

# COMMONHOLD AND LEASEHOLD REFORM ACT 2002

---

## EXPLANATORY NOTES

### COMMENTARY ON THE SECTIONS: PART 1

#### *Registration*

#### *Section 3: Consent*

48. As part of the essence of commonhold is that all those involved as unit-holders should have an equality of interest, it is important to ensure that there is full participation by all those who may be involved in a conversion from leasehold. Also, because of the distinct difference between commonhold and other forms of tenure, certain specified classes of persons with a registered interest in any land which it is intended to register as commonhold should consent to the change. *Subsection (1)* specifies four classes of person from whom it will be necessary to obtain consent. *Paragraph (a)* refers to freeholders of all or part of the land; *(b)* refers to the proprietor of a lease which was originally granted for a period of more than 21 years on a property which is converting to commonhold from leasehold; *paragraph (c)* will include mortgagees; *paragraph (d)* allows for other classes of person to be included in the list of those whose consent must be obtained.
49. *Subsection (2)* provides for the making of regulations governing consents, including forms, duration etc. In particular they may make provision for a court to dispense with consents in circumstances which the regulations would specify, and *subsection (3)* provides that such an order may either be an absolute dispensation or may, alternatively, be conditional on some specified action or circumstance prescribed by the court. The court may also make any other provisions which seem appropriate, which might include, for instance, in the right circumstances, an order for compensation.