



# Commonhold and Leasehold Reform Act 2002

## 2002 CHAPTER 15

### PART 1

#### COMMONHOLD

##### *General*

#### **64 Orders and regulations**

- (1) In this Part “prescribed” means prescribed by regulations.
- (2) Regulations under this Part shall be made by the Lord Chancellor.
- (3) Regulations under this Part—
  - (a) shall be made by statutory instrument,
  - (b) may include incidental, supplemental, consequential and transitional provision,
  - (c) may make provision generally or only in relation to specified cases,
  - (d) may make different provision for different purposes, and
  - (e) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### **65 Registration procedure**

- (1) The Lord Chancellor may make rules about—
  - (a) the procedure to be followed on or in respect of commonhold registration documents, and
  - (b) the registration of freehold estates in commonhold land.
- (2) Rules under this section—

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- (a) shall be made by statutory instrument in the same manner as land registration rules within the meaning of the Land Registration Act 2002 (c. 9),
  - (b) may make provision for any matter for which provision is or may be made by land registration rules, and
  - (c) may provide for land registration rules to have effect in relation to anything done by virtue of or for the purposes of this Part as they have effect in relation to anything done by virtue of or for the purposes of that Act.
- (3) Rules under this section may, in particular, make provision—
- (a) about the form and content of a commonhold registration document;
  - (b) enabling the Registrar to cancel an application by virtue of this Part in specified circumstances;
  - (c) enabling the Registrar, in particular, to cancel an application by virtue of this Part if he thinks that plans submitted with it (whether as part of a commonhold community statement or otherwise) are insufficiently clear or accurate;
  - (d) about the order in which commonhold registration documents and general registration documents are to be dealt with by the Registrar;
  - (e) for registration to take effect (whether or not retrospectively) as from a date or time determined in accordance with the rules.
- (4) The rules may also make provision about satisfaction of a requirement for an application by virtue of this Part to be accompanied by a document; in particular the rules may—
- (a) permit or require a copy of a document to be submitted in place of or in addition to the original;
  - (b) require a copy to be certified in a specified manner;
  - (c) permit or require the submission of a document in electronic form.
- (5) A commonhold registration document must be accompanied by such fee (if any) as is specified for that purpose by order under section 102 of the Land Registration Act 2002 (c. 9)(fee orders).
- (6) In this section—
- “commonhold registration document” means an application or other document sent to the Registrar by virtue of this Part, and
  - “general registration document” means a document sent to the Registrar under a provision of the Land Registration Act 2002.

## 66 Jurisdiction

- (1) In this Part “the court” means the High Court or a county court.
- (2) Provision made by or under this Part conferring jurisdiction on a court shall be subject to provision made under section 1 of the Courts and Legal Services Act 1990 (c. 41) (allocation of business between High Court and county courts).
- (3) A power under this Part to confer jurisdiction on a court includes power to confer jurisdiction on a tribunal established under an enactment.
- (4) Rules of court or rules of procedure for a tribunal may make provision about proceedings brought—
  - (a) under or by virtue of any provision of this Part, or

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(b) in relation to commonhold land.

## 67 The register

(1) In this Part—

“the register” means the register of title to freehold and leasehold land kept under section 1 of the Land Registration Act 2002,

“registered” means registered in the register, and

“the Registrar” means the Chief Land Registrar.

(2) Regulations under any provision of this Part may confer functions on the Registrar (including discretionary functions).

(3) The Registrar shall comply with any direction or requirement given to him or imposed on him under or by virtue of this Part.

(4) Where the Registrar thinks it appropriate in consequence of or for the purpose of anything done or proposed to be done in connection with this Part, he may—

(a) make or cancel an entry on the register;

(b) take any other action.

(5) Subsection (4) is subject to section 6(2).

VALID FROM 27/09/2004

## 68 Amendments

Schedule 5 (consequential amendments) shall have effect.

## 69 Interpretation

(1) In this Part—

“instrument” includes any document, and

“object” in relation to a commonhold association means an object stated in the association’s memorandum of association in accordance with section 2(1)(c) of the Companies Act 1985 (c. 6).

(2) In this Part—

(a) a reference to a duty to insure includes a reference to a duty to use the proceeds of insurance for the purpose of rebuilding or reinstating, and

(b) a reference to maintaining property includes a reference to decorating it and to putting it into sound condition.

(3) A provision of the Law of Property Act 1925 (c. 20), the Companies Act 1985 (c. 6) or the Land Registration Act 2002 (c.9) defining an expression shall apply to the use of the expression in this Part unless the contrary intention appears.

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### Commencement Information

- II** [S. 69](#) wholly in force at 27.9.2004; [s. 69](#) not in force at Royal Assent see [s. 181\(1\)](#); [s. 69](#) in force for specified purposes at 29.9.2003 by [S.I. 2003/2377](#), [art. 2\(g\)](#); [s. 69](#) in force so far as not already in force at 27.9.2004 by [S.I. 2004/1832](#), [art. 2](#)

## 70 Index of defined expressions

In this Part the expressions listed below are defined by the provisions specified.

<i>Expression</i>	<i>Interpretation provision</i>
Common parts	Section 25
A commonhold	Section 1
Commonhold association	Section 34
Commonhold community statement	Section 31
Commonhold land	Section 1
Commonhold unit	Section 11
Court	Section 66
Declaration of solvency	Section 43
Developer	Section 58
Development business	Section 58
Exercising functions	Section 8
Insolvent commonhold association	Section 50
Instrument	Section 69
Insure	Section 69
Joint unit-holder	Section 13
Liquidator (sections 44 to 49)	Section 44
Maintenance	Section 69
Object	Section 69
Prescribed	Section 64
The register	Section 67
Registered	Section 67
Registered freeholder	Section 2
The Registrar	Section 67
Regulations	Section 64
Residential commonhold unit	Section 17
Succession order	Section 51

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Successor commonhold association	Section 50
Termination application	Section 46
Termination-statement resolution	Section 43
Transfer (of unit)	Section 15
Transitional period	Section 8
Unit-holder	Section 12
Winding-up resolution	Section 43

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- I2** [S. 70](#) wholly in force at 27.9.2004; [s. 70](#) not in force at Royal Assent see [s. 181\(1\)](#); [s. 70](#) in force for specified purposes at 29.9.2003 by [S.I. 2003/2377](#), [art. 2\(g\)](#); [s. 70](#) in force so far as not already in force at 27.9.2004 by [S.I. 2004/1832](#), [art. 2](#)

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