



# Commonhold and Leasehold Reform Act 2002

## 2002 CHAPTER 15

### PART 2

#### LEASEHOLD REFORM

#### CHAPTER 1

#### RIGHT TO MANAGE

#### *Claim to acquire right*

#### **78 Notice inviting participation**

- (1) Before making a claim to acquire the right to manage any premises, a RTM company must give notice to each person who at the time when the notice is given—
  - (a) is the qualifying tenant of a flat contained in the premises, but
  - (b) neither is nor has agreed to become a member of the RTM company.
- (2) A notice given under this section (referred to in this Chapter as a “notice of invitation to participate”) must—
  - (a) state that the RTM company intends to acquire the right to manage the premises,
  - (b) state the names of the members of the RTM company,
  - (c) invite the recipients of the notice to become members of the company, and
  - (d) contain such other particulars (if any) as may be required to be contained in notices of invitation to participate by regulations made by the appropriate national authority.

*Status: Point in time view as at 01/10/2009.*

*Changes to legislation: Commonhold and Leasehold Reform Act 2002, Section 78 is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (3) A notice of invitation to participate must also comply with such requirements (if any) about the form of notices of invitation to participate as may be prescribed by regulations so made.
- (4) A notice of invitation to participate must either—
- (a) be accompanied by a copy of the [<sup>F1</sup>articles of association] of the RTM company, or
  - (b) include a statement about inspection and copying of the [<sup>F1</sup>articles of association] of the RTM company.
- (5) A statement under subsection (4)(b) must—
- (a) specify a place (in England or Wales) at which the [<sup>F1</sup>articles of association] may be inspected,
  - (b) specify as the times at which they may be inspected periods of at least two hours on each of at least three days (including a Saturday or Sunday or both) within the seven days beginning with the day following that on which the notice is given,
  - (c) specify a place (in England or Wales) at which, at any time within those seven days, a copy of the [<sup>F1</sup>articles of association] may be ordered, and
  - (d) specify a fee for the provision of an ordered copy, not exceeding the reasonable cost of providing it.
- (6) Where a notice given to a person includes a statement under subsection (4)(b), the notice is to be treated as not having been given to him if he is not allowed to undertake an inspection, or is not provided with a copy, in accordance with the statement.
- (7) A notice of invitation to participate is not invalidated by any inaccuracy in any of the particulars required by or by virtue of this section.

#### Textual Amendments

- F1** Words in s. 78(4)(a)(b)(5)(a)(c) 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\(17\)](#) (with art. 10)

#### Commencement Information

- I1** S. 78 wholly in force at 30.3.2004; s. 78 not in force at Royal Assent see s. 181(1); s. 78 in force for specified purposes at 26.7.2002 for E. by [S.I. 2002/1912](#), [art. 2\(c\)](#); s. 78 in force for specified purposes at 1.1.2003 for W. by [S.I. 2002/3012](#), [art. 2\(c\)](#); s. 78 in force so far as not already in force at 30.9.2003 for E. by [S.I. 2003/1986](#), [art. 2\(b\)](#); s. 78 in force so far as not already in force at 30.3.2004 for W. by [S.I. 2004/669](#), [art. 2\(b\)](#)

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