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STATUTORY INSTRUMENTS

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**2012 No. 1821**

**The Housing (Right to Manage) (England) Regulations 2012**

**PART 5**

**OTHER PROVISIONS RELATING TO TMOS**

**Guidance by Secretary of State**

**18.** Without prejudice to regulations 4(3)(b), 8(2), 14(3) and 16(2), any person exercising functions under these Regulations must have regard to any guidance given by the Secretary of State relevant to the exercise of those functions.

**Break clause in other housing management agreements**

**19.**—(1) This regulation applies to every agreement made under section 27(1) of the Housing Act 1985 between an authority and a manager(1) after the commencement date, where the agreement relates to—

- (a) the same houses; and
- (b) the same management functions in relation to those houses,

that are the subject of a subsequent TMO agreement.

(2) An agreement to which this regulation applies must contain the terms to the effect that—

- (a) that the authority must determine the agreement where it is required to enter into a TMO agreement; and
- (b) that on the determination of the agreement, the authority and the manager must make arrangements for the transfer of the management functions from the manager to the TMO, if such arrangements are necessary.

(3) An agreement to which this regulation applies that, when made, does not contain the terms specified in paragraph (2) and (5), shall be treated as if it had always contained those terms.

(4) An authority must determine an agreement to which these regulations apply as soon as reasonably practicable after the date it is required to enter into a TMO agreement under regulation 16.

(5) The authority and the manager must make arrangements in accordance with paragraph (2)(b) within 3 months of the determination of such an agreement.

**Participation by authority in TMOs**

**20.** Where an authority has, or proposes to enter into a TMO agreement with a TMO, it may, at the invitation of the TMO concerned, nominate one or more persons to be directors or other officers of the TMO.

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(1) “Manager” is defined in section 27(2) of the Housing Act 1985, which was substituted by the Regulatory Reform (Housing Management Agreements) Order 2003 (S.I.2003/940).

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*Status: This is the original version (as it was originally made).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

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### **Agreements entered into voluntarily**

**21.** An authority may enter into a TMO agreement otherwise than in accordance with these Regulations where that agreement satisfies the requirements of section 27.