

SCHEDULE 5

DEPOSIT SCHEMES: FURTHER PROVISION

Authorised deposit schemes: proceedings where the occupation contract has ended

- 3 (1) Where a deposit has been paid in connection with an occupation contract that has ended, the person who was the contract-holder under the contract (or any person who paid the deposit on his or her behalf) may make an application to the county court on any of the following grounds.
- (2) The first ground is that the landlord did not comply with section 45(2)(a) (initial requirements of an authorised deposit scheme).
- (3) The second ground is that the landlord did not comply with section 45(2)(b) (provision of required information).
- (4) The third ground is that the applicant—
- (a) was notified by the landlord that a particular authorised deposit scheme applied to the deposit, but
 - (b) has been unable to obtain confirmation from the scheme administrator that the deposit is being held in accordance with the scheme.
- (5) If the county court—
- (a) in the case of an application on the first or second ground, is satisfied that the ground is made out, or
 - (b) in the case of an application on the third ground, is not satisfied that the deposit is being held in accordance with an authorised deposit scheme,
- it may order the person who appears to be holding the deposit to repay all or part of the deposit to the applicant before the end of the relevant period.
- (6) If sub-paragraph (5)(a) or (b) applies, the county court (whether or not it makes an order under that sub-paragraph) must order the landlord to pay to the applicant, before the end of the relevant period, a sum of money not less than the amount of the deposit and not more than three times the amount of the deposit.
- (7) The relevant period is the period of 14 days beginning with the date of the order.