

SCHEDULE 1

CONSEQUENTIAL AMENDMENTS

Commonhold and Leasehold Reform Act 2002 (c. 15)

194.—(1) The Commonhold and Leasehold Reform Act 2002 is amended as follows.

(2) In section 1(1)(b) (commonhold land), for “memorandum of association” substitute “articles of association”.

(3) In section 5(1)(d) (registered details), for “memorandum and articles of association” substitute “articles of association”.

(4) In section 8(3)(c) (transitional period: relevant provisions), for “memorandum or articles” substitute “articles”.

(5) In section 13(6)(c) (references to joint unit-holders), for “memorandum or articles of association” substitute “articles of association”.

(6) In section 31 (commonhold community statement: form and content)—

(a) in subsection (4)(b) for “memorandum or articles” substitute “articles”, and

(b) in subsection (9)(d) for “memorandum or articles of association” substitute “articles of association”.

(7) In section 34 (constitution of a commonhold association), for subsection (1) substitute—

“(1) A commonhold association is a private company limited by guarantee—

(a) the articles of which state that an object of the company is to exercise the functions of a commonhold association in relation to specified commonhold land, and

(b) the statement of guarantee of which specifies £1 as the amount of the contribution required from each member in the event of the company being wound up.”.

(8) In section 36(2) and (3)(b) (voting) for “memorandum or articles of association” substitute “articles of association”.

(9) In section 37(1)(b) (enforcement of commonhold rights), for “memorandum or articles” substitute “articles”.

(10) In section 40(1)(a) (rectification of documents), for “memorandum or articles of association” substitute “articles of association”.

(11) In section 51(3)(b) (succession order), for “memorandum and articles of association” substitute “articles of association”.

(12) In section 57(2) (multiple site commonholds), for “memorandum of association” substitute “articles of association”.

(13) In section 58(4)(b) (development rights), for “memorandum and articles of association” substitute “articles of association”.

(14) In section 69 (interpretation)—

(a) in subsection (1), for the definition of “object” substitute—

““object”, in relation to a commonhold association, means an object stated in the association’s articles of association (see section 31 of the Companies Act 2006);”;

(b) in subsection (3), for “the Companies Act 1985” substitute “the Companies Act 2006”.

(15) In section 73(2)(b) (RTM companies), for “memorandum of association states” substitute “articles of association state”.

(16) In section 74 (RTM companies: membership and regulations)—

Status: This is the original version (as it was originally made).

- (a) in subsection (2) for “memorandum of association and articles of association” substitute “articles of association”;
- (b) in subsections (3) and (5) for “memorandum or articles” substitute “articles”;
- (c) in subsection (6)—
 - (i) in the opening words, for “a memorandum or articles” substitute “articles”, and
 - (ii) in paragraph (a), for “memorandum or articles” substitute “articles”;
- (d) for subsection (7) substitute—

“(7) Section 20 of the Companies Act 2006 (default application of model articles) does not apply to a RTM company.”.
- (17) In section 78(4)(a) and (b) and (5)(a) and (c) (notice inviting participation) for “memorandum of association and articles of association” substitute “articles of association”.
- (18) In section 87(4)(d) (deemed withdrawal of claim notice if RTM company struck off), for “section 652 or 652A of the Companies Act 1985” substitute “section 1000, 1001 or 1003 of the Companies Act 2006”.
- (19) In section 105(3)(d) (cessation of right to manage if RTM company struck off), for “section 652 or 652A of the Companies Act 1985” substitute “section 1000, 1001 or 1003 of the Companies Act 2006”.
- (20) In Schedule 1 (application for registration of a freehold estate in commonhold land)—
 - (a) in paragraph 2, for “certificate of incorporation under section 13 of the Companies Act 1985” substitute “certificate of incorporation under section 15 of the Companies Act 2006”;
 - (b) in paragraph 3, for “section 28 of that Act” substitute “section 80 of that Act (change of name)”;
 - (c) in paragraphs 4 and 7(a), for “memorandum and articles of association” substitute “articles of association”.