



# Renting Homes (Fees etc.) (Wales) Act 2019

2019 anaw 2

## PART 5

### RECOVERY OF AMOUNT BY CONTRACT-HOLDER

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

- C1 Pt. 5 applied (with modifications) (1.9.2019) by [The Renting Homes \(Fees etc.\) \(Wales\) Act 2019 \(Transitional Provision for Assured Shorthold Tenancies\) Regulations 2019 \(S.I. 2019/1151\)](#), regs. 1(2), 3

## 22 Recovery of a prohibited payment or holding deposit

- (1) A person (the “claimant”) may apply to the county court for the recovery of the amount of—
  - (a) any prohibited payment made by or on behalf of the claimant in respect of a standard occupation contract;
  - (b) any holding deposit paid by or on behalf of the claimant in respect of a standard occupation contract.
- (2) A court to which an application under subsection (1)(a) is made may, if the court is satisfied beyond reasonable doubt that—
  - (a) a prohibited payment has been made by or on behalf of the claimant, and
  - (b) all or part of that payment has yet to be repaid to the claimant,order the repayment to the claimant, in accordance with the order, of the amount of the payment or (in a case where part of the payment has been repaid) of the outstanding amount of the payment.
- (3) A court to which an application under subsection (1)(b) is made may, if the court is satisfied, on the balance of probabilities, that—

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**Changes to legislation:** *There are currently no known outstanding effects for the*  
*Renting Homes (Fees etc.) (Wales) Act 2019, PART 5. (See end of Document for details)*

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- (a) a holding deposit has been paid by or on behalf of the claimant, and
  - (b) there has been a failure to repay all or part of the holding deposit to the claimant in accordance with Schedule 2,
- order the repayment to the claimant, in accordance with the order, of the amount of the holding deposit or (in a case where part of the holding deposit has been repaid) of the outstanding amount of the holding deposit.
- (4) But subsection (2) does not apply in relation to a prohibited payment if criminal proceedings have been commenced by virtue of section 2 or 3 in respect of that payment, unless those proceedings have been discontinued.
  - (5) An order under subsection (2) or (3) may not require the repayment of an amount, if that amount has been applied towards a payment of rent, or the security deposit, under the standard occupation contract concerned.

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**Commencement Information**

**II** [S. 22](#) in force at 1.9.2019 by [S.I. 2019/1150](#), [art. 2\(b\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the *Renting Homes (Fees etc.) (Wales) Act 2019, PART 5*.