
DRAFT STATUTORY RULES OF NORTHERN IRELAND

2012 No.

The Tenancy Deposit Schemes
Regulations (Northern Ireland) 2012

PART 2

Appointment of Scheme Administrator

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3.—(1) The Department may appoint a person who has applied to the Department to establish and maintain a tenancy deposit scheme of a description prescribed in Part 3 where the Department has approved that application under the Regulations.

(2) The Department must not approve an application where the applicant:—

- (a) has been convicted of any offence involving fraud or dishonesty;
- (b) is a bankrupt; or
- (c) is disqualified from being a director of a company.

Coming into force of a scheme and amendments

4. Upon application by a person approved under regulation 3 neither a tenancy deposit scheme nor any amendment to that scheme shall come into force unless approved by the Department.

Approval of a tenancy deposit scheme

5. The Department shall not approve a tenancy deposit scheme where:—

- (a) the scheme is not of a description prescribed in Part 3 (description of schemes);
- (b) the scheme administrator and the scheme do not satisfy the requirements of Part 4 (financing and accountability requirements);
- (c) the scheme administrator does not satisfy the requirements of Part 6 (dispute resolution);
- (d) the scheme does not include a customer service facility which is available to users of tenancy deposit schemes for the purposes of, in particular:—
 - (i) handling enquiries in relation to the tenancy deposit scheme whether made by telephone, letter, or electronic means; and
 - (ii) dealing with complaints about the tenancy deposit scheme, including complaints about the service provided by the scheme administrator;
- (e) the tenancy deposit scheme is not available to all landlords, including those living outside of the Northern Ireland jurisdiction but operating in Northern Ireland, and their tenants.