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STATUTORY RULES OF NORTHERN IRELAND

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**2012 No. 373**

**The Tenancy Deposit Schemes  
Regulations (Northern Ireland) 2012**

**PART 2**

**Appointment of Scheme Administrator**

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3.—(1) The Department may appoint a person who has applied to the Department to establish and maintain a tenancy deposit scheme of a description prescribed in Part 3 where the Department has approved that application under the Regulations.

(2) The Department must not approve an application where the applicant:—

(a) has been convicted of any offence involving fraud or dishonesty;

(b) is a bankrupt, [<sup>F1</sup>or is the subject of a bankruptcy restrictions order;] or

[<sup>F2</sup>(ac) he is a person in relation to whom a moratorium period under a debt relief order applies or he is the subject of a debt relief restrictions order ; or]

(c) is disqualified from being a director of a company.

**Textual Amendments**

**F1** Words in reg. 3(2)(b) inserted (21.4.2015) by [The Insolvency \(Northern Ireland\) Order 2005 \(Consequential Amendments\) Order \(Northern Ireland\) 2015 \(S.R. 2015/159\), art. 1, Sch. para. 50\(3\)](#)

**F2** [Reg. 3\(2\)\(ac\) inserted \(7.3.2016\) by The Debt Relief Act \(Northern Ireland\) 2010 \(Consequential Amendments\) Order \(Northern Ireland\) 2016 \(S.R. 2016/108\), art. 1, Sch. para. 58\(3\)](#)

**Coming into force of a scheme and amendments**

4. Upon application by a person approved under regulation 3 neither a tenancy deposit scheme nor any amendment to that scheme shall come into force unless approved by the Department.

**Approval of a tenancy deposit scheme**

5. The Department shall not approve a tenancy deposit scheme where:—

(a) the scheme is not of a description prescribed in Part 3 (description of schemes);

(b) the scheme administrator and the scheme do not satisfy the requirements of Part 4 (financing and accountability requirements);

(c) the scheme administrator does not satisfy the requirements of Part 6 (dispute resolution);

(d) the scheme does not include a customer service facility which is available to users of tenancy deposit schemes for the purposes of, in particular:—

- (i) handling enquiries in relation to the tenancy deposit scheme whether made by telephone, letter, or electronic means; and
  - (ii) dealing with complaints about the tenancy deposit scheme, including complaints about the service provided by the scheme administrator;
- (e) the tenancy deposit scheme is not available to all landlords, including those living outside of the Northern Ireland jurisdiction but operating in Northern Ireland, and their tenants.

**Changes to legislation:**

There are currently no known outstanding effects for the The Tenancy Deposit Schemes Regulations (Northern Ireland) 2012, PART 2.