



Commonhold and Leasehold Reform Act 2002

2002 CHAPTER 15

PART 1

COMMONHOLD

Operation of commonhold

40 Rectification of documents

- (1) A unit-holder may apply to the court for a declaration that—
 - (a) the [^{F1}articles of association] of the relevant commonhold association do not comply with regulations under paragraph 2(1) of Schedule 3;
 - (b) the relevant commonhold community statement does not comply with a requirement imposed by or by virtue of this Part.
- (2) On granting a declaration under this section the court may make any order which appears to it to be appropriate.
- (3) An order under subsection (2) may, in particular—
 - (a) require a director or other specified officer of a commonhold association to take steps to alter or amend a document;
 - (b) require a director or other specified officer of a commonhold association to take specified steps;
 - (c) make an award of compensation (whether or not contingent upon the occurrence or non-occurrence of a specified event) to be paid by the commonhold association to a specified person;
 - (d) make provision for land to cease to be commonhold land.
- (4) An application under subsection (1) must be made—
 - (a) within the period of three months beginning with the day on which the applicant became a unit-holder,

*Changes to legislation: There are currently no known outstanding effects for the
Commonhold and Leasehold Reform Act 2002, Section 40. (See end of Document for details)*

- (b) within three months of the commencement of the alleged failure to comply, or
- (c) with the permission of the court.

Textual Amendments

- F1** Words in s. 40(1)(a) 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(10)** (with art. 10)

Changes to legislation:

There are currently no known outstanding effects for the Commonhold and Leasehold Reform Act 2002, Section 40.