



Renting Homes (Fees etc.) (Wales) Act 2019

2019 anaw 2

PART 5

RECOVERY OF AMOUNT BY CONTRACT-HOLDER

22 Recovery of a prohibited payment or holding deposit

- (1) A person (the “claimant”) may apply to the county court for the recovery of the amount of—
- (a) any prohibited payment made by or on behalf of the claimant in respect of a standard occupation contract;
 - (b) any holding deposit paid by or on behalf of the claimant in respect of a standard occupation contract.
- (2) A court to which an application under subsection (1)(a) is made may, if the court is satisfied beyond reasonable doubt that—
- (a) a prohibited payment has been made by or on behalf of the claimant, and
 - (b) all or part of that payment has yet to be repaid to the claimant,
- order the repayment to the claimant, in accordance with the order, of the amount of the payment or (in a case where part of the payment has been repaid) of the outstanding amount of the payment.
- (3) A court to which an application under subsection (1)(b) is made may, if the court is satisfied, on the balance of probabilities, that—
- (a) a holding deposit has been paid by or on behalf of the claimant, and
 - (b) there has been a failure to repay all or part of the holding deposit to the claimant in accordance with Schedule 2,
- order the repayment to the claimant, in accordance with the order, of the amount of the holding deposit or (in a case where part of the holding deposit has been repaid) of the outstanding amount of the holding deposit.

Changes to legislation: There are currently no known outstanding effects for the Renting Homes (Fees etc.) (Wales) Act 2019, Section 22. (See end of Document for details)

- (4) But subsection (2) does not apply in relation to a prohibited payment if criminal proceedings have been commenced by virtue of section 2 or 3 in respect of that payment, unless those proceedings have been discontinued.
- (5) An order under subsection (2) or (3) may not require the repayment of an amount, if that amount has been applied towards a payment of rent, or the security deposit, under the standard occupation contract concerned.

Modifications etc. (not altering text)

- C1** Pt. 5 applied (with modifications) (1.9.2019) by [The Renting Homes \(Fees etc.\) \(Wales\) Act 2019 \(Transitional Provision for Assured Shorthold Tenancies\) Regulations 2019 \(S.I. 2019/1151\)](#), regs. 1(2), 3
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Commencement Information

- I1** S. 22 in force at 1.9.2019 by [S.I. 2019/1150](#), art. 2(b)

Changes to legislation:

There are currently no known outstanding effects for the *Renting Homes (Fees etc.) (Wales) Act 2019*, Section 22.