
STATUTORY INSTRUMENTS

1995 No. 1182

LOCAL GOVERNMENT, ENGLAND AND WALES

**The Local Government Act 1988 (Defined Activities)
(Exemption) (Housing Management) (England) Order 1995**

<i>Made</i>	- - - -	<i>1st May 1995</i>
<i>Laid before Parliament</i>		<i>5th May 1995</i>
<i>Coming into force</i>	- -	<i>26th May 1995</i>

The Secretary of State, in exercise of the powers conferred on him by sections 2(9) and 15(5) and (7) of the Local Government Act 1988(1), and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Local Government Act 1988 (Defined Activities) (Exemption) (Housing Management) (England) Order 1995 and shall come into force on 26th May 1995.

(2) In this Order—

“relevant authority” means a district council in England, a London borough council, the Common Council of the City of London in its capacity as local authority or the Council of the Isles of Scilly;

“relevant organisation” means—

- (a) an organisation to which housing management functions have been delegated by a management agreement made under section 27 of the Housing Act 1985(2) in respect of which the Secretary of State gave his approval under that section before 1st April 1994, or
- (b) a tenant management organisation within the meaning of section 27AB(8) of that Act(3);

“work” means housing management(4).

(1) 1988 c. 9.

(2) 1985 c. 68. Section 27 was substituted by section 10 of the Housing and Planning Act 1986 amended by section 129 of the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28). "Management agreement" is defined in section 27(2) of the 1985 Act.

(3) Section 27AB was inserted by section 132(1) of the Leasehold Reform, Housing and Urban Development Act 1993. The relevant regulations under section 27AB are the Housing (Right to Manage) Regulations 1994 (S.I. 1994/627).

(4) The activity of housing management was added by S.I. 1994/1671.

(3) In this Order references to Bands are references to the Bands into which relevant authorities are divided by Part II of the Schedule to the Local Government Act 1988 (Competition) (Housing Management) (England) Regulations 1994⁽⁵⁾.

Exemption

2. Work carried out by a relevant authority shall not be treated as a defined activity so long as each of the conditions in article 3 is fulfilled.

The conditions

3.—(1) The first condition is that the work is being carried out in relation to houses in respect of which a relevant authority has delegated some or all of its housing management functions to a relevant organisation.

(2) The second condition is that the work is carried out by staff employed by the relevant authority who are under the direction of the committee or board of directors of the relevant organisation.

(3) The third condition is that the work is being carried out before 1st April 2001 in the case of Band I, III and V authorities and before 1st April 2002 in the case of Band II and IV authorities.

Cost of housing management

4. For the purposes of article 3 of the Local Government Act 1988 (Defined Activities) (Exemption) (England) Order 1988⁽⁶⁾ the cost to a relevant authority of carrying out housing management shall include the cost of any work which would, but for this Order, be treated as falling within the defined activity of housing management.

Signed by authority of the Secretary of State

Robert Jones
Parliamentary Under Secretary of State,
Department of the Environment

1st May 1995

(5) S.I. 1994/2297.

(6) S.I. 1988/1372; article 3 is amended by S.I. 1994/2296.

EXPLANATORY NOTE

(This note is not part of the Order)

Under Part I of the Local Government Act 1988 (competition), work falling within certain defined activities may be carried out by local authorities only if particular conditions are fulfilled.

This Order exempts from the requirements of Part I housing management carried out by a relevant authority (defined in article 1(2)) so long as it is carried out in relation to houses in respect of which such an authority has delegated some or all of its housing management functions to a relevant organisation (defined in article 1(2)), it is carried out by staff employed by the relevant authority who are under the direction of the committee or board of directors of the relevant organisation, and it is being carried out before 1st April 2001, or, in the case of some relevant authorities, before 1st April 2002. The activity of housing management is interpreted in paragraph 9 of Schedule 1 to the 1988 Act (added by S.I. [1994/1671](#)).

Article 4 provides that for the purposes of the Local Government Act 1988 (Defined Activities) (Exemption) (England) Order 1988 (S.I. [1988/1372](#)) the cost to a relevant authority of carrying out housing management includes the cost of any work which is exempted from the requirements of Part I of the 1988 Act by this Order.