



# Commonhold and Leasehold Reform Act 2002

## 2002 CHAPTER 15

### PART 2

#### LEASEHOLD REFORM

#### CHAPTER 1

#### RIGHT TO MANAGE

#### *Supplementary*

#### **105 Cessation of management**

- (1) This section makes provision about the circumstances in which, after a RTM company has acquired the right to manage any premises, that right ceases to be exercisable by it.
- (2) Provision may be made by an agreement made between—
  - (a) the RTM company, and
  - (b) each person who is landlord under a lease of the whole or any part of the premises,for the right to manage the premises to cease to be exercisable by the RTM company.
- (3) The right to manage the premises ceases to be exercisable by the RTM company if—
  - (a) a winding-up order <sup>F1</sup> . . . is made, or a resolution for voluntary winding-up is passed, with respect to the RTM company, [<sup>F2</sup>or the RTM company enters administration,]
  - (b) a receiver or a manager of the RTM company's undertaking is duly appointed, or possession is taken, by or on behalf of the holders of any debentures secured by a floating charge, of any property of the RTM company comprised in or subject to the charge,

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**Changes to legislation:** There are currently no known outstanding effects for the Commonhold and Leasehold Reform Act 2002, Section 105. (See end of Document for details)

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- (c) a voluntary arrangement proposed in the case of the RTM company for the purposes of Part 1 of the Insolvency Act 1986 (c. 45) is approved under that Part of that Act, or
  - (d) the RTM company's name is struck off the register under [<sup>F3</sup>section 1000, 1001 or 1003 of the Companies Act 2006].
- (4) The right to manage the premises ceases to be exercisable by the RTM company if a manager appointed under Part 2 of the 1987 Act to act in relation to the premises, or any premises containing or contained in the premises, begins so to act or an order under that Part of that Act that the right to manage the premises is to cease to be exercisable by the RTM company takes effect.
- (5) The right to manage the premises ceases to be exercisable by the RTM company if it ceases to be a RTM company in relation to the premises.

#### Textual Amendments

- F1** Words in s. 105(3)(a) omitted (15.9.2003) by virtue of [The Enterprise Act 2002 \(Insolvency\) Order 2003 \(S.I. 2003/2096\)](#), art. 4, **Sch. para. 40(a)** (with art. 6)
- F2** Words in s. 105(3)(a) added (15.9.2003) by [The Enterprise Act 2002 \(Insolvency\) Order 2003 \(S.I. 2003/2096\)](#), art. 4, **Sch. para. 40(b)** (with art. 6)
- F3** Words in s. 105(3)(d) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), **Sch. 1 para. 194(19)** (with art. 10)

#### Commencement Information

- I1** S. 105 wholly in force at 30.3.2004; s. 105 not in force at Royal Assent see s. 181(1); s. 105 wholly in force at 30.9.2003 for E. by [S.I. 2003/1986](#), **art. 2(a)**; s. 105 wholly in force at 30.3.2004 for W. by [S.I. 2004/669](#), **art. 2(a)**

**Changes to legislation:**

There are currently no known outstanding effects for the Commonhold and Leasehold Reform Act 2002, Section 105.