



Commonhold and Leasehold Reform Act 2002

2002 CHAPTER 15

PART 2

LEASEHOLD REFORM

CHAPTER 1

RIGHT TO MANAGE

Claim to acquire right

85 Landlords etc. not traceable

- (1) This section applies where a RTM company wishing to acquire the right to manage premises—
 - (a) complies with subsection (4) or (5) of section 79, and
 - (b) would not have been precluded from giving a valid notice under that section with respect to the premises,but cannot find, or ascertain the identity of, any of the persons to whom the claim notice would be required to be given by subsection (6) of that section.
- (2) The RTM company may apply to [^{F1}the appropriate tribunal] for an order that the company is to acquire the right to manage the premises.
- (3) Such an order may be made only if the company has given notice of the application to each person who is the qualifying tenant of a flat contained in the premises.
- (4) Before an order is made the company may be required to take such further steps by way of advertisement or otherwise as is determined proper for the purpose of tracing the persons who are—

Status: Point in time view as at 01/07/2013.

Changes to legislation: There are currently no known outstanding effects for the Commonhold and Leasehold Reform Act 2002, Section 85. (See end of Document for details)

- (a) landlords under leases of the whole or any part of the premises, or
 - (b) parties to such leases otherwise than as landlord or tenant.
- (5) If any of those persons is traced—
- (a) after an application for an order is made, but
 - (b) before the making of an order,
- no further proceedings shall be taken with a view to the making of an order.
- (6) Where that happens—
- (a) the rights and obligations of all persons concerned shall be determined as if the company had, at the date of the application, duly given notice under section 79 of its claim to acquire the right to manage the premises, and
 - (b) the ^{F2}... tribunal may give such directions as it thinks fit as to the steps to be taken for giving effect to their rights and obligations, including directions modifying or dispensing with any of the requirements imposed by or by virtue of this Chapter.
- (7) An application for an order may be withdrawn at any time before an order is made and, after it is withdrawn, subsection (6)(a) does not apply.
- (8) But where any step is taken for the purpose of giving effect to subsection (6)(a) in the case of any application, the application shall not afterwards be withdrawn except—
- (a) with the consent of the person or persons traced, or
 - (b) by permission of the ^{F3}... tribunal.
- (9) And permission shall be given only where it appears just that it should be given by reason of matters coming to the knowledge of the RTM company in consequence of the tracing of the person or persons traced.

Textual Amendments

- F1** Words in s. 85(2) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, [Sch. 1 para. 134\(a\)](#) (with Sch. 3)
- F2** Words in s. 85(6)(b) omitted (1.7.2013) by virtue of [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, [Sch. 1 para. 134\(b\)](#) (with Sch. 3)
- F3** Words in s. 85(8)(b) omitted (1.7.2013) by virtue of [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, [Sch. 1 para. 134\(b\)](#) (with Sch. 3)

Commencement Information

- I1** S. 85 wholly in force at 30.3.2004; s. 85 not in force at Royal Assent see s. 181(1); s. 85 wholly in force at 30.9.2003 for E. by [S.I. 2003/1986](#), [art. 2\(a\)](#); s. 85 wholly in force at 30.3.2004 for W. by [S.I. 2004/669](#), [art. 2\(a\)](#)

Status:

Point in time view as at 01/07/2013.

Changes to legislation:

There are currently no known outstanding effects for the Commonhold and Leasehold Reform Act 2002, Section 85.