



Commonhold and Leasehold Reform Act 2002

2002 CHAPTER 15

PART 2

LEASEHOLD REFORM

CHAPTER 1

RIGHT TO MANAGE

Supplementary

109 Powers of trustees in relation to right

- (1) Where trustees are the qualifying tenant of a flat contained in any premises, their powers under the instrument regulating the trusts include power to be a member of a RTM company for the purpose of the acquisition and exercise of the right to manage the premises.
- (2) But subsection (1) does not apply where the instrument regulating the trusts contains an explicit direction to the contrary.
- (3) The power conferred by subsection (1) is exercisable with the same consent or on the same direction (if any) as may be required for the exercise of the trustees' powers (or ordinary powers) of investment.
- (4) The purposes—
 - (a) authorised for the application of capital money by section 73 of the Settled Land Act 1925 (c. 18), and
 - (b) authorised by section 71 of that Act as purposes for which moneys may be raised by mortgage,

Changes to legislation: There are currently no known outstanding effects for the
Commonhold and Leasehold Reform Act 2002, Section 109. (See end of Document for details)

include the payment of any expenses incurred by a tenant for life or statutory owner as a member of a RTM company.

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Commencement Information

- II** S. 109 wholly in force at 30.3.2004; s. 109 not in force at Royal Assent see s. 181(1); s. 109 wholly in force at 30.9.2003 for E. by [S.I. 2003/1986](#), **art. 2(a)**; s. 109 wholly in force at 30.3.2004 for W. by [S.I. 2004/669](#), **art. 2(a)**

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