

*These notes refer to the Deregulation Act 2015 (c.20)
which received Royal Assent on 26 March 2015*

DEREGULATION ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 32: Tenancy deposits: deemed compliance with requirements

215C Sections 215A and 215B: transitional provisions

177. New section 215C provides that new sections 215A and 215B are to be treated as having had effect since 6th April 2007, the date on which tenancy deposit provisions in the 2004 Act came into force. However, subsection (2) provides that they do not have effect in relation to legal proceedings under section 214 of the 2004 Act or section 21 of the Housing Act 1988 which have either been finally determined by a court (see subsection (6)) or settled between the parties prior to the date on which this section comes into force.
178. If legal proceedings have been instituted but have not been finally determined or settled before the date on which this section comes into force, subsections (3) to (5) apply so as to protect the tenant from liability for the landlord's legal costs where, as a consequence of new section 215A or 215B, the court decides against the tenant's claim under section 214 of the 2004 Act and/or decides to grant the landlord a possession order under section 21 of the Housing Act 1988. In those circumstances a court must not order the tenant to pay any part of the landlord's costs in the proceedings which it reasonably considers are attributable to the tenant's claim under section 214 of the 2004 Act and/or the possession proceedings under section 21 of the Housing Act 1988. This provision recognises that the court proceedings involving the landlord and tenant may also comprise claims and/or counter-claims (for instance in respect of rent arrears) which are not directly affected by new sections 215A or 215B.