



Renting Homes (Wales) Act 2016

2016 anaw 1

PART 3

PROVISIONS APPLYING TO ALL OCCUPATION CONTRACTS

CHAPTER 4

DEPOSITS AND DEPOSIT SCHEMES

Security

43 Form of security

- (1) The landlord under an occupation contract may not require security to be given in any form other than—
 - (a) money, or
 - (b) a guarantee.
- (2) This section is a fundamental provision which is incorporated as a term of all occupation contracts.

Commencement Information

II [S. 43](#) in force at 1.12.2022 by [S.I. 2022/906, art. 2](#)

44 Form of security: county court proceedings

- (1) This section applies if—
 - (a) the landlord under an occupation contract requires security to be given in a form which is not permitted by section 43, and
 - (b) security is given in that form.

Changes to legislation: *Renting Homes (Wales) Act 2016, CHAPTER 4 is up to date with all changes known to be in force on or before 29 April 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*

- (2) The contract-holder (or any person who has given the security on his or her behalf) may apply to the county court for an order under subsection (3).
- (3) An order under this subsection is an order requiring the person who appears to be holding the property constituting the security to return it.

Commencement Information

I2 S. 44 in force at 1.12.2022 by S.I. 2022/906, art. 2

Deposit schemes

45 Requirement to use deposit scheme

- (1) If the contract-holder under an occupation contract pays a deposit (or another person pays a deposit on his or her behalf), the deposit must be dealt with in accordance with an authorised deposit scheme.
- (2) Before the end of the period of 30 days starting with the day on which the deposit is paid, the landlord must—
 - (a) comply with the initial requirements of an authorised deposit scheme, and
 - (b) give the contract-holder (and any person who has paid the deposit on his or her behalf) the required information.
- (3) The required information is such information as may be prescribed relating to—
 - (a) the authorised deposit scheme which applies,
 - (b) the landlord's compliance with the initial requirements of the scheme, and
 - (c) the operation of this Chapter, including the contract-holder's rights (and the rights of any person who has paid the deposit on his or her behalf) in relation to the deposit.
- (4) This section is a fundamental provision which is incorporated as a term of all occupation contracts; section 20 provides that this section—
 - (a) must be incorporated, and
 - (b) must not be incorporated with modifications.

Modifications etc. (not altering text)

- C1** S. 45 modified (1.9.2019) by *Renting Homes (Fees etc.) (Wales) Act 2019 (anaw 2)*, s. 30(2), **Sch. 2 para. 6** (with s. 29); S.I. 2019/1150, art. 2(d)
- C2** S. 45 modified (1.12.2022) by *The Renting Homes (Wales) Act 2016 (Saving and Transitional Provisions) Regulations 2022 (S.I. 2022/1172)*, regs. 1(2), **8** (with reg. 19)

Commencement Information

- I3** S. 45(1)(2)(4) in force at 1.12.2022 by S.I. 2022/906, art. 2
- I4** S. 45(3) in force at 5.8.2016 for specified purposes by S.I. 2016/813, art. 2(a), **Sch. Pt. 1**
- I5** S. 45(3) in force at 1.12.2022 in so far as not already in force by S.I. 2022/906, art. 2

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46 Deposit schemes: further provision

- (1) Schedule 5 contains further provision about deposit schemes.
- (2) ^{F1} Paragraph 4 of Schedule 9A makes provision relating to periodic standard contracts, and fixed term standard contracts which incorporate section 186 or which have a landlord's break clause, preventing a landlord from giving a notice (under section 173 or 186 or under a landlord's break clause)] requiring a contract-holder to give up possession if the landlord has not complied with certain requirements relating to the payment of security or to deposit schemes.

Textual Amendments

- F1** Words in s. 46(2) substituted (7.6.2021) by [Renting Homes \(Amendment\) \(Wales\) Act 2021 \(asc 3\)](#), s. 19(3), [Sch. 6 para. 7](#)

Modifications etc. (not altering text)

- C3** [S. 46](#) modified (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Saving and Transitional Provisions\) Regulations 2022 \(S.I. 2022/1172\)](#), regs. 1(2), [8](#) (with reg. 19)

Commencement Information

- I6** [S. 46](#) in force at 1.12.2022 by [S.I. 2022/906](#), [art. 2](#)

47 Deposit schemes: interpretation

- (1) In this Act—
 - “authorised deposit scheme” (“*cynllun blaendal awdurdodedig*”) means a deposit scheme in force in accordance with arrangements under paragraph 1 of Schedule 5 (and “deposit scheme” (“*cynllun blaendal*”) has the meaning given in sub-paragraph (2) of that paragraph);
 - “deposit” (“*blaendal*”) means money paid as security;
 - “initial requirements” (“*gofynion cychwynnol*”), in relation to an authorised deposit scheme, means the requirements of the scheme which must be complied with by the landlord when a deposit is paid;
 - “security” (“*sicrwydd*”) means security for the performance of the contract-holder's obligations and the discharge of the contract-holder's liabilities.
- (2) In this Act references to a deposit, in relation to a time after a deposit has been paid, are to a sum representing the deposit.

Commencement Information

- I7** [S. 47](#) in force at 1.12.2022 by [S.I. 2022/906](#), [art. 2](#)

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Changes and effects yet to be applied to :

- specified provision(s) savings for amendments by 2018 anaw 1, s. 6, Sch. 6 by [S.I. 2019/110 reg. 5](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 20(3)(ma) inserted by [2019 anaw 2 Sch. 3 para. 4\(2\)](#)
- s. 135(2)(ia) inserted by [2019 anaw 2 Sch. 3 para. 4\(3\)](#)
- s. 186A-186C inserted by [2019 anaw 2 Sch. 3 para. 4\(1\)](#)
- s. 198A inserted by [2019 anaw 2 Sch. 3 para. 5](#)