

Important: The Deregulation Act is now in force.

Joint guidance from mydeposits and the Tenancy Deposit Scheme.

The Deregulation Act says:

If the deposit was received before 6 April 2007 and is held against a statutory periodic tenancy, which also began before 6 April 2007:

- The landlord is NOT required to protect the deposit under the Housing Act 2004.

BUT

- From 26 March 2015, if the landlord wishes to gain possession of the property under section 21 Housing Act 1988, the deposit must be protected and prescribed information must be served before a valid section 21 notice may be issued.
- No financial penalty applies for late protection.

If the deposit was received before 6 April 2007 and is held against a statutory periodic tenancy which began after 6 April 2007:

- Unless the landlord has already done so, the landlord must protect the deposit and serve prescribed information:
 - by 23 June 2015 or; if earlier
 - before a court decides on proceedings under s21 Housing Act 1988 (for possession) or s214 Housing Act 2004 (for failure to protect a deposit)
- If on 26 March 2015 the tenancy no longer exists or no deposit is being held, the deposit protection requirements are deemed to have been complied with.

If the deposit was received on or after 6 April 2007 and was correctly protected at the time:

- The deposit does not need to be re-protected nor prescribed information served again on renewal (or at the start of a statutory periodic tenancy) as long as:
 - The tenant(s), landlord(s) and the premises remain the same; and
 - The deposit is held in the same scheme

Prescribed information can include details of a person representing the landlord

The Act confirms that where an agent has protected the deposit on behalf of the landlord, the agent's contact details may be provided in place of the landlord's.

mydeposits requirements when renewing a tenancy:

We will still require you to re-protect the deposit at the start of each tenancy renewal and pay the relevant fee. You do not need to re-protect the deposit if the tenancy rolls into a statutory periodic tenancy so long as you have notified us.

This document is intended as a summary of changes to the legislation.

For detailed advice please consult a legal professional.

www.mydeposits.co.uk

www.tds.gb.com

Implications of the Deregulation Act 2015



Glossary

“Fixed Term Tenancy (FT)”

The contractual term of the tenancy whereby the tenancy has a fixed end date.

“Statutory Periodic Tenancy (SPT)”

Where the fixed term tenancy comes to an end and the tenants stay in the property with the landlord's consent. The landlord, rent and deposit protection scheme remain the same.

“Section 21”

The ‘notice to quit’ enabling the landlord to regain possession of a property at the end of an Assured Shorthold Tenancy.

“Prescribed Information (PI)”

Important documentation which must be provided to the tenant as proof of the deposit protection including the Deposit Protection Certificate.

Authorised by



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Communities and
Local Government