



# Housing (Scotland) Act 2001

## 2001 asp 10

### PART 2

#### TENANTS OF SOCIAL LANDLORDS

### CHAPTER 3

#### TENANT PARTICIPATION

#### 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.

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*Status: This is the original version (as it was originally enacted).*

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- (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.