

SCHEDULES

SCHEDULE 6

MANAGEMENT ORDERS: PROCEDURE AND APPEALS

PART 2

PROCEDURE RELATING TO VARIATION OR REVOCATION OF MANAGEMENT ORDERS

Variation of management orders

- 9 Before varying an interim or final management order, the local housing 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 - (b) consider any representations made in accordance with the notice and not withdrawn.
- 10 The notice under paragraph 9 must state that the authority are proposing to make the variation and specify—
- (a) the effect of the variation,
 - (b) the reasons for the variation, and
 - (c) the end of the consultation period.
- 11 (1) This paragraph applies where the local housing authority decide to vary an interim or final management order.
- (2) The local housing authority must serve on each relevant person—
- (a) a copy of the authority's decision to vary the order, and
 - (b) a notice setting out—
 - (i) the reasons for the decision and the date on which it was made,
 - (ii) the right of appeal against the decision under Part 3 of this Schedule, and
 - (iii) the period within which an appeal may be made (see paragraph 29(2)).
- (3) The documents required to be served on each relevant person under subparagraph (2) must be served within the period of seven days beginning with the day on which the decision is made.

Exceptions from requirements of paragraph 9

- 12 The requirements of paragraph 9 do not apply if the local housing authority consider that the variation is not material.
- 13 The requirements of paragraph 9 do not apply if the local housing authority—

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- (a) have already served a notice under that paragraph in relation to a proposed variation; and
- (b) consider that the variation which is now being proposed is not materially different from the previous proposed variation.

Refusal to vary interim or final management order

- 14 Before refusing to vary an interim or final management order, the local housing 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 - (b) consider any representations made in accordance with the notice and not withdrawn.
- 15 The notice under paragraph 14 must state that the authority are proposing to refuse to make the variation and set out—
- (a) the reasons for refusing to make the variation, and
 - (b) the end of the consultation period.
- 16 (1) This paragraph applies where the local housing authority refuse to vary an interim or final management order.
- (2) The authority must serve on each relevant person a notice setting out—
- (a) the authority’s decision not to vary the order;
 - (b) the reasons for the decision and the date on which it was made;
 - (c) the right of appeal against the decision under Part 3 of this Schedule; and
 - (d) the period within which an appeal may be made (see paragraph 29(2)).
- (3) The notices required to be served on each relevant person under sub-paragraph (2) must be served within the period of seven days beginning with the day on which the decision is made.

Revocation of management orders

- 17 Before revoking an interim or final management order, the local housing 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.
- 18 The notice under paragraph 17 must state that the authority are proposing to revoke the order and specify—
- (a) the reasons for the revocation, and
 - (b) the end of the consultation period.
- 19 (1) This paragraph applies where the local housing authority decide to revoke an interim or final management order.
- (2) The authority must serve on each relevant person—
- (a) a copy of the authority’s decision to revoke the order; and
 - (b) a notice setting out—
 - (i) the reasons for the decision and the date on which it was made;
 - (ii) the right of appeal against the decision under Part 3 of this Schedule;
 and

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(iii) the period within which an appeal may be made (see paragraph 29(2)).

- (3) The documents required to be served on each relevant person under sub-paragraph (2) must be served within the period of seven days beginning with the day on which the decision is made.

Refusal to revoke management order

- 20 Before refusing to revoke an interim or final management order, the local housing 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.
- 21 The notice under paragraph 20 must state that the authority are proposing to refuse to revoke the order and set out—
- (a) the reasons for refusing to revoke the order, and
 - (b) the end of the consultation period.
- 22 (1) This paragraph applies where the local housing authority refuse to revoke an interim or final management order.
- (2) The authority must serve on each relevant person a notice setting out—
- (a) the authority’s decision not to revoke the order;
 - (b) the reasons for the decision and the date on which it was made;
 - (c) the right of appeal against the decision under Part 3 of this Schedule; and
 - (d) the period within which an appeal may be made (see paragraph 29(2)).
- (3) The notices required to be served on each relevant person under sub-paragraph (2) must be served within the period of seven days beginning with the day on which the decision is made.

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

- 23 (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 day which is at least 14 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.