

*Status:* This version of this cross heading contains provisions that are prospective.

*Changes to legislation:* There are currently no known outstanding effects for the Renting Homes (Wales) Act 2016, Section 2. (See end of Document for details)

## SCHEDULE 5

### DEPOSIT SCHEMES: FURTHER PROVISION

PROSPECTIVE

*Authorised deposit schemes: proceedings where the occupation contract has not ended*

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- (1) Where a deposit has been paid in connection with an occupation contract that has not ended, the contract-holder (or any person who has paid the deposit on his or her behalf) may make an application to the county court on any of the following grounds.
  - (2) The first ground is that the landlord has not complied with section 45(2)(a) (initial requirements of an authorised deposit scheme).
  - (3) The second ground is that the landlord has not complied with section 45(2)(b) (provision of required information).
  - (4) The third ground is that the applicant—
    - (a) has been notified by the landlord that a particular authorised deposit scheme applies to the deposit, but
    - (b) has been unable to obtain confirmation from the scheme administrator that the deposit is being held in accordance with the scheme.
  - (5) The county court must act as follows if—
    - (a) in the case of an application on the first or second ground, it is satisfied that the ground is made out, or
    - (b) in the case of an application on the third ground, it is not satisfied that the deposit is being held in accordance with an authorised deposit scheme.
  - (6) The county court must either—
    - (a) order the person who appears to be holding the deposit to repay the deposit to the applicant before the end of the relevant period, or
    - (b) order the person who appears to be holding the deposit to pay the deposit, before the end of the relevant period, to the scheme administrator of a custodial deposit scheme (if such a scheme is in force in accordance with arrangements under paragraph 1) to be held in accordance with the scheme.
  - (7) The county court must also order the landlord to pay to the applicant, before the end of the relevant period, a sum of money not less than the amount of the deposit and not more than three times the amount of the deposit.
  - (8) The relevant period is the period of 14 days beginning with the date of the order.
  - (9) For the purposes of this paragraph, a custodial deposit scheme is a deposit scheme (within the meaning of paragraph 1(2)) under which deposits are paid to the scheme administrator by the landlord and held by the scheme administrator until, in accordance with the scheme, they fall to be paid to the landlord or contract-holder (or any person who paid the deposit on the contract-holder's behalf).

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