
STATUTORY INSTRUMENTS

2012 No. 1821

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

PART 1

GENERAL PROVISIONS

Definition and general duties of tenant management organisations

4.—(1) A tenant management organisation is an organisation which satisfies the following conditions⁽¹⁾—

- (a) it has a constitution in written form;
 - (b) its constitution specifies an area in relation to which it seeks to enter into a TMO agreement with an authority;
 - (c) its constitution provides that any tenant of a house in that area may become a member of the TMO;
 - (d) its constitution provides that, in conducting its affairs, the TMO must avoid any unlawful discrimination;
 - (e) its constitution provides that the affairs of the TMO must be conducted either—
 - (i) by the members of the TMO at a general meeting; or
 - (ii) by a committee or board of directors elected by members of the TMO.
- (2) For the purposes of these Regulations, a TMO—
- (a) is not disqualified from being a TMO if its constitution contains provision for matters other than those specified in paragraph (1); and
 - (b) does not cease to be a TMO if its constitution is at any time amended to contain such provision.
- (3) In exercising its functions under these Regulations, a TMO—
- (a) must act in accordance with the provisions of its constitution relevant to the exercise of its functions under these Regulations; and
 - (b) must have regard to any guidance provided from time to time by the Secretary of State relevant to the exercise of its functions under these Regulations.

⁽¹⁾ See section 27AB(8) of the Housing Act 1985.