



Commonhold and Leasehold Reform Act 2002

2002 CHAPTER 15

PART 2

LEASEHOLD REFORM

CHAPTER 1

RIGHT TO MANAGE

Qualifying rules

74 RTM companies: membership and regulations

- (1) The persons who are entitled to be members of a company which is a RTM company in relation to premises are—
 - (a) qualifying tenants of flats contained in the premises, and
 - (b) from the date on which it acquires the right to manage (referred to in this Chapter as the “acquisition date”), landlords under leases of the whole or any part of the premises.
- (2) The appropriate national authority shall make regulations about the content and form of the [^{F1}articles of association] of RTM companies.
- (3) A RTM company may adopt provisions of the regulations for its [^{F2}articles].
- (4) The regulations may include provision which is to have effect for a RTM company whether or not it is adopted by the company.
- (5) A provision of the [^{F2}articles] of a RTM company has no effect to the extent that it is inconsistent with the regulations.

Changes to legislation: There are currently no known outstanding effects for the Commonhold and Leasehold Reform Act 2002, Section 74. (See end of Document for details)

- (6) The regulations have effect in relation to [^{F3}articles]—
- (a) irrespective of the date of the [^{F4}articles], but
 - (b) subject to any transitional provisions of the regulations.

[^{F5}(7) Section 20 of the Companies Act 2006 (default application of model articles) does not apply to a RTM company.]

Textual Amendments

- F1** Words in s. 74(2) 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(16)(a)** (with art. 10)
- F2** Words in s. 74(3)(5) 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(16)(b)** (with art. 10)
- F3** Words in s. 74(6) 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(16)(c)(i)** (with art. 10)
- F4** Words in s. 74(6)(a) 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(16)(c)(ii)** (with art. 10)
- F5** S. 74(7) 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(16)(d)** (with art. 10)

Commencement Information

- I1** S. 74 wholly in force at 30.3.2004; s. 74 not in force at Royal Assent see s. 181(1); s. 74 in force for specified purposes at 26.7.2002 for E. by [S.I. 2002/1912](#), **art. 2(c)**; s. 74 in force for specified purposes at 1.1.2003 for W. by [S.I. 2002/3012](#), **art. 2(c)**; s. 74 in force so far as not already in force at 30.9.2003 for E. by [S.I. 2003/1986](#), **art. 2(b)**; s. 74 in force so far as not already in force at 30.3.2004 for W. by [S.I. 2004/669](#), **art. 2(b)**

Changes to legislation:

There are currently no known outstanding effects for the Commonhold and Leasehold Reform Act 2002, Section 74.