



# Renting Homes (Wales) Act 2016

2016 anaw 1

## PART 3

### PROVISIONS APPLYING TO ALL OCCUPATION CONTRACTS

#### CHAPTER 4

##### DEPOSITS AND DEPOSIT SCHEMES

###### *Deposit schemes*

#### **45 Requirement to use deposit scheme**

- (1) If the contract-holder under an occupation contract pays a deposit (or another person pays a deposit on his or her behalf), the deposit must be dealt with in accordance with an authorised deposit scheme.
- (2) Before the end of the period of 30 days starting with the day on which the deposit is paid, the landlord must—
  - (a) comply with the initial requirements of an authorised deposit scheme, and
  - (b) give the contract-holder (and any person who has paid the deposit on his or her behalf) the required information.
- (3) The required information is such information as may be prescribed relating to—
  - (a) the authorised deposit scheme which applies,
  - (b) the landlord's compliance with the initial requirements of the scheme, and
  - (c) the operation of this Chapter, including the contract-holder's rights (and the rights of any person who has paid the deposit on his or her behalf) in relation to the deposit.
- (4) This section is a fundamental provision which is incorporated as a term of all occupation contracts; section 20 provides that this section—
  - (a) must be incorporated, and

*Changes to legislation: Renting Homes (Wales) Act 2016, Cross Heading: Deposit schemes is up to date with all changes known to be in force on or before 11 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(b) must not be incorporated with modifications.

**Modifications etc. (not altering text)**

- C1** S. 45 modified (1.9.2019) by [Renting Homes \(Fees etc.\) \(Wales\) Act 2019 \(anaw 2\), s. 30\(2\), Sch. 2 para. 6](#) (with s. 29); S.I. 2019/1150, art. 2(d)
- C2** S. 45 modified (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Saving and Transitional Provisions\) Regulations 2022 \(S.I. 2022/1172\), regs. 1\(2\), 8](#) (with reg. 19)

**Commencement Information**

- I1** S. 45(1)(2)(4) in force at 1.12.2022 by S.I. 2022/906, [art. 2](#)
- I2** S. 45(3) in force at 5.8.2016 for specified purposes by S.I. 2016/813, [art. 2\(a\), Sch. Pt. 1](#)
- I3** S. 45(3) in force at 1.12.2022 in so far as not already in force by S.I. 2022/906, [art. 2](#)

**46 Deposit schemes: further provision**

- (1) Schedule 5 contains further provision about deposit schemes.
- (2) [<sup>F1</sup>Paragraph 4 of Schedule 9A makes provision relating to periodic standard contracts, and fixed term standard contracts which incorporate section 186 or which have a landlord's break clause, preventing a landlord from giving a notice (under section 173 or 186 or under a landlord's break clause)] requiring a contract-holder to give up possession if the landlord has not complied with certain requirements relating to the payment of security or to deposit schemes.

**Textual Amendments**

- F1** Words in s. 46(2) substituted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\), s. 19\(3\), Sch. 6 para. 7](#)

**Modifications etc. (not altering text)**

- C3** S. 46 modified (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Saving and Transitional Provisions\) Regulations 2022 \(S.I. 2022/1172\), regs. 1\(2\), 8](#) (with reg. 19)

**Commencement Information**

- I4** S. 46 in force at 1.12.2022 by S.I. 2022/906, [art. 2](#)

**47 Deposit schemes: interpretation**

- (1) In this Act—
- “authorised deposit scheme” (“*cynllun blaendal awdurdodedig*”) means a deposit scheme in force in accordance with arrangements under paragraph 1 of Schedule 5 (and “deposit scheme” (“*cynllun blaendal*”) has the meaning given in sub-paragraph (2) of that paragraph);
- “deposit” (“*blaendal*”) means money paid as security;
- “initial requirements” (“*gofynion cychwynnol*”), in relation to an authorised deposit scheme, means the requirements of the scheme which must be complied with by the landlord when a deposit is paid;
- “security” (“*sicrwydd*”) means security for the performance of the contract-holder's obligations and the discharge of the contract-holder's liabilities.

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(2) In this Act references to a deposit, in relation to a time after a deposit has been paid, are to a sum representing the deposit.

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**Commencement Information**

**I5** [S. 47](#) in force at 1.12.2022 by [S.I. 2022/906](#), [art. 2](#)

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- specified provision(s) savings for amendments by 2018 anaw 1, s. 6, Sch. 6 by [S.I. 2019/110 reg. 5](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 20(3)(ma) inserted by [2019 anaw 2 Sch. 3 para. 4\(2\)](#)
- s. 135(2)(ia) inserted by [2019 anaw 2 Sch. 3 para. 4\(3\)](#)
- s. 186A-186C inserted by [2019 anaw 2 Sch. 3 para. 4\(1\)](#)
- s. 198A inserted by [2019 anaw 2 Sch. 3 para. 5](#)