

*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

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## EXPLANATORY NOTES

### COMMENTARY ON THE SECTIONS: PART 1

#### *Commonhold association*

#### *Section 35: Duty to manage*

86. *Section 35(1)* places on the commonhold association a duty to manage the development in such a way as to allow unit-holders (or their tenants (*subsection (4)*) to exercise their rights and to enjoy their occupation of their units. However, *subsection (2)* also requires the association to use any of its rights and powers granted under section 37 to ensure that any unit-holder or tenant who is in breach of any requirement or duty imposed on him either complies or stops committing the breach. *Subsection (3)* gives the association discretion not to enforce if that would be more conducive to corporate harmony and requires the association to consider alternative dispute resolution before resorting to the courts.