

SCHEDULES

SCHEDULE 6

MANAGEMENT ORDERS: PROCEDURE AND APPEALS

PART 1

PROCEDURE RELATING TO MAKING OF MANAGEMENT ORDERS

Requirements before making final management order

- 1 Before making a final management order, the local housing authority must—
 - (a) serve a copy of the proposed order, together with a notice under this paragraph, on each relevant person; and
 - (b) consider any representations made in accordance with the notice and not withdrawn.
- 2 The notice under paragraph 1 must state that the authority are proposing to make a final management order and set out—
 - (a) the reasons for making the order;
 - (b) the main terms of the proposed order (including those of the management scheme to be contained in it); and
 - (c) the end of the consultation period.
- 3 (1) This paragraph applies if, having considered representations made in accordance with a notice under paragraph 1 or this paragraph, the local housing authority propose to make a final management order with modifications.
(2) Before making the order, the authority must—
 - (a) serve a notice under this paragraph on each relevant person; and
 - (b) consider any representations made in accordance with the notice and not withdrawn.
- 4 The notice under paragraph 3 must set out—
 - (a) the proposed modifications;
 - (b) the reasons for them; and
 - (c) the end of the consultation period.

Exceptions from requirements relating to making of final management order

- 5 The requirements of paragraph 3 (and those of paragraph 1) do not apply if the local housing authority—
 - (a) have already served notice under paragraph 1 but not paragraph 3 in relation to the proposed final management order; and
 - (b) consider that the modifications which are now being proposed are not material in any respect.

Status: This is the original version (as it was originally enacted).

- 6 The requirements of paragraph 3 (and those of paragraph 1) do not apply if the local housing authority—
- (a) have already served notices under paragraphs 1 and 3 in relation to the matter concerned; and
 - (b) consider that the further modifications which are now being proposed do not differ in any material respect from the modifications in relation to which a notice was last served under paragraph 3.

Requirements following making of interim or final management order

- 7 (1) This paragraph applies where the local housing authority make an interim management order or a final management order.
- (2) As soon as practicable after the order is made, the authority must serve on the occupiers of the house—
- (a) a copy of the order, and
 - (b) a notice under this sub-paragraph.
- (3) Those documents are to be regarded as having been served on the occupiers if they are fixed to a conspicuous part of the house.
- (4) The notice under sub-paragraph (2) must set out—
- (a) the reasons for making the order and the date on which it was made,
 - (b) the general effect of the order, and
 - (c) the date on which the order is to cease to have effect in accordance with section 105(4) and (5) or 114(3) and (4) (or, if applicable, how the date mentioned in section 105(6) is to be determined),
- and (if it is a final management order) give a general description of the way in which the house is to be managed by the authority in accordance with the management scheme contained in the order.
- (5) The authority must also serve a copy of the order, together with a notice under this sub-paragraph, on each relevant person.
- (6) The notice under sub-paragraph (5) must comply with sub-paragraph (4) and also contain information about—
- (a) the right of appeal against the order under Part 3 of this Schedule, and
 - (b) the period within which any such appeal may be made (see paragraph 25(2)).
- (7) The documents required to be served on each relevant person under sub-paragraph (5) must be served within the period of seven days beginning with the day on which the order is made.

Meaning of “the end of the consultation period” and “relevant person”

- 8 (1) In this Part of this Schedule “the end of the consultation period” means the last day for making representations in respect of the matter in question.
- (2) The end of the consultation period must be—
- (a) in the case of a notice under paragraph 1, a day which is at least 14 days after the date of service of the notice; and
 - (b) in the case of a notice under paragraph 3, a day which is at least 7 days after the date of service of the notice.

- (3) In sub-paragraph (2) “the date of service” of a notice means, in a case where more than one notice is served, the date on which the last of the notices is served.
- (4) In this Part of this Schedule “relevant person” means any person who, to the knowledge of the local housing authority, is—
 - (a) a person having an estate or interest in the house or part of it (but who is not a tenant under a lease with an unexpired term of 3 years or less), or
 - (b) any other person who (but for the order) would be a person managing or having control of the house or part of it.