



Renting Homes (Wales) Act 2016

2016 anaw 1

PART 3

PROVISIONS APPLYING TO ALL OCCUPATION CONTRACTS

CHAPTER 4

DEPOSITS AND DEPOSIT SCHEMES

Security

43 Form of security

- (1) The landlord under an occupation contract may not require security to be given in any form other than—
- (a) money, or
 - (b) a guarantee.
- (2) This section is a fundamental provision which is incorporated as a term of all occupation contracts.

Commencement Information

II [S. 43](#) in force at 1.12.2022 by [S.I. 2022/906](#), [art. 2](#)

44 Form of security: county court proceedings

- (1) This section applies if—
- (a) the landlord under an occupation contract requires security to be given in a form which is not permitted by section 43, and
 - (b) security is given in that form.

Changes to legislation: *Renting Homes (Wales) Act 2016, CHAPTER 4 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*

- (2) The contract-holder (or any person who has given the security on his or her behalf) may apply to the county court for an order under subsection (3).
- (3) An order under this subsection is an order requiring the person who appears to be holding the property constituting the security to return it.

Commencement Information

I2 [S. 44](#) in force at 1.12.2022 by [S.I. 2022/906](#), [art. 2](#)

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
 - (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

- I3** [S. 45\(1\)\(2\)\(4\)](#) in force at 1.12.2022 by [S.I. 2022/906](#), [art. 2](#)
- I4** [S. 45\(3\)](#) in force at 5.8.2016 for specified purposes by [S.I. 2016/813](#), art. 2(a), [Sch. Pt. 1](#)
- I5** [S. 45\(3\)](#) in force at 1.12.2022 in so far as not already in force by [S.I. 2022/906](#), [art. 2](#)

Changes to legislation: Renting Homes (Wales) Act 2016, CHAPTER 4 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

46 Deposit schemes: further provision

- (1) Schedule 5 contains further provision about deposit schemes.
- (2) [^{F1}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

- I6** [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.
- (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.

Commencement Information

- I7** [S. 47](#) in force at 1.12.2022 by [S.I. 2022/906](#), [art. 2](#)

Changes to legislation:

Renting Homes (Wales) Act 2016, CHAPTER 4 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.
[View outstanding changes](#)

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](#)