

Status: Point in time view as at 01/12/2022. This version of this Instrument contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the The Renting Homes (Deposit Schemes) (Required Information) (Wales) Regulations 2022. (See end of Document for details)

WELSH STATUTORY INSTRUMENTS

2022 No. 250 (W. 76)

HOUSING, WALES

The Renting Homes (Deposit Schemes) (Required Information) (Wales) Regulations 2022

Made - - - - 8 March 2022

Laid before Senedd Cymru 10 March 2022

Coming into force in accordance with regulation 1

The Welsh Ministers make these Regulations in exercise of the powers conferred on them by sections 45(3)(1) and 256(1) of the Renting Homes (Wales) Act 2016(2).

PROSPECTIVE

Title and commencement

1. The title of these Regulations is the Renting Homes (Deposit Schemes) (Required Information) (Wales) Regulations 2022 and they come into force on the day on [F1 1 December 2022 (the day on which section 239 of the Renting Homes (Wales) Act 2016 comes into force)] (3).

F1 Words in reg. 1 substituted (13.8.2022) by [The Renting Homes \(Wales\) Act 2016 \(Commencement No. 2 and Consequential Amendments\) Order 2022 \(S.I. 2022/906\)](#), arts. 1(2), **11**

Commencement Information

11 Reg. 1 in force at 1.12.2022, see reg. 1 (as amended by [The Renting Homes \(Wales\) Act 2016 \(Commencement No. 2 and Consequential Amendments\) Order 2022 \(S.I. 2022/906\)](#), **art. 11**)

Interpretation

2.—(1) In these Regulations, “the Act” means the Renting Homes (Wales) Act 2016.

- (1) Section 45(3) of the Renting Homes (Wales) Act 2016 ([anaw 1](#)) enables the prescription of certain required information to be provided by the landlord in relation to an authorised deposit scheme. Section 252 of that Act defines “prescribed” to mean prescribed by regulations made by the Welsh Ministers.
- (2) [2016 anaw 1](#).
- (3) Section 239 of the Renting Homes (Wales) Act 2016 will come into force on a day appointed by the Welsh Ministers in an order made by statutory instrument.

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(2) The words and expressions used in these Regulations have the same meaning as they have in the Act.

Commencement Information

I2 Reg. 2 in force at 1.12.2022, see reg. 1 (as amended by [The Renting Homes \(Wales\) Act 2016 \(Commencement No. 2 and Consequential Amendments\) Order 2022 \(S.I. 2022/906\)](#), **art. 11**)

Required information relating to deposits

- 3.—(1) The following is required information for the purposes of section 45(3) of the Act—
- (a) the name, address, telephone number and email address of the scheme administrator⁽⁴⁾ of the deposit scheme⁽⁵⁾ applying to the deposit,
 - (b) any information supplied by the scheme administrator to the landlord which explains the operation of sections 45 to 47⁽⁶⁾ of, and Schedule 5 to, the Act,
 - (c) the procedures that apply under the deposit scheme by which an amount in respect of a deposit may be paid or repaid to the contract-holder at the end of the occupation contract,
 - (d) the procedures that apply under the deposit scheme where either the landlord or the contract-holder is not contactable at the end of the occupation contract,
 - (e) the procedures that apply under the deposit scheme where the landlord and the contract-holder dispute the amount to be paid or repaid to the contract-holder in respect of the deposit,
 - (f) the facilities available under the deposit scheme for enabling a dispute relating to the deposit to be resolved without recourse to litigation, and
 - (g) the following information in connection with the occupation contract in respect of which the deposit has been paid—
 - (i) the amount of the deposit paid,
 - (ii) the address of the dwelling to which the occupation contract relates,
 - (iii) the name, address, telephone number and any e-mail address of the landlord,
 - (iv) the name, address, telephone number and any e-mail address of the contract-holder, including such details that should be used by the landlord or scheme administrator for the purpose of contacting the contract-holder at the end of the occupation contract,
 - (v) the name, address, telephone number and any e-mail address of any person who, in accordance with arrangements made with the contract-holder, paid the deposit on behalf of the contract-holder,
 - (vi) the circumstances when all or part of the deposit may be retained by the landlord, by reference to the terms of the occupation contract, and
 - (vii) confirmation (in the form of a certificate signed by the landlord) that—
 - (aa) the information provided under sub-paragraph (g) is accurate to the best of the landlord's knowledge and belief, and

⁽⁴⁾ See paragraph 1(3) of Schedule 5 to the Act.

⁽⁵⁾ See paragraph 1(2) of Schedule 5 to the Act.

⁽⁶⁾ Section 46 of the Act was amended by section 18 of, and paragraph 7 of Schedule 6 to, the Renting Homes (Amendment) (Wales) Act 2021 (asc 3).

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(bb) the landlord has given the contract-holder the opportunity to sign any document containing the information provided by the landlord under paragraph (1).

(2) For the purposes of paragraph (1)(d), the reference to a landlord or a contract-holder who is not contactable includes a landlord or contract-holder whose whereabouts are known but who has failed, within a reasonable period of time, to respond to communications in respect of the deposit.

Commencement Information

I3 Reg. 3 in force at 1.12.2022, see reg. 1 (as amended by [The Renting Homes \(Wales\) Act 2016 \(Commencement No. 2 and Consequential Amendments\) Order 2022 \(S.I. 2022/906\)](#), **art. 11**)

Revocation

4. The Housing (Tenancy Deposits) (Prescribed Information) Order 2007(7) is revoked in relation to Wales.

Commencement Information

I4 Reg. 4 in force at 1.12.2022, see reg. 1 (as amended by [The Renting Homes \(Wales\) Act 2016 \(Commencement No. 2 and Consequential Amendments\) Order 2022 \(S.I. 2022/906\)](#), **art. 11**)

Julie James
Minister for Climate Change, one of the Welsh
Ministers

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EXPLANATORY NOTE

(This note is not part of the Regulations)

Under paragraph 1 of Schedule 5 (deposit schemes: further provision) to the Renting Homes (Wales) Act 2016 (anaw 1) (“the Act”), the Welsh Ministers must make arrangements for securing that one or more deposit schemes are available for safeguarding deposits paid in connection with occupation contracts and facilitating the resolution of disputes arising in connection with such deposits.

Section 45(2) of the Act requires that where a landlord receives a deposit in connection with an occupation contract, the landlord must, within 30 days of the date on which the deposit is received, comply with any initial requirements imposed by the authorised deposit scheme and give the contract-holder (and person who has paid the deposit on behalf of the contract-holder) the required information. Section 45(3) of the Act provides that the required information is such information as may be prescribed relating to the relevant authorised deposit scheme, the landlord’s compliance with the initial requirements of that scheme and the operation of Chapter 4 of the Act which deals with deposits and deposit schemes. These Regulations prescribe that information.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Department of Housing, Welsh Government, Rhydycar Business Park, Merthyr Tydfil, CF48 1UZ.

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