

2009 No. 2024

COMMONHOLD, ENGLAND AND WALES

**The Commonhold (Land Registration) (Amendment) Rules
2009**

<i>Made</i>	- - - -	<i>21st July 2009</i>
<i>Laid before Parliament</i>		<i>21st July 2009</i>
<i>Coming into force</i>	- -	<i>1st October 2009</i>

The Lord Chancellor makes the following rules in exercise of the powers conferred by section 65 of the Commonhold and Leasehold Reform Act 2002(a).

In accordance with section 127 of the Land Registration Act 2002(b), he has received the advice and assistance of the Rule Committee appointed under that section.

Citation and commencement

1. These rules may be cited as the Commonhold (Land Registration) (Amendment) Rules 2009 and shall come into force on 1 October 2009.

Interpretation

2. In these rules “the principal rules” means the Commonhold (Land Registration) Rules 2004(c) and a reference to a rule by number is a reference to the rule so numbered in the principal rules.

Amendment to rule 4

3.—(1) In rule 4(1)(c), for “memorandum and articles of association” substitute “articles of association”.

(2) In rule 4(1)(d), for “memorandum or articles of association” substitute “articles of association”.

Amendment to rule 19

4.—(1) In the heading to rule 19 and in paragraph (1) of that rule, for the words “an altered memorandum or articles of association”, substitute “altered articles of association”.

(2) In paragraphs (2) and (3) of rule 19, for the words “memorandum or articles of association”, substitute “articles of association”.

(a) 2002 c.15.

(b) 2002 c.9. Section 127 was amended by the Constitutional Reform Act 2005 (c.4), section 15(1) and Schedule 4, Part 1, paragraphs 301 and 302.

(c) S.I. 2004/1830; amending instrument S.I. 2008/1920.

Amendment to rule 23

5. In paragraphs (2)(b), (3)(a) and 3(b) of rule 23, for the words “memorandum and articles of association”, substitute “articles of association”.

Amendment to rule 28

6. In rule 28(1)(b), for “memorandum and articles of association” substitute “articles of association”.

Amendments to Forms CM1, CM3 and CM6 in Schedule 1 to the principal rules

7. In Schedule 1 to the principal rules—

- (a) in panel 6 of Form CM1 for “memorandum and articles of association” substitute “articles of association”,
- (b) in the heading to, and in panels 4, 6 and 7 of, Form CM3 for “memorandum and articles of association” substitute “articles of association”,
- (c) in panel 4 of Form CM6 for “memorandum and articles of association” substitute “articles of association”.

Signed by authority of the Lord Chancellor

21st July 2009

Michael Wills
Minister of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Order)

These rules amend the Commonhold (Land Registration) Rules 2004 (the principal rules) as a consequence of amendments made to the Commonhold and Leasehold Reform Act 2002 (2002 c.15) by the Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941).

Rules 3, 4, 5 and 6 of these rules amend rules 4 (lodging a copy document), 19 (registration of an altered memorandum or articles of association), 23 (registration of a successor commonhold association) and 28 (completion of application for registration) of the principal rules to refer to “articles” instead of “memorandum and articles” and “memorandum or articles”. Rule 7 of these rules amends three of the forms prescribed by the principal rules – Form CM1 (application to register a freehold estate in commonhold land), Form CM3 (application for the registration of an amended commonhold community statement and/or altered memorandum and articles of association) and Form CM6 (application for registration of a successor commonhold association) – again to refer to “articles” instead of “memorandum and articles”.

An impact assessment has not been produced for this instrument as no significant impact on the private or voluntary sectors is foreseen.

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STATUTORY INSTRUMENTS

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