



# Housing Act 2004

## 2004 CHAPTER 34

### PART 6

#### OTHER PROVISIONS ABOUT HOUSING

### CHAPTER 4

#### TENANCY DEPOSIT SCHEMES

#### **212 Tenancy deposit schemes**

- (1) The [<sup>F1</sup>Secretary of State] 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.
- (2) For the purposes of this Chapter a “tenancy deposit scheme” is a scheme which—
  - (a) is made for the purpose of safeguarding tenancy deposits paid in connection with shorthold tenancies and facilitating the resolution of disputes arising in connection with such deposits, and
  - (b) complies with the requirements of Schedule 10.
- (3) Arrangements under subsection (1) must be arrangements made with any body or person under which the body or person (“the scheme administrator”) undertakes to establish and maintain a tenancy deposit scheme of a description specified in the arrangements.
- (4) The [<sup>F1</sup>Secretary of State] may—
  - (a) give financial assistance to the scheme administrator;
  - (b) make payments to the scheme administrator (otherwise than as financial assistance) in pursuance of arrangements under subsection (1).
- (5) The [<sup>F1</sup>Secretary of State] may, in such manner and on such terms as it thinks fit, guarantee the discharge of any financial obligation incurred by the scheme administrator in connection with arrangements under subsection (1).

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*Changes to legislation: Housing Act 2004, Section 212 is up to date with all changes known to be in force on or before 08 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*

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- (6) Arrangements under subsection (1) must require the scheme administrator to give the [<sup>F1</sup>Secretary of State], in such manner and at such times as it may specify, such information and facilities for obtaining information as it may specify.
- [<sup>F2</sup>(6A) For further provision about what must be included in the arrangements, see section 212A.]
- (7) The [<sup>F1</sup>Secretary of State] may make regulations conferring or imposing—
- (a) on scheme administrators, or
  - (b) on scheme administrators of any description specified in the regulations, such powers or duties in connection with arrangements under subsection (1) as are so specified.
- (8) In this Chapter—
- “authorised”, in relation to a tenancy deposit scheme, means that the scheme is in force in accordance with arrangements under subsection (1);
- “custodial scheme” and “insurance scheme” have the meaning given by paragraph 1(2) and (3) of Schedule 10);
- “money” means money in the form of cash or otherwise;
- “shorthold tenancy” means an assured shorthold tenancy [<sup>F3</sup>of a dwelling-house in England] within the meaning of Chapter 2 of Part 1 of the Housing Act 1988 (c. 50);
- “tenancy deposit”, in relation to a shorthold tenancy, means any money intended to be held (by the landlord or otherwise) as security for—
- (a) the performance of any obligations of the tenant, or
  - (b) the discharge of any liability of his,
- arising under or in connection with the tenancy.
- (9) In this Chapter—
- (a) references to a landlord or landlords in relation to any shorthold tenancy or tenancies include references to a person or persons acting on his or their behalf in relation to the tenancy or tenancies, and
  - (b) references to a tenancy deposit being held in accordance with a scheme include, in the case of a custodial scheme, references to an amount representing the deposit being held in accordance with the scheme.

#### Textual Amendments

- F1** Words in s. 212 substituted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022](#) (S.I. 2022/1166), regs. 1(1), **28(7)(a)** (with savings and transitional provisions in S.I. 2022/1172, regs. 9, 19)
- F2** S. 212(6A) inserted (6.4.2017) by [Housing and Planning Act 2016](#) (c. 22), **ss. 128(2)**, 216(3); S.I. 2017/281, reg. 4(g)
- F3** Words in s. 212(8) inserted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022](#) (S.I. 2022/1166), regs. 1(1), **28(7)(b)** (with savings and transitional provisions in S.I. 2022/1172, regs. 9, 19)

#### Modifications etc. (not altering text)

- C1** S. 212(9)(a) excluded by S.I. 2007/797, arts. 2(5), 3 (as inserted (26.3.2015) by [Deregulation Act 2015](#) (c. 20), **ss. 30(2)(3)**, 115(1)(a) (with s. 30(4)))

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#### **Commencement Information**

- II** S. 212 wholly in force at 6.4.2007; s. 212 in force for certain purposes at Royal Assent see s. 270(2) (b); s. 212 in force for W. at 6.4.2007 by [S.I. 2007/305](#), [art. 2](#); s. 212 in force for E. at 6.4.2007 by [S.I. 2007/1068](#), [art. 2\(a\)](#)

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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\(3\)](#)