
STATUTORY INSTRUMENTS

2012 No. 1821

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

PART 6

TRANSITIONAL AND SAVING PROVISIONS

General transitional provision

22. Except as mentioned in this Part, any function exercised, step taken or requirement satisfied in accordance with a provision in the 2008 Regulations before the commencement date must be treated on and after that date as a function exercised, step taken or requirement satisfied in accordance with the equivalent provision, where there is such a provision, of these Regulations.

Proposal notices served under the 2008 Regulations

23.—(1) This regulation applies where before the commencement date—

- (a) a TMO served a proposal notice pursuant to regulation 9 of the 2008 Regulations (referred to in the following provisions of this Part as a “regulation 9 notice”); and
- (b) the authority on which the notice was served neither accepted nor declined to accept the proposal notice.

(2) The authority may accept the regulation 9 notice on or after the commencement date and where it does so regulations 11(3) and 12 to 17 of these Regulations shall have effect as if the regulation 9 notice were a proposal notice within the meaning of these Regulations.

(3) The authority may, in accordance with regulation 11(2), (4) and (5) of the 2008 Regulations, refuse the regulation 9 notice but the authority shall not be treated as having done so unless, within the period specified in regulation 11(2) of those Regulations, it gives notice to that effect, stating its reasons for declining to accept the proposal notice.

Local authority support following proposal notice

24.—(1) Where, before the commencement date—

- (a) a TMO requested support under paragraph (1) of regulation 12 of the 2008 Regulations; and
- (b) the authority did not make the determination referred to in paragraph (2) of that regulation,

the request for support shall be treated as a request made under regulation 12 of these Regulations and regulations 13 to 20 of these Regulations shall have effect as if the regulation 9 notice were a proposal notice within the meaning of these Regulations.

(2) Where—

- (a) on or after the commencement date—
 - (i) the authority agrees to the TMO’s request for support; or

- (ii) an arbitrator notifies the authority and the TMO under paragraph (6) of regulation 12 of the 2008 Regulations of a determination made in relation to that request; and
 - (b) the authority and the TMO have not commenced preparation of the feasibility study, the TMO may apply to the approved assessor service to appoint an approved assessor under regulation 13 of these Regulations and the authority and the TMO may prepare an offer in accordance with regulation 14 of these Regulations.
- (3) Regulations 13 to 20 of these Regulations shall apply in a case to which paragraph (2) applies as if the regulation 9 notice were a proposal notice accepted under regulation 11.

Subsequent procedure in relation to regulation 9 notices

- 25.**—(1) This regulation shall apply where, before the commencement date, the authority accepted a regulation 9 notice and agreed to provide support but did not enter into a management agreement under the 2008 Regulations.
- (2) Subject to paragraph (3), regulations 13 to 20 of the 2008 Regulations shall continue to have effect.
- (3) The 2008 Regulations cease to have effect at the end of the period of 3 years beginning with the date on which these Regulations come into force.
- (4) A regulation 9 notice is deemed to have been withdrawn where a management agreement under the 2008 Regulations has not been entered into by the date the 2008 Regulations cease to have effect under paragraph (3).