



# Localism Act 2011

## 2011 CHAPTER 20

### PART 7

#### HOUSING

### CHAPTER 6

#### OTHER HOUSING MATTERS

#### *Tenants' deposits*

#### **184 Tenancy deposit schemes**

- (1) The Housing Act 2004 is amended as follows.
- (2) In section 213 (requirements relating to tenancy deposits)—
  - (a) in subsection (3) (landlord's requirement to comply with initial requirements within 14 days of receipt of deposit) for "14" substitute "30", and
  - (b) in subsection (6)(b) (landlord's requirement to give tenant information within 14 days of receipt of deposit) for "14" substitute "30".
- (3) Section 214 (proceedings relating to tenancy deposits) is amended as follows.
- (4) In subsection (1) (grounds for an application to a county court) for paragraph (a) substitute—
  - "(a) that section 213(3) or (6) has not been complied with in relation to the deposit, or".
- (5) After subsection (1) insert—
  - "(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."

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*Status: This is the original version (as it was originally enacted).*

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- (6) In subsection (2) (conditions for a remedy)—
- (a) in the opening words for “if on such an application” substitute “in the case of an application under subsection (1) if the tenancy has not ended and”, and
  - (b) for paragraph (a) substitute—
    - “(a) is satisfied that section 213(3) or (6) has not been complied with in relation to the deposit, or”.
- (7) After subsection (2) insert—
- “(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.”
- (8) After subsection (3) insert—
- “(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.”
- (9) In subsection (4) (amount of penalty payment)—
- (a) omit “also”, and
  - (b) for “equal to” substitute “not less than the amount of the deposit and not more than”.
- (10) Section 215 (sanctions for non-compliance) is amended as follows.
- (11) In subsection (1) (prevention of service of notice under section 21 of the Housing Act 1988)—
- (a) at the beginning insert “Subject to subsection (2A),”, and
  - (b) for paragraph (b) substitute—
    - “(b) section 213(3) has not been complied with in relation to the deposit.”
- (12) In subsection (2) (prevention of service of notice under section 21 of the Housing Act 1988) at the beginning insert “Subject to subsection (2A),”.
- (13) After subsection (2) insert—
- “(2A) Subsections (1) and (2) do not apply in a case where—
- (a) the deposit has been returned to the tenant in full or with such deductions as are agreed between the landlord and tenant, or
  - (b) an application to a county court has been made under section 214(1) and has been determined by the court, withdrawn or settled by agreement between the parties.”
- (14) In Schedule 10 (provisions relating to tenancy deposit schemes) in paragraph 5A(9) (b) (modification of section 213(3)) for “14” substitute “30”.