



# Commonhold and Leasehold Reform Act 2002

## 2002 CHAPTER 15

### PART 1

#### COMMONHOLD

##### *General*

#### 64 Orders and regulations

- (1) In this Part “prescribed” means prescribed by regulations.
- (2) Regulations under this Part shall be made by the [<sup>F1</sup>Secretary of State].
- (3) Regulations under this Part—
  - (a) shall be made by statutory instrument,
  - (b) may include incidental, supplemental, consequential and transitional provision,
  - (c) may make provision generally or only in relation to specified cases,
  - (d) may make different provision for different purposes, and
  - (e) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### **Textual Amendments**

- F1** Words in s. 64(2) substituted (11.4.2018) by [The Secretaries of State for Health and Social Care and for Housing, Communities and Local Government and Transfer of Functions \(Commonhold Land\) Order 2018 \(S.I. 2018/378\)](#), art. 1(2), [Sch. para. 10\(c\)](#) (with art. 14)

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*Changes to legislation: There are currently no known outstanding effects for the Commonhold and Leasehold Reform Act 2002, Cross Heading: General. (See end of Document for details)*

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## 65 Registration procedure

- (1) The [F<sup>2</sup>Secretary of State] may make rules about—
- (a) the procedure to be followed on or in respect of commonhold registration documents, and
  - (b) the registration of freehold estates in commonhold land.
- (2) Rules under this section—
- (a) shall be made by statutory instrument in the same manner as land registration rules within the meaning of the Land Registration Act 2002 (c. 9),
  - (b) may make provision for any matter for which provision is or may be made by land registration rules, and
  - (c) may provide for land registration rules to have effect in relation to anything done by virtue of or for the purposes of this Part as they have effect in relation to anything done by virtue of or for the purposes of that Act.
- (3) Rules under this section may, in particular, make provision—
- (a) about the form and content of a commonhold registration document;
  - (b) enabling the Registrar to cancel an application by virtue of this Part in specified circumstances;
  - (c) enabling the Registrar, in particular, to cancel an application by virtue of this Part if he thinks that plans submitted with it (whether as part of a commonhold community statement or otherwise) are insufficiently clear or accurate;
  - (d) about the order in which commonhold registration documents and general registration documents are to be dealt with by the Registrar;
  - (e) for registration to take effect (whether or not retrospectively) as from a date or time determined in accordance with the rules.
- (4) The rules may also make provision about satisfaction of a requirement for an application by virtue of this Part to be accompanied by a document; in particular the rules may—
- (a) permit or require a copy of a document to be submitted in place of or in addition to the original;
  - (b) require a copy to be certified in a specified manner;
  - (c) permit or require the submission of a document in electronic form.
- (5) A commonhold registration document must be accompanied by such fee (if any) as is specified for that purpose by order under section 102 of the Land Registration Act 2002 (c. 9)(fee orders).
- (6) In this section—
- “commonhold registration document” means an application or other document sent to the Registrar by virtue of this Part, and
- “general registration document” means a document sent to the Registrar under a provision of the Land Registration Act 2002.

### Textual Amendments

- F2** Words in s. 65(1) substituted (9.11.2011) by [The Transfer of Functions \(Her Majesty's Land Registry, the Meteorological Office and Ordnance Survey\) Order 2011 \(S.I. 2011/2436\)](#), art. 6, [Sch. 2 para. 5](#)

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#### Modifications etc. (not altering text)

- C1** S. 65: functions transferred (9.11.2011) by [The Transfer of Functions \(Her Majesty's Land Registry, the Meteorological Office and Ordnance Survey\) Order 2011 \(S.I. 2011/2436\)](#), art. 3(1), [Sch. 1 para. 4](#)

## 66 Jurisdiction

- (1) In this Part “the court” means the High Court or [<sup>F3</sup>the county court] .
- (2) Provision made by or under this Part conferring jurisdiction on a court shall be subject to provision made under section 1 of the Courts and Legal Services Act 1990 (c. 41) (allocation of business between High Court and county courts).
- (3) A power under this Part to confer jurisdiction on a court includes power to confer jurisdiction on a tribunal established under an enactment.
- (4) Rules of court or rules of procedure for a tribunal may make provision about proceedings brought—
  - (a) under or by virtue of any provision of this Part, or
  - (b) in relation to commonhold land.

#### Textual Amendments

- F3** Words in s. 66(1) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 52](#); [S.I. 2014/954](#), art. 2(c) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

## 67 The register

- (1) In this Part—

“the register” means the register of title to freehold and leasehold land kept under section 1 of the Land Registration Act 2002,  
“registered” means registered in the register, and  
“the Registrar” means the Chief Land Registrar.
- (2) Regulations under any provision of this Part may confer functions on the Registrar (including discretionary functions).
- (3) The Registrar shall comply with any direction or requirement given to him or imposed on him under or by virtue of this Part.
- (4) Where the Registrar thinks it appropriate in consequence of or for the purpose of anything done or proposed to be done in connection with this Part, he may—
  - (a) make or cancel an entry on the register;
  - (b) take any other action.
- (5) Subsection (4) is subject to section 6(2).

## 68 Amendments

Schedule 5 (consequential amendments) shall have effect.

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## 69 Interpretation

(1) In this Part—

[<sup>F4</sup>“higher-risk building” has the meaning given by section 115 of the Building Safety Act 2022,

“higher-risk commonhold” means a commonhold in England that includes all or any part of a higher-risk building,]

“instrument” includes any document, and

[<sup>F5</sup>“object”, in relation to a commonhold association, means an object stated in the association's articles of association (see section 31 of the Companies Act 2006);]

(2) In this Part—

(a) a reference to a duty to insure includes a reference to a duty to use the proceeds of insurance for the purpose of rebuilding or reinstating, and

(b) a reference to maintaining property includes a reference to decorating it and to putting it into sound condition.

(3) A provision of the Law of Property Act 1925 (c. 20), [<sup>F6</sup>the Companies Act 2006] or the Land Registration Act 2002 (c.9) defining an expression shall apply to the use of the expression in this Part unless the contrary intention appears.

### Textual Amendments

**F4** Words in s. 69(1) inserted (28.4.2022 for specified purposes, 6.4.2023 in so far as not already in force) by [Building Safety Act 2022 \(c. 30\)](#), **ss. 114(9)**, 170(2) (with s. 164); S.I. 2023/362, reg. 3(1)(z11)

**F5** S. 69(1): definition of "object" substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), **Sch. 1 para. 194(14)(a)** (with art. 10)

**F6** Words in s. 69(3) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), **Sch. 1 para. 194(14)(b)** (with art. 10)

### Commencement Information

**II** S. 69 wholly in force at 27.9.2004; s. 69 not in force at Royal Assent see s. 181(1); s. 69 in force for specified purposes at 29.9.2003 by [S.I. 2003/2377](#), **art. 2(g)**; s. 69 in force so far as not already in force at 27.9.2004 by [S.I. 2004/1832](#), **art. 2**

## 70 Index of defined expressions

In this Part the expressions listed below are defined by the provisions specified.

<i>Expression</i>	<i>Interpretation provision</i>
Common parts	Section 25
A commonhold	Section 1
Commonhold association	Section 34
Commonhold community statement	Section 31
Commonhold land	Section 1

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**Changes to legislation:** There are currently no known outstanding effects for the Commonhold and Leasehold Reform Act 2002, Cross Heading: General. (See end of Document for details)

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Commonhold unit	Section 11
Court	Section 66
Declaration of solvency	Section 43
Developer	Section 58
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Exercising functions	Section 8
Insolvent commonhold association	Section 50
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Termination-statement resolution	Section 43
Transfer (of unit)	Section 15
Transitional period	Section 8
Unit-holder	Section 12
Winding-up resolution	Section 43

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#### **Commencement Information**

- I2** S. 70 wholly in force at 27.9.2004; s. 70 not in force at Royal Assent see s. 181(1); s. 70 in force for specified purposes at 29.9.2003 by [S.I. 2003/2377](#), [art. 2\(g\)](#); s. 70 in force so far as not already in force at 27.9.2004 by [S.I. 2004/1832](#), [art. 2](#)

**Changes to legislation:**

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