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# Housing Act 1985

## 1985 CHAPTER 68

### PART II

#### PROVISION OF HOUSING ACCOMMODATION

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

#### Textual Amendments

**F1** Ss. 27, 27A, 27B and heading substituted for s. 27 and heading by [Housing and Planning Act 1986](#) (c. 63, SIF 61), s. 10

#### 27 Management agreements.

- (1) A local housing authority may, with the approval of the Secretary of State, agree that another person shall exercise as agent of the authority in relation to—
  - (a) such of the authority's houses as are specified in the agreement, and
  - (b) any other land so specified which is held for a related purpose, such of the authority's management functions as are so specified.
- (2) In this Act “management agreement” and “manager”, in relation to such an agreement, mean an agreement under this section and the person with whom the agreement is made.
- (3) A management agreement shall set out the terms on which the authority's functions are exercisable by the manager [<sup>F2</sup>and shall contain such provisions as may be prescribed by regulations made by the Secretary of State].
- (4) A management agreement may, where the manager is a body or association, provide that the manager's functions under the agreement may be performed by a committee or sub-committee, or by an officer, of the body or association.

[<sup>F3</sup>(5) The Secretary of State's approval may be given—

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- (a) either generally to all local housing authorities or to a particular authority or description of authority, and
- (b) either in relation to a particular case or in relation to a particular description of case,

and may be given unconditionally or subject to conditions.]

[<sup>F4</sup>(6) References in this section to the management functions of a local housing authority in relation to houses or land—

- (a) do not include such functions as may be prescribed by regulations made by the Secretary of State, but
- (b) subject to that, include functions conferred by any statutory provision and the powers and duties of the authority as holder of an estate or interest in the houses or land in question.

(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.]

#### Textual Amendments

- F2** Words in s. 27(3) inserted (11.10.1993) by 1993 c. 28, s. 129(1); S.I. 1993/2134, arts. 2, 4(a).
- F3** S. 27(5) substituted (11.10.1993) by 1993 c. 28, s. 129(2); S.I. 1993/2134, arts. 2, 4(a).
- F4** S. 27(6)(7) substituted (11.10.1993) for s. 27(6) by 1993 c. 28, s. 129(3); S.I. 1993/2134, arts. 2, 4(a).

#### [<sup>F5</sup>27A Consultation with respect to management agreements.

(1) A local housing authority who propose to enter into a management agreement shall make such arrangements as they consider appropriate to enable the tenants of the houses to which the proposal relates—

- (a) to be informed of the following details of the proposal, namely—
  - (i) the terms of the agreement (including in particular the standards of service to be required under the agreement),
  - (ii) the identity of the person who is to be manager under the agreement, and
  - (iii) such other details (if any) as may be prescribed by regulations made by the Secretary of State, and
- (b) to make known to the authority within a specified period their views as to the proposal;

and the authority shall, before making any decision with respect to the proposal, consider any representations made to them in accordance with those arrangements.

(2) A local housing authority who have made a management agreement shall—

- (a) during the continuance of the agreement, maintain such arrangements as they consider appropriate to enable the tenants of the houses to which the agreement relates to make known to the authority their views as to the standards of service for the time being achieved by the manager, and

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- (b) before making any decision with respect to the enforcement of the standards of service required by the agreement, consider any representations made to them in accordance with those arrangements.
- (3) Arrangements made or maintained under subsection (1) or (2) above shall—
  - (a) include provision for securing that the authority's responses to any representations made to them in accordance with the arrangements are made known to the tenants concerned, and
  - (b) comply with such requirements as may be prescribed by regulations made by the Secretary of State.
- (4) 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.
- (5) In the case of secure tenants the provisions of this section apply in place of the provisions of section 105 (consultation on matters of housing management) in relation to the making of a management agreement.]

#### Textual Amendments

**F5** S. 27A substituted (11.10.1993) by 1993 c. 28, s. 130; S.I. 1993/2134, arts. 2, 4(b) (with Sch. 1 para. 6).

#### Modifications etc. (not altering text)

**C1** S. 27A power to modify conferred (11.10.1993) by 1993 c. 28, s. 131 (adding 1985 c. 68, s. 27AA); S.I. 1993/2134, arts. 2, 4(a).

### [<sup>F6</sup>27AA Management agreements and compulsory competitive tendering.

- (1) This section shall apply if the Secretary of State makes an order under section 2(3) of the <sup>M1</sup>Local Government Act 1988 (“the 1988 Act”) providing for the exercise of any management functions to be a defined activity for the purposes of Part I of that Act (compulsory competitive tendering).
- (2) The Secretary of State may by regulations provide that in any case where—
  - (a) a local housing authority propose to make an invitation to carry out any functional work in accordance with the rules set out in subsection (4) of section 7 of the 1988 Act (functional work: conditions), and
  - (b) the proposal is such that any decision by the authority that the work should be carried out by the person or one of the persons proposed to be invited would necessarily involve their entering into a management agreement with that person,

the provisions of section 27A shall have effect with such modifications as appear to the Secretary of State to be necessary or expedient.

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- (3) Nothing in section 6 of the 1988 Act (functional work: restrictions) shall apply in relation to any functional work which, in pursuance of a management agreement, is carried out by the manager as agent of the local housing authority.
- (4) In this section “functional work” has the same meaning as in Part I of the 1988 Act.
- (5) Regulations under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

#### Textual Amendments

**F6** S. 27AA inserted (11.10.1993) by 1993 c. 28, s. 131; S.I. 1993/2134, arts. 2, 4(a).

#### Marginal Citations

**M1** 1988 c. 9.

VALID FROM 10/11/1993

#### [<sup>F7</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;
  - (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

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- (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;
  - “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;

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

#### Textual Amendments

**F7** 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)

### 27B Agreements with housing co-operatives under superseded provisions.

- (1) In this section “housing co-operative” means a society, company or body of trustees with which a housing co-operative agreement was made, that is to say—
  - (a) an agreement to which paragraph 9 of Schedule 1 to the Housing Rents and Subsidies Act 1975 or Schedule 20 to the Housing Act 1980 applied or,
  - (b) an agreement made under section 27 above before the commencement of section 10 of the Housing and Planning Act 1986 (which substituted the present section 27).
- (2) A housing co-operative agreement made with a local housing authority which is in force immediately before the commencement of section 10 of the Housing and Planning Act 1986 has effect as if made under the present section 27, so that, in particular, any terms of the agreement providing for the letting of land to the housing co-operative no longer have effect except in relation to lettings made before commencement.
- (3) A housing co-operative agreement made with a new town corporation or the Development Board for Rural Wales which is in force immediately before the commencement of section 10 of the Housing and Planning Act 1986 remains in force notwithstanding that the present section 27 does not apply to such authorities.
- (4) In this Act (except in section 27) the expressions “management agreement” and “manager”, in relation to such an agreement, include a housing co-operative agreement to which subsection (2) or (3) applies and the housing co-operative with whom the agreement is made.

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