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STATUTORY INSTRUMENTS

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**2007 No. 796**

**The Housing (Tenancy Deposit Schemes) Order 2007**

**Further provision about insurance schemes**

7. After paragraph 6 insert—

“Notice to be sent to landlord when a direction under paragraph 6(3) is given

(1) This paragraph applies where the scheme administrator of an insurance scheme gives a direction under paragraph 6(3) to a landlord.

(2) The scheme administrator must also send to the landlord a notice—

(a) asking the landlord to indicate—

(i) whether he accepts that the tenant should be repaid the whole or part of the outstanding amount;

(ii) if he accepts that part of it should be repaid, the amount he accepts should be repaid; and

(iii) if he does not accept that the tenant should be repaid the whole of the outstanding amount, whether he consents to the dispute being resolved through the use of the dispute resolution service; and

(b) warning the landlord that if he does not accept that the tenant should be repaid the whole of the outstanding amount but fails to respond within the relevant period to the question mentioned in paragraph (a)(iii), he will be treated as having given his consent for the dispute to be resolved through the use of that service.

(3) If the scheme administrator does not, within the relevant period, receive a response from the landlord indicating whether he accepts that the whole or part of the outstanding amount should be paid to the tenant—

(a) the scheme administrator must treat the lack of a response as an indication that the landlord does not accept that the tenant should be repaid any of the outstanding amount;

(b) the scheme administrator must determine forthwith whether he is satisfied that the notice was received by the landlord;

(c) if the scheme administrator determines that he is satisfied that it was so received, the landlord is to be treated as having given his consent for the dispute to be resolved through the use of the dispute resolution service; and

(d) the scheme administrator must inform the tenant and the landlord whether or not such consent is to be treated as having been given.

(4) If within the relevant period the scheme administrator receives a response to the notice under sub-paragraph (2) to the effect that the landlord does not accept that the tenant should be repaid the whole of the outstanding amount but the landlord fails within that period to indicate whether he consents to the dispute being resolved through the dispute resolution service—

(a) the landlord is to be treated as having given his consent for the dispute to be resolved through the use of that service; and

(b) the scheme administrator must inform the tenant and the landlord that such consent is to be treated as given.

(5) In this paragraph—

“the outstanding amount” has the same meaning as in paragraph 6;

“the relevant period” means the period of 10 working days beginning with the day after that on which the notice referred to in sub-paragraph (2) is sent; and

“working days” shall be taken to exclude Saturdays, Sundays, Christmas Day, Good Friday and any day which, under the Banking and Financial Dealings Act 1971(1), is a bank holiday in England and Wales.”

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(1) 1971 c 80.