EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provisions in relation to recognised tenants’ associations and relevant tenants’ associations.

Part 2 makes provision in relation to certificates given by the First-tier Tribunal under section 29(1) (b)(i) of the Landlord and Tenant Act 1985 recognising a tenants’ association.

Regulation 3 specifies the matters which the First-tier Tribunal must have regard to in giving a certificate.

Regulation 4 specifies the circumstances in which a certificate is not to be given.

Regulation 5 specifies the matters to which the First-tier Tribunal must have regard in cancelling a certificate.

Part 3 makes provision in relation to relevant tenants’ associations and impose certain duties on landlords in relation to the provision of known information.

Regulation 7 makes provision for a relevant tenants’ association to serve a notice (a “request notice”) on a landlord requesting that the landlord provide certain, specified information.

Regulation 8 requires landlords who have been served with a request notice to acknowledge receipt within 7 days. Where the landlord does not believe the notice received to be a valid request notice, the landlord must reply within 7 days informing the tenants’ association of this and giving reasons why.

Regulation 9 requires landlords who have been served with a request notice to give an information form to each relevant qualifying tenant in relation to whom known information has been requested. The information form sets out, amongst other things, the information being requested, asks for the tenants’ consent to provide the known information and informs the tenants why the information has been requested.

Regulation 10 requires landlords who have been served with a request notice which does not fall within regulation 8(2) to provide a substantive response to the notice within 4 months. This response must, amongst other things, state the known information that was requested and that the landlord has consent to disclose (or state that there is no such information) and be accompanied by a statement that the contents are true to the best of the landlord’s knowledge and belief. Known information for which consent is received after 4 months has passed must also be provided to the relevant tenants’ association.

Regulation 11 gives power to the First-tier Tribunal to make an order remedying a failure by a landlord to comply with regulation 8, 9 or 10 of these Regulations.

An impact assessment has not been prepared for this instrument as no, or no significant, impact on the private or voluntary sectors is foreseen.