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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2011 No.**

**HOUSING**

**The Tenancy Deposit Schemes (Scotland) Regulations 2011**

*Made - - - -*

*Coming into force in accordance with regulation 1*

**THE TENANCY DEPOSIT SCHEMES  
(SCOTLAND) REGULATIONS 2011**

PART 1

1. Citation and commencement
2. Interpretation
3. Duties in relation to tenancy deposits
4. Circumstances in which tenancy deposit duties apply
5. The duties in regulation 3 do not apply if no approved...
6. Conditions for approval of a tenancy deposit scheme
7. Scheme administrator to be a fit and proper person
8. Power of Scottish Ministers to provide financial assistance

PART 2

9. Court orders
10. If satisfied that the landlord did not comply with any...

PART 3

11. Scheme model
12. Agents
13. Geographical coverage and administrative requirements
14. Financing and sustainability
15. Protection of deposits in the event of scheme failure etc.

PART 4

16. Designated accounts
17. A scheme administrator must follow appropriate accounting and administrative practices...

- 18. Sums may be withdrawn from a designated account only for...
- 19. The conditions for withdrawal of sums under regulation 18(d) are—...

#### PART 5

- 20. Payment of tenancy deposits to a tenancy deposit scheme
- 21. A tenancy deposit paid to an approved scheme must be...
- 22. (1) On receipt of a tenancy deposit and the required...
- 23. Landlord application to transfer a tenancy deposit
- 24. Application for repayment of a tenancy deposit
- 25. (1) On receipt of an application from a landlord under...
- 26. Repayment by the scheme administrator where there is no disputed amount
- 27. (1) Paragraph (2) applies where the scheme administrator does not...
- 28. (1) Paragraph (2) applies where the scheme administrator does not...
- 29. Repayment by the scheme administrator where there is a disputed amount
- 30. If the scheme administrator receives notification that the dispute has...
- 31. (1) Paragraphs (2) and (3) apply where, following receipt of...
- 32. (1) Paragraphs (2) and (3) apply where the landlord and...

#### PART 6

- 33. Dispute resolution mechanism
- 34. (1) The dispute resolution mechanism must be provided free of...
- 35. (1) Procedures must be in place whereby the scheme administrator...
- 36. The decision of the adjudicator
- 37. Review
- 38. (1) If, after consideration of the application under regulation 37(1)...
- 39. Information about dispute resolution

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- 40. Duty to publicise approved schemes
- 41. Duty to produce an information leaflet
- 42. Landlord's duty to provide information to the tenant
- 43. Duty to provide updated information
- 44. Landlord's duty to provide information to the scheme administrator relating to landlord registration

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- 45. Duty to provide annual report to the Scottish Ministers
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#### PART 9

- 47. Transitional provisions
- 48. Where the tenancy deposit was paid to the landlord on...  
Signature

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**Draft Legislation:** *This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Tenancy Deposit Schemes (Scotland) Regulations 2011 No. 176*

## Explanatory Note