



# Commonhold and Leasehold Reform Act 2002

## 2002 CHAPTER 15

### PART 1

#### COMMONHOLD

##### *Commonhold community statement*

#### **31 Form and content: general**

- (1) A commonhold community statement is a document which makes provision in relation to specified land for—
  - (a) the rights and duties of the commonhold association, and
  - (b) the rights and duties of the unit-holders.
- (2) A commonhold community statement must be in the prescribed form.
- (3) A commonhold community statement may—
  - (a) impose a duty on the commonhold association;
  - (b) impose a duty on a unit-holder;
  - (c) make provision about the taking of decisions in connection with the management of the commonhold or any other matter concerning it.
- (4) Subsection (3) is subject to—
  - (a) any provision made by or by virtue of this Part, and
  - (b) any provision of the memorandum or articles of the commonhold association.
- (5) In subsection (3)(a) and (b) “duty” includes, in particular, a duty—
  - (a) to pay money;
  - (b) to undertake works;
  - (c) to grant access;
  - (d) to give notice;

- (e) to refrain from entering into transactions of a specified kind in relation to a commonhold unit;
  - (f) to refrain from using the whole or part of a commonhold unit for a specified purpose or for anything other than a specified purpose;
  - (g) to refrain from undertaking works (including alterations) of a specified kind;
  - (h) to refrain from causing nuisance or annoyance;
  - (i) to refrain from specified behaviour;
  - (j) to indemnify the commonhold association or a unit-holder in respect of costs arising from the breach of a statutory requirement.
- (6) Provision in a commonhold community statement imposing a duty to pay money (whether in pursuance of subsection (5)(a) or any other provision made by or by virtue of this Part) may include provision for the payment of interest in the case of late payment.
- (7) A duty conferred by a commonhold community statement on a commonhold association or a unit-holder shall not require any other formality.
- (8) A commonhold community statement may not provide for the transfer or loss of an interest in land on the occurrence or non-occurrence of a specified event.
- (9) Provision made by a commonhold community statement shall be of no effect to the extent that—
- (a) it is prohibited by virtue of section 32,
  - (b) it is inconsistent with any provision made by or by virtue of this Part,
  - (c) it is inconsistent with anything which is treated as included in the statement by virtue of section 32, or
  - (d) it is inconsistent with the memorandum or articles of association of the commonhold association.

## **32 Regulations**

- (1) Regulations shall make provision about the content of a commonhold community statement.
- (2) The regulations may permit, require or prohibit the inclusion in a statement of—
- (a) specified provision, or
  - (b) provision of a specified kind, for a specified purpose or about a specified matter.
- (3) The regulations may—
- (a) provide for a statement to be treated as including provision prescribed by or determined in accordance with the regulations;
  - (b) permit a statement to make provision in place of provision which would otherwise be treated as included by virtue of paragraph (a).
- (4) The regulations may—
- (a) make different provision for different descriptions of commonhold association or unit-holder;
  - (b) make different provision for different circumstances;

- (c) make provision about the extent to which a commonhold community statement may make different provision for different descriptions of unit-holder or common parts.
- (5) The matters to which regulations under this section may relate include, but are not limited to—
- (a) the matters mentioned in sections 11, 14, 15, 20, 21, 25, 26, 27, 38, 39 and 58, and
  - (b) any matter for which regulations under section 37 may make provision.

### **33 Amendment**

- (1) Regulations under section 32 shall require a commonhold community statement to make provision about how it can be amended.
- (2) The regulations shall, in particular, make provision under section 32(3)(a) (whether or not subject to provision under section 32(3)(b)).
- (3) An amendment of a commonhold community statement shall have no effect unless and until the amended statement is registered in accordance with this section.
- (4) If the commonhold association makes an application under this subsection the Registrar shall arrange for an amended commonhold community statement to be kept in his custody, and referred to in the register, in place of the unamended statement.
- (5) An application under subsection (4) must be accompanied by a certificate given by the directors of the commonhold association that the amended commonhold community statement satisfies the requirements of this Part.
- (6) Where an amendment of a commonhold community statement redefines the extent of a commonhold unit, an application under subsection (4) must be accompanied by any consent required by section 23(1) or 24(2) (or an order of a court dispensing with consent).
- (7) Where an amendment of a commonhold community statement has the effect of changing the extent of the common parts, an application under subsection (4) must be accompanied by any consent required by section 30(2) (or an order of a court dispensing with consent).
- (8) Where the Registrar amends the register on an application under subsection (4) he shall make any consequential amendments to the register which he thinks appropriate.