



Commonhold and Leasehold Reform Act 2002

2002 CHAPTER 15

PART 1

COMMONHOLD

Registration

2 Application

- (1) The Registrar shall register a freehold estate in land as a freehold estate in commonhold land if—
 - (a) the registered freeholder of the land makes an application under this section, and
 - (b) no part of the land is already commonhold land.
- (2) An application under this section must be accompanied by the documents listed in Schedule 1.
- (3) A person is the registered freeholder of land for the purposes of this Part if—
 - (a) he is registered as the proprietor of a freehold estate in the land with absolute title, or
 - (b) he has applied, and the Registrar is satisfied that he is entitled, to be registered as mentioned in paragraph (a).

3 Consent

- (1) An application under section 2 may not be made in respect of a freehold estate in land without the consent of anyone who—
 - (a) is the registered proprietor of the freehold estate in the whole or part of the land,

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- (b) is the registered proprietor of a leasehold estate in the whole or part of the land granted for a term of more than 21 years,
 - (c) is the registered proprietor of a charge over the whole or part of the land, or
 - (d) falls within any other class of person which may be prescribed.
- (2) Regulations shall make provision about consent for the purposes of this section; in particular, the regulations may make provision—
- (a) prescribing the form of consent;
 - (b) about the effect and duration of consent (including provision for consent to bind successors);
 - (c) about withdrawal of consent (including provision preventing withdrawal in specified circumstances);
 - (d) for consent given for the purpose of one application under section 2 to have effect for the purpose of another application;
 - (e) for consent to be deemed to have been given in specified circumstances;
 - (f) enabling a court to dispense with a requirement for consent in specified circumstances.
- (3) An order under subsection (2)(f) dispensing with a requirement for consent—
- (a) may be absolute or conditional, and
 - (b) may make such other provision as the court thinks appropriate.

4 Land which may not be commonhold

Schedule 2 (which provides that an application under section 2 may not relate wholly or partly to land of certain kinds) shall have effect.

5 Registered details

- (1) The Registrar shall ensure that in respect of any commonhold land the following are kept in his custody and referred to in the register—
- (a) the prescribed details of the commonhold association;
 - (b) the prescribed details of the registered freeholder of each commonhold unit;
 - (c) a copy of the commonhold community statement;
 - (d) a copy of the [F1 articles of association] of the commonhold association.
- (2) The Registrar may arrange for a document or information to be kept in his custody and referred to in the register in respect of commonhold land if the document or information—
- (a) is not mentioned in subsection (1), but
 - (b) is submitted to the Registrar in accordance with a provision made by or by virtue of this Part.
- (3) Subsection (1)(b) shall not apply during a transitional period within the meaning of section 8.

Textual Amendments

- F1** Words in s. 5(1)(d) 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(3)** (with art. 10)

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6 Registration in error

- (1) This section applies where a freehold estate in land is registered as a freehold estate in commonhold land and—
 - (a) the application for registration was not made in accordance with section 2,
 - (b) the certificate under paragraph 7 of Schedule 1 was inaccurate, or
 - (c) the registration contravened a provision made by or by virtue of this Part.
- (2) The register may not be altered by the Registrar under Schedule 4 to the Land Registration Act 2002 (c. 9) (alteration of register).
- (3) The court may grant a declaration that the freehold estate should not have been registered as a freehold estate in commonhold land.
- (4) A declaration under subsection (3) may be granted only on the application of a person who claims to be adversely affected by the registration.
- (5) On granting a declaration under subsection (3) the court may make any order which appears to it to be appropriate.
- (6) An order under subsection (5) may, in particular—
 - (a) provide for the registration to be treated as valid for all purposes;
 - (b) provide for alteration of the register;
 - (c) provide for land to cease to be commonhold land;
 - (d) require a director or other specified officer of a commonhold association to take steps to alter or amend a document;
 - (e) require a director or other specified officer of a commonhold association to take specified steps;
 - (f) make an award of compensation (whether or not contingent upon the occurrence or non-occurrence of a specified event) to be paid by one specified person to another;
 - (g) apply, disapply or modify a provision of Schedule 8 to the Land Registration Act 2002 (c. 9) (indemnity).

Changes to legislation:

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