
WELSH STATUTORY INSTRUMENTS

2011 No. 2684

**The Right to Manage (Prescribed Particulars
and Forms) (Wales) Regulations 2011**

Additional content of notice of invitation to participate

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

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

- (a) the RTM company's registered number⁽¹⁾, the address of its registered office and the names of its directors and, if applicable, 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 or her 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⁽²⁾;
- (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 or her 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⁽³⁾; 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; 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 is 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;

(1) See section 1066 of the Companies Act 2006 (c. 46).

(2) See section 100(4) of the 2002 Act.

(3) As to premises to which Chapter 1 of Part 2 of the 2002 Act 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).

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- (h) a statement that, where the RTM company gives a claim notice⁽⁴⁾, 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 or she 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.

⁽⁴⁾ See section 79(1) of the 2002 Act.