Housing Act 2004

2004 CHAPTER 34

PART 6

OTHER PROVISIONS ABOUT HOUSING

CHAPTER 4

TENANCY DEPOSIT SCHEMES

214 Proceedings relating to tenancy deposits

(1) Where a tenancy deposit has been paid in connection with a shorthold tenancy, the tenant or any relevant person (as defined by section 213(10)) may make an application to **[**[F1]the county court**]** on the grounds—

[[F2](a) that section 213(3) or (6) has not been complied with in relation to the deposit, or**]**

(b) that he has been notified by the landlord that a particular authorised scheme applies to the deposit but has been unable to obtain confirmation from the scheme administrator that the deposit is being held in accordance with the scheme.

[[F3](1A) Subsection (1) also applies in a case where the tenancy has ended, and in such a case the reference in subsection (1) to the tenant is to a person who was a tenant under the tenancy.**]**

(2) Subsections (3) and (4) apply **[**[F4] in the case of an application under subsection (1) if the tenancy has not ended and **]** the court—

[[F5](a) is satisfied that section 213(3) or (6) has not been complied with in relation to the deposit, or**]**

(b) is not satisfied that the deposit is being held in accordance with an authorised scheme,

as the case may be.

Status: *Point in time view as at 22/04/2014. This version of this provision has been superseded.*
Changes to legislation: *Housing Act 2004, Section 214 is up to date with all changes known to be in force on or before 22 September 2024. 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)*

[[F6](2A) Subsections (3A) and (4) apply in the case of an application under subsection (1) if the tenancy has ended (whether before or after the making of the application) and the court—

(a) is satisfied that section 213(3) or (6) has not been complied with in relation to the deposit, or

(b) is not satisfied that the deposit is being held in accordance with an authorised scheme,

as the case may be.**]**

(3) The court must, as it thinks fit, either—

(a) order the person who appears to the court to be holding the deposit to repay it to the applicant, or

(b) order that person to pay the deposit into the designated account held by the scheme administrator under an authorised custodial scheme,

within the period of 14 days beginning with the date of the making of the order.

[[F7](3A) The court may order the person who appears to the court to be holding the deposit to repay all or part of it to the applicant within the period of 14 days beginning with the date of the making of the order.**]**

(4) The court must [F8]... order the landlord to pay to the applicant a sum of money **[**[F9] not less than the amount of the deposit and not more than **]** three times the amount of the deposit within the period of 14 days beginning with the date of the making of the order.

(5) Where any deposit given in connection with a shorthold tenancy could not be lawfully required as a result of section 213(7), the property in question is recoverable from the person holding it by the person by whom it was given as a deposit.

(6) In subsection (5) "deposit" has the meaning given by section 213(8).

Textual Amendments

F1 Words in s. 214(1) substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 9 para. 52**; S.I. 2014/954, art. 2(c) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

F2 S. 214(1)(a) substituted (6.4.2012) by Localism Act 2011 (c. 20), **ss. 184(4)**, 240(2); S.I. 2012/628, art. 8(c)(with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4)

F3 S. 214(1A) inserted (6.4.2012) by Localism Act 2011 (c. 20), **ss. 184(5)**, 240(2); S.I. 2012/628, art. 8(c) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4)

F4 Words in s. 214(2) substituted (6.4.2012) by Localism Act 2011 (c. 20), **ss. 184(6)(a)**, 240(2); S.I. 2012/628, art. 8(c) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4)

F5 S. 214(2)(a) substituted (6.4.2012) by Localism Act 2011 (c. 20), **ss. 184(6)(b)**, 240(2); S.I. 2012/628, art. 8(c) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4)

F6 S. 214(2A) inserted (6.4.2012) by Localism Act 2011 (c. 20), **ss. 184(7)**, 240(2); S.I. 2012/628, art. 8(c) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4)

F7 S. 214(3A) inserted (6.4.2012) by Localism Act 2011 (c. 20), **ss. 184(8)**, 240(2); S.I. 2012/628, art. 8(c)(with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4)

F8 Word in s. 214(4) repealed (6.4.2012) by Localism Act 2011 (c. 20), ss. 184(9)(a), 240(2), **Sch. 25 Pt. 30**; S.I. 2012/628, art. 8(c)(e) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4)

Status: *Point in time view as at 22/04/2014. This version of this provision has been superseded.*
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F9 Words in s. 214(4) substituted (6.4.2012) by Localism Act 2011 (c. 20), **ss. 184(9)(b)**, 240(2); S.I. 2012/628, art. 8(c) (with arts. 9, 12, 13, 16, 18-20) (as amended (3.8.2012) by S.I. 2012/2029, arts. 2, 4)

Commencement Information

I1 S. 214 wholly in force at 6.4.2007; s. 214 not in force at Royal Assent see s. 270(4)(5); s. 214 in force for W. at 6.4.2007 by S.I. 2007/305, **art. 2**; s. 214 in force for E. at 6.4.2007 by S.I. 2007/1068, **art. 2(a)**

Status:
Point in time view as at 22/04/2014. This version of this provision has been superseded.

Changes to legislation:
Housing Act 2004, Section 214 is up to date with all changes known to be in force on or before 22 September 2024. 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.