

2007 No. 797

HOUSING, ENGLAND & WALES

**The Housing (Tenancy Deposits) (Prescribed Information) Order
2007**

<i>Made</i>	- - - -	<i>13th March 2007</i>
<i>Laid before Parliament</i>		<i>15th March 2007</i>
<i>Coming into force</i>	- -	<i>6th April 2007</i>

The Secretary of State, as respects England, and the National Assembly for Wales, as respects Wales, in exercise of the powers conferred by sections 213(5) and (10) and 250(2)(b) of the Housing Act 2004(a), make the following Order:

Citation and commencement

1. This Order may be cited as the Housing (Tenancy Deposits) (Prescribed Information) Order 2007 and shall come into force on 6th April 2007.

Prescribed information relating to tenancy deposits

2.—(1) The following is prescribed information for the purposes of section 213(5) of the Housing Act 2004 (“the Act”)—

- (a) the name, address, telephone number, e-mail address and any fax number of the scheme administrator(b) of the authorised tenancy deposit scheme(c) applying to the deposit;
- (b) any information contained in a leaflet supplied by the scheme administrator to the landlord which explains the operation of the provisions contained in sections 212 to 215 of, and Schedule 10 to, the Act(d);
- (c) the procedures that apply under the scheme by which an amount in respect of a deposit may be paid or repaid to the tenant at the end of the shorthold tenancy(e) (“the tenancy”);
- (d) the procedures that apply under the scheme where either the landlord or the tenant is not contactable at the end of the tenancy;
- (e) the procedures that apply under the scheme where the landlord and the tenant dispute the amount to be paid or repaid to the tenant in respect of the deposit;
- (f) the facilities available under the scheme for enabling a dispute relating to the deposit to be resolved without recourse to litigation; and

(a) 2004 c.34. The powers conferred by section 213(5) and (10) and 250(2)(b) are exercisable, as respects England, by the Secretary of State and, as respects Wales, by the National Assembly for Wales. See the definition of the “appropriate national authority” in section 261(1) of the Act.
(b) For the meaning of “the scheme administrator” see section 212(3) of the Act.
(c) For the meaning of “tenancy deposit scheme” see section 212(2) of the Act.
(d) For amendments to Schedule 10 to the Act, see the Housing (Tenancy Deposit Schemes) Order 2007 (S.I. No. 2007/796).
(e) By section 212(8) of the Act “shorthold tenancy” means an assured shorthold tenancy within the meaning of Chapter 2 of Part 1 of the Housing Act 1988 (c. 50).

- (g) the following information in connection with the tenancy in respect of which the deposit has been paid—
- (i) the amount of the deposit paid;
 - (ii) the address of the property to which the tenancy relates;
 - (iii) the name, address, telephone number, and any e-mail address or fax number of the landlord;
 - (iv) the name, address, telephone number, and any e-mail address or fax number of the tenant, including such details that should be used by the landlord or scheme administrator for the purpose of contacting the tenant at the end of the tenancy;
 - (v) the name, address, telephone number and any e-mail address or fax number of any relevant person;
 - (vi) the circumstances when all or part of the deposit may be retained by the landlord, by reference to the terms of the tenancy; and
 - (vii) confirmation (in the form of a certificate signed by the landlord) that—
 - (aa) the information he provides under this sub-paragraph is accurate to the best of his knowledge and belief; and
 - (bb) he has given the tenant the opportunity to sign any document containing the information provided by the landlord under this article by way of confirmation that the information is accurate to the best of his knowledge and belief.

(2) For the purposes of paragraph (1)(d), the reference to a landlord or a tenant who is not contactable includes a landlord or tenant whose whereabouts are known, but who is failing to respond to communications in respect of the deposit.

Signed by authority of the Secretary of State
for Communities and Local Government

13th March 2007

Kay Andrews
Parliamentary Under Secretary Of State
Department of Communities and Local Government

Signed on behalf of the National Assembly for Wales

6th February 2007

Dafydd Ellis-Thomas
The Presiding Officer of the National Assembly

EXPLANATORY NOTE

(This note is not part of the Order)

Under section 212 of the Housing Act 2004 (“the Act”) the appropriate national authority (being, in England, the Secretary of State, and in Wales, the National Assembly for Wales) must make arrangements for securing that one or more tenancy deposit schemes are available for the purpose of safeguarding tenancy deposits paid in connection with shorthold tenancies.

Section 213 of the Act sets out requirements relating to tenancy deposits. Where a landlord receives a deposit in connection with a shorthold tenancy, he must, within 14 days of the date on which the deposit is received, comply with any initial requirements imposed by the scheme and give prescribed information to the tenant and any person who paid the deposit on behalf of the tenant.

This Order, which applies to England and Wales, prescribes the information that the landlord is required to give. The information relates to the authorised tenancy deposit scheme applying to the deposit, to compliance by the landlord of any initial requirements imposed on him by the scheme and to the operation of the provisions contained in sections 212 to 215 and Schedule 10 of the Act.

A full regulatory impact assessment of the effect that this Order will have on the costs of business is available from the Private Renting and Leasehold Division of the Department for Communities and Local Government, 2/J10 Eland House, Bressenden Place, London, SW1E 5DU (telephone 0207 944 3624, e-mail tenancy.deposits@communities.gsi.gov.uk).

STATUTORY INSTRUMENTS

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