



Housing Act 2004

2004 CHAPTER 34

PART 6

OTHER PROVISIONS ABOUT HOUSING

CHAPTER 4

TENANCY DEPOSIT SCHEMES

215 Sanctions for non-compliance

^[F1](1) Subject to subsection (2A), if (whether before, on or after 6 April 2007) a tenancy deposit has been paid in connection with a shorthold tenancy, no section 21 notice may be given in relation to the tenancy at a time when the deposit is not being held in accordance with an authorised scheme.

(1A) Subject to subsection (2A), if a tenancy deposit has been paid in connection with a shorthold tenancy on or after 6 April 2007, no section 21 notice may be given in relation to the tenancy at a time when section 213(3) has not been complied with in relation to the deposit.]

(2) ^[F2] Subject to subsection (2A), [If section 213(6) is not complied with in relation to a deposit given in connection with a shorthold tenancy, no section 21 notice may be given in relation to the tenancy until such time as section 213(6)(a) is complied with.

^[F3](2A) Subsections (1) ^[F4], (1A)] and (2) do not apply in a case where—

- (a) the deposit has been returned to the tenant in full or with such deductions as are agreed between the landlord and tenant, or
- (b) an application to ^[F5]the county court] has been made under section 214(1) and has been determined by the court, withdrawn or settled by agreement between the parties.]

(3) If any deposit given in connection with a shorthold tenancy could not be lawfully required as a result of section 213(7), no section 21 notice may be given in relation

Changes to legislation: *Housing Act 2004, Section 215 is up to date with all changes known to be in force on or before 27 April 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*

to the tenancy until such time as the property in question is returned to the person by whom it was given as a deposit.

- (4) In subsection (3) “deposit” has the meaning given by section 213(8).
- (5) In this section a “section 21 notice” means a notice under section 21(1)(b) or (4)(a) of the Housing Act 1988 (recovery of possession on termination of shorthold tenancy).

Textual Amendments

- F1** S. 215(1)(1A) substituted for s. 215(1) (26.3.2015) by [Deregulation Act 2015 \(c. 20\)](#), **ss. 31(3)(a)**, 115(1)(a)
- F2** Words in s. 215(2) inserted (6.4.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 184(12)**, 240(2); S.I. 2012/628, **art. 8(c)** (with **arts. 9, 12, 13, 16, 18-20**) (as amended (3.8.2012) by S.I. 2012/2029, **arts. 2, 4**)
- F3** S. 215(2A) inserted (6.4.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 184(13)**, 240(2); S.I. 2012/628, **art. 8(c)** (with **arts. 9, 12, 13, 16, 18-20**) (as amended (3.8.2012) by S.I. 2012/2029, **arts. 2, 4**)
- F4** Word in s. 215(2A) inserted (26.3.2015) by [Deregulation Act 2015 \(c. 20\)](#), **ss. 31(3)(b)**, 115(1)(a)
- F5** Words in s. 215(2A) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), **Sch. 9 para. 52**; S.I. 2014/954, **art. 2(c)** (with **art. 3**) (with transitional provisions and savings in S.I. 2014/956, **arts. 3-11**)

Commencement Information

- I1** S. 215 wholly in force at 6.4.2007; s. 215 not in force at Royal Assent see s. 270(4)(5); s. 215 in force for W. at 6.4.2007 by [S.I. 2007/305](#), **art. 2**; s. 215 in force for E. at 6.4.2007 by [S.I. 2007/1068](#), **art. 2(a)**

Changes to legislation:

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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\(3\)](#)