
Changes to legislation: Housing Act 2004, Cross Heading: Custodial schemes: termination of tenancies is up to date with all changes known to be in force on or before 27 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 10

PROVISIONS RELATING TO TENANCY DEPOSIT SCHEMES

Custodial schemes: termination of tenancies

- 4 (1) A custodial scheme must make provision—
- (a) for enabling the tenant and the landlord under a shorthold tenancy in connection with which a tenancy deposit is held in accordance with the scheme to apply, at any time after the tenancy has ended, for the whole or part of the relevant amount to be paid to him, and
 - (b) for such an application to be dealt with by the scheme administrator in accordance with the following provisions of this paragraph.
- (2) Sub-paragraph (3) applies where the tenant and the landlord notify the scheme administrator that they have agreed that the relevant amount should be paid—
- (a) wholly to one of them, or
 - (b) partly to the one and partly to the other.
- (3) If, having received such a notification, the scheme administrator is satisfied that the tenant and the landlord have so agreed, the scheme administrator must arrange for the relevant amount to be paid, in accordance with the agreement, within the period of 10 days beginning with the date on which the notification is received by the scheme administrator.
- (4) Sub-paragraph (5) applies where the tenant or the landlord notifies the scheme administrator that—
- (a) a court has decided that the relevant amount is payable either wholly to one of them or partly to the one and partly to the other, and
 - (b) that decision has become final.
- [^{F1}(4A) Sub-paragraph (5) also applies where the tenant or the landlord notifies the scheme administrator that a person acting as an adjudicator under the provision made under paragraph 10 has made a binding decision that the relevant amount is payable either wholly to one of them or partly to one and partly to the other.]
- (5) If, having received [^{F2}a notification as mentioned in sub-paragraph (4) or (4A)], the scheme administrator is satisfied as to the matters mentioned in [^{F3}that sub-paragraph], the scheme administrator must arrange for the relevant amount to be paid, in accordance with the decision, within the period of 10 days beginning with the date on which the notification is received by the scheme administrator.
- (6) For the purposes of this Schedule a decision becomes final—
- (a) if not appealed against, at the end of the period for bringing an appeal, or
 - (b) if appealed against, at the time when the appeal (or any further appeal) is disposed of.

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- (7) An appeal is disposed of—
- (a) if it is determined and the period for bringing any further appeal has ended, or
 - (b) if it is abandoned or otherwise ceases to have effect.
- (8) In this paragraph “the relevant amount” has the meaning given by paragraph 3(7).

Textual Amendments

- F1** Sch. 10 para. 4(4A) inserted (6.4.2007) by [The Housing \(Tenancy Deposit Schemes\) Order 2007 \(S.I. 2007/796\)](#), [art. 3\(2\)](#)
- F2** Words in Sch. 10 para. 4(5) substituted (6.4.2007) by [The Housing \(Tenancy Deposit Schemes\) Order 2007 \(S.I. 2007/796\)](#), [art. 3\(3\)](#)
- F3** Words in Sch. 10 para. 4(5) substituted (6.4.2007) by [The Housing \(Tenancy Deposit Schemes\) Order 2007 \(S.I. 2007/796\)](#), [art. 3\(3\)](#)
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Commencement Information

- I1** Sch. 10 para. 4 wholly in force at 6.4.2007; Sch. 10 para. 4 not in force at Royal Assent see s. 270(4) (5); Sch. 10 para. 4 in force for W. at 6.4.2007 by [S.I. 2007/305](#), [art. 2](#); Sch. 10 para. 4 in force for E. at 6.4.2007 by [S.I. 2007/1068](#), [art. 2\(a\)](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act savings and transitional provisions for amendments by S.I. 2022/1166 by [S.I. 2022/1172 Regulations](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 66(1A) inserted by [2016 c. 22 s. 125\(3\)\(a\)](#)
- s. 66(3A)(3B) inserted by [2016 c. 22 s. 125\(3\)\(c\)](#)
- s. 89(1A) inserted by [2016 c. 22 s. 125\(6\)\(a\)](#)
- s. 89(3A)(3B) inserted by [2016 c. 22 s. 125\(6\)\(c\)](#)
- s. 139(7A)(7B) inserted by [2016 c. 22 s. 127\(3\)](#)