



# Housing (Scotland) Act 2001

## 2001 asp 10

### PART 2

#### TENANTS OF SOCIAL LANDLORDS

### CHAPTER 3

#### TENANT PARTICIPATION

#### 53 Tenant participation

- (1) Every local authority landlord and registered social landlord must, by such time as the Scottish Ministers may direct, prepare a strategy (a “tenant participation strategy”) for promoting the participation of tenants under a Scottish secure tenancy or a short Scottish secure tenancy in the formulation by the landlord of proposals in relation to the management of housing accommodation and the provision of related services by it, so far as such proposals are likely to affect such tenants.
- (2) Such a strategy must include, in particular—
  - (a) provision as to—
    - (i) the arrangements for obtaining and taking account of the views of registered tenant organisations and tenants as to the matters on which the landlord should make proposals of the type referred to in subsection (1) and the nature and content of such proposals,
    - (ii) notifying registered tenant organisations and tenants of the matters on which the landlord expects to be making such proposals, and
    - (iii) the information to be provided to registered tenant organisations and tenants about such proposals and their likely effect, and
  - (b) an assessment of the resources (including financial and other assistance to bodies comprised of or representing tenants) required, and a statement of the resources proposed, to give effect to the strategy.
- (3) Every local authority landlord and registered social landlord must maintain a register of tenant organisations and keep it open for public inspection at all reasonable times.
- (4) The Scottish Ministers may by order make provision as to—

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- (a) the criteria to be satisfied by a body seeking registration in the register or removal from the register,
  - (b) the procedure to be followed in relation to applications for registration and removal from the register.
- (5) A body which is aggrieved by a decision of a landlord—
- (a) not to register it in the register, or
  - (b) to remove or not to remove it from the register,
- may appeal against the decision to the Scottish Ministers, who may confirm or reverse the decision.
- (6) In this Act, “registered tenant organisation”, in relation to a landlord, means a body for the time being registered in the register of tenant organisations maintained by the landlord.

#### **54 Consultation with tenants and registered tenant organisations**

- (1) A local authority landlord and a registered social landlord under a Scottish secure tenancy or a short Scottish secure tenancy must notify the tenant and every registered tenant organisation of—
- (a) any proposal to which subsection (2) applies, and
  - (b) the likely effect of the proposal on the tenant,
- and must have regard to any representations made to it, within such reasonable period as is specified in the notice, by the tenant or any such organisation in relation to the proposal.
- (2) This subsection applies to a proposal by the landlord concerning—
- (a) its policy in relation to housing management, repairs or maintenance, where the proposal, if implemented, is likely significantly to affect the tenant,
  - (b) the standard of service in relation to housing management, repairs and maintenance which it intends to provide,
  - (c) its tenant participation strategy under section 53,
  - (d) a disposal which would result in a change of landlord or, if different, of owner of the house which is the subject of the tenancy.
- (3) This section is without prejudice to section 53.

#### **55 Tenant management agreements**

- (1) A society, company or body of trustees for the time being approved by the Scottish Ministers for the purposes of this section (in this section and section 56 referred to as a “tenant management co-operative”) may make an agreement with a landlord mentioned in section 11(1)(b) for the exercise by the co-operative of the landlord’s housing functions.
- (2) The Scottish Ministers must approve a society, company or body of trustees for the purposes of this section if they are satisfied that it is generally suitable to carry out such functions.
- (3) Where a tenant management co-operative applies to a landlord referred to in subsection (1) for agreement to the co-operative exercising, on such terms as the

application may specify, all or part of the landlord's housing functions, the landlord must make an agreement with the co-operative if it is satisfied that—

- (a) the co-operative is approved under subsection (2),
  - (b) the co-operative will be able to exercise the functions specified in the proposal competently and efficiently, and
  - (c) so far as those functions relate to houses, the co-operative is representative of the tenants of those houses.
- (4) Where a landlord refuses to make an agreement with a co-operative on the ground that it is not satisfied as to a matter mentioned in subsection (3)(b) or (c), the co-operative may appeal to the Scottish Ministers, who may confirm or reverse the landlord's decision.
- (5) Where the Scottish Ministers reverse the landlord's decision, the landlord and the co-operative must make the agreement.
- (6) Where the landlord and the co-operative are unable to agree the terms of the agreement, the co-operative may appeal to the Scottish Ministers who may determine the terms of the agreement.
- (7) An agreement under this section may be made only with the approval of the Scottish Ministers, and such approval may be given subject to conditions.
- (8) An agreement under this section does not affect the responsibility of the local authority landlord or registered social landlord for the exercise of its functions.

## **56 Tenant management agreements: further provision**

- (1) An agreement under section 55 may be made in relation to—
- (a) all or any part of the landlord's housing functions,
  - (b) all or any part of the houses held by the landlord for the purposes of those functions.
- (2) In that section and this section, references to the landlord's housing functions are—
- (a) in relation to a local authority landlord, references to the functions of the landlord—
    - (i) relating to land or any interest in land held by it for the purposes of Part I of the 1987 Act,
    - (ii) under sections 4 and 5 (power to provide furniture, board and laundry facilities) of that Act, in connection with any such land or interest,
  - (b) in relation to a registered social landlord, references to its housing activities within the meaning of section 83(3),
  - (c) in relation to a water authority or a sewerage authority, references to its functions in relation to the provision and management of houses.
- (3) An agreement under section 55 between a tenant management co-operative and a local authority landlord may, without prejudice to any other enactment, include terms providing for the letting of land to the co-operative by the landlord for a period not exceeding 20 years.
- (4) A local authority must continue to include in its housing revenue account houses on land included in an agreement under that section between a tenant management co-operative and a local authority landlord; and neither the making of the agreement nor any letting of land in pursuance of it is to be treated as a ground for the

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reduction, suspension or discontinuance of any Exchequer contribution or subsidy under section 202 of the 1987 Act.

- (5) In subsection (4), “Exchequer contribution” has the meaning given in section 338(1) of the 1987 Act.