



# Commonhold and Leasehold Reform Act 2002

## 2002 CHAPTER 15

### PART 1

#### COMMONHOLD

##### *Miscellaneous*

#### **57 Multiple site commonholds**

- (1) A commonhold may include two or more parcels of land, whether or not contiguous.
- (2) But section 1(1) of this Act is not satisfied in relation to land specified in the memorandum of association of a commonhold association unless a single commonhold community statement makes provision for all the land.
- (3) Regulations may make provision about an application under section 2 made jointly by two or more persons, each of whom is the registered freeholder of part of the land to which the application relates.
- (4) The regulations may, in particular—
  - (a) modify the application of a provision made by or by virtue of this Part;
  - (b) disapply the application of a provision made by or by virtue of this Part;
  - (c) impose additional requirements.

#### **58 Development rights**

- (1) In this Part—

“the developer” means a person who makes an application under section 2,  
and  
“development business” has the meaning given by Schedule 4.

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*Status: Point in time view as at 27/09/2004.*

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- (2) A commonhold community statement may confer rights on the developer which are designed—
  - (a) to permit him to undertake development business, or
  - (b) to facilitate his undertaking of development business.
- (3) Provision made by a commonhold community statement in reliance on subsection (2) may include provision—
  - (a) requiring the commonhold association or a unit-holder to co-operate with the developer for a specified purpose connected with development business;
  - (b) making the exercise of a right conferred by virtue of subsection (2) subject to terms and conditions specified in or to be determined in accordance with the commonhold community statement;
  - (c) making provision about the effect of breach of a requirement by virtue of paragraph (a) or a term or condition imposed by virtue of paragraph (b);
  - (d) disapplying section 41(2) and (3).
- (4) Subsection (2) is subject—
  - (a) to regulations under section 32, and
  - (b) in the case of development business of the kind referred to in paragraph 7 of Schedule 4, to the memorandum and articles of association of the commonhold association.
- (5) Regulations may make provision regulating or restricting the exercise of rights conferred by virtue of subsection (2).
- (6) Where a right is conferred on a developer by virtue of subsection (2), if he sends to the Registrar a notice surrendering the right—
  - (a) the Registrar shall arrange for the notice to be kept in his custody and referred to in the register,
  - (b) the right shall cease to be exercisable from the time when the notice is registered under paragraph (a), and
  - (c) the Registrar shall inform the commonhold association as soon as is reasonably practicable.

## **59 Development rights: succession**

- (1) If during a transitional period the developer transfers to another person the freehold estate in the whole of the commonhold, the successor in title shall be treated as the developer in relation to any matter arising after the transfer.
- (2) If during a transitional period the developer transfers to another person the freehold estate in part of the commonhold, the successor in title shall be treated as the developer for the purpose of any matter which—
  - (a) arises after the transfer, and
  - (b) affects the estate transferred.
- (3) If after a transitional period or in a case where there is no transitional period—
  - (a) the developer transfers to another person the freehold estate in the whole or part of the commonhold (other than by the transfer of the freehold estate in a single commonhold unit), and
  - (b) the transfer is expressed to be inclusive of development rights,

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the successor in title shall be treated as the developer for the purpose of any matter which arises after the transfer and affects the estate transferred.

- (4) Other than during a transitional period, a person shall not be treated as the developer in relation to commonhold land for any purpose unless he—
- (a) is, or has been at a particular time, the registered proprietor of the freehold estate in more than one of the commonhold units, and
  - (b) is the registered proprietor of the freehold estate in at least one of the commonhold units.

## **60 Compulsory purchase**

- (1) Where a freehold estate in commonhold land is transferred to a compulsory purchaser the land shall cease to be commonhold land.
- (2) But subsection (1) does not apply to a transfer if the Registrar is satisfied that the compulsory purchaser has indicated a desire for the land transferred to continue to be commonhold land.
- (3) The requirement of consent under section 21(2)(c) shall not apply to transfer to a compulsory purchaser.
- (4) Regulations may make provision about the transfer of a freehold estate in commonhold land to a compulsory purchaser.
- (5) The regulations may, in particular—
- (a) make provision about the effect of subsections (1) and (2) (including provision about that part of the commonhold which is not transferred);
  - (b) require the service of notice;
  - (c) confer power on a court;
  - (d) make provision about compensation;
  - (e) make provision enabling a commonhold association to require a compulsory purchaser to acquire the freehold estate in the whole, or a particular part, of the commonhold;
  - (f) provide for an enactment relating to compulsory purchase not to apply or to apply with modifications.
- (6) Provision made by virtue of subsection (5)(a) in respect of land which is not transferred may include provision—
- (a) for some or all of the land to cease to be commonhold land;
  - (b) for a provision of this Part to apply with specified modifications.
- (7) In this section “compulsory purchaser” means—
- (a) a person acquiring land in respect of which he is authorised to exercise a power of compulsory purchase by virtue of an enactment, and
  - (b) a person acquiring land which he is obliged to acquire by virtue of a prescribed enactment or in prescribed circumstances.

## **61 Matrimonial rights**

In the following provisions of this Part a reference to a tenant includes a reference to a person who has matrimonial home rights (within the meaning of section 30(2) of the Family Law Act 1996 (c. 27) (matrimonial home)) in respect of a commonhold unit—

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- (a) section 19,
- (b) section 35, and
- (c) section 37.

## **62 Advice**

- (1) The Lord Chancellor may give financial assistance to a person in relation to the provision by that person of general advice about an aspect of the law of commonhold land, so far as relating to residential matters.
- (2) Financial assistance under this section may be given in such form and on such terms as the Lord Chancellor thinks appropriate.
- (3) The terms may, in particular, require repayment in specified circumstances.

## **63 The Crown**

This Part binds the Crown.

**Status:**

Point in time view as at 27/09/2004.

**Changes to legislation:**

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