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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2011 No.**

**The Tenancy Deposit Schemes (Scotland) Regulations 2011**

**PART 7**

**Information and publicity requirements in relation to tenancy deposit schemes**

**Duty to publicise approved schemes**

**40.**—(1) The scheme administrator must ensure that an approved scheme is publicised across Scotland, for the purposes of paragraph (2)—

- (a) on, or as soon as is reasonably practicable after, the tenancy deposit scheme being approved; and
  - (b) immediately prior to the tenancy deposit scheme becoming operational and for a reasonable period of time thereafter.
- (2) The purposes are to—
- (a) inform landlords about the tenancy deposit scheme and the services it provides;
  - (b) make landlords, tenants and the general public aware of the date on which the scheme will become operational; and
  - (c) promote tenants' understanding of landlords' duties in relation to tenancy deposits.

**Duty to produce an information leaflet**

**41.**—(1) Before an approved tenancy deposit scheme becomes operational, the scheme administrator must have available an information leaflet detailing—

- (a) the principles in accordance with which the approved scheme operates;
- (b) the terms and conditions relating to participation in the approved scheme;
- (c) the procedures governing the payment, holding and repayment of tenancy deposits in accordance with these Regulations; and
- (d) the procedures relating to the dispute resolution mechanism made available by the scheme administrator in accordance with Part 6 of these Regulations.

(2) The scheme administrator must provide a copy of the information leaflet to the landlord and the tenant when issuing them with confirmation under regulation 22(1)(b) and also when requested to do so.

**Landlord's duty to provide information to the tenant**

**42.**—(1) The landlord must provide the tenant with the information in paragraph (2) within the timescales specified in paragraph (3).

- (2) The information is—
- (a) confirmation of the amount of the tenancy deposit paid by the tenant and the date on which it was received by the landlord;

- (b) the date on which the tenancy deposit was paid to the scheme administrator;
  - (c) the address of the property to which the tenancy deposit relates;
  - (d) a statement that the landlord is, or has applied to be, entered on the register maintained by the local authority under section 82 (registers) of the 2004 Act;
  - (e) the name and contact details of the scheme administrator of the tenancy deposit scheme to which the tenancy deposit was paid; and
  - (f) the circumstances in which all or part of the tenancy deposit may be retained at the end of the tenancy, with reference to the terms of the tenancy agreement.
- (3) The information in paragraph (2) must be provided—
- (a) where the tenancy deposit is paid in compliance with regulation 3(1), within the timescale set out in that regulation; or
  - (b) in any other case, within 30 working days of payment of the deposit to the tenancy deposit scheme.

#### **Duty to provide updated information**

**43.** Where information required to be provided by the scheme administrator under regulation 22 or by the landlord under regulation 42 becomes inaccurate the person required to provide that information must ensure that revised information is provided.

#### **Landlord's duty to provide information to the scheme administrator relating to landlord registration**

**44.—**(1) In addition to the information required under regulation 21, when paying a tenancy deposit to a scheme administrator a landlord must provide information to the scheme administrator demonstrating that the landlord—

- (a) is entered;
- (b) has made an application to be entered which has not yet been determined; or
- (c) is not entered but is appealing a decision to remove the landlord's entry, or refuse the landlord's application for entry,

in the register maintained by the local authority for the area in which the relevant property is situated under section 82(1) of the 2004 Act and that, where relevant, the entry specifies (by virtue of section 84(5)(1) (registration) of the 2004 Act) the address of the house to which the tenancy deposit relates.

(2) Details of the information received from the landlord under paragraph (1), or of the landlord's failure to provide such information, must be notified by the scheme administrator to the local authority mentioned in that paragraph.

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(1) Section 84(5) was amended by section 176(4) of the Housing (Scotland) Act 2006 (asp 1).