

SCHEDULE 2

Regulations 4 and 8(2)

FORM OF CLAIM NOTICE

“COMMONHOLD AND LEASEHOLD REFORM ACT 2002

CLAIM NOTICE

To *[name and address]* **(See Note 1 below)**

1. *[Name of RTM company]* (“the company”), of *[address of registered office]*, and of which the registered number is *[number under Companies Act 2006]*, in accordance with Chapter 1 of Part 2 of the Commonhold and Leasehold Reform Act 2002 (“the 2002 Act”) claims to acquire the right to manage *[name of premises to which notice relates]* (“the premises”).

2. The company claims that the premises are ones to which Chapter 1 of the 2002 Act applies on the grounds that *[state grounds]*. **(See Note 2 below)**

3. The full names of each person who is both—

- (a) the qualifying tenant of a flat contained in the premises, and
- (b) a member of the company,

and the address of that person’s flat are set out in Part 1 of the Schedule below.

4. There are set out, in Part 2 of the Schedule, in relation to each person named in Part 1 of the Schedule—

- (a) the date on which that person’s lease was entered into,

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- (b) the term for which it was granted,
- (c) the date of commencement of the term
- (d) *such other particulars of the lease as are necessary to identify it.

*may be ignored if no other particulars need to be given.

5. If you are—

- (a) landlord under a lease of the whole or any part of the premises,
- (b) party to such a lease otherwise than as landlord or tenant, or
- (c) a manager appointed under Part 2 of the Landlord and Tenant Act 1987 to act in relation to the premises, or any premises containing or contained in the premises,

you may respond to this claim notice by giving a counter-notice under section 84 of the 2002 Act. A counter-notice must be in the form set out in Schedule 3 to the Right to Manage (Prescribed Particulars and Forms) (England) Regulations 2010. It must be given to the company, at the address in paragraph 1, not later than [*specify date not earlier than one month after the date on which the claim notice is given*]. If you do not fully understand the purpose or implications of this notice you are advised to seek professional help.

6. The company intends to acquire the right to manage the premises on [*specify date, being at least three months after that specified in paragraph 5*].

7. If you are a person to whom paragraph 5 applies and—

- (a) you do not dispute the company's entitlement to acquire the right to manage; and
- (b) you are the manager party under a management contract subsisting immediately before the date specified in this notice,

you must, in accordance with section 92 (duties to give notice of contracts) of the 2002 Act, give a notice in relation to the contract to the person who is the contractor party in relation to the contract and to the company. (See **Note 3 below**).

8. From the date on which the company acquires the right to manage the premises, landlords under leases of the whole or any part of the premises are entitled to be members of the company (See **Note 4 below**).

9. This notice is not invalidated by any inaccuracy in any of the particulars required by section 80(2) to (7) of the 2002 Act or regulation 5 of the Right to Manage (Prescribed Particulars and Forms) (England) Regulations 2010. If you are of the opinion that any of the particulars contained in the claim notice are inaccurate you may notify the company of the particulars in question, indicating the respects in which you think that they are inaccurate.

SCHEDULE

PART 1

FULL NAMES AND ADDRESSES OF PERSONS WHO ARE BOTH QUALIFYING TENANTS AND MEMBERS OF THE COMPANY

[set out here the particulars required by paragraph 3 above]

PART 2

PARTICULARS OF LEASES OF PERSONS NAMED IN PART 1

[set out here the particulars required by paragraph 4 above]

Signed by authority of the company,

[Signature of authorised member or officer]

[Insert date]

NOTES

1. A claim notice (a notice in the form set out in Schedule 2 to the Right to Manage (Prescribed Particulars and Forms) (England) Regulations 2010 of a claim to exercise the right to manage specified premises) must be given to each person who, on the date on which the notice is given, is—

- (a) landlord under a lease of the whole or any part of the premises to which the notice relates,
- (b) party to such a lease otherwise than as landlord or tenant, or
- (c) a manager appointed under Part 2 of the Landlord and Tenant Act 1987 to act in relation to the premises, or any premises containing or contained in the premises.

But notice need not be given to such a person if he cannot be found, or if his identity cannot be ascertained. If that means that there is no one to whom the notice must be given, the company may apply to a leasehold valuation tribunal for an order that the company is to acquire the right to manage the premises. In that case, the procedures specified in section 85 of the 2002 Act (landlords etc not traceable) will apply.

2. The relevant provisions are contained in section 72 of the 2002 Act (premises to which Chapter 1 applies). The company is advised to consider, in particular, Schedule 6 to the 2002 Act (premises excepted from Chapter 1).

3. The terms “management contract”, “manager party” and “contractor party” are defined in section 91(2) of the 2002 Act (notices relating to management contracts).

4. Landlords under leases of the whole or any part of the premises are entitled to be members of the company, but only once the right to manage has been acquired by the company. An application for membership may be made in accordance with the company’s articles of association, which may be inspected at the company’s registered office, free of charge, at any reasonable time.