
STATUTORY INSTRUMENTS

2003 No. 1988

LANDLORD AND TENANT, ENGLAND

**The Right to Manage (Prescribed Particulars
and Forms) (England) Regulations 2003**

Made - - - - *4th August 2003*
Laid before Parliament *11th August 2003*
Coming into force - - *30th September 2003*

The First Secretary of State⁽¹⁾, in exercise of the powers conferred by sections 78(2)(d) and (3), 80(8) and (9), 84(2), 92(3)(e) and (7)(b) and 178(1) (b) and (c) of the Commonhold and Leasehold Reform Act 2002⁽²⁾, hereby makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Right to Manage (Prescribed Particulars and Forms) (England) Regulations 2003 and shall come into force on 30th September 2003.

(2) These Regulations apply in relation to premises in England only.

Interpretation

2. In these Regulations—

“the 2002 Act” means the Commonhold and Leasehold Reform Act 2002;

“landlord”, in relation to RTM premises, means a person who is landlord under a lease of the whole or any part of the premises⁽³⁾;

“RTM premises” means premises as regards which a RTM company intends to acquire the right to manage⁽⁴⁾;

“third party”, in relation to RTM premises, means a person who is party to a lease of the whole or any part of the premises otherwise than as landlord or tenant⁽⁵⁾.

(1) By virtue of section 179(1) of the Commonhold and Leasehold Reform Act 2002 (c. 15), the Secretary of State is “the appropriate national authority” as respects England. The powers conferred by sections 78(2)(d) and (3), 80(8) and (9), 84(2) and 92(3)(e) and (7)(b) of that Act are exercisable, as respects Wales, by the National Assembly for Wales.

(2) 2002 c. 15.

(3) As to “landlord” see section 112(2), (3) and (5) of the Commonhold and Leasehold Reform Act 2002.

(4) As to “RTM company”, see sections 71(1) and 73 of the Commonhold and Leasehold Reform Act 2002. As to “the right to manage” see section 71(2) of that Act.

(5) As to “tenant” see section 112(2), (3) and (5) of the Commonhold and Leasehold Reform Act 2002.

Additional content of notice of invitation to participate

3.—(1) A notice of invitation to participate⁽⁶⁾ shall contain (in addition to the statements and invitation referred to in paragraphs (a) to (c) of subsection (2) of section 78 (notice inviting participation) of the 2002 Act), the particulars mentioned in paragraph (2).

(2) The particulars referred to in paragraph (1) are—

- (a) the RTM company's registered number⁽⁷⁾, the address of its registered office and the names of its directors and secretary;
- (b) the names of the landlord and any third party;
- (c) a statement that, subject to the exclusions mentioned in sub-paragraph (e), if the right to manage is acquired by the RTM company, the company will be responsible for—
 - (i) the discharge of the landlord's duties under the lease; and
 - (ii) the exercise of his powers under the lease,
 with respect to services, repairs, maintenance, improvements, insurance and management;
- (d) a statement that, subject to the exclusion mentioned in sub-paragraph (e)(ii), if the right to manage is acquired by the RTM company, the company may enforce untransferred tenant covenants⁽⁸⁾;
- (e) a statement that, if the right to manage is acquired by the RTM company, the company will not be responsible for the discharge of the landlord's duties or the exercise of his powers under the lease—
 - (i) with respect to a matter concerning only a part of the premises consisting of a flat or other unit not subject to a lease held by a qualifying tenant⁽⁹⁾; or
 - (ii) relating to re-entry or forfeiture;
- (f) a statement that, if the right to manage is acquired by the RTM company, the company will have functions under the statutory provisions referred to in Schedule 7 to the 2002 Act;
- (g) a statement that the RTM company intends or, as the case may be, does not intend, to appoint a managing agent within the meaning of section 30B(8) of the Landlord and Tenant Act 1985⁽¹⁰⁾; and—
 - (i) if it does so intend, a statement—
 - (aa) of the name and address of the proposed managing agent (if known); and
 - (bb) if it be the case, that the person is the landlord's managing agent; or
 - (ii) if it does not so intend, the qualifications or experience (if any) of the existing members of the RTM company in relation to the management of residential property;
- (h) a statement that, where the company gives a claim notice⁽¹¹⁾, a person who is or has been a member of the company may be liable for costs incurred by the landlord and others in consequence of the notice;
- (i) a statement that, if the recipient of the notice (of invitation to participate) does not fully understand its purpose or implications, he is advised to seek professional help; and
- (j) the information provided in the notes to the form set out in Schedule 1 to these Regulations.

⁽⁶⁾ See section 78(2) of the Commonhold and Leasehold Reform Act 2002.

⁽⁷⁾ See section 705(1) of the Companies Act 1985 (c. 6). Section 705 was substituted by the Companies Act 1989 (c. 40), Schedule 19, paragraph 14.

⁽⁸⁾ As to "untransferred tenant covenants" see section 100(4) of the Commonhold and Leasehold Reform Act 2002.

⁽⁹⁾ As to premises to which Chapter 1 of Part 2 of the Commonhold and Leasehold Reform Act 2002 applies, see section 72 (and Schedule 6).). As to "flat" and "unit" see section 112(1). As to "lease" see section 112(2). As to "qualifying tenant", see sections 75 and 112(4) and (5).

⁽¹⁰⁾ 1985 c. 70. Section 30B was inserted by the Landlord and Tenant Act 1987 (c. 31), section 44.

⁽¹¹⁾ As to "claim notice" see section 79(1) of the Commonhold and Leasehold Reform Act 2002.

Additional content of claim notice

4. A claim notice(12) shall contain (in addition to the particulars required by subsections (2) to (7) of section 80 (contents of claim notice) of the 2002 Act)—

- (a) a statement that a person who—
 - (i) does not dispute the RTM’s company’s entitlement to acquire the right to manage(13); and
 - (ii) is the manager party under a management contract(14) subsisting immediately before the date specified in the claim notice under section 80(6) of the 2002 Act, must, in accordance with section 92 (duties to give notice of contracts) of the 2002 Act, give a notice in relation to the contract to the person who is the contractor party(15) in relation to the contract and to the RTM company;
- (b) a statement that, from the acquisition date(16), landlords under leases of the whole or any part of the premises to which the claim notice relates are entitled to be members of the RTM company;
- (c) a statement that the notice is not invalidated by any inaccuracy in any of the particulars required by section 80(2) to (7) of the 2002 Act or this regulation, but that a person who is of the opinion that any of the particulars contained in the claim notice are inaccurate may—
 - (i) identify the particulars in question to the RTM company by which the notice was given; and
 - (ii) indicate the respects in which they are considered to be inaccurate;
- (d) a statement that a person who receives the notice but does not fully understand its purpose, is advised to seek professional help; and
- (e) the information provided in the notes to the form set out in Schedule 2 to these Regulations.

Additional content of counter-notice

5. A counter-notice shall contain (in addition to the statement referred to in paragraph (a) or (b) of subsection (2) of section 84 (counter-notices) of the 2002 Act)—

- (a) a statement that, where the RTM company has been given one or more counter-notices containing such a statement as is mentioned in paragraph (b) of subsection (2) of section 84 of the 2002 Act, the company may apply to a leasehold valuation tribunal for a determination that, on the date on which notice of the claim was given, the company was entitled to acquire the right to manage the premises specified in the claim notice;
- (b) a statement that, where the RTM company has been given one or more counter-notices containing such a statement as is mentioned in paragraph (b) of subsection (2) of section 84 of the 2002 Act, the company does not acquire the right to manage the premises specified in the claim notice unless—
 - (i) on an application to a leasehold valuation tribunal, it is finally determined(17) that the company was entitled to acquire the right to manage the premises; or
 - (ii) the person by whom the counter-notice was given agrees, or the persons by whom the counter-notices were given agree, in writing that the company was so entitled; and

(12) See section 79(1) of the Commonhold and Leasehold Reform Act 2002.

(13) As to the circumstances in which there is no dispute about entitlement, see section 90(3) of the Commonhold and Leasehold Reform Act 2002.

(14) As to “manager party” see section 91(2) and (4) of the Commonhold and Leasehold Reform Act 2002. As to “management contract” see section 91(2) of that Act.

(15) As to “contractor party” see section 91(2)(b) of the Commonhold and Leasehold Reform Act 2002.

(16) See sections 74(1)(b) and 90 of the Commonhold and Leasehold Reform Act 2002.

(17) See section 84(7) and (8) of the Commonhold and Leasehold Reform Act 2002.

- (c) the information provided in the notes to the form set out in Schedule 3 to these Regulations.

Additional content of contractor notice

6. A contractor notice(18) shall contain (in addition to the particulars referred to in paragraphs (a) to (d) of subsection (3) of section 92 (duties to give notice of contracts) of the 2002 Act) the statement that, should the person to whom the notice is given wish to provide to the RTM company services which, as the contractor party, it has provided to the manager party(19) under the contract of which details are given in the notice, it is advised to contact the RTM company at the address given in the notice.

Additional content of contract notice

7. A contract notice(20) shall contain (in addition to the particulars referred to in paragraph (a) of subsection (7) of section 92 of the 2002 Act)—

- (a) the address of the person who is the contractor party, or sub-contractor party(21), under the contract of which particulars are given in the notice; and
- (b) a statement that, should the RTM company wish to avail itself of the services which the contractor party, or sub-contractor party, has provided to the manager party under that contract, it is advised to contact the contractor party, or sub-contractor party, at the address given in the notice.

Form of notices

8.—(1) Notices of invitation to participate shall be in the form set out in Schedule 1 to these Regulations.

(2) Claim notices shall be in the form set out in Schedule 2 to these Regulations.

(3) Counter-notices shall be in the form set out in Schedule 3 to these Regulations.

Signed by authority of the First Secretary of State

4th August 2003

Keith Hill
Minister of State,
Office of the Deputy Prime Minister

(18) See section 92(1)(a) of the Commonhold and Leasehold Reform Act 2002.

(19) As to “manager party” see section 91(2)(a) of the Commonhold and Leasehold Reform Act 2002.

(20) See section 92(1)(b) of the Commonhold and Leasehold Reform Act 2002.

(21) As to sub-contractor party see section 92(4) of the Commonhold and Leasehold Reform Act 2002.

SCHEDULE 1

regulations 3(2)(j) and 8(1)

FORM OF NOTICE OF INVITATION TO PARTICIPATE
COMMONHOLD AND LEASEHOLD REFORM ACT 2002

Notice of invitation to participate in right to manage

To *[name and address]* (See Note 1 below)

1. *[name of RTM company]* (“the company”), a private company limited by guarantee, of *[address of registered office]*, and of which the registered number is *[number under Companies Act 1985]*, is authorised by its memorandum of association to acquire and exercise the right to manage *[name of premises to which notice relates]* (“the premises”). The company intends to acquire the right to manage the premises.

2. *The company’s memorandum of association, together with its articles of association, accompanies this notice.

*The company’s memorandum of association, together with its articles of association, may be inspected at *[address for inspection]* between *[specify times]*. (See Note 2 below) At any time within the period of seven days beginning with the day after this notice is given, a copy of the memorandum of association and articles of association may be ordered from *[specify address]* on payment of *[specify fee]*. (See Note 3 below)

**Delete one of these statements, as the circumstances require.*

3. The names of—

- (a) the members of the company;
- (b) the company’s directors; and
- (c) the company’s secretary,

are set out in the Schedule below.

4. The names of the landlord and of the person (if any) who is party to a lease of the whole or any part of the premises otherwise than as landlord or tenant are *[specify]*.

5. Subject to the exclusions mentioned in paragraph 7, if the right to manage is acquired by the company, the company will be responsible for—

- (a) the discharge of the landlord’s duties under the lease; and
- (b) the exercise of his powers under the lease,

with respect to services, repairs, maintenance, improvements, insurance and management.

6. Subject to the exclusion mentioned in paragraph 7(b), if the right to manage is acquired by the company, the company may enforce untransferred tenant covenants. (See Note 4 below)

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

7. If the right to manage is acquired by the company, the company will not be responsible for the discharge of the landlord's duties or the exercise of his powers under the lease—

- (a) with respect to a matter concerning only a part of the premises consisting of a flat or other unit not subject to a lease held by a qualifying tenant; or
- (b) relating to re-entry or forfeiture.

8. If the right to manage is acquired by the company, the company will have functions under the statutory provisions referred to in Schedule 7 to the Commonhold and Leasehold Reform Act 2002. **(See Note 5 below)**

9. *The company intends to appoint a managing agent within the meaning of section 30B(8) of the Landlord and Tenant Act 1985. [If known, give the name and address of the proposed managing agent here. If that person is the current managing agent, that fact must also be stated here.]

*The company does not intend to appoint a managing agent within the meaning of section 30B(8) of the Landlord and Tenant Act 1985. [If any existing member of the company has qualifications or experience in relation to the management of residential property, give details in the Schedule below.]

**Delete one of these statements, as the circumstances require.*

10. If the company gives notice of its claim to acquire the right to manage the premises (a "claim notice"), a person who is or has been a member of the company may be liable for costs incurred by the landlord and others in consequence of the claim notice. **(See Note 6 below)**

11. You are invited to become a member of the company. **(See Note 7 below)**

12. If you do not fully understand the purpose or implications of this notice you are advised to seek professional help

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

The names of the members of the company are: *[state names of company members]*

The names of the company's directors are: *[state directors' names]*

The name of the company's secretary is: *[state company secretary's name]*

[If applicable; see the second alternative in paragraph 9 above] The following member[s] of the company [has][have] qualifications or experience in relation to the management of residential property: *[give details]*

Signed by authority of the company,

[Signature of authorised member or officer]

[Insert date]

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Notes

1. The notice inviting participation must be sent to each person who is at the time the notice is given a qualifying tenant of a flat in the premises but who is not already, and has not agreed to become, a member of the company. A qualifying tenant is defined in section 75 of the Commonhold and Leasehold Reform Act 2002 (“the 2002 Act”).

2. The specified times must be periods of at least 2 hours on each of at least 3 days (including a Saturday or Sunday or both) within the 7 days beginning with the day following that on which the notice is given.

3. The ordering facility must be available throughout the 7 day period referred to in Note 2. The fee must not exceed the reasonable cost of providing the ordered copy.

4. An untransferred tenant covenant is a covenant in a tenant’s lease that he must comply with, but which can be enforced by the company only by virtue of section 100 of the 2002 Act.

5. The functions relate to matters such as repairing obligations, administration and service charges, and information to be furnished to tenants. Details may be obtained from the RTM company.

6. If the claim notice is at any time withdrawn, deemed to be withdrawn or otherwise ceases to have effect, each person who is or has been a member of the company is liable (except in the circumstances mentioned at the end of this note) for reasonable costs incurred by—

- (a) the landlord,
- (b) any person who is party to a lease of the whole or any part of the premises otherwise than as landlord or tenant, or
- (c) a manager appointed under Part 2 of the Landlord and Tenant Act 1987 to act in relation to the premises to which this notice relates, or any premises containing or contained in the premises to which this notice relates,

in consequence of the claim notice.

A current or former member of the company is liable both jointly with the company and every other person who is or has been a member of the company, and individually. However, a former member is not liable if he has assigned the lease by virtue of which he was a qualifying tenant to another person and that other person has become a member of the company.

7. All qualifying tenants of flats contained in the premises are entitled to be members. Landlords under leases of the whole or any part of the premises are also entitled to be members, but only once the right to manage has been acquired by the company. An application for membership may be made in accordance with the company’s articles of association which, if they do not accompany this notice, may be inspected as mentioned in paragraph 2 of the notice.

8. If the right to manage is acquired by the company, the company must report to any person who is landlord under a lease of the whole or any part of premises any failure to comply with any tenant covenant of the lease unless, within the period of three months beginning with the day on which the failure to comply comes to the attention of the company—

- (a) the failure has been remedied,
- (b) reasonable compensation has been paid in respect of the failure, or
- (c) the landlord has notified the company that it need not report to him failures of the description of the failure concerned.

9. If the right to manage is acquired by the company, management functions of a person who is party to a lease of the whole or any part of the premises otherwise than as landlord or tenant will become functions of the company. The company will be responsible for the discharge of that

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

person's duties under the lease and the exercise of his powers under the lease, with respect to services, repairs, maintenance, improvements, insurance and management. However, the company will not be responsible for matters concerning only a part of the premises consisting of a flat or other unit not subject to a lease held by a qualifying tenant, or relating to re-entry or forfeiture.

10. If the right to manage is acquired by the company, the company will be responsible for the exercise of the powers relating to the grant of approvals to a tenant under the lease, but will not be responsible for the exercise of those powers in relation to an approval concerning only a part of the premises consisting of a flat or other unit not subject to a lease held by a qualifying tenant.

SCHEDULE 2

regulations 4(e) and 8(2)

FORM OF CLAIM NOTICE

COMMONHOLD AND LEASEHOLD REFORM ACT 2002

Claim Notice

To *[name and address]* (See Note 1 below)

1. *[Name of RTM company]* ("the company"), of *[address of registered office]*, and of which the registered number is *[number under Companies Act 1985]*, in accordance with Chapter 1 of Part 2 of the Commonhold and Leasehold Reform Act 2002 ("the 2002 Act") claims to acquire the right to manage *[name of premises to which notice relates]* ("the premises").

2. The company claims that the premises are ones to which Chapter 1 of the 2002 Act applies on the grounds that *[state grounds]*. (See Note 2 below)

3. The full names of each person who is both—
- the qualifying tenant of a flat contained in the premises, and
 - a member of the company,

and the address of his flat are set out in Part 1 of the Schedule below.

4. There are set out, in Part 2 of the Schedule, in relation to each person named in Part 1 of the Schedule—

- the date on which his lease was entered into,
- the term for which it was granted,
- the date of commencement of the term
- *such other particulars of his lease as are necessary to identify it.

** (d) may be ignored if no other particulars need to be given.*

5. If you are—

- landlord under a lease of the whole or any part of the premises,
- party to such a lease otherwise than as landlord or tenant, or
- a manager appointed under Part 2 of the Landlord and Tenant Act 1987 to act in relation to the premises, or any premises containing or contained in the premises,

you may respond to this claim notice by giving a counter-notice under section 84 of the 2002 Act. A counter-notice must be in the form set out in Schedule 3 to the Right to Manage (Prescribed

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Particulars and Forms) (England) Regulations 2003. It must be given to the company, at the address in paragraph 1, not later than [specify date not earlier than one month after the date on which the claim notice is given]. If you do not fully understand the purpose or implications of this notice you are advised to seek professional help.

6. The company intends to acquire the right to manage the premises on [specify date, being at least three months after that specified in paragraph 5].

7. If you are a person to whom paragraph 5 applies and—

- (a) you do not dispute the company's entitlement to acquire the right to manage; and
- (b) you are the manager party under a management contract subsisting immediately before the date specified in this notice,

you must, in accordance with section 92 (duties to give notice of contracts) of the 2002 Act, give a notice in relation to the contract to the person who is the contractor party in relation to the contract and to the company. (See Note 3 below).

8. From the date on which the company acquires the right to manage the premises, landlords under leases of the whole or any part of the premises are entitled to be members of the company (See Note 4 below).

9. This notice is not invalidated by any inaccuracy in any of the particulars required by section 80(2) to (7) of the 2002 Act or regulation 4 of the Right to Manage (Prescribed Particulars and Forms) (England) Regulations 2003. If you are of the opinion that any of the particulars contained in the claim notice are inaccurate you may notify the company of the particulars in question, indicating the respects in which you think that they are inaccurate.

SCHEDULE

PART 1

FULL NAMES AND ADDRESSES OF PERSONS WHO ARE BOTH QUALIFYING TENANTS AND MEMBERS OF THE COMPANY

[set out here the particulars required by paragraph 3 above]

PART 2

PARTICULARS OF LEASES OF PERSONS NAMED IN PART 1

[set out here the particulars required by paragraph 4 above]

Signed by authority of the company,

[Signature of authorised member or officer]

[Insert date]

Notes

1. A claim notice (a notice in the form set out in Schedule 2 to the Right to Manage (Prescribed Particulars and Forms) (England) Regulations 2003 of a claim to exercise the right to manage specified premises) must be given to each person who, on the date on which the notice is given, is—

- (a) landlord under a lease of the whole or any part of the premises to which the notice relates,
- (b) party to such a lease otherwise than as landlord or tenant, or
- (c) a manager appointed under Part 2 of the Landlord and Tenant Act 1987 to act in relation to the premises, or any premises containing or contained in the premises.

But notice need not be given to such a person if he cannot be found, or if his identity cannot be ascertained. If that means that there is no one to whom the notice must be given, the company may apply to a leasehold valuation tribunal for an order that the company is to acquire the right to manage the premises. In that case, the procedures specified in section 85 of the 2002 Act (landlords etc. not traceable) will apply.

2. The relevant provisions are contained in section 72 of the 2002 Act (premises to which Chapter 1 applies). The company is advised to consider, in particular, Schedule 6 to the 2002 Act (premises excepted from Chapter 1).

3. The terms “management contract”, “manager party” and “contractor party” are defined in section 91(2) of the 2002 Act (notices relating to management contracts).

4. Landlords under leases of the whole or any part of the premises are entitled to be members of the company, but only once the right to manage has been acquired by the company. An application for membership may be made in accordance with the company’s articles of association, which may be inspected at the company’s registered office, free of charge, at any reasonable time.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 3

regulations 5(c) and 8(3)

FORM OF COUNTER-NOTICE
COMMONHOLD AND LEASEHOLD REFORM ACT 2002
Counter-notice

To *[name and address]* (See Note 1 below)

1. * I admit that, on *[insert date on which claim notice was given]*, *[insert name of company by which claim notice was given]* ("the company") was entitled to acquire the right to manage the premises specified in the claim notice.

* I allege that, by reason of *[specify provision of Chapter 1 of Part 2 of the Commonhold and Leasehold Reform Act 2002 relied on]*, on *[insert date on which claim notice was given]*, *[insert name of company by which claim notice was given]* ("the company") was not entitled to acquire the right to manage the premises specified in the claim notice.

**Delete one of these statements, as the circumstances require.*

2. If the company has been given one or more counter-notices containing such a statement as is mentioned in paragraph (b) of subsection (2) of section 84 of the Commonhold and Leasehold Reform Act 2002, the company may apply to a leasehold valuation tribunal for a determination that, on the date on which notice of the claim was given, the company was entitled to acquire the right to manage the premises specified in the claim notice (See Note 2 below).

3. If the company has been given one or more counter-notices containing such a statement as is mentioned in paragraph (b) of subsection (2) of section 84 of the Commonhold and Leasehold Reform Act 2002, the company does not acquire the right to manage those premises unless—

- (a) on an application to a leasehold valuation tribunal, it is finally determined that the company was entitled to acquire the right to manage the premises; or
- (b) the person by whom the counter-notice was given agrees, or the persons by whom the counter-notices were given agree, in writing that the company was so entitled. (See Note 3 below)

Signed:

[Signature of person on whom claim notice served, or of agent of such person. Where an agent signs, insert also "Duly authorised agent of [insert name of person on whom claim notice served]"

Address:

[Give the address to which future communications relating to the subject-matter of the notice should be sent]

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Date:

[Insert date]

OR

Signed by authority of the company on whose behalf this notice is given

[Signature of authorised member or officer and statement of position in company]

Address:

[Give the address to which future communications relating to the subject-matter of the notice should be sent]

Date:

[Insert date]

Notes

1. The counter-notice is to be given to the company that gave the claim notice (a notice in the form set out in Schedule 2 to the Right to Manage (Prescribed Particulars and Forms) (England) Regulations 2003 of a claim to exercise the right to manage specified premises). The company's name and address are given in that notice.

2. An application to a leasehold valuation tribunal must be made within the period of two months beginning with the day on which the counter-notice (or, where more than one, the last of the counter-notices) was given.

3. For the time at which an application is finally determined, see section 84(7) and (8) of the Commonhold and Leasehold Reform Act 2002.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations supplement Chapter 1 of Part 2 of the Commonhold and Leasehold Reform Act 2002 ("the Act"). That Chapter makes provision for the acquisition and exercise of rights in relation to the management of premises to which the Chapter applies by a company which, in accordance with that Chapter, may acquire and exercise those rights ("RTM company").

Before a RTM company can acquire the right to manage premises, it must give notice ("notice of invitation to participate") to those tenants of flats contained in the premises who are "qualifying tenants" (see section 75 of the Act) of its intention to acquire the right. The notice must invite the

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

recipients of it to become members of the RTM company. Regulation 3, to which Schedule 1 is also relevant, prescribes requirements, in addition to those specified in section 78 of the Act, as regards the contents of the notice.

Once the RTM company has given notice of invitation to participate, it may make a claim to acquire the right to manage. The claim is required to be made by notice (“claim notice”), that is to be given to each person who is—

- (a) landlord under a lease of the whole or any part of the premises to which the notice relates,
- (b) party to such a lease otherwise than as landlord or tenant, or
- (c) a manager appointed under Part 2 of the Landlord and Tenant Act 1987 to act in relation to the premises, or any premises containing or contained in the premises.

Regulation 4, to which Schedule 2 is also relevant, prescribes requirements, in addition to those specified in section 80 of the Act, as regards the contents of the notice.

A person who receives a claim notice may respond by giving the RTM company a counter-notice, in which the RTM company’s claim is either admitted or opposed. Regulation 5, to which Schedule 3 is also relevant, prescribes requirements, in addition to those specified in section 84 of the Act, as regards the contents of the notice.

If a person who is entitled to receive a claim notice is also party to a contract under which the other party to the contract agrees to provide services, or do other things, in connection with any matter relating to a function that will be the function of the RTM company once it acquires the right to manage the premises, that person must give notice to the other party to the contract (“contractor notice”) and to the RTM company (“contract notice”). Regulations 6 and 7 prescribe requirements, in addition to those specified in section 92 of the Act, as regards contractor notices and contract notices, respectively.

Regulation 8 prescribes the form of invitations to participate, claim notices and counter-notices. (Forms of contractor notices and contract notices are not prescribed.)

A Regulatory Impact Assessment has been prepared in connection with these Regulations. A copy may be obtained from the Office of the Deputy Prime Minister, Leasehold Reform Branch, Zone 2/J6, Eland House, Bressenden Place, London, SW1E 5DU (Tel 0207 944 3462).