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SCOTTISH STATUTORY INSTRUMENTS

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**2011 No. 176**

**The Tenancy Deposit Schemes (Scotland) Regulations 2011**

**PART 8**

**Performance reporting**

**Duty to provide annual report to the Scottish Ministers**

**45.**—(1) By 15th May following the end of each financial year, the scheme administrator must send to the Scottish Ministers a report of the operation of the approved scheme and of the performance of the scheme administrator during that financial year.

(2) The report must include the following information—

- (a) the number of tenancy deposits paid to the scheme;
- (b) the total value of tenancy deposits held in designated accounts at the end of the financial year in question;
- (c) the total value of tenancy deposits repaid to tenants;
- (d) a statement of the financial position of the scheme, including a set of independently audited accounts and a breakdown of income and expenditure during the financial year assessed against the projected income and expenditure for that year;
- (e) a statement of how accrued interest has been distributed, applied or invested during the financial year;
- (f) a forecast budget for the following financial year;
- (g) details of all referrals to the dispute resolution mechanism including—
  - (i) the number of referrals requested by landlords;
  - (ii) the number of referrals requested by tenants;
  - (iii) the basis of the dispute;
  - (iv) the time taken to resolve the dispute;
  - (v) the outcome of the referral; and
  - (vi) the time taken to repay the deposit in accordance with the decision;
- (h) details of any complaints received about the scheme including any relating to the dispute resolution mechanism.

**Duty to provide a quarterly performance report**

**46.**—(1) Within 15 working days after the end of June, September, December and March during any financial year in which an approved scheme is operational, the scheme administrator must send to the Scottish Ministers a report of the scheme's performance measured against the key performance indicators in the Schedule to these Regulations.

(2) The report must measure performance during the three month period to the end of the relevant month, as referred to in paragraph (1).

(3) Where a monthly average for a key performance indicator fails to achieve the key indicator for acceptable performance given in the Schedule, the scheme administrator must report the reason for that failure and describe the steps which are being taken to improve performance.