
STATUTORY INSTRUMENTS

2010 No. 663

HOUSING, ENGLAND

**The Housing Management Agreements
(Break Clause)(England) Regulations 2010**

Made - - - - 8th March 2010
Laid before Parliament 10th March 2010
Coming into force in accordance with regulation 1(2)

The Secretary of State, in exercise of the powers conferred by section 27(4) of the Housing Act 1985⁽¹⁾, makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Housing Management Agreements (Break Clause) (England) Regulations 2010.

(2) These Regulations come into force immediately after section 111 of the Housing and Regeneration Act 2008⁽²⁾ comes into force (“the commencement date”).

(3) These Regulations apply to local housing authorities in England.

Break clause in housing management agreements

2.—(1) This regulation applies to a management agreement⁽³⁾ which is entered into on or after the commencement date.

(2) A management agreement to which this regulation applies must provide that where a requirement is imposed under section 247(2) or 249(2) of the Housing and Regeneration Act 2008 (requirement to put management out to tender or transfer management)—

- (a) the authority and the manager must make arrangements for the transfer of management functions from the manager, and
- (b) the authority and the manager must determine the agreement,

(1) 1985 c. 68. Section 27 was substituted by S.I.2003/940, article 2. The functions of the Secretary of State under section 27 are, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). The functions of the National Assembly for Wales were vested in the Welsh Ministers by section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c.32).

(2) 2008 c.17.

(3) Management agreement is defined in section 27(2)(a) of the Housing Act 1985.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

so far as necessary to ensure that the agreement does not continue to have effect as respects management functions which are the subject of the requirement.

Signed by authority of the Secretary of State for Communities and Local Government

Ian Austin
Parliamentary Under Secretary of State
Department for Communities and Local
Government

8th March 2010

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 27 of the Housing Act 1985 (c.68) enables a local housing authority to delegate management of its housing to a manager through a management agreement. Local housing authorities who provide or intend to provide social housing will be subject to regulation by the Regulator of Social Housing under Part 2 of the Housing and Regeneration Act 2008 (c. 17) when that regime is commenced. The Regulator of Social Housing's enforcement powers include the power to impose a requirement to put the management of social housing out to tender or to require transfer of management functions to a specified provider. These Regulations require that any management agreement entered into on or after the date on which Part 2 of the Housing and Regeneration Act 2008 is commenced, must include break clause allowing the agreement to be determined and the management functions transferred in circumstances where a management requirement is imposed by the regulator.