



Housing Act 1985

1985 CHAPTER 68

PART II

PROVISION OF HOUSING ACCOMMODATION

[^{F1} Management agreements

Textual Amendments

- F1** Ss. 27, 27A, 27B and heading substituted for s. 27 and heading by [Housing and Planning Act 1986](#) (c. 63, SIF 61), s. 10

[^{F2}27 Management agreements.

- (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 [^{F3}appropriate Minister].
- (5) A management agreement may—

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- (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 [F⁴appropriate authority] 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 [F⁴ appropriate authority] in giving approval to the making of a management agreement.
- (7) The [F⁵appropriate authority] 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 [F⁶the appropriate authority’s 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 [F⁷appropriate authority] 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 [F⁷appropriate authority] is not valid unless it is approved by the [F⁷appropriate authority] 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 [F⁸the approval of the appropriate authority, the appropriate authority may extend the moratorium period if it is satisfied that it will not give its 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 [F⁹appropriate authority] 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 [F¹⁰appropriate authority] 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.

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- (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 [^{F11}appropriate Minister], 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
 - [^{F12}(c) shall be made by statutory instrument which shall be subject to annulment in pursuance of—
 - (i) in the case of regulations made by the Secretary of State, a resolution of either House of Parliament;
 - (ii) in the case of regulations made by the Welsh Ministers, a resolution of the National Assembly for Wales.]
- [^{F13}(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);
 - “the appropriate authority” means—
 - (a) in relation to a local housing authority in England which is a registered provider of social housing, the Regulator of Social Housing;
 - (b) in relation to any other local housing authority in England, the Secretary of State;
 - (c) in relation to a local housing authority in Wales, the Welsh Ministers;
 - “the appropriate Minister” means—
 - (a) in relation to a local housing authority in England, the Secretary of State;
 - (b) in relation to a local housing authority in Wales, the Welsh Ministers.]]

Textual Amendments

- F2** S. 27 substituted (28.3.2003) by S.I. 2003/940, art. 2
- F3** Words in s. 27(4) substituted (1.4.2010) by The Housing and Regeneration Act 2008 (Registration of Local Authorities) Order 2010 (S.I. 2010/844), art. 1(2), Sch. 2 para. 9(2) (with Sch. 2 para. 10)
- F4** Words in s. 27(6) substituted (1.4.2010) by The Housing and Regeneration Act 2008 (Registration of Local Authorities) Order 2010 (S.I. 2010/844), art. 1(2), Sch. 2 para. 9(3) (with Sch. 2 para. 10)
- F5** Words in s. 27(7) substituted (1.4.2010) by The Housing and Regeneration Act 2008 (Registration of Local Authorities) Order 2010 (S.I. 2010/844), art. 1(2), Sch. 2 para. 9(4)(a) (with Sch. 2 para. 10)

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- F6** Words in s. 27(7) substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), art. 1(2), **Sch. 2 para. 9(4)(b)** (with Sch. 2 para. 10)
- F7** Words in s. 27(8) substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), art. 1(2), **Sch. 2 para. 9(5)** (with Sch. 2 para. 10)
- F8** Words in s. 27(10) substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), art. 1(2), **Sch. 2 para. 9(6)** (with Sch. 2 para. 10)
- F9** Words in s. 27(11) substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), art. 1(2), **Sch. 2 para. 9(7)** (with Sch. 2 para. 10)
- F10** Words in s. 27(12) substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), art. 1(2), **Sch. 2 para. 9(8)** (with Sch. 2 para. 10)
- F11** Words in s. 27(16) substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), art. 1(2), **Sch. 2 para. 9(9)** (with Sch. 2 para. 10)
- F12** S. 27(17)(c) substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), art. 1(2), **Sch. 2 para. 9(10)** (with Sch. 2 para. 10)
- F13** S. 27(18) substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), art. 1(2), **Sch. 2 para. 9(11)** (with Sch. 2 para. 10)

Modifications etc. (not altering text)

- C1** S. 27(13) applied by 2008 c. 17, s. 250A(5)(b) (as inserted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), art. 1(2), **Sch. 1 para. 67**)
- C2** S. 27(15) applied by 2008 c. 17, s. 250A(5)(b) (as inserted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), art. 1(2), **Sch. 1 para. 67**)

^{F14}**27A**

Textual Amendments

- F14** [Ss. 27A, 27AA](#) repealed (1.10.1996) by [1996 c. 52, s. 227](#), **Sch. 19 Pt. X**; [S.I. 1996/2402](#), **art. 3** (subject to transitional provisions and savings in [Sch.](#))

^{F15}**27AA**.....

Textual Amendments

- F15** [Ss. 27A, 27AA](#) repealed (1.10.1996) by [1996 c. 52, s. 227](#), **Sch. 19 Pt. X**; [S.I. 1996/2402](#), **art. 3** (subject to transitional provisions and savings in [Sch.](#))

^{F16}**27AB** **Management agreements with tenant management organisations.**

- (1) The Secretary of State may make regulations for imposing requirements on a local housing authority in any case where a tenant management organisation serves written notice on the authority proposing that the authority should enter into a management agreement with that organisation.
- (2) The regulations may make provision requiring the authority—

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- (a) to provide or finance the provision of such office accommodation and facilities, and such training, as the organisation reasonably requires for the purpose of pursuing the proposal;
 - (b) to arrange for such feasibility studies with respect to the proposal as may be determined by or under the regulations to be conducted by such persons as may be so determined;
 - [^{F17}(ba) to provide to the organisation such information or descriptions of information, in connection with the proposal, as may be prescribed in the regulations;
 - (bb) to take, in circumstances prescribed in the regulations, such other steps as may be so prescribed to co-operate with the organisation in connection with the proposal;]
 - (c) to arrange for such ballots or polls with respect to the proposal as may be determined by or under the regulations to be conducted of such persons as may be so determined; and
 - (d) in such circumstances as may be prescribed by the regulations (which shall include the organisation becoming registered if it has not already done so), to enter into a management agreement with the organisation.
- (3) The regulations may make provision with respect to any management agreement which is to be entered into in pursuance of the regulations—
- (a) for determining the houses and land to which the agreement should relate, and the amounts which should be paid under the agreement to the organisation;
 - (b) requiring the agreement to be in such form as may be approved by the Secretary of State and to contain such provisions as may be prescribed by the regulations;
 - (c) requiring the agreement to take effect immediately after the expiry or other determination of any previous agreement; and
 - (d) where any previous agreement contains provisions for its determination by the authority, requiring the authority to determine it as soon as may be after the agreement is entered into.
- (4) The regulations may also make such procedural, incidental, supplementary and transitional provisions as may appear to the Secretary of State necessary or expedient, and may in particular make provision—
- (a) for particular questions arising under the regulations to be determined by the authority [^{F18}or the person making the regulations];
 - (b) for other questions so arising to be determined by an arbitrator agreed to by the parties or, in default of agreement, appointed by the Secretary of State;
 - [^{F19}(ba) setting time-limits for the carrying out of requirements under the regulations;]
 - (c) requiring any person exercising functions under the regulations to act in accordance with any guidance [^{F20}or directions] given by the Secretary of State; and
 - (d) for enabling the authority, if invited to do so by the organisation concerned, to nominate one or more persons to be directors or other officers of any tenant management organisation with whom the authority have entered into, or propose to enter into, a management agreement.
- (5) Nothing in subsections (2) to (4) above shall be taken as prejudicing the generality of subsection (1).
- (6) Regulations under this section—

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- (a) may make different provision with respect to different cases or descriptions of case, including different provision for different areas, and
 - (b) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) Except as otherwise provided by regulations under this section—
- (a) a local housing authority shall not enter into a management agreement with a tenant management organisation otherwise than in pursuance of the regulations; and
 - (b) the provisions of the regulations shall apply in relation to the entering into of such an agreement with such an organisation in place of—
 - (i) the provisions of [F21]regulations under section 27BA (consultation with respect to management)]
 - (ii) in the case of secure tenants [F22]or tenants who are secure contract-holders], the provisions of section 105 (consultation on matters of housing management), F23 . . .
 - (iii) F24 . . . [F25] and
 - (iv) in the case of introductory tenants, the provisions of section 137 of the Housing Act 1996 (consultation on matters of housing management).]

(8) In this section—

“ arbitrator ” means a member of a panel approved for the purposes of the regulations by the Secretary of State;

F26

[F27]“contract-holder” has the same meaning as in the Renting Homes (Wales) Act 2016 (anaw 1) (see section 7 of that Act);]

“ previous agreement ”, in relation to an agreement entered into in pursuance of the regulations, means a management agreement [F28], or a section 247 or 249 arrangement,] previously entered into in relation to the same houses and land;

“ registered ” means registered under [F29]the Co-operative and Community Benefit Societies Act 2014] or [F30]the Companies Act 2006];

[F31]“section 247 or 249 arrangement” has the meaning given by section 250A(6) of the Housing and Regeneration Act 2008;]

[F27]“secure contract” has the same meaning as in the Renting Homes (Wales) Act 2016 (see section 8 of that Act);]

[F22]“ tenant management organisation ” means a body which satisfies such conditions as may be determined by or under the regulations.]]

Textual Amendments

- F16** S. 27AB inserted (10.11.1993 so far as confers power on Secretary of State to make regulations and 1.4.1994 otherwise) by 1993 c. 28, s. 132(1); S.I. 1993/2762, art. 3; S.I. 1994/935, art. 3 (with transitional provisions in art. 3)
- F17** S. 27AB(2)(ba)(bb) inserted (1.12.2008 for E. and otherwise prosp.) by Housing and Regeneration Act 2008 (c. 17), ss. 295(2), 325; S.I. 2008/3068, art. 4(1)(a) (with arts. 6-13)
- F18** Words in s. 27AB(4)(a) inserted (1.12.2008 for E. and otherwise prosp.) by Housing and Regeneration Act 2008 (c. 17), ss. 295(3)(a), 325; S.I. 2008/3068, arts. 1(2), 4(1)(a) (with arts. 6-13)
- F19** S. 27AB(4)(ba) inserted (1.12.2008 for E. and otherwise prosp.) by Housing and Regeneration Act 2008 (c. 17), ss. 295(3)(b), 325; S.I. 2008/3068, arts. 1(2), 4(1)(a) (with arts. 6-13)

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- F20** Words s. 27AB(4)(c) inserted (1.12.2008 for E. and otherwise prosp.) by [Housing and Regeneration Act 2008 \(c. 17\)](#), **ss. 295(3)(c)**, 325; S.I. 2008/3068, arts. 1(2), **4(1)(a)** (with arts. 6-13)
- F21** Words in s. 27AB(7)(b)(i) inserted (1.10.1996) by 1996 c. 52, s. 222, **Sch. 18 Pt. 1 para. 3(5)**; S.I. 1996/2402, **art. 3** (subject to transitional provisions and savings in Sch.)
- F22** Words in s. 27AB(7)(b)(ii) inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **11(3)(a)** (with savings and transitional provisions in S.I. 2022/1172, regs. 2, 11, 12, 19)
- F23** Word in s. 27AB(7)(b)(ii) omitted (12.2.1997) by virtue of S.I. 1997/74, art. 2, **Sch. para. 3(c)**
- F24** Words in s. 27AB(7)(b)(iii) repealed (18.11.2003 for E. and 27.11.2003 for W.) by [Local Government Act 2003 \(c. 26\)](#), ss. 127(2), 128(5)(6), **Sch. 8 Pt. 1**; S.I. 2003/2938, **art. 3(i)(i)** (subject to art. 8, Sch.); S.I. 2003/3034, **art. 2**, Sch. 1 Pt. 1
- F25** S. 27AB(7)(b)(iv) and word preceding it inserted (12.2.1997) by S.I. 1997/74, art. 2, **Sch. para. 3(c)**
- F26** S. 27AB(8): definition of “associated” repealed (18.11.2003 for E. and 27.11.2003 for W.) by [Local Government Act 2003 \(c. 26\)](#), ss. 127(2), 128(6), **Sch. 8 Pt. 1**; S.I. 2003/2938, **art. 3** (subject to art. 8, Sch.); S.I. 2003/3034, **art. 2(1)**, Sch. 1 Pt. 1
- F27** Words in s. 27AB(8) inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), regs. 1(1), **11(3)(b)** (with savings and transitional provisions in S.I. 2022/1172, regs. 2, 11, 12, 19)
- F28** Words in definition of “previous agreement” in s. 27AB(8) inserted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), art. 1(2), **Sch. 2 para. 11(a)**
- F29** S. 27AB(8): words in definition of “registered” substituted (1.8.2014) by [Co-operative and Community Benefit Societies Act 2014 \(c. 14\)](#), s. 154, **Sch. 4 para. 35** (with Sch. 5)
- F30** S. 27AB(8): words in definition of “registered” substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order \(S.I. 2009/1941\)](#), art. 2(1), {Sch. 1 para. 62(3)} (with art. 10)
- F31** Definition “section 247 or 249 arrangement” in s. 27AB(8) inserted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), art. 1(2), **Sch. 2 para. 11(b)**

27B Agreements with housing co-operatives under superseded provisions.

- (1) In this section “housing co-operative” means a society, company or body of trustees with which a housing co-operative agreement was made, that is to say—
- an agreement to which paragraph 9 of Schedule 1 to the Housing Rents and Subsidies Act 1975 or Schedule 20 to the Housing Act 1980 applied or,
 - an agreement made under section 27 above before the commencement of section 10 of the Housing and Planning Act 1986 (which substituted the present section 27).
- (2) A housing co-operative agreement made with a local housing authority which is in force immediately before the commencement of section 10 of the Housing and Planning Act 1986 has effect as if made under the present section 27, so that, in particular, any terms of the agreement providing for the letting of land to the housing co-operative no longer have effect except in relation to lettings made before commencement.
- (3) A housing co-operative agreement made with a new town corporation^{F32} . . . which is in force immediately before the commencement of section 10 of the Housing and Planning Act 1986 remains in force notwithstanding that the present section 27 does not apply to such authorities.

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- (4) In this Act (except in section 27) the expressions “management agreement” and “manager”, in relation to such an agreement, include a housing co-operative agreement to which subsection (2) or (3) applies and the housing co-operative with whom the agreement is made.]

Textual Amendments

F32 Words in s. 27B(3) repealed (1.10.1998) by 1998 c. 38, s. 152, **Sch. 18 Pt. IV** (with ss. 137(1), 139(2), 141(1), 143(2)); S.I. 1998/2244, **art. 4**

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Changes and effects yet to be applied to :

- specified provision(s) savings for amendments by 2018 anaw 1, s. 6, Sch. 6 by [S.I. 2019/110 reg. 5](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act savings and transitional provisions for amendments by [S.I. 2022/1166](#) by [S.I. 2022/1172](#) Regulations

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 81A-81D and cross-heading inserted by [2016 c. 22 Sch. 7 para. 4](#) (This provision is amended by [2021 c. 7, ss. 79\(3\), 90\(6\)](#); [S.I. 2021/1038, reg. 3\(c\)](#))
- s. 81B(1)(b) words inserted by [2018 c. 11 s. 1\(3\)](#)
- s. 81B(2A)-(2C) inserted by [2018 c. 11 s. 1\(2\)](#)
- s. 81B(2C) words substituted by [2021 c. 17 s. 79\(3\)\(a\)\(i\)](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 81B by [2016 c. 22, Sch. 7 para. 4](#) is still prospective)
- s. 81B(2C) words substituted by [2021 c. 17 s. 79\(3\)\(a\)\(ii\)](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 81B by [2016 c. 22, Sch. 7 para. 4](#) is still prospective)
- s. 81B(2D) inserted by [2021 c. 17 s. 79\(3\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 81B by [2016 c. 22, Sch. 7 para. 4](#) is still prospective)
- s. 82(A1)(A2) inserted by [2016 c. 22 s. 119\(2\)\(a\)](#)
- s. 82A(4A)(4B) inserted by [2016 c. 22 Sch. 7 para. 7\(2\)](#)
- s. 86(1A)(1B) inserted by [2016 c. 22 Sch. 7 para. 10\(3\)](#)
- s. 86(1C) inserted by [2016 c. 22 Sch. 8 para. 2](#)
- s. 86A-86F and cross-headings inserted by [2016 c. 22 Sch. 7 para. 11](#)
- s. 86G s. 86A renumbered as s. 86G by [2016 c. 22 Sch. 8 para. 3\(1\)\(a\)](#)
- s. 86G(8) inserted by [2016 c. 22 Sch. 8 para. 3\(2\)](#)
- s. 88(1)(ba) inserted by [2016 c. 22 Sch. 8 para. 4](#)
- s. 89(2A)-(2D) inserted by [2016 c. 22 Sch. 8 para. 5\(3\)](#)
- s. 97(1A) inserted by [2016 c. 22 Sch. 7 para. 12\(3\)](#)
- s. 99A(1A) inserted by [2016 c. 22 Sch. 7 para. 13\(3\)](#)
- s. 115B115C inserted by [2016 c. 22 Sch. 7 para. 15](#)
- s. 115B115C inserted by [2016 c. 22 Sch. 7 para. 15](#)
- s. 305(1A) inserted by [2023 asc 3 Sch. 13 para. 68\(b\)](#)
- s. 306(1A) inserted by [2023 asc 3 Sch. 13 para. 69\(b\)](#)
- s. 353A inserted by [1996 c. 52 s. 73\(1\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 73 repealed (6.4.2006 for E., 16.6.2006 for W.) by [2004 c. 34, Sch. 16](#); [S.I. 2006/1060, art. 2\(1\)\(e\), Sch.](#); [S.I. 2006/1535, art. 2\(c\), Sch.](#))
- s. 582(6)(aa)-(ac) substituted for s. 582(6)(a) by [2023 c. 55 Sch. 18 para. 4\(2\)\(b\)](#)
- Sch. 1 para. 1ZA and cross-heading inserted by [2016 c. 22 Sch. 7 para. 17\(2\)](#)
- Sch. 5A para. 3(3)(aa) inserted by [2023 c. 55 Sch. 18 para. 4\(3\)\(b\)\(ii\)](#)
- Sch. 5A para. 3(6A) inserted by [2023 c. 55 Sch. 18 para. 4\(3\)\(d\)](#)