
WELSH STATUTORY INSTRUMENTS

2011 No. 2684 (W.287)

LANDLORD AND TENANT, WALES

**The Right to Manage (Prescribed Particulars
and Forms) (Wales) Regulations 2011**

<i>Made</i>	- - - -	<i>5 November 2011</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>8 November 2011</i>
<i>Coming into force</i>	- -	<i>30 November 2011</i>

The Welsh Ministers make the following Regulations in exercise of the powers conferred upon the National Assembly for Wales by sections 78(2)(d) and (3), 80(8) and (9), 84(2), 92(3) and (7) and 178 (1) (a), (b), (c) and 179(1) of the Commonhold and Leasehold Reform Act 2002⁽¹⁾ and section 26(3) of the Welsh Language Act 1993⁽²⁾ and now vested in them⁽³⁾.

Title, commencement and application

1.—(1) The title of these Regulations is the Right to Manage (Prescribed Particulars and Forms) (Wales) Regulations 2011 and they come into force on 30 November 2011.

(2) These Regulations apply in relation to premises in Wales.

Interpretation

2. In these Regulations—

“the 2002 Act” (“*Deddf 2002*”) means the Commonhold and Leasehold Reform Act 2002;

“landlord”, (“*landlord*”) in relation to RTM premises, means a person who is landlord under a lease of the whole or any part of the premises⁽⁴⁾;

(1) 2002 c. 15.

(2) 1993 c. 38.

(3) By virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32) the functions formerly exercised by the National Assembly for Wales as the “appropriate national authority” under section 179(1) of the Commonhold and Leasehold Reform Act 2002 are now vested in the Welsh Ministers. The National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), article 2(b), Schedule 1, directed that the power in section 26(3) of the Welsh Language Act 1993 be exercisable, in relation to Wales, by the National Assembly for Wales concurrently with any Minister of the Crown by whom the power was exercisable. The power was transferred to the Welsh Ministers by virtue of section 162(3) of, and paragraph 30(1) of Schedule 11 to, the Government of Wales Act 2006.

(4) For the definition of “landlord” see also section 112(2), (3) and (5) of the 2002 Act.

“RTM premises” (“*mangre RTM*”) means premises as regards which a Right to Manage company (“RTM company”) intends to acquire the right to manage⁽⁵⁾;

“third party” (“*trydydd parti*”), in relation to RTM premises, means a person who is party to a lease of the whole or any part of the premises otherwise than as landlord or tenant⁽⁶⁾.

Additional content of notice of invitation to participate

3.—(1) A notice of invitation to participate must contain, in addition to the statements and information referred to in section 78(2)(a) to (c) of the 2002 Act (notice inviting participation), the particulars mentioned in paragraph (2).

(2) The particulars referred to in paragraph (1) are—

- (a) the RTM company’s registered number⁽⁷⁾, the address of its registered office and the names of its directors and, if applicable, secretary;
- (b) the names of the landlord and any third party;
- (c) a statement that, subject to the exclusions mentioned in sub-paragraph (e), if the right to manage is acquired by the RTM company, the company will be responsible for—
 - (i) the discharge of the landlord’s duties under the lease; and
 - (ii) the exercise of his or her powers under the lease,
 with respect to services, repairs, maintenance, improvements, insurance and management;
- (d) a statement that, subject to the exclusion mentioned in sub-paragraph (e)(ii), if the right to manage is acquired by the RTM company, the company may enforce untransferred tenant covenants⁽⁸⁾;
- (e) a statement that, if the right to manage is acquired by the RTM company, the company will not be responsible for the discharge of the landlord’s duties or the exercise of his or her powers under the lease—
 - (i) with respect to a matter concerning only a part of the premises consisting of a flat or other unit not subject to a lease held by a qualifying tenant⁽⁹⁾; or
 - (ii) relating to re-entry or forfeiture;
- (f) a statement that, if the right to manage is acquired by the RTM company, the company will have functions under the statutory provisions referred to in Schedule 7 to the 2002 Act;
- (g) a statement that the RTM company intends or, as the case may be, does not intend, to appoint a managing agent; and—
 - (i) if it does so intend, a statement—
 - (aa) of the name and address of the proposed managing agent (if known); and
 - (bb) if it is the case, that the person is the landlord’s managing agent; or
 - (ii) if it does not so intend, the qualifications or experience (if any) of the existing members of the RTM company in relation to the management of residential property;
- (h) a statement that, where the RTM company gives a claim notice⁽¹⁰⁾, a person who is or has been a member of the company may be liable for costs incurred by the landlord and others in consequence of the notice;

⁽⁵⁾ See sections 71(1) and 73 of the 2002 Act. As to “right to manage” see section 71(2) of the 2002 Act.

⁽⁶⁾ See section 112(2), (3) and (5) of the 2002 Act.

⁽⁷⁾ See section 1066 of the Companies Act 2006 (c. 46).

⁽⁸⁾ See section 100(4) of the 2002 Act.

⁽⁹⁾ As to premises to which Chapter 1 of Part 2 of the 2002 Act applies, see section 72 (and Schedule 6). As to “flat” and “unit” see section 112(1). As to “lease” see section 112(2). As to “qualifying tenant” see sections 75 and 112(4) and (5).

⁽¹⁰⁾ See section 79(1) of the 2002 Act.

- (i) a statement that, if the recipient of the notice (of invitation to participate) does not fully understand its purpose or implications, he or she is advised to seek professional help; and
- (j) the information provided in the notes to the form set out in Schedule 1 to these Regulations.

Additional content of claim notice

4. A claim notice must contain, in addition to the particulars required by section 80(2) to (7) (contents of claim notice) of the 2002 Act—

- (a) a statement that a person who—
 - (i) does not dispute the RTM company’s entitlement to acquire the right to manage(**11**); and
 - (ii) is the manager party under a management contract(**12**) subsisting immediately before the date specified in the claim notice,must, in accordance with section 92 of the 2002 Act (duties to give notice of contracts), give a notice to the RTM company and to the person who is the contractor party(**13**);
- (b) a statement that, from the acquisition date(**14**), landlords under leases of the whole or any part of the premises to which the claim notice relates are entitled to be members of the RTM company;
- (c) a statement that the notice is not invalidated by any inaccuracy in any of the particulars required by section 80(2) to (7) of the 2002 Act or this regulation, but that a person who is of the opinion that any of the particulars contained in the claim notice are inaccurate may—
 - (i) identify the particulars in question to the RTM company by which the notice was given; and
 - (ii) indicate the respects in which they are considered to be inaccurate;
- (d) a statement that a person who receives the notice but does not fully understand its purpose, is advised to seek professional help; and
- (e) the information provided in the notes to the form set out in Schedule 2 to these Regulations.

Additional content of counter-notice

5. A counter-notice must contain (in addition to the statement referred to in section 84(2)(a) and (b) (counter-notice) of the 2002 Act)—

- (a) a statement that, where the RTM company has been given one or more counter-notice containing such a statement as is mentioned in section 84(2)(b) of the 2002 Act, the company may apply to a leasehold valuation tribunal for a determination that, on the date on which notice of the claim was given, the company was entitled to acquire the right to manage the premises specified in the claim notice;
- (b) a statement that, where the RTM company has been given one or more counter-notice containing such a statement as is mentioned in section 84(2)(b) of the 2002 Act, the company does not acquire the right to manage the premises specified in the claim notice unless—
 - (i) on an application to a leasehold valuation tribunal, it is finally determined(**15**) that the company was entitled to acquire the right to manage the premises; or

(11) As to the circumstances in which there is no dispute about entitlement, *see* section 90(3) of the 2002 Act.

(12) *See* section 91(2) and (4) of the 2002 Act.

(13) *See* section 91(2)(b) of the 2002 Act.

(14) *See* section 90 of the 2002 Act.

(15) *See* section 84(7) and (8) of the 2002 Act.

- (ii) the person by whom the counter-notice was given agrees, or the persons by whom the counter-notices were given agree, in writing, that the company was so entitled; and
- (c) the information provided in the notes to the form set out in Schedule 3 to these Regulations.

Additional content of contractor notice

6.—(1) A contractor notice(**16**) must contain (in addition to the particulars referred to in paragraphs (a) to (d) of section 92(3) (duties to give notice of contracts) of the 2002 Act) the statement that, should the person to whom the notice is given wish to provide to the RTM company services which, as the contractor party, it has provided to the manager party under the contract, it is advised to contact the RTM company at the address given in the notice; and

- (2) the information provided in the notes to the form set out in Schedule 4 to these Regulations.

Additional content of contract notice

7. A contract notice(**17**) must contain (in addition to the particulars referred to in section 92(7) (a) of the 2002 Act)—

- (a) the address of the person who is the contractor party, or sub-contractor party(**18**), under the contract of which particulars are given in the notice;
- (b) a statement that, should the RTM company wish to avail itself of the services which the contractor party, or sub-contractor party, has provided to the manager party under that contract, it is advised to contact the contractor party, or sub-contractor party, at the address given in the notice; and
- (c) The information provided in the notes to the form set out in Schedule 5 to these Regulations.

Form of notices

8.—(1) Notices of invitation to participate must be in the form set out in Schedule 1 to these Regulations or a form to the like effect provided that it contains all of the prescribed particulars as set out in regulation 3.

(2) Claim notices must be in the form set out in Schedule 2 to these Regulations or a form to the like effect provided that it contains all of the prescribed particulars as set out in regulation 4.

(3) Counter-notices must be in the form set out in Schedule 3 to these Regulations or a form to the like effect provided that it contains all of the prescribed particulars as set out in regulation 5.

(4) Contractor notices must be in the form set out in Schedule 4 to these Regulations or a form to the like effect provided that it contains all of the prescribed particulars as set out in regulation 6.

(5) Contract notices must be in the form set out in Schedule 5 to these Regulations or a form to the like effect provided that it contains all of the prescribed particulars as set out in regulation 7.

Revocations and transitional provisions

9.—(1) The Right to Manage (Prescribed Particulars and Forms) (Wales) Regulations 2004(**19**) (“the 2004 Regulations”) are revoked.

(2) Any notice served under the 2004 Regulations will be treated on or after the coming into force of these Regulations as if it had been served under them.

(16) See section 92(1)(a) of the 2002 Act.

(17) See section 92(1)(b) of the 2002 Act.

(18) See section 92(4) of the 2002 Act.

(19) S.I. 2004/678 (W.66).

5 November 2011

Huw Lewis
Minister for Housing, Regeneration and
Heritage, one of the Welsh Ministers

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SCHEDULE 1

Regulations 3 and 8(1)

FORM OF NOTICE OF INVITATION TO PARTICIPATE COMMONHOLD AND LEASEHOLD REFORM ACT 2002

Notice of invitation to participate in right to manage

"To

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

1.

[*Name of RTM company*]

("the company"), a private company limited
by guarantee, of

[*address of registered office*]

and of which the registered number is

[*number under Companies Act 2006*]

is authorised by its articles of association to
acquire and exercise the right to manage

[*name of premises to which notice relates*]
("the premises").

2. The company intends to acquire the right to
manage the premises.

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Either

3.1 The company's articles of association, accompany this notice.

Yes. Tick if this is the case and proceed to paragraph 4 (See Note 2 below)

Or

3.2 The company's articles of association, may be inspected in accordance with the arrangements in the following paragraph.

Yes. [Tick if the statement above applies and complete the remainder of this paragraph 3.] (See Note 2)

3.2.1 At

[address for inspection]

3.2.2 between

[specify times]. (See Note 3 below)

3.2.3 At any time within the period of seven days beginning with the day after this notice is given, a copy of the articles of association may be ordered from

[specify address]

3.2.4 on payment of

[specify fee]. (See Note 4 below)

4. The names of—

- (a) the members of the company;
- (b) the company's directors; and
- (c) if the company has a secretary, the name of that person are set out in the Schedule below.

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5. The names of the landlord and of the person (if any) who is party to a lease of the whole or any part of the premises otherwise than as landlord or tenant are:

[specify]

6. Subject to the exclusions mentioned in paragraph 8, if the right to manage is acquired by the company, the company will be responsible for—

- (a) the discharge of the landlord's duties under the lease; and
- (b) the exercise of his or her powers under the lease, with respect to services, repairs, maintenance improvements, insurance and management.

7. Subject to the exclusion mentioned in paragraph 8(b), if the right to manage is acquired by the company, the company may enforce untransferred tenant covenants. (See **Note 5 below**)

8. If the right to manage is acquired by the company, the company will not be responsible for the discharge of the landlord's duties or the exercise of his or her powers under the lease—

- (a) with respect to a matter concerning only part of the premises consisting of a flat or other unit not subject to a lease held by a qualifying tenant; or
- (b) relating to re-entry or forfeiture.

9. If the right to manage is acquired by the company, the company will have functions under the statutory provisions referred to in Schedule 7 to the Commonhold and Leasehold Reform Act 2002. (See **Note 6 below**)

Either—

9.1 The company intends to appoint a managing agent within the meaning of section 30B(8) of the Landlord and Tenant Act 1985.

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Yes. Tick if the statement above applies. If you tick this box, proceed to paragraph 9.2. If you do not tick this box, proceed to paragraph 9.4.

9.2 If known, give the name and address of the proposed managing agent below. Proceed to paragraph 9.3.

[Name and address of the proposed managing agent]

9.3 The person named in paragraph 9.2 above is the current managing agent. Yes. Tick if the statement above applies. Proceed to paragraph 10 whether or not the statement above applies.

Or

9.4 The company does not intend to appoint a managing agent within the meaning of section 30B(8) of the Landlord and Tenant Act 1985.

Yes. Tick if the statement above applies *[If any existing member of the company has qualifications or experience in relation to the management of residential property, give details in paragraph 4 of the Schedule below.]*

10. If the company gives notice of its claim to acquire the right to manage the premises (a "claim notice"), a person who is or has been a member of the company may be liable for costs incurred by the landlord and others in consequence of the claim notice. **(See Note 7 below)**

11. You are invited to become a member of the company. **(See Note 8 below)**

12. If you do not fully understand the purpose or implications of this notice you are advised to seek professional help.

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SCHEDULE

1. The names of the members of the company are *[state names of company members]*:

2. The names of the company's directors are:*[state director's names (if applicable)]*

3. The name of the company's secretary is:
[company secretary's name]

[If applicable complete the following information.] (See paragraph 9.4 above)

4. The following member[s] of the company [has][have] qualifications or experience in relation to the management of residential property:

(1)

[Name of member]

[qualification in relation to the management of residential property]

[Number of years experience in relation to the management of residential property]

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*[address(es) of [property][properties] and
dates when experience acquired*

(2) *[repeat as above as necessary]*

Signed by authority of the company,

[Signature of authorised member or officer]

[Insert date]

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NOTES

1. The notice inviting participation must be sent to each person who is at the time the notice is given a qualifying tenant of a flat in the premises but who is not already, and has not agreed to become, a member of the company. A qualifying tenant is defined in section 75 of the Commonhold and Leasehold Reform Act 2002 ("the 2002 Act").
2. The notice must either (a) be accompanied by a copy of the articles of association of the RTM company or (b) include a statement about inspection and copying the Articles of Association of the RTM company giving the information specified in paragraph 3 of the notice.
3. The specified times must be periods of at least 2 hours on each of at least 3 days (including a Saturday or Sunday or both) within the 7 days beginning with the day following that on which the notice is given.
4. The ordering facility must be available throughout the 7 day period referred to in Note 3. The fee must not exceed the reasonable cost of providing the ordered copy.
5. An untransferred tenant covenant is a covenant in a tenant's lease that he must comply with, but which can be enforced by the company only by virtue of section 100 of the 2002 Act.
6. The functions relate to matters such as repairing obligations, administration and service charges, and information to be furnished to tenants. Details may be obtained from the RTM company.
7. If the claim notice is at any time withdrawn, deemed to be withdrawn or otherwise ceases to have effect, each person who is or has been a member of the company is liable (except in the circumstances mentioned at the end of this note) for reasonable costs incurred by—
 - (a) the landlord,
 - (b) any person who is party to a lease of the whole

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or any part of the premises 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 to which this notice relates, or any premises containing or contained in the premises to which this notice relates,

in consequence of the claim notice.

A current or former member of the company is liable both jointly with the company and every other person who is or has been a member of the company, and individually. However, a former member is not liable if he has assigned the lease by virtue of which he was a qualifying tenant to another person and that other person has become a member of the company.

8. All qualifying tenants of flats contained in the premises are entitled to be members. Landlords under leases of the whole or any part of the premises are also entitled to be members, 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, if they do not accompany this notice, may be inspected as mentioned in paragraph 3.2 of the notice.

9. If the right to manage is acquired by the company, the company must report to any person who is landlord under a lease of the whole or any part of premises any failure to comply with any tenant covenant of the lease unless, within the period of three months beginning with the day on which the failure to comply comes to the attention of the company—

(a) the failure has been remedied,

(b) reasonable compensation has been paid in respect of the failure, or

(c) the landlord has notified the company that it need not report to him failures of the description of the failure concerned.

10. If the right to manage is acquired by the company, management functions of a person who is party to a lease of the whole or any part of the premises otherwise than as landlord or tenant will become functions of the company. The company will be responsible for the discharge of that person's duties under the lease and the exercise of

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his or her powers under the lease, with respect to services, repairs, maintenance, improvements, insurance and management. However, the company will not be responsible for matters concerning only a part of the premises consisting of a flat or other unit not subject to a lease held by a qualifying tenant, or relating to re-entry or forfeiture.

11. If the right to manage is acquired by the company, the company will be responsible for the exercise of the powers relating to the grant of approvals to a tenant under the lease, but will not be responsible for the exercise of those powers in relation to an approval concerning only a part of the premises consisting of a flat or other unit not subject to a lease held by a qualifying tenant.

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").

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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;

(b) the term for which it was granted;

(c) the date of commencement of the term

*(d) such other particulars of that person's lease as are necessary to identify it.

**(d) 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) (Wales) Regulations 2011. It must be given to the company, at the address in paragraph 1, not later than

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[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 4 of the Right to Manage (Prescribed Particulars and Forms) (Wales) Regulations 2011. 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.

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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 in this table the particulars required by paragraph 4 above] and repeat as necessary for each person named in the Schedule]

[Name of person referred to in Part 1 of this Schedule]

[date on which lease was entered into]

[term of years for which lease was granted]

[date of commencement of term]

[such other particulars as are necessary to identify the lease. This section should not be completed if it is possible to identify the lease from the remainder of the information in this table]

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) (Wales) Regulations 2011 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 that person cannot be found, or if that person's 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.

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SCHEDULE 3

Regulations 5 and 8(3)

FORM OF COUNTER-NOTICE
COMMONHOLD AND LEASEHOLD REFORM ACT 2002

Counter-notice

To

[name and address](See Note 1 below)

Either

1.1 I admit that, on

[insert date on which claim notice was given],

[insert name of company by which claim notice was given]

("the company") was entitled to acquire the right to manage the premises specified in the claim notice.

Yes. Tick if the statement above applies and proceed to paragraph 2.

Or

1.2 I allege that, by reason of

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[specify provision of Chapter 1 of Part 2 of the Commonhold and Leasehold Reform Act 2002 relied on]

on

[insert date on which claim notice was given]

[insert name of company by which claim notice was given]

("the company") was not entitled to acquire the right to manage the premises specified in the claim notice.

Yes. *[Tick if the statement in paragraph 1.2 applies.]*

2. If the company has been given one or more counter-notices containing such a statement as is mentioned in section 84 (2) (b) of the Commonhold and Leasehold Reform Act 2002, the company may apply to a leasehold valuation tribunal for a determination that, on the date on which notice of the claim was given, the company was entitled to acquire the right to manage the premises specified in the claim notice (**See Note 2 below**).

3. If the company has been given one or more counter-notices containing such a statement as is mentioned in section 84(2)(b) of the Commonhold and Leasehold Reform Act 2002, the company does not acquire the right to manage those premises unless—

(a) on an application to a leasehold valuation tribunal, it is finally determined that the company was entitled to acquire the right to manage the premises; or

(b) the person by whom the counter-notice was given agrees, or the persons by whom the counter-notices were given agree, in writing that the company was so entitled. (**See Note 3 below**)

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Either

Signed:

[Signature of person on whom claim notice served, or of agent of such person Where an agent signs, insert also.]

"Duly authorised agent of

[insert name of person on whom claim notice served]

Address:

[Give the address to which future communications relating to the subject-matter of the notice should be sent]

[Date]

Or

Signed by authority of the company on whose behalf this notice is given

[Signature of authorised member or officer and statement of position in company]

Address

[Give the address to which future communications relating to the subject-matter of the notice should be sent]

Date *[Insert date]*

NOTES

1. The counter-notice is to be given to the company that gave the claim notice. The company's name and address are given in that notice.
2. An application to a leasehold valuation tribunal must be made within the period of two months beginning with the day on which the counter-notice (or, where more than one, the last of the counter-notices) was given.
3. For the time at which an application is finally determined, see section 84(7) and (8) of the Commonhold and Leasehold Reform Act 2002.

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SCHEDULE 4

Regulation 6 and 8(4)

FORM OF CONTRACTOR NOTICE
COMMONHOLD AND LEASEHOLD REFORM ACT 2002

Contractor Notice

To

[name and address] (See Note 1 below)

1. This notice is given in relation to the management contract, details of which are given in the Schedule to this notice ("the contract") (See Note 2 below)

2. The right to manage

[give the address of the premises which the RTM company is to acquire the right to manage] (See Note 3 below)

("the premises") is to be acquired by

[state name of RTM company]

("the company").

3. The registered office of the company is

[registered office address of RTM company]

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4. The date of acquisition of the right to manage the premises by the company is

[date of acquisition]

5. If you wish to provide to the company services which as the contractor party you have provided to the manager party under the contract you are advised to contact the company at the address given in paragraph 2 above. (See Note 1 below)

Either

Signed:

[signature on behalf of company]

Duly authorised officer of:

[name of company giving the notice]

Date:

Or

Signed:

[signature]

By or on behalf of

[name of person/entity giving this notice]

Date:

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SCHEDULE

Insert details below as required by paragraph 1 above

Name of contract as set out in the contract documentation:

Premises to which the contract relates:

Parties to contract:

Date of contract :

Term of contract:

years and

months

Any other particulars necessary to identify the contract in relation to which this notice is given: *[This section should only be completed if the details above are not sufficient to identify the contract in question]*

NOTES

1. The contractor notice (a notice in the form set out in Schedule 4 to the Right to Manage (Prescribed Particulars and Forms)(Wales) Regulations 2011) ("the 2011 Regulations") is relevant when the right to manage certain premises is to be acquired by a Right to Manage company under the Commonhold and Leasehold Reform Act 2002 ("the 2002 Act"). The contractor notice must be sent by the manager party to the contractor party in relation to an existing management contract relating to the premises. The definition of "existing management contract" is in section 91(3) of the 2002 Act. The definitions of "manager party" and "contractor party" are set out in section 91(2) of the 2002 Act. Section 92(2) of the 2002 Act sets out the time when such notices must be given.

2. If you are party to an existing management sub-contract with another person you must (a) send a copy of the contractor notice to the other party to the sub-contract and (b) give to the company a contract notice (a notice in the form set out in Schedule 5 to the 2011 Regulations) in relation to the existing management sub-contract in accordance with section 92(4) of the 2002 Act. Section 92(5) of that Act defines an existing management sub-contract.

Section 92(6) of the 2002 Act sets out the time when such notices must be given.

3. The RTM company is the company which is to acquire the right to manage premises in accordance with Part 2 of Chapter 1 of the 2002 Act.

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SCHEDULE 5

Regulation 7 and 8(5)

FORM OF CONTRACT NOTICE
COMMONHOLD AND LEASEHOLD REFORM ACT 2002

Contract Notice

To

[name and address of RTM company] (See **Note 1 below**)

("the company")

1. This notice is given in relation to the contract details of which are given in the Schedule to this notice ("the contract"). (See **Note 2 below**)

2. Should the company wish to avail itself of the services which the contractor party, or sub-contractor party, has provided to the manager party under the contract it is advised to contact the contractor party, or sub-contractor party

at

[address at which person/entity giving this notice should be contacted]

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Either

Signed:

[signature on behalf of company]

Duly authorised officer of:

[name of company giving the notice]

Date:

Or

Signed:

[signature]

By or on behalf of:

[name of person/entity giving this notice]

Date:

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SCHEDULE

Insert details required by paragraph 1 above

Name of contract:

Parties to contract (**See Note 3 below**):

(1)

[contractor (or sub-contractor) party]

(2)

[manager party]

Address of the contractor (or sub-contractor)
party under the contract:

Date of contract:

Term of contract:

years and

months

NOTES

1. The contract notice (a notice in the form set out in Schedule 5 to the Right to Manage (Prescribed Particulars and Forms)(Wales) Regulations 2011) is relevant when the right to manage certain premises is to be acquired by a Right to Manage company ("RTM company") under Part 2 of Chapter 1 of the Commonhold and Leasehold Reform Act 2002 ("the 2002 Act"). The person who is the manager party in relation to an existing management contract must give to the RTM company a contract notice in accordance with section 92(1) of the 2002 Act. A person who receives a contractor notice who is also party to an existing management sub-contract must also give to the RTM company a contract notice in accordance with section 92(4) of the 2002 Act.

"Existing management contract", is defined in section 91(3) of the 2002 Act. An existing management sub-contract is defined in section 92(5) of the 2002 Act.

2. The time for giving a contract notice is set out in section 92(2) and 92(6) of the 2002 Act.

3. "Contractor party" and "manager party" are defined in section 91(2) of the 2002 Act and "sub-contractor party" is defined in section 92(4) of that Act.

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations supplement Chapter 1 of Part 2 of the Commonhold and Leasehold Reform Act 2002 (“the 2002 Act”). That Chapter makes provision for the acquisition and exercise of rights in relation to the management of premises to which the Chapter applies by a company which may acquire and exercise those rights (known as a Right to Manage company or “RTM company”).

It was decided to revoke and replace rather than amend the existing Regulations, the Right to Manage (Prescribed Particulars and Forms) (Wales) Regulations 2004 (S.I. 2004/678). This was due to the fact that the Welsh Ministers recognised that these Regulations are likely to be used by people who do not have access to professional advice. The Welsh Ministers consider that it would be confusing for applicants to access two sets of regulations in order to set up their RTM company.

Before a RTM company can acquire the right to manage premises, it must give notice (“notice of invitation to participate”) to those tenants of flats contained in the premises who are “qualifying tenants” (see section 75 of the 2002 Act) of its intention to acquire the right. The notice must invite its recipients to become members of the RTM company. Regulation 3, to which Schedule 1 is also relevant, prescribes requirements, in addition to those specified in section 78 of the 2002 Act, as regards the contents of the notice.

Once the RTM company has given notice of invitation to participate, it may make a claim to acquire the right to manage. The claim is required to be made by notice (“claim notice”), which is to be given to each person who is—

- (a) 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.

Regulation 4, to which Schedule 2 to these Regulations is also relevant, prescribes requirements as regards the contents of the claim notice in addition to those specified in section 80 of the 2002 Act.

A person who receives a claim notice may respond by giving the RTM company a counter-notice, in which the RTM company’s claim is either admitted or opposed. Regulation 5, to which Schedule 3 to these Regulations is also relevant, prescribes requirements as regards the contents of the counter notice. These are in addition to those specified in section 84 of the 2002 Act.

If a person who is entitled to receive a claim notice is also party to a contract under which the other party to the contract agrees to provide services, or do other things, in connection with any matter relating to a function that will be the function of the RTM company once it acquires the right to manage the premises, that person must give notice to the other party to the contract (“contractor notice”) and to the RTM company (“contract notice”). Regulations 6 and 7, to which Schedules 4 and 5 apply respectively, prescribe requirements, in addition to those specified in section 92 of the Act, as regards contractor notices and contract notices.

Regulation 8 introduces the Schedules which provide template forms for the invitation to participate, claim notice, counter-notice, contractor notice and contract notices. Regulation 8 allows forms to the like effect to be used, provided they contain the relevant prescribed particulars.