

*These notes refer to the Commonhold and Leasehold Reform Act 2002 (c.15) which received Royal Assent on 1st May 2002*

# COMMONHOLD AND LEASEHOLD REFORM ACT 2002

---

## EXPLANATORY NOTES

### COMMENTARY ON THE SECTIONS: PART 1

#### *Nature of commonhold*

#### *Section 1: Commonhold land*

45. [Section 1](#) defines commonhold land in terms of certain key elements necessary for its creation and existence rather than in terms of lists of attributes which might make up particular commonhold developments. Thus, first there must be a registered freehold estate in the land which is further registered as a freehold estate in commonhold land at HM Land Registry (*subsection (1)(a)*), and see also sections 2-5). Second, there must be in existence a commonhold association, which is a private company limited by guarantee and registered at Companies House with standard memorandum and articles of association whose business it will be to own and manage the common parts of the development (*subsection (1)(b)*) and see also sections 34 and 35 and Schedule 3). Third, there must be a commonhold community statement, in effect the rules and regulations for the operation and management of the particular commonhold. This will also be required to be in a standard format (*subsection (1)(c)*) and see also sections 31-33). *Subsection (3)* defines terms used in subsection (1) by reference to other sections in the Act.