RIGHT TO MANAGE: NOTICES AND DATES

Commonhold and Leasehold Reform Act 2002, Part 2, Chapter 1 · Right to Manage (Prescribed Particulars and Forms) (England) Regulations 2010

Building or premises (name and address)

Right to manage company (name and registered number)

Date each notice of invitation to participate was given

Relevant date: the date the claim notice is given

Date specified in the claim notice for counter-notices (not earlier than one month after the relevant date)

Date specified in the claim notice for acquiring the right to manage (at least three months after the counter-notice date)

Steps to the right to manage

No.	Check	Done	Date and notes
	BEFORE ANY NOTICE		
1	The company is a private company limited by guarantee whose articles state that its object, or one of its objects, is the acquisition and exercise of the right to manage the premises (section 73(2))	☐	
2	The premises consist of a self-contained building or part of a building and contain two or more flats held by qualifying tenants, and the flats held by qualifying tenants are not less than two-thirds of all the flats (section 72(1)); Schedule 6 lists premises that are excepted (section 72(6))	☐	
3	The qualifying tenant of each flat is identified: a tenant under a long lease (section 75(2)); a lease granted for a term of years certain exceeding 21 years is one kind of long lease (section 76(2)(a))	☐	
	NOTICE OF INVITATION TO PARTICIPATE (SECTION 78)		
4	Given by the company to each qualifying tenant who neither is nor has agreed to become a member of the company (section 78(1))	☐	
5	On the prescribed form (Schedule 1 to the 2010 Regulations); it states that the company intends to acquire the right to manage, names the members and invites the recipients to become members (section 78(2))	☐	
6	Accompanied by a copy of the articles of association, or including a statement about inspection and copying of them (section 78(4) and (5))	☐	
7	The date each notice was given is recorded	☐	
	CLAIM NOTICE (SECTIONS 79 AND 80)		
8	Each notice of invitation to participate was given at least 14 days before the claim notice (section 79(2))	☐	

No.	Check	Done	Date and notes
9	On the relevant date, the date the claim notice is given: if there are only two qualifying tenants of flats in the premises, both are members; in any other case the members who are qualifying tenants number not less than one-half of the total number of flats (section 79(4) and (5))	☐	
10	On the prescribed form (Schedule 2 to the 2010 Regulations), with the premises and the grounds, the name and flat address of each qualifying tenant who is a member, the particulars of each lease, and the company's name and registered office (section 80(2) to (5))	☐	
11	It specifies a date for counter-notices not earlier than one month after the relevant date, and a date for acquiring the right to manage at least three months after that date (section 80(6) and (7))	☐	
12	Given to each landlord under a lease of the whole or any part of the premises, to each party to such a lease who is neither landlord nor tenant, and to a manager appointed under Part 2 of the Landlord and Tenant Act 1987 (section 79(6)); a copy to each qualifying tenant (section 79(8))	☐	
AFTER THE CLAIM NOTICE (SECTIONS 84 TO 90)			
13	Counter-notices received no later than the date specified in the claim notice: each admits that the company was entitled to acquire the right to manage or alleges that it was not (section 84(1) and (2)); the date of each is recorded	☐	
14	If a counter-notice alleges that the company was not entitled: the company may apply to the tribunal not later than the end of two months beginning with the day the counter-notice, or the last of them, was given (section 84(3) and (4))	☐	
15	If a counter-notice alleged that the company was not entitled, the right is acquired only on a tribunal determination or if the person who gave it agrees in writing (section 84(5)); if the company neither applies in time nor gets that agreement, check whether the claim notice is deemed withdrawn (section 87)	☐	
16	If there is no dispute about entitlement (no counter-notice, or every counter-notice admits it): the acquisition date is the date specified in the claim notice (section 90(2) and (3))	☐	
17	If the tribunal determines that the company was entitled: the acquisition date is the date three months after the determination becomes final (section 90(4))	☐	

No.	Check	Done	Date and notes
18	If the person who gave a counter-notice disputing entitlement (or the last of them) agrees in writing that the company was entitled: the acquisition date is the date three months after the day of that agreement (section 90(5))	☐	

The prescribed forms (not reproduced here)

1. Notice of invitation to participate: Schedule 1 to the Right to Manage (Prescribed Particulars and Forms) (England) Regulations 2010.
2. Claim notice: Schedule 2 to the same Regulations.
3. Counter-notice: Schedule 3 to the same Regulations. It is given by the recipient of the claim notice, not by the company.
4. Use the official forms from legislation.gov.uk, linked on the page. This checklist is not a notice.

Person completing this checklist for the company

Name, role and date

Checklist prepared by Unitify as a reference. It is not a notice, not an official form and not legal advice: the notices have prescribed forms and the Act's own words decide the dates. England only. Have a solicitor check the premises, the company and the notices before you give them.