

**EXPLANATORY MEMORANDUM TO**  
**THE HOUSING (RIGHT TO MANAGE) (ENGLAND) REGULATIONS 2012**  
**2012 No. 1821**

1. This explanatory memorandum has been prepared by the Department for Communities and Local Government and is laid before Parliament by Command of Her Majesty.
2. **Purpose of the instrument**
  - 2.1 The regulations provide for a procedure to enable local authority tenants to take over the management of housing services relating to their homes from their local housing authority landlord.
3. **Matters of special interest to the [Joint Committee on Statutory Instruments *or* the Select Committee on Statutory Instruments]**
  - 3.1 None
4. **Legislative Context**
  - 4.1 The Regulations replace the Housing (Right to Manage)(England) Regulations 2008 to provide a more straight forward procedure for tenant groups seeking to take over housing management services from their local housing authority.
  - 4.2 The Housing Act 1985 sets out the general power for local housing authorities to reach arrangements with third parties to manage their housing stock.
5. **Territorial Extent and Application**
  - 5.1 This instrument applies to England.
6. **European Convention on Human Rights**
  - 6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.
7. **Policy background**
  - 7.1 The local housing authority is responsible for providing housing management services to its tenants. The authority may enter into management agreements, subject to Secretary of State consent, where a housing services manager will provide such services under section 27 of the Housing Act 1985.

7.2 Section 27AB of the Housing Act 1985 enables the Secretary of State to make regulations setting out a procedure to enable local authority tenants to take over housing management services of their homes from their local housing landlord – the “right to manage”.

7.3 Local authority tenants have had a statutory right to manage since 1994. By following previous Right to Manage Regulations, and forming themselves into a Tenant Management Organisation, such tenants can take over the landlord’s responsibility for managing housing services such as repairs, caretaking, and security.

7.4 Up to 200 Tenant Management Organisations have exercised their Right to Manage. They are proven models of community control, that help to improve service quality, secure better value for money and boost tenant satisfaction with services.

7.5 However, as part of a review in 2010 by Government and its partners on how the Right to Manage operates, various respondents felt that:

- the creation of new Tenant Management Organisation had slowed down, with the average time taken by Tenant Management Organisation to exercise their Right to Manage at around 3 years; and
- the Right to Manage process required tenant groups to provide huge amounts of evidence to demonstrate their readiness to take over management responsibilities.

7.6 To address this, the Housing (Right to Manage) (England) Regulations 2012 (“the 2012 Regulations”) streamline the previous Right to Manage Regulations to make it easier and quicker for tenants to exercise their statutory right. It is removing the requirements to:

- notify the Secretary of State of the results of the ballot of affected tenants;
- send a copy of the Tenant Management Organisation management agreement to the Secretary of State; and
- prepare a feasibility study of the prospective Tenant Management Organisation’s proposals.

7.7 These are essentially technical changes which streamline the well-established procedure.

## **8. Consultation outcome**

8.1 The consultation proposals were made available on the Department for Communities and Local Government website, and, additionally, were sent to those representatives of the local authority and tenant sectors who were known to be interested in the proposal. The consultation period was set at 10 weeks,

recognising that the content of the consultation had previously been discussed with interested parties.

8.2 There was almost universal support from respondents to the proposed changes to regulations. A detailed analysis of the proposals is available on the Department's website.

## **9. Guidance**

9.1 To help tenant groups understand the impact of the changes, concise guidance will be prepared to explain how the revised Right to Manage regulations will operate. This is being prepared with input from partners from the tenant and local government sectors, and will be available when the Regulations come into force.

## **10. Impact**

10.1 There is no impact on business, charities or voluntary bodies.

10.2 The impact on the public sector is to reduce the burden placed on local authorities where tenants wish to exercise their statutory Right to Manage by cutting out unnecessary steps.

10.3 An Impact Assessment has not been prepared for this instrument.

## **11. Regulating small business**

11.1 The legislation does not apply to small business.

## **12. Monitoring & review**

12.1 The outcome will be subject to internal review after 12 months and, if necessary, the legislation may need to be amended depending on the outcome of the review.

## **13. Contact**

13.1 Tony Hatch at the Department for Communities and Local Government, telephone: 0303 444 3663 or email: [tony.hatch@communities.gsi.gov.uk](mailto:tony.hatch@communities.gsi.gov.uk) can answer any queries regarding the instrument.