



# Commonhold and Leasehold Reform Act 2002

## 2002 CHAPTER 15

### PART 1

#### COMMONHOLD

##### *Operation of commonhold*

#### **41 Enlargement**

- (1) This section applies to an application under section 2 if the commonhold association for the purposes of the application already exercises functions in relation to commonhold land.
- (2) In this section—
  - (a) the application is referred to as an “application to add land”, and
  - (b) the land to which the application relates is referred to as the “added land”.
- (3) An application to add land may not be made unless it is approved by a resolution of the commonhold association.
- (4) A resolution for the purposes of subsection (3) must be passed—
  - (a) before the application to add land is made, and
  - (b) unanimously.
- (5) Section 2(2) shall not apply to an application to add land; but the application must be accompanied by—
  - (a) the documents specified in paragraph 6 of Schedule 1,
  - (b) an application under section 33 for the registration of an amended commonhold community statement which makes provision for the existing commonhold and the added land, and

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*Changes to legislation: There are currently no known outstanding effects for the Commonhold and Leasehold Reform Act 2002, Section 41. (See end of Document for details)*

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- (c) a certificate given by the directors of the commonhold association that the application to add land satisfies Schedule 2 and subsection (3).
- (6) Where sections 7 and 9 have effect following an application to add land—
- (a) the references to “the commonhold land” in sections 7(2)(a) and (3)(d) and 9(3)(f) shall be treated as references to the added land, and
  - (b) the references in sections 7(2)(b) and (3)(c) and 9(3)(e) to the rights and duties conferred and imposed by the commonhold community statement shall be treated as a reference to rights and duties only in so far as they affect the added land.
- (7) In the case of an application to add land where the whole of the added land is to form part of the common parts of a commonhold—
- (a) section 7 shall not apply,
  - (b) on registration the commonhold association shall be entitled to be registered (if it is not already) as the proprietor of the freehold estate in the added land,
  - (c) the Registrar shall make any registration required by paragraph (b) (without an application being made), and
  - (d) the rights and duties conferred and imposed by the commonhold community statement shall, in so far as they affect the added land, come into force on registration.

**Changes to legislation:**

There are currently no known outstanding effects for the Commonhold and Leasehold Reform Act 2002, Section 41.