



Housing Act 2004

2004 CHAPTER 34

PART 6

OTHER PROVISIONS ABOUT HOUSING

CHAPTER 4

TENANCY DEPOSIT SCHEMES

213 Requirements relating to tenancy deposits

- (1) Any tenancy deposit paid to a person in connection with a shorthold tenancy must, as from the time when it is received, be dealt with in accordance with an authorised scheme.
- (2) No person may require the payment of a tenancy deposit in connection with a shorthold tenancy which is not to be subject to the requirement in subsection (1).
- (3) Where a landlord receives a tenancy deposit in connection with a shorthold tenancy, the initial requirements of an authorised scheme must be complied with by the landlord in relation to the deposit within the period of [F1 30] days beginning with the date on which it is received.
- (4) For the purposes of this section “the initial requirements” of an authorised scheme are such requirements imposed by the scheme as fall to be complied with by a landlord on receiving such a tenancy deposit.
- (5) A landlord who has received such a tenancy deposit must give the tenant and any relevant person such information relating to—
 - (a) the authorised scheme applying to the deposit,
 - (b) compliance by the landlord with the initial requirements of the scheme in relation to the deposit, and
 - (c) the operation of provisions of this Chapter in relation to the deposit, as may be prescribed.

Changes to legislation: Housing Act 2004, Section 213 is up to date with all changes known to be in force on or before 25 April 2023. 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

- (6) The information required by subsection (5) must be given to the tenant and any relevant person—
- (a) in the prescribed form or in a form substantially to the same effect, and
 - (b) within the period of [^{F2} 30] days beginning with the date on which the deposit is received by the landlord.
- (7) No person may, in connection with a shorthold tenancy, require a deposit which consists of property other than money.
- (8) In subsection (7) “deposit” means a transfer of property 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) The provisions of this section apply despite any agreement to the contrary.
- (10) In this section—
- “prescribed” means prescribed by an order made by the [^{F3}Secretary of State];
 - “property” means moveable property;
 - “relevant person” means any person who, in accordance with arrangements made with the tenant, paid the deposit on behalf of the tenant.

Textual Amendments

- F1** Word in s. 213(3) substituted (6.4.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 184(2)(a)**, 240(2); S.I. 2012/628, [art. 8\(c\)](#) (with [arts. 9, 12, 13, 16, 18-20](#)) (as amended (3.8.2012) by S.I. 2012/2029, [arts. 2, 4](#))
- F2** Word in s. 213(6)(b) substituted (6.4.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 184(2)(b)**, 240(2); S.I. 2012/628, [art. 8\(c\)](#) (with [arts. 9, 12, 13, 16, 18-20](#)) (as amended (3.8.2012) by S.I. 2012/2029, [arts. 2, 4](#))
- F3** Words in s. 213(10) substituted (1.12.2022) by [The Renting Homes \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/1166\)](#), [regs. 1\(1\), 28\(8\)](#) (with savings and transitional provisions in S.I. 2022/1172, [regs. 9, 19](#))

Modifications etc. (not altering text)

- C1** [S. 213](#) modified (1.6.2019) by [Tenant Fees Act 2019 \(c. 4\)](#), [s. 34\(1\)](#), **Sch. 2 para. 7**; S.I. 2019/857, [reg. 3\(aa\)](#)

Commencement Information

- I1** [S. 213](#) wholly in force at 6.4.2007; s. 213 in force for certain purposes at Royal Assent see [s. 270\(2\)\(b\)](#); s. 213 in force for W. at 6.4.2007 by [S.I. 2007/305](#), [art. 2](#); s. 213 in force for E. at 6.4.2007 by [S.I. 2007/1068](#), [art. 2\(a\)](#)

Changes to legislation:

Housing Act 2004, Section 213 is up to date with all changes known to be in force on or before 25 April 2023. 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.

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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\(3\)](#)