

HOUSING (SCOTLAND) ACT 2001

EXPLANATORY NOTES

BACKGROUND AND OVERVIEW

Part 2 – Tenants of Social Landlords

Chapter 3 – Tenant Participation

Section 53: Tenant participation

93. This section requires local authorities and registered social landlords to have tenant participation strategies in place as directed by the Scottish Ministers. It also places a duty on them to maintain a register of tenants groups meeting certain criteria. *Subsection (4)* entitles Scottish Ministers to make an order setting out the criteria for registration or removal from the register and the procedures to be followed in relation to such registration and removal and *subsection (5)* provides a right of appeal for such groups in relation to registration and deregistration.

Section 54: Consultation with tenants and registered tenant organisations

94. This section enables both individual tenants and registered tenants groups to be consulted by the landlord on issues affecting them. *Subsection (1)* requires the landlord to have regard to representations by tenants or tenants groups, made within a reasonable timescale. *Subsection (2)* sets out the relevant proposals to which this applies.

Section 55: Tenant management agreements

95. This section replaces the existing provisions of sections 22 and 22A of the 1987 Act and sets out arrangements for a tenant management co-operative to enter into an agreement with a local authority landlord, a registered social landlord or a water or sewerage authority to manage the landlord's houses. The Scottish Ministers must approve such management bodies and the terms of the agreement between the landlord and the co-operative. There is a right of appeal to Ministers in the case of an inability to agree terms or a refusal by the landlord to enter into an agreement.

Section 56: Tenant management agreements: further provision

96. This section defines the range of functions which a landlord may make subject to a tenant management agreement. *Subsections (4) and (5)* make clear that a local authority's houses which are the subject of a tenant management agreement are still to be treated as the authority's houses for the purposes of the authority's Housing Revenue Account and related financial support from the Executive.