

*These notes refer to the Renting Homes (Wales) Act 2016  
(c.1) which received Royal Assent on 18 January 2016*

# RENTING HOMES (WALES) ACT 2016

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 3 - Provisions Applying to All Occupation Contracts**

#### *Chapter 4 - Deposits and Deposit Schemes*

#### *Schedule 5 - Deposit schemes: further provision*

#### *Paragraphs 2 and 3*

159. [Paragraph 2](#) applies where an occupation contract is ongoing. If a landlord does not arrange for a deposit to be held in accordance with an authorised deposit scheme, or fails to comply with certain requirements (including the requirements of section 45(2)), the contract-holder, or a person who paid a deposit on his or her behalf, may apply to the court for a remedy. If the court is satisfied that the landlord has not complied with the requirements, or is not satisfied that the deposit is being held in accordance with an authorised deposit scheme, it must either order the deposit to be repaid or order it to be paid into a custodial deposit scheme (defined in the paragraph), if one is in existence. The court must also order the landlord to pay a sum of money to the applicant, which can be up to three times the amount of the deposit. [Paragraph 3](#) provides a similar right to apply to the court for a remedy in situations where the occupation contract has ended, but the landlord did not comply with certain requirements relating to deposits