



# Commonhold and Leasehold Reform Act 2002

## 2002 CHAPTER 15

### PART 2

#### LEASEHOLD REFORM

#### CHAPTER 1

#### RIGHT TO MANAGE

#### *Supplementary*

#### **109 Powers of trustees in relation to right**

- (1) Where trustees are the qualifying tenant of a flat contained in any premises, their powers under the instrument regulating the trusts include power to be a member of a RTM company for the purpose of the acquisition and exercise of the right to manage the premises.
- (2) But subsection (1) does not apply where the instrument regulating the trusts contains an explicit direction to the contrary.
- (3) The power conferred by subsection (1) is exercisable with the same consent or on the same direction (if any) as may be required for the exercise of the trustees' powers (or ordinary powers) of investment.
- (4) The purposes—
  - (a) authorised for the application of capital money by section 73 of the Settled Land Act 1925 (c. 18), and
  - (b) authorised by section 71 of that Act as purposes for which moneys may be raised by mortgage,

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*Status: This is the original version (as it was originally enacted).*

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include the payment of any expenses incurred by a tenant for life or statutory owner as a member of a RTM company.