
Changes to legislation: *Housing Act 2004, Cross Heading: Insurance schemes: termination of tenancies is up to date with all changes known to be in force on or before 28 June 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

SCHEDULES

SCHEDULE 10

PROVISIONS RELATING TO TENANCY DEPOSIT SCHEMES

Insurance schemes: termination of tenancies

- 6 (1) An insurance scheme must make provision in accordance with this paragraph and paragraphs [F16A to] 8 in relation to the respective obligations of the landlord and the scheme administrator where—
- (a) a tenancy deposit has been retained by the landlord under the scheme, and
 - (b) the tenancy has ended.
- (2) Sub-paragraphs (3) to (9) apply where the tenant notifies the scheme administrator that—
- (a) the tenant has requested the landlord to repay to him the whole or any part of the deposit, and
 - (b) the amount in question (“the outstanding amount”) has not been repaid to him within the period of 10 days beginning with the date on which the request was made.
- [F2(2A) When a tenant gives notice under sub-paragraph (2) he must also indicate whether he consents to any dispute as to the amount to be repaid to him being resolved through the use of the dispute resolution service.]
- (3) On receiving a notification in accordance with sub-paragraph (2), the scheme administrator must direct the landlord—
- (a) to pay an amount equal to the outstanding amount into a designated account held by the scheme administrator, and
 - (b) to do so within the period of 10 days beginning with the date on which the direction is received by the landlord.
- (4) The following sub-paragraphs apply where the tenant or the landlord notifies the scheme administrator—
- (a) that a court has decided that the outstanding amount is payable either wholly to one of them or partly to the one and partly to the other and the decision has become final (see paragraph 4(6) and (7)),^{F3} . . .
 - (b) that the tenant and landlord have agreed that such an amount is to be paid either wholly to one of them or partly to the one and partly to the other.^{F4} or
 - (c) that a person acting as an adjudicator under the provision made under paragraph 10 has made a binding decision that the outstanding amount is payable either wholly to one of them or partly to one and partly to the other.]
- (5) If the scheme administrator is satisfied as to the matters mentioned in sub-paragraph (4)(a) [F5, (b) or (c)](as the case may be), he must—

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- (a) pay to the tenant any amount due to him in accordance with the decision or agreement (and, to the extent possible, pay that amount out of any amount held by him by virtue of sub-paragraph (3)), and
 - (b) comply with sub-paragraph (6) or (7), as the case may be.
- (6) Where any amount held by the scheme administrator by virtue of sub-paragraph (3) is more than any amount due to the tenant in accordance with the decision or agreement, the scheme administrator must pay the balance to the landlord.
- (7) Where any amount so held by the scheme administrator is less than any amount so due to the tenant, the scheme administrator must direct the landlord to pay him the difference within the period of 10 days beginning with the date on which the direction is received by the landlord.
- (8) The scheme administrator must pay any amounts required to be paid to the tenant or the landlord as mentioned in sub-paragraph (5)(a) or (6) within 10 days beginning with the date on which the notification is received by the scheme administrator.
- (9) The landlord must comply with any direction given in accordance with sub-paragraph (3) or (7).

Textual Amendments

- F1** Words in Sch. 10 para. 6(1) substituted (6.4.2007) by [The Housing \(Tenancy Deposit Schemes\) Order 2007 \(S.I. 2007/796\)](#), [art. 6\(2\)](#)
- F2** Sch. 10 para. 6(2A) inserted (6.4.2007) by [The Housing \(Tenancy Deposit Schemes\) Order 2007 \(S.I. 2007/796\)](#), [art. 6\(3\)](#)
- F3** Word in Sch. 10 para. 6(4) omitted (6.4.2007) by [The Housing \(Tenancy Deposit Schemes\) Order 2007 \(S.I. 2007/796\)](#), [art. 6\(4\)\(a\)](#)
- F4** Sch. 10 para. 6(4)(c) and preceding word inserted (6.4.2007) by [The Housing \(Tenancy Deposit Schemes\) Order 2007 \(S.I. 2007/796\)](#), [art. 6\(4\)\(b\)](#)
- F5** Words in Sch. 10 para. 6(5) substituted (6.4.2007) by [The Housing \(Tenancy Deposit Schemes\) Order 2007 \(S.I. 2007/796\)](#), [art. 6\(5\)](#)

Commencement Information

- I1** Sch. 10 para. 6 wholly in force at 6.4.2007; Sch. 10 para. 6 not in force at Royal Assent see s. 270(4)(5); Sch. 10 para. 6 in force for W. at 6.4.2007 by [S.I. 2007/305](#), [art. 2](#); Sch. 10 para. 6 in force for E. at 6.4.2007 by [S.I. 2007/1068](#), [art. 2\(a\)](#)

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

- Act savings and transitional provisions for amendments by S.I. 2022/1166 by [S.I. 2022/1172 Regulations](#)

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

- s. 66(1A) inserted by [2016 c. 22 s. 125\(3\)\(a\)](#)
- s. 66(3A)(3B) inserted by [2016 c. 22 s. 125\(3\)\(c\)](#)
- s. 89(1A) inserted by [2016 c. 22 s. 125\(6\)\(a\)](#)
- s. 89(3A)(3B) inserted by [2016 c. 22 s. 125\(6\)\(c\)](#)
- s. 139(7A)(7B) inserted by [2016 c. 22 s. 127\(3\)](#)