
STATUTORY INSTRUMENTS

2003 No. 940

The Regulatory Reform (Housing Management Agreements) Order 2003

Section 27 of the Housing Act 1985

2. For section 27 of the Housing Act 1985 substitute:

“27.—(1) A local housing authority may agree that another person shall exercise 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—

- (a) “management agreement” means an agreement under subsection (1) or a sub-agreement, and
- (b) “manager”, in relation to a management agreement, means a person by whom management functions are exercisable under the agreement.

(3) A management agreement shall set out the terms on which the authority’s functions are exercisable by a manager.

(4) An agreement under subsection (1) shall contain such provisions as may be prescribed by regulations made by the Secretary of State.

(5) A management agreement may—

- (a) include provision authorising a manager, with the consent of the authority, to agree that another person shall exercise any management function exercisable by the manager under the agreement;
- (b) where a body or association is a manager, provide that the management functions of the body or association under the agreement may be performed by a committee, sub-committee, officer or employee of the body or association.

(6) Subject to subsection (7), the approval of the Secretary of State shall be required to—

- (a) the making of any management agreement;
- (b) the variation of a provision of a management agreement, if the provision is specified, or is of a description specified, by the Secretary of State in giving approval to the making of a management agreement.

(7) The Secretary of State may, in giving approval to the making of an agreement under subsection (1)—

- (a) specify a moratorium period and the circumstances in which it is to apply;
- (b) specify circumstances in which his approval is not required to the making of a sub-agreement under the agreement.

(8) If a moratorium period applies in relation to a management agreement—

- (a) during the moratorium period the approval of the Secretary of State is not required to the making of a sub-agreement under the agreement;
 - (b) any sub-agreement made under the agreement during the moratorium period without the approval of the Secretary of State is not valid unless it is approved by the Secretary of State immediately after the end of the moratorium period.
- (9) A moratorium period specified under subsection (7) must not exceed 6 months.
- (10) Where a sub-agreement has been made during a moratorium period without the approval of the Secretary of State, the Secretary of State may extend the moratorium period if he is satisfied that he will not give his approval to that sub-agreement immediately after the end of that period; and this subsection may apply more than once.
- (11) The approval of the Secretary of State to the making of an agreement under subsection (1) or to the variation of such an agreement may be given generally or to a particular local housing authority or description of local housing authority.
- (12) The approval of the Secretary of State under this section may be given—
- (a) in relation to a particular case or description of case;
 - (b) unconditionally or subject to conditions.
- (13) Subject to subsection (15)—
- (a) anything done, or not done, by a manager in connection with the exercise (or purported exercise) of a relevant function shall be treated as done, or not done, by the authority;
 - (b) anything done, or not done, in relation to a manager in connection with the exercise (or purported exercise) of a relevant function shall be treated as done, or not done, in relation to the authority.
- (14) In subsection (13) “relevant function” means a management function of the authority exercisable by the manager under a management agreement.
- (15) Subsection (13) shall not apply—
- (a) to the extent that a management agreement provides otherwise as between the parties to it; or
 - (b) for the purposes of any criminal proceedings brought in respect of anything done or not done by the manager.
- (16) References in subsection (1) 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.
- (17) 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.

(18) In this section, “sub-agreement” means an agreement made by a manager and another person pursuant to a provision included in an agreement by virtue of subsection (5) (a).”