
STATUTORY INSTRUMENTS

1994 No. 1671

**The Local Government Act 1988 (Competition)
(Defined Activities) (Housing Management) Order 1994**

Defined activities

2.—(1) Section 2(2) of the Local Government Act 1988 (“the Act”) is amended by—

- (a) the omission of “and” after paragraph (f); and
- (b) the insertion after paragraph (g) of the following—
 - “, and
 - (h) housing management”.

(2) Schedule 1 to the Act is amended by the addition at the end of the following:

“Housing management

9.—(1) Subject to paragraph (2), the following (and only the following) fall within section 2(2)(h) above—

- (a) dealing with applications for local authority housing once a property has been allocated to the applicant until immediately after the tenancy agreement has been entered into, and dealing with assignments under section 92 of the 1985 Act (assignments by way of exchange) or with assignments to another secure tenant by way of exchange under section 55 of the 1987 Act (assignment of secure tenancy) after the landlord has given his consent;
- (b) informing local authority housing tenants of the terms of their tenancies and taking steps to enforce any such terms;
- (c) collecting local authority housing rent and service charges, and service charge loan payments arising from such service charges, keeping a suitable record of the sums collected, collecting any arrears, negotiating an agreement for the payment of any arrears, and monitoring compliance with such an agreement;
- (d) arranging for the vacating of local authority housing once a tenancy or licence has terminated;
- (e) inspecting vacant property, assessing whether works are needed prior to the next letting, ensuring that any such works are carried out and reporting on progress to the landlord;
- (f) taking steps to prevent vandalism and unlawful occupation of vacant property, including ensuring that any necessary works are carried out and reporting on progress to the landlord;
- (g) taking steps to remove unlawful occupants from local authority housing;
- (h) assessing the condition of the common parts of local authority housing, assessing the maintenance, repair, cleaning (including disinfection) and clearance of such parts that is necessary, ensuring that any necessary works are carried out and reporting on progress to the landlord;

- (i) assessing requests for repairs to local authority housing, ensuring that any necessary works are carried out and reporting on progress to the landlord;
 - (j) carrying out inspections and surveys of local authority housing for the purposes of ascertaining—
 - (i) its physical condition or state of repair, or
 - (ii) whether or not such housing is occupied;
 - (k) assessing claims for compensation under regulations made under section 96 of the 1985 Act⁽¹⁾ or section 60 of the 1987 Act⁽¹⁾ (right to carry out repairs) and making recommendations to the landlord;
 - (l) assessing applications for payment—
 - (i) under regulations made under section 99A of the 1985 Act or section 58A of the 1987 Act (right to compensation for improvements)⁽²⁾, or
 - (ii) under section 100 of the 1985 Act or section 58 of the 1987 Act (power to reimburse cost of work adding to value of property), and making recommendations to the landlord;
 - (m) operating reception and security services provided at the entrance to local authority housing; and
 - (n) taking action to control any disturbance in local authority housing or to resolve disputes between occupants, including dealing with such bodies (including appropriate dispute resolution agencies) as may be appropriate.
- (2) The activities described in sub-paragraphs (1)(a), (d), (g) and (j)(ii) do not fall within section 2(2)(h) above where they relate to a tenancy or prospective tenancy if—
- (a) the tenant is not an individual or, as the case may be, all the tenants are not individuals; or
 - (b) the tenancy is—
 - (i) a long tenancy within the meaning of section 115 of the 1985 Act,
 - (ii) a lease granted in pursuance of the right to acquire on rent to mortgage terms conferred by Part V of the 1985 Act,
 - (iii) a lease granted on payment of a premium calculated by reference to a percentage of the value of the demised premises or the cost of providing them, or
 - (iv) a lease under which the tenant (or his personal representatives) will or may be entitled to a sum calculated by reference, direct or indirect, to the value of the demised premises.
- (3) In this paragraph—
- “the 1985 Act” means the Housing Act 1985⁽³⁾;
 - “the 1987 Act” means the Housing (Scotland) Act 1987⁽⁴⁾;
 - “local authority housing” means housing accommodation provided by a local authority under Part II of the 1985 Act, or, as regards Scotland, under Part I of the 1987 Act, including—

⁽¹⁾ Section 96 was substituted by section 121 of the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28).

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⁽²⁾ Section 99A was inserted by section 122 of the Leasehold Reform, Housing and Urban Development Act 1993; section 58A was inserted by section 147 of that Act; section 100 was amended by paragraph 16(1) and (2) of Schedule 3 to the Housing and Planning Act 1986 (c. 63) and paragraph 66 of Schedule 11 to the Local Government and Housing Act 1989 (c. 42).

⁽³⁾ 1985 c. 68.

⁽⁴⁾ 1987 c. 26.

(i) garages, parking spaces and outhouses provided in connection with such housing accommodation and usually enjoyed with it, and

(ii) common parts of buildings containing two or more dwelling-houses,

but excluding hostels as defined in section 622 of the 1985 Act or section 2(5) of the 1987 Act;

“secure tenancy” has the same meaning as in section 79 of the 1985 Act or section 44 of the 1987 Act (secure tenancies);

“service charge” means an amount payable by a tenant of premises which is payable, directly or indirectly, for services, repairs, maintenance or insurance or the landlord’s costs of management;

“tenancy” has the same meaning as in section 621 of the 1985 Act or section 82 of the 1987 Act, and also includes a secure tenancy, and “tenant” shall be construed accordingly; and

“vacant property” means housing accommodation provided by a local authority (including garages, parking spaces and outhouses provided in connection with such housing accommodation and usually enjoyed with it) which is unoccupied, whether by reason of the termination of a secure tenancy or otherwise.”