



# Commonhold and Leasehold Reform Act 2002

## 2002 CHAPTER 15

### PART 2

#### LEASEHOLD REFORM

#### CHAPTER 1

#### RIGHT TO MANAGE

#### *Claim to acquire right*

#### **87 Deemed withdrawal**

- (1) If a RTM company has been given one or more counter-notices containing a statement such as is mentioned in subsection (2)(b) of section 84 but either—
  - (a) no application for a determination under subsection (3) of that section is made within the period specified in subsection (4) of that section, or
  - (b) such an application is so made but is subsequently withdrawn, the claim notice is deemed to be withdrawn.
- (2) The withdrawal shall be taken to occur—
  - (a) if paragraph (a) of subsection (1) applies, at the end of the period specified in that paragraph, and
  - (b) if paragraph (b) of that subsection applies, on the date of the withdrawal of the application.
- (3) Subsection (1) does not apply if the person by whom the counter-notice was given has, or the persons by whom the counter-notices were given have, (before the time when the withdrawal would be taken to occur) agreed in writing that the RTM company was on the relevant date entitled to acquire the right to manage the premises.

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*Status: Point in time view as at 01/10/2009.*

*Changes to legislation: There are currently no known outstanding effects for the Commonhold and Leasehold Reform Act 2002, Section 87. (See end of Document for details)*

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- (4) The claim notice is deemed to be withdrawn if—
- (a) a winding-up order <sup>F1</sup> . . . is made, or a resolution for voluntary winding-up is passed, with respect to the RTM company, [<sup>F2</sup>or the RTM company enters administration,]
  - (b) a receiver or a manager of the RTM company’s undertaking is duly appointed, or possession is taken, by or on behalf of the holders of any debentures secured by a floating charge, of any property of the RTM company comprised in or subject to the charge,
  - (c) a voluntary arrangement proposed in the case of the RTM company for the purposes of Part 1 of the Insolvency Act 1986 (c. 45) is approved under that Part of that Act, or
  - (d) the RTM company’s name is struck off the register under [<sup>F3</sup>section 1000, 1001 or 1003 of the Companies Act 2006].

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#### Textual Amendments

- F1** Words in s. 87(4)(a) omitted (15.9.2003) by virtue of [The Enterprise Act 2002 \(Insolvency\) Order 2003 \(S.I. 2003/2096\)](#), art. 4, [Sch. para. 39\(a\)](#) (with art. 6)
- F2** Words in s. 87(4)(a) added (15.9.2003) by [The Enterprise Act 2002 \(Insolvency\) Order 2003 \(S.I. 2003/2096\)](#), art. 4, [Sch. para. 39\(b\)](#) (with art. 6)
- F3** Words in s. 87(4)(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\(18\)](#) (with art. 10)
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#### Commencement Information

- I1** [S. 87](#) wholly in force at 30.3.2004; [s. 87](#) not in force at Royal Assent see [s. 181\(1\)](#); [s. 87](#) wholly in force at 30.9.2003 for E. by [S.I. 2003/1986](#), [art. 2\(a\)](#); [s. 87](#) wholly in force at 30.3.2004 for W. by [S.I. 2004/669](#), [art. 2\(a\)](#)

**Status:**

Point in time view as at 01/10/2009.

**Changes to legislation:**

There are currently no known outstanding effects for the Commonhold and Leasehold Reform Act 2002, Section 87.