

**Changes to legislation:** Housing Act 2004, Cross Heading: Notice to be sent to landlord when a direction under paragraph 6(3) is given is up to date with all changes known to be in force on or before 14 May 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) View outstanding changes

## SCHEDULES

### SCHEDULE 10

#### PROVISIONS RELATING TO TENANCY DEPOSIT SCHEMES

*[<sup>F1</sup>Notice to be sent to landlord when a direction under paragraph 6(3) is given*

##### Textual Amendments

**F1** Sch. 10 para. 6A and preceding cross-heading inserted (6.4.2007) by [The Housing \(Tenancy Deposit Schemes\) Order 2007 \(S.I. 2007/796\)](#) {art. 7}

- 6A (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.

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- (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 <sup>M1</sup>, is a bank holiday in England and Wales. ]

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**Marginal Citations**

**M1** 1971 c 80.

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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\(3\)](#)