

Status: Point in time view as at 18/06/2012.

Changes to legislation: Housing Act 1996, Cross Heading: Consultation with respect to housing management is up to date with all changes known to be in force on or before 09 August 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)

SCHEDULES

SCHEDULE 18

MISCELLANEOUS PROVISIONS

PART I

HOUSING MANAGEMENT

Consultation with respect to housing management

- 3 (1) Part II of the Housing Act 1985 (provision of housing accommodation) is amended as follows.
- (2) After section 27B insert—

“ Consultation with respect to housing management

27BA Consultation with respect to management.

- (1) The Secretary of State may make regulations for imposing requirements on a local housing authority to consult tenants, or to consider representations made to them by tenants, with respect to the exercise of their management functions (including proposals as to the exercise of those functions), in relation to any of the authority’s houses or other land held for a related purpose.
- (2) The regulations may include provision requiring a local housing authority to consult tenants, or consider representations made by tenants, with respect to—
- (a) the terms of a written specification to be prepared by the authority of functions proposed to be exercised by the authority or another person;
 - (b) a proposal of the authority to exercise management functions themselves;
 - (c) any person whom the authority propose to invite to submit a bid to exercise any of their management functions;
 - (d) the standards of service for the time being achieved by the authority or (as the case may be) the person with whom they have entered into a management agreement;
 - (e) a proposal to enforce the standards of service required by a management agreement.
- (3) The requirements imposed on a local housing authority by the regulations may include provision with respect to—

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- (a) the tenants to be consulted or whose representations are to be considered;
 - (b) the means by which consultation is to be effected (including the arrangements to be made for tenants to consider the matters on which they have been consulted);
 - (c) the arrangements to be made for tenants to make representations to the authority;
 - (d) the action to be taken by the authority where representations are made.
- (4) The regulations may include provision requiring a local housing authority to consult representatives of tenants, or to consider representations made to them by such representatives, as well as (or instead of) the tenants themselves; and accordingly, references in subsections (1) to (3) above to tenants include references to such representatives.
- (5) The regulations may include provision for particular questions arising under them to be determined by a local housing authority on whom they impose requirements.
- (6) Nothing in subsections (2) to (5) above shall be taken as prejudicing the generality of subsection (1).
- (7) Regulations under this section—
- (a) may make different provision with respect to different cases or descriptions of case, including different provision for different areas,
 - (b) may contain such incidental, supplementary or transitional provisions as appear to the Secretary of State to be necessary or expedient, and
 - (c) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) Except as otherwise provided by the regulations, in the case of secure tenants, the provisions of the regulations shall apply in place of the provisions of section 105 (consultation on matters of housing management).
- (9) Except as otherwise provided by the regulations, in the case of introductory tenants, the provisions of the regulations shall apply in place of the provisions of section 137 of the Housing Act 1996 (consultation on matters of housing management).
- (10) References in this section to the management functions of a local housing authority in relation to houses or land shall be construed in the same way as references to any such functions in section 27.”.
- (3) In section 20(1) (application of housing management provisions) for “section 27B” substitute “ section 27BA ”.
- (4) In section 27 (management agreements), after subsection (5) insert—
- “(5A) Nothing in section 6 of the ^{M1}Local Government Act 1988 (restrictions on authority carrying out functional work) shall apply in relation to any management functions which, in pursuance of a management agreement, are carried out by the manager as agent of the local housing authority.”.

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- (5) In section 27AB (management agreements with tenant management organisations), in subsection (7)(b)(i), for the words from “section 27A” to the end substitute “regulations under section 27BA (consultation with respect to management)”.

Marginal Citations

M1 1988 c. 9.

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