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STATUTORY INSTRUMENTS

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**2018 No. 1043**

**The Tenants' Associations (Provisions Relating to Recognition and Provision of Information) (England) Regulations 2018**

**PART 3**

**Relevant tenants' associations: duty on landlords to provide information**

**Interpretation of Part 3**

**6. In this Part—**

“information form” has the meaning given in regulation 9(2) (landlord’s method of contacting relevant qualifying tenants<sup>(1)</sup>);

“known information” has the meaning in regulation 7(6) (request by relevant tenants’ association for known information);

“request notice” has the meaning given in regulation 7.

**Request by relevant tenants' association for known information**

**7.—(1)** The secretary of a relevant tenants’ association<sup>(2)</sup> may serve a notice (a “request notice”) on the landlord of a dwelling to which the association relates which contains a request for the landlord to provide known information about relevant qualifying tenants who are not members of the association.

**(2)** A request notice must—

**(a)** include—

**(i)** a schedule listing the relevant qualifying tenants who are members of the relevant tenants’ association;

**(ii)** the postal address of the relevant tenants’ association; and

**(iii)** an email address for the relevant tenants’ association, if it has one; and

**(b)** be signed and dated by the secretary of the relevant tenants’ association.

**(3)** Where the secretary of a relevant tenants’ association gives more than one request notice in respect of the same relevant qualifying tenant, the later notice supersedes all earlier notices.

**(4)** The request notice must be accompanied by a statement that—

**(a)** the known information being requested will be used only to ask the relevant qualifying tenants concerned if they wish to become members of the relevant tenants’ association; and

**(b)** is signed and dated by the secretary of the relevant tenants’ association.

**(5)** A request notice is duly served on a landlord under this regulation if it is served on the landlord’s managing agent.

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<sup>(1)</sup> For the definition of “relevant qualifying tenant”, see section 29A(8) of the Landlord and Tenant Act 1985.

<sup>(2)</sup> For the definition of “relevant tenants’ association”, see section 29A(8) of the Landlord and Tenant Act 1985.

(6) In this regulation—

“known information”, in relation to a relevant qualifying tenant (“T”), means any of the following information that is in the possession of the landlord or the landlord’s managing agent—

- (a) T’s name;
- (b) the address of the dwelling for which T pays a service charge;
- (c) any address to which service charge demands for T are sent;
- (d) T’s email address;

“managing agent” means an agent appointed by the landlord to discharge any of the landlord’s obligations to the tenants represented by the relevant tenants’ association which relate to the management by the landlord of the tenants’ dwellings.

**Landlords’ duty: acknowledgement of request notice**

**8.—**(1) A landlord who has been served with a request notice must, within 7 days beginning with the date on which the request notice was received—

- (a) acknowledge receipt of the request notice in writing; and
- (b) inform the secretary of the relevant tenants’ association that the landlord will provide a substantive response to the notice.

(2) Where the landlord does not consider the notice received to be a valid request notice, the landlord must, within 7 days beginning with the date on which the notice was received—

- (a) inform the secretary of the relevant tenant’s association in writing that the landlord will not provide a substantive response to the notice because the landlord does not consider the notice received to be a valid request notice; and
- (b) give reasons as to why the landlord does not consider the notice received to be a valid request notice.

(3) “Substantive response” has the meaning given in regulation 10(2).

**Landlords’ duty: contacting relevant qualifying tenants**

**9.—**(1) A landlord who has been served with a request notice must, as soon as practicable after the request notice was received, give an information form to each relevant qualifying tenant (“T”) in relation to whom known information has been requested.

(2) An “information form” is a written document which—

- (a) informs T that a relevant tenants’ association has requested that the landlord provide known information relating to T;
- (b) sets out what known information has been requested in relation to T;
- (c) identifies the relevant tenants’ association that has made the request;
- (d) includes—
  - (i) the postal address of the relevant tenants’ association; and
  - (ii) an email address for the relevant tenants’ association, if it has one;
- (e) asks T for written consent to disclose the known information to the relevant tenants’ association;
- (f) informs T that the known information will not be disclosed without that consent;

- (g) informs T that the relevant tenant's association has stated in its request that the known information will be used only to ask T if T wishes to become a member of the relevant tenants' association;
- (h) informs T that any queries relating to the relevant tenants' association should be directed to the relevant tenants' association;
- (i) asks T to reply within 28 days beginning with the date of receipt of the information form—
  - (i) confirming that T consents to all of the known information being disclosed to the relevant tenants' association;
  - (ii) confirming that T consents to some of the known information being disclosed to the relevant tenants' association, and stating the known information that may be disclosed; or
  - (iii) confirming that T does not consent to any of the known information being disclosed to the relevant tenants' association;
- (j) gives a postal address and, if the landlord has one, an email address, which can be used to reply to the landlord; and
- (k) is signed and dated by the landlord.

#### **Landlords' duty: substantive response to request notice**

**10.**—(1) A landlord who has been served with a request notice which does not fall within regulation 8(2) must provide a substantive response to the relevant tenant's association which served the notice within 4 months beginning with the date on which the notice was received ("the 4 month period").

- (2) A "substantive response" is a written document which—
  - (a) states—
    - (i) all known information requested in the request notice which the landlord has consent to disclose; or
    - (ii) that there is no such known information;
  - (b) states the number of relevant qualifying tenants to whom the landlord sent an information form in connection with the request notice;
  - (c) states the number of relevant qualifying tenants in relation to whom known information was requested who did not give written consent for known information to be disclosed by the landlord; and
  - (d) is signed and dated by the landlord.
- (3) The substantive response must be accompanied by a statement that—
  - (a) the information contained in the substantive response is true to the best of the landlord's knowledge and belief; and
  - (b) is signed and dated by the landlord.
- (4) Where the landlord receives consent from a relevant qualifying tenant to disclose known information after the 4 month period, the landlord must disclose the known information as soon as reasonably practicable after the consent is received ("further disclosure").
- (5) Further disclosure under paragraph (4) must—
  - (a) be in writing; and
  - (b) be accompanied by a statement that—
    - (i) the information comprising the further disclosure is true to the best of the landlord's knowledge and belief; and

(ii) is signed and dated by the landlord.

**Power of First-tier Tribunal to remedy failure by a landlord to comply**

**11.**—(1) The secretary of a relevant tenants' association may apply to the First-tier tribunal for an order requiring the landlord to perform a duty under regulation 8, 9 or 10 of these Regulations.

(2) The First-tier Tribunal may make such an order where—

- (a) the landlord has failed to perform a duty under regulation 8, 9 or, as the case may be, 10; and
- (b) the landlord does not have a reasonable excuse for failing to perform the duty.