



Commonhold and Leasehold Reform Act 2002

2002 CHAPTER 15

PART 1

COMMONHOLD

Operation of commonhold

[^{F1}38A Building safety assessment

- (1) A commonhold community statement for a higher-risk commonhold must make provision—
 - (a) requiring the directors of the commonhold association to make an annual estimate of the income required to be raised from unit-holders to meet the building safety expenses of the association,
 - (b) enabling the directors of the commonhold association to make estimates from time to time of income required to be raised from unit-holders in addition to the annual estimate,
 - (c) specifying the percentage of any estimate made under paragraph (a) or (b) which is to be allocated to each unit,
 - (d) requiring each unit-holder to make payments in respect of the percentage of any estimate which is allocated to their unit, and
 - (e) requiring the directors of the commonhold association to serve notices on unit-holders specifying payments required to be made by them and the date on which each payment is due.
- (2) For the purpose of subsection (1)(c)—
 - (a) the percentages allocated by a commonhold community statement to the commonhold units must amount in aggregate to 100;
 - (b) a commonhold community statement may specify 0 per cent in relation to a unit.

*Changes to legislation: There are currently no known outstanding effects for the
Commonhold and Leasehold Reform Act 2002, Section 38A. (See end of Document for details)*

(3) In this section—

“building safety expenses of the association” means the expenses incurred by the commonhold association or special measures manager for the higher-risk building in connection with taking measures that the association or manager is required or permitted to take under Part 4 of the Building Safety Act 2022, or regulations made under that Part of that Act;

“special measures manager” means a person appointed under paragraph 4 of Schedule 7 to the Building Safety Act 2022.]

Textual Amendments

F1 [S. 38A](#) 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\(8\), 170\(2\)](#) (with [s. 164](#)); [S.I. 2023/362, reg. 3\(1\)\(z11\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Commonhold and Leasehold Reform Act 2002, Section 38A.