

EXPLANATORY MEMORANDUM TO
The Commonhold (Land Registration) Rules 2004

2004 No. 1830

1. This explanatory memorandum has been prepared by H M Land Registry and is laid before Parliament by Command of Her Majesty.

2. Description

The Commonhold (Land Registration) Rules (the Rules) prescribe the procedure to be followed in respect of applications and other documents sent to Land Registry under Part 1 of the Commonhold and Leasehold Reform Act 2002 (the Act).

3. Matters of special interest to the Joint Committee on Statutory Instruments

None

4. Legislative Background

4.1 Part 1 of the Commonhold and Reform Act received Royal Assent on 1 May 2002. It introduces a new way of owning a property with communal facilities. In particular, it

- defines the nature of commonhold
- establishes how a commonhold development is set up
- defines the commonhold unit and the common parts
- defines the constitution and operation of the commonhold association
- defines the rights granted and duties imposed on the unit-holder
- defines the rights and duties imposed on the commonhold association
- establishes how a commonhold development is terminated

The secondary legislation which is necessary to enable the Act to be commenced comprises:

- The Commonhold Regulations 2004 – which are the responsibility of the Department for Constitutional Affairs;
- The Rules.

The Commonhold Regulations prescribe how a commonhold development is established, is run and how it can be terminated. They also prescribe the form of the three main commonhold documents – the commonhold community statement, and the memorandum and articles of association.

The Rules prescribe how applications under the Act should be made and prescribe the forms which must be used to make these application. They also prescribe the action Land Registry will take on receipt of such applications.

5. Extent

The Rules and the Amending Order apply to England and Wales.

6. Policy background

- 6.1 The Rules are a necessary consequence of the Act and have been drafted to reflect the policy decisions made by the Department for Constitutional Affairs and which have informed the regulations. They have been approved by the Rule Committee established under section 127 of the Land Registration Act 2002 to advise and assist the Lord Chancellor on rules affecting land registration matters.

7. Impact

- 7.1 A Regulatory Impact Assessment is attached to this memorandum
- 7.2 The impact on the public sector is minimal.

8. Contact

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