
STATUTORY INSTRUMENTS

1994 No. 627

The Housing (Right to Manage) Regulations 1994

Transitional provisions

10.—(1) Where any of the following paragraphs of this regulation apply the tenant management organisation shall be treated as having served on the day these Regulations come into force (“the commencement date”) a proposal notice on the local housing authority in relation to the houses to which the study, ballot or poll relates.

(2) Where a study has been carried out during the period of twelve months ending on the commencement date or is being carried out immediately before the commencement date, which, if it had been carried out or were being carried out by an approved person for the purpose of paragraph (2) of regulation 4, would comply (or substantially comply) with the requirement in that paragraph to carry out an initial feasibility study (“a pre-commencement initial feasibility study”) and none of the following paragraphs of this regulation applies, the study shall be treated, on and after the commencement date, as having been carried out or being carried out by an approved person for the purpose of complying with that requirement and—

- (a) if the study has been completed and a report of the study submitted to the Secretary of State, the authority and the tenant management organisation before that date, it shall be treated as having been submitted under regulation 4(2) on the commencement date;
- (b) if a report on the study has not been submitted to the Secretary of State, the authority and the tenant management organisation before that date, but is so submitted within nine months of that date, it shall be treated as having been submitted under regulation 4(2).

(3) Where a ballot or poll has been carried out during the period of twelve months ending on the commencement date or is being carried out immediately before the commencement date following a pre-commencement initial feasibility study which, if it had been carried out or were being carried out by an authority for the purpose of paragraph (4) of regulation 4, would comply (or substantially comply) with the requirement in that paragraph to carry out a ballot or poll, and none of the following paragraphs of this regulation apply—

- (a) if the ballot or poll has been completed before that date, it shall be treated as having been completed on that date for the purpose of regulation 4(4);
- (b) if the ballot or poll has not been completed before that date but is completed within one month of that date, it shall be treated as having been carried out for the purpose of regulation 4(4).

(4) Where a study has been carried out during the period of twelve months ending on the commencement date or is being carried out immediately before the commencement date, which, if it had been carried out or were being carried out by an approved person for the purpose of paragraph (9) of regulation 4, would comply (or substantially comply) with the requirement in that paragraph to carry out a full feasibility study (a “pre-commencement full feasibility study”), and paragraph (5) of this regulation does not apply, the study shall be treated, on and after that date, as having been carried out or being carried out by an approved person for the purpose of complying with that requirement and—

- (a) if the study has been completed and a report on the study submitted to the Secretary of State, the authority and the tenant management organisation before that date, it shall be treated as having been submitted under regulation 4(9) on the commencement date;
 - (b) if a report on the study has not been submitted to the Secretary of State, the authority and the tenant management organisation before that date, but is so submitted within two years of that date, it shall be treated as having been submitted under regulation 4(9).
- (5) Where a ballot has been carried out during the period of twelve months ending on the commencement date or is being carried out immediately before the commencement date following a pre-commencement full feasibility study, which, if it had been carried out or were being carried out for the purpose of paragraph (12) of regulation 4 by an authority, would comply (or substantially comply) with the requirement in that paragraph to carry out a ballot—
- (a) if the ballot has been completed before that date, it shall be treated as having been completed on that date for the purpose of regulation 4(12);
 - (b) if the ballot has not been completed before that date, but is completed within one month of that date, it shall be treated as having been carried out for the purpose of regulation 4(12).