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*Changes to legislation: There are currently no known outstanding effects for the Tenant Fees Act 2019, Cross Heading: Exceptions. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 2

#### TREATMENT OF HOLDING DEPOSIT

##### *Exceptions*

- 6 Paragraph 3(a) does not apply if or to the extent that the amount of the deposit is applied, with the consent of the person by whom it was paid—
- (a) towards the first payment of rent under the tenancy, or
  - (b) towards the payment of the tenancy deposit in respect of the tenancy.

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**Commencement Information**

**I1** Sch. 2 para. 6 in force at 1.6.2019 by S.I. 2019/857, reg. 3(aa)

- 7 If all or part of the amount of the deposit is applied in accordance with paragraph 6(b), the amount applied is treated for the purposes of section 213 of the Housing Act 2004 (requirements in connection with deposits) as having been received by the landlord on the date of the tenancy agreement.

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**Commencement Information**

**I2** Sch. 2 para. 7 in force at 1.6.2019 by S.I. 2019/857, reg. 3(aa)

- 8 Paragraph 3(b) or (c) does not apply if—
- (a) the landlord is prohibited by section 22 of the Immigration Act 2014 (persons disqualified by immigration status) from granting a tenancy of the housing to the tenant,
  - (b) the landlord did not know, and could not reasonably have been expected to know, the prohibition applied before the deposit was accepted, and
  - (c) if the landlord has instructed a letting agent in relation to the proposed tenancy, the letting agent did not know, and could not reasonably have been expected to know, the prohibition applied before the deposit was accepted.

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**Commencement Information**

**I3** Sch. 2 para. 8 in force at 1.6.2019 by S.I. 2019/857, reg. 3(aa)

- 9 Paragraph 3(b) or (c) does not apply if the tenant provides false or misleading information to the landlord or letting agent and—
- (a) the landlord is reasonably entitled to take into account the difference between the information provided by the tenant and the correct information in deciding whether to grant a tenancy to the tenant, or

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- (b) the landlord is reasonably entitled to take the tenant's action in providing false or misleading information into account in deciding whether to grant such a tenancy.

**Commencement Information**

**I4** Sch. 2 para. 9 in force at 1.6.2019 by S.I. 2019/857, reg. 3(aa)

- 10 Subject to paragraph 13, paragraph 3(c) does not apply if the tenant notifies the landlord or letting agent before the deadline for agreement that the tenant has decided not to enter into a tenancy agreement.

**Commencement Information**

**I5** Sch. 2 para. 10 in force at 1.6.2019 by S.I. 2019/857, reg. 3(aa)

- 11 Subject to paragraph 13, paragraph 3(c) does not apply where the deposit is paid to the landlord if—
- (a) the landlord takes all reasonable steps to enter into a tenancy agreement before the deadline for agreement, and
  - (b) if the landlord has instructed a letting agent in relation to the proposed tenancy, the agent takes all reasonable steps to assist the landlord to enter into a tenancy agreement before that date, but
  - (c) the tenant fails to take all reasonable steps to enter into a tenancy agreement before that date.

**Commencement Information**

**I6** Sch. 2 para. 11 in force at 1.6.2019 by S.I. 2019/857, reg. 3(aa)

- 12 Subject to paragraph 13, paragraph 3(c) does not apply where the deposit is paid to the letting agent if—
- (a) the agent takes all reasonable steps to assist the landlord to enter into a tenancy agreement before the deadline for agreement, and
  - (b) the landlord takes all reasonable steps to enter into a tenancy agreement before that date, but
  - (c) the tenant fails to take all reasonable steps to enter into a tenancy agreement before that date.

**Commencement Information**

**I7** Sch. 2 para. 12 in force at 1.6.2019 by S.I. 2019/857, reg. 3(aa)

- 13 Paragraph 10, 11 or 12 does not apply (so that paragraph 3(c) does apply) if, before the deadline for agreement—
- (a) the landlord or a letting agent instructed by the landlord in relation to the proposed tenancy breaches section 1 or 2 by imposing a requirement under that section on the tenant or a person who is a relevant person in relation to the tenant, or

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- (b) the landlord or a letting agent instructed by the landlord in relation to the proposed tenancy behaves towards the tenant, or a person who is a relevant person in relation to the tenant, in such a way that it would be unreasonable to expect the tenant to enter into a tenancy agreement with the landlord.

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**Commencement Information**

**18** Sch. 2 para. 13 in force at 1.6.2019 by S.I. 2019/857, reg. 3(aa)

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