



# Housing Act 1985

## 1985 CHAPTER 68

### PART II

#### PROVISION OF HOUSING ACCOMMODATION

##### *[<sup>F1</sup> Management agreements]*

##### **[<sup>F1</sup>27AB Management agreements with tenant management organisations.**

- (1) The Secretary of State may make regulations for imposing requirements on a local housing authority in any case where a tenant management organisation serves written notice on the authority proposing that the authority should enter into a management agreement with that organisation.
- (2) The regulations may make provision requiring the authority—
  - (a) to provide or finance the provision of such office accommodation and facilities, and such training, as the organisation reasonably requires for the purpose of pursuing the proposal;
  - (b) to arrange for such feasibility studies with respect to the proposal as may be determined by or under the regulations to be conducted by such persons as may be so determined;
  - (c) to arrange for such ballots or polls with respect to the proposal as may be determined by or under the regulations to be conducted of such persons as may be so determined; and
  - (d) in such circumstances as may be prescribed by the regulations (which shall include the organisation becoming registered if it has not already done so), to enter into a management agreement with the organisation.
- (3) The regulations may make provision with respect to any management agreement which is to be entered into in pursuance of the regulations—
  - (a) for determining the houses and land to which the agreement should relate, and the amounts which should be paid under the agreement to the organisation;

*Status: Point in time view as at 01/12/1993. This version of this provision has been superseded.*

*Changes to legislation: Housing Act 1985, Section 27AB is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (b) requiring the agreement to be in such form as may be approved by the Secretary of State and to contain such provisions as may be prescribed by the regulations;
  - (c) requiring the agreement to take effect immediately after the expiry or other determination of any previous agreement; and
  - (d) where any previous agreement contains provisions for its determination by the authority, requiring the authority to determine it as soon as may be after the agreement is entered into.
- (4) The regulations may also make such procedural, incidental, supplementary and transitional provisions as may appear to the Secretary of State necessary or expedient, and may in particular make provision—
- (a) for particular questions arising under the regulations to be determined by the authority;
  - (b) for other questions so arising to be determined by an arbitrator agreed to by the parties or, in default of agreement, appointed by the Secretary of State;
  - (c) requiring any person exercising functions under the regulations to act in accordance with any guidance given by the Secretary of State; and
  - (d) for enabling the authority, if invited to do so by the organisation concerned, to nominate one or more persons to be directors or other officers of any tenant management organisation with whom the authority have entered into, or propose to enter into, a management agreement.
- (5) Nothing in subsections (2) to (4) above shall be taken as prejudicing the generality of subsection (1).
- (6) Regulations under this section—
- (a) may make different provision with respect to different cases or descriptions of case, including different provision for different areas, and
  - (b) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) Except as otherwise provided by regulations under this section—
- (a) a local housing authority shall not enter into a management agreement with a tenant management organisation otherwise than in pursuance of the regulations; and
  - (b) the provisions of the regulations shall apply in relation to the entering into of such an agreement with such an organisation in place of—
    - (i) the provisions of section 27A (consultation with respect to management agreements),
    - (ii) in the case of secure tenants, the provisions of section 105 (consultation on matters of housing management), and
    - (iii) in the case of an organisation which is associated with the authority, the provisions of section 33 of the Local Government Act 1988 (restrictions on contracts with local authority companies).
- (8) In this section—
- “arbitrator” means a member of a panel approved for the purposes of the regulations by the Secretary of State;
  - “associated” shall be construed in accordance with section 33 of the Local Government Act 1988;

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**Changes to legislation:** *Housing Act 1985, Section 27AB is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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“previous agreement”, in relation to an agreement entered into in pursuance of the regulations, means a management agreement previously entered into in relation to the same houses and land;

“registered” means registered under the Industrial and Provident Societies Act 1965 or the Companies Act 1985;

“tenant management organisation” means a body which satisfies such conditions as may be determined by or under the regulations.]

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#### **Textual Amendments**

- F1** **S. 27AB** inserted (10.11.1993 so far as confers power on Secretary of State to make regulations and 1.4.1994 otherwise) by 1993 c. 28, s. 132(1); S.I. 1993/2762, art. 3; S.I. 1994/935, art. 3 (with transitional provisions in art. 3)

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