and
- (c) each resolution is passed with at least 80 per cent. of the members of the association voting in favour.

(2) In this Part—

“declaration of solvency” means a directors' statutory declaration made in accordance with section 89 of the Insolvency Act 1986 (c. 45),

“termination-statement resolution” means a resolution approving the terms of a termination statement (within the meaning of section 47), and

“winding-up resolution” means a resolution for voluntary winding-up within the meaning of section 84 of that Act.