
STATUTORY INSTRUMENTS

2018 No. 1043

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

PART 2

Recognised tenants' associations

Circumstances in which a certificate is not to be given

4.—(1) The First-tier Tribunal must not give a certificate to a tenants' association in relation to a premises where the tenants' association represents fewer than 50% of the qualifying tenants of dwellings situated in the premises.

(2) But where—

(a) the tenants' association represents qualifying tenants in dwellings situated in related premises; and

(b) those qualifying tenants contribute to the same costs by the payment of a service charge, the First-tier Tribunal must not give a certificate to the tenants' association in relation to the related premises if the tenants' association represents an aggregate of fewer than 50% of the qualifying tenants of dwellings situated in the related premises.

(3) The First-tier Tribunal must not give a certificate to a tenants' association in relation to any premises if a certificate has previously been given to a tenants' association in relation to the premises and the certificate is in force.

(4) The First-tier Tribunal must not give a certificate to a tenants' association if the First-tier Tribunal is not satisfied that the constitution and rules of the tenants' association are fair and democratic.

(5) Paragraphs (1) and (3) do not apply where—

(a) the landlord has failed to comply with an order made by the First-tier tribunal in relation to the tenants' association under regulation 11 (an order requiring the landlord to comply with regulation 8, 9 or 10); and

(b) the tenants association represents a substantial number of qualifying tenants of dwellings in the premises or, as the case may be, the related premises.

(6) This regulation is without prejudice to any powers the First-tier Tribunal has, including its powers to not give a certificate.