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SCOTTISH STATUTORY INSTRUMENTS

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**2011 No. 176**

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

**PART 6**

**Dispute resolution**

**Dispute resolution mechanism**

**35.**—(1) Procedures must be in place whereby the scheme administrator will refer all disputes to the dispute resolution mechanism, regardless of the value of the disputed amount, where—

- (a) either the landlord or tenant requests the referral (although if the request is made by the landlord the referral must be made only if the tenant consents to use of the dispute resolution mechanism); and
  - (b) the scheme administrator is satisfied that attempts to resolve the dispute without recourse to the dispute resolution mechanism have been made and have not been successful.
- (2) The procedures referred to in paragraph (1) must—
- (a) specify the timescale within which a referral to the dispute resolution mechanism may be requested by the landlord or tenant; and
  - (b) provide that where a dispute has been referred to the dispute resolution mechanism it may only be suspended or abandoned with the consent of both parties.

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**Commencement Information**

**II** Reg. 35 in force at 7.3.2011 in accordance with reg. 1

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Tenancy Deposit Schemes (Scotland) Regulations 2011. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 3(1A) inserted by [S.S.I. 2019/331 reg. 2\(2\)\(a\)](#)
- reg. 3(2A) inserted by [S.S.I. 2019/331 reg. 2\(2\)\(b\)](#)
- reg. 22(2)(f) and word inserted by [S.S.I. 2019/331 reg. 2\(3\)\(b\)](#)
- reg. 25(1)(f) and word inserted by [S.S.I. 2019/331 reg. 2\(4\)\(b\)](#)
- reg. 25(3) inserted by [S.S.I. 2019/331 reg. 2\(4\)\(c\)](#)
- reg. 42(4) inserted by [S.S.I. 2019/331 reg. 2\(6\)](#)