2002 No. 416

HOUSING

The Housing (Scotland) Act 2001 (Registration of Tenant Organisations) Order 2002

Made	*5th September 2002*
Laid before the Scottish Parliament	*9th September 2002*
Coming into force	*30th September 2002*

The Scottish Ministers, in exercise of the powers conferred by section 53(4) of the Housing (Scotland) Act 2001(**a**) and of all other powers enabling them in that behalf, hereby make the following Order:

Citation and commencement

1. This Order may be cited as the Housing (Scotland) Act 2001 (Registration of Tenant Organisations) Order 2002 and shall come into force on 30th September 2002.

Interpretation

2. In this Order–

"applicant" means a body seeking registration in the register;

"landlord" means a local authority landlord or a registered social landlord; and

"register" means a register of tenant organisations maintained by a landlord under section 53(3) of the Housing (Scotland) Act 2001.

Criteria for registration

3. The criteria to be satisfied by an applicant are set out in Part I of the Schedule to this Order.

Criteria for removal from the register

4. The criteria to be satisfied by a body seeking removal from the register are set out in Part II of the Schedule to this Order.

Procedure for application for registration

5.—(1) An application for registration in a register shall be in writing.

(2) An application shall be sent by the applicant to the landlord, accompanied by the following:–

(a) a copy of the applicant's constitution;

(b) a list of its office bearers and the address to which correspondence with that applicant should be sent;

(c) details of other landlords with whom it has registered or is seeking to register; and

(a) 2001 asp 10.

(d) a description of its area of operation.

(3) An applicant which satisfies the criteria referred to in article 3 above shall be registered by the landlord as a registered tenant organisation.

(4) If the application for registration is accepted, the landlord shall notify the applicant in writing of that fact and of the effective date of registration.

(5) If the application for registration is refused, the landlord shall notify the applicant in writing of the decision and the reasons for refusal and of the right to appeal to the Scottish Ministers.

Procedure for Removal from a Register

6.—(1) If a landlord is satisfied that a body which is a registered tenant organisation satisfies any of the criteria in Part II of the Schedule, the landlord may, whether or not on the application of the registered tenant organisation and after giving that organisation written notice specifying the proposed reasons for and the proposed effective date of removal, remove it from the register.

(2) A registered tenant organisation may make a written application to a landlord to be removed from the register.

(3) The landlord shall notify the organisation in writing of any decision to remove, or not to remove, that organisation from the register and of its right to appeal to the Scottish Ministers.

Notices etc.

7. Any notice which requires to be given under these regulations shall be deemed to have been given to the organisation if it is served at the address given under paragraph (2)(b) of article 5.

MARGARET CURRAN
A member of the Scottish Executive

St Andrew's House,
Edinburgh
5th September 2002

SCHEDULE

PART I

CRITERIA FOR REGISTRATION IN A REGISTER

Constitution

1. The applicant must have a written constitution available for inspection by the public that sets out–

(a) its objects and its area of operation;

(b) its membership criteria and procedure for application for membership;

(c) the operation of its committee;

(d) its procedure for election of its committee and office bearers;

(e) how its business is conducted, including delegation of powers;

(f) how its decisions are reached;

(g) how its funds are managed;

(h) its procedures for meetings of members including the annual general meeting;

(i) its procedure for amending its constitution;

(j) its commitment to the promotion of equal opportunities; and

(k) its commitment to the promotion of the housing and housing related interests of the tenants of the registering landlord.

Committee

2.—(1) The applicant must have a committee, the members of which are elected at an annual general meeting of the applicant and members of the committee must be required to stand down after a period specified in the applicant's constitution.

(2) The committee must consist of at least three members who may co-opt other members on to the committee during the course of a year; and

(3) The committee procedures set out in the constitution of the applicant must require that the decisions of the committee are reached democratically.

Area of operation

3. The applicant must operate within a defined area, and in which there is housing stock owned or managed by any local authority or registered social landlord with whom it is seeking to register.

Membership policy

4. Membership of the applicant body must be open to all those tenants of the landlord to which application has been made who are tenants–

(a) under a Scottish secure tenancy or a short Scottish secure tenancy; and

(b) of a house situated within the applicant body's defined area of operation.

Accounting

5. The applicant must maintain proper accounting records showing income and expenditure and a statement of assets and liabilities. Its constitution must require that an annual financial statement, audited by the landlord or by a qualified accountant should be prepared for presentation at its annual general meeting.

Consultation and representation

6. The applicant must be able to demonstrate to the landlord its commitment to representing the interests of its members and its ability to represent the views of its members who are tenants of the landlord with whom it is seeking to register.

PART II

CRITERIA FOR REMOVAL FROM A REGISTER

1. The landlord must be satisfied that the organisation removed from the register no longer satisfies the criteria for registration set out in Part I of this Schedule.

2. The organisation must apply to a landlord to remove it from the register.

3. It must appear to the landlord that the organisation has ceased to exist, or to operate.

EXPLANATORY NOTE

(This note is not part of the Order)

Section 53(3) of the Housing (Scotland) Act 2001 requires that every local authority landlord and registered social landlord must maintain a register of tenant organisations. This Order sets out the criteria to be satisfied by tenant organisations seeking registration in such a register, the criteria to be satisfied for removal from a register and the procedure to be followed in relation to applications for both registration in and removal from a register.

S C O T T I S H S T A T U T O R Y I N S T R U M E N T S

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