
STATUTORY RULES OF NORTHERN IRELAND

2012 No. 373

The Tenancy Deposit Schemes
Regulations (Northern Ireland) 2012

PART 5

Procedures for safeguarding and repaying tenancy deposits

Requirements when deposit ceases to be protected under an insurance scheme

28.—(1) A deposit must cease to be protected under an insurance scheme as and from the date that the landlord's membership of the insurance scheme is terminated by the scheme administrator.

(2) Where the scheme administrator proposes to terminate the landlord's membership of an insurance scheme, the scheme administrator shall send a written notification to the landlord which must:—

- (a) state that the scheme administrator proposes to terminate the landlord's membership and the reason why;
- (b) identify the tenancy deposit or in the event of multiple tenancies, all of the tenancy deposits in question;
- (c) state the date when the deposit may cease to be protected under the scheme and give a general explanation of the effect of the proposed termination on any tenancy deposit protected by the landlord under the scheme and that any such deposit held by the landlord will no longer be protected by the scheme; and
- (d) inform the landlord if the scheme administrator does not receive a response to the notification within 14 days beginning with the day on which the notification is received by the landlord, the scheme administrator must make a decision on the question of membership based on the facts at hand.

(3) Where the scheme administrator does not receive a response within the 14 days as mentioned in paragraph (2)(d), he shall:—

- (a) decide whether the landlord should remain a member of the scheme and if the membership is to continue he must notify the landlord in writing of that decision;
- (b) decide whether to terminate the landlord's membership and, if so, the date on which the membership is to terminate;
- (c) if the decision is that the membership should be terminated, send a notification to the landlord and to the tenant where the deposit retained in respect of a tenancy is affected by the decision, informing the recipients of the date on which the membership ceases; and
- (d) advise both the landlord and the tenant of the effect the termination of the landlord's membership will have on any tenancy deposits protected by the landlord under the scheme and that any such deposits will no longer be protected by the scheme from the date of termination.

(4) The actual date to be used as the date of termination of the landlord's membership must not be within the 3 month period beginning with the day on which the original notification as mentioned in paragraph (2) was received by the landlord.