



Commonhold and Leasehold Reform Act 2002

2002 CHAPTER 15

PART 1

COMMONHOLD

Operation of commonhold

42 Ombudsman

- (1) Regulations may provide that a commonhold association shall be a member of an approved ombudsman scheme.
- (2) An “approved ombudsman scheme” is a scheme which is approved by the [F1Secretary of State] and which—
 - (a) provides for the appointment of one or more persons as ombudsman,
 - (b) provides for a person to be appointed as ombudsman only if the [F1Secretary of State] approves the appointment in advance,
 - (c) enables a unit-holder to refer to the ombudsman a dispute between the unit-holder and a commonhold association which is a member of the scheme,
 - (d) enables a commonhold association which is a member of the scheme to refer to the ombudsman a dispute between the association and a unit-holder,
 - (e) requires the ombudsman to investigate and determine a dispute referred to him,
 - (f) requires a commonhold association which is a member of the scheme to cooperate with the ombudsman in investigating or determining a dispute, and
 - (g) requires a commonhold association which is a member of the scheme to comply with any decision of the ombudsman (including any decision requiring the payment of money).
- (3) In addition to the matters specified in subsection (2) an approved ombudsman scheme—

*Changes to legislation: There are currently no known outstanding effects for the
Commonhold and Leasehold Reform Act 2002, Section 42. (See end of Document for details)*

- (a) may contain other provision, and
 - (b) shall contain such provision, or provision of such a kind, as may be prescribed.
- (4) If a commonhold association fails to comply with regulations under subsection (1) a unit-holder may apply to the High Court for an order requiring the directors of the commonhold association to ensure that the association complies with the regulations.
- (5) A reference in this section to a unit-holder includes a reference to a tenant of a unit.

Textual Amendments

- F1** Words in s. 42(2) substituted (11.4.2018) by [The Secretaries of State for Health and Social Care and for Housing, Communities and Local Government and Transfer of Functions \(Commonhold Land\) Order 2018 \(S.I. 2018/378\)](#), art. 1(2), **Sch. para. 10(a)** (with art. 14)

Changes to legislation:

There are currently no known outstanding effects for the Commonhold and Leasehold Reform Act 2002, Section 42.