
STATUTORY INSTRUMENTS

2009 No. 2363

The Commonhold (Amendment) Regulations 2009

Citation and commencement

1. These Regulations may be cited as the Commonhold (Amendment) Regulations 2009 and shall come into force on 1st October 2009.

Amendments to the Commonhold Regulations 2004

2. The Commonhold Regulations 2004(1) are amended in accordance with the following regulations.

3. In regulation 2(2)(b) (joint unit-holders), for “articles 4(d) and 75”, substitute “articles 9(d) and 75”.

4. In regulation 12 (the name of the commonhold association)—

(a) in paragraph (1)—

(i) for “Companies Act 1985”, substitute “Companies Act 2006(2)”; and

(ii) for “if the memorandum of association states that the commonhold association’s registered office is to be situated in Wales,”, substitute “if the commonhold association is a Welsh company”; and

(b) at the end of paragraph (3), insert “, and “Welsh company” has the meaning given by section 88 of the Companies Act 2006.”

5. Omit regulation 13 (memorandum of association).

6. In regulation 14 (articles of association)—

(a) for paragraph (4), substitute—

“(4) The articles of association of a commonhold association may increase—

(a) the proportion and number of members in article 16;

(b) the notice periods in article 21;

(c) the number of consecutive months and meetings in article 49(f); and

(d) the proportion and number of directors in article 61;”;

(b) omit paragraphs (5) and (7);

(c) in paragraph (8)(j), for “articles 40, 41 and 54”, substitute “articles 41, 42 and 56”; and

(d) in paragraph (9)(a), for “articles 45 and 46”, substitute “articles 46 and 47”.

7. In regulation 19(2) (termination)—

(a) for “section 13 of the Companies Act 1985”, substitute “section 15 of the Companies Act 2006”; and

(1) S.I. 2004/1829, amended by SI 2007/1898, article 6 and Schedule 1, paragraph 35.

(2) 2006, c.46.

- (b) for “section 28”, substitute “section 80”.
- 8. Omit Schedule 1 (memorandum of association).
- 9. For Schedule 2 (articles of association), substitute Schedule 2 as set out in the Schedule to these Regulations.
- 10. In Schedule 3 (commonhold community statement)—
 - (a) in paragraph 1.1.5(c), omit “memorandum or”;
 - (b) in paragraph 1.4.5—
 - (i) in the definition of “company number”, for “Companies Act 1985”, substitute “Companies Act 2006”;
 - (ii) omit the definition of “memorandum”;
 - (iii) for the definition of “ordinary resolution”, substitute—
 - ““ordinary resolution” has the meaning given in section 282 (ordinary resolutions) of the Companies Act 2006;”;
 - and
 - (iv) for the definition of “special resolution”, substitute—
 - ““special resolution” has the meaning given in section 283 (special resolutions) of the Companies Act 2006;”;
 - (c) in paragraph 4.8.3, for “Companies Act 1985”, substitute “Companies Act 2006”;
 - (d) in paragraph 4.10.3, omit “memorandum and”; and
 - (e) in paragraph 4.10.4, omit “memorandum and”.

Signed on the authority of the Lord Chancellor

27th August 2009

Bridget Prentice
Parliamentary Under Secretary of State
Ministry of Justice