
SCOTTISH STATUTORY INSTRUMENTS

2019 No. 331

**The Tenancy Deposit Schemes
(Scotland) Amendment Regulations 2019**

Amendment to the Tenancy Deposit Schemes (Scotland) Regulations 2011

2.—(1) The Tenancy Deposit Schemes (Scotland) Regulations 2011⁽¹⁾ are amended in accordance with paragraphs (2) to (7).

(2) In regulation 3 (duties in relation to tenancy deposits)—

(a) after paragraph (1) insert—

“(1A) Paragraph (1) does not apply—

(a) where the tenancy comes to an end by virtue of section 48 or 50 of the Private Housing (Tenancies) (Scotland) Act 2016⁽²⁾, and

(b) the full amount of the tenancy deposit received by the landlord is returned to the tenant by the landlord,

within 30 working days of the beginning of the tenancy.”, and

(b) after paragraph (2) insert—

“(2A) Where the landlord and the tenant agree that the tenancy deposit is to be paid in instalments, paragraphs (1) and (2) apply as if—

(a) the references to deposit were to each instalment of the deposit, and

(b) the reference to the beginning of the tenancy were to the date when any instalment of the deposit is received by the landlord.”.

(3) In regulation 22(2) (payment of tenancy deposits to a tenancy deposit scheme)—

(a) after subparagraph (d) omit “and”, and

(b) at the end of sub-paragraph (e) insert—

“, and

(f) details of the sanctions contained in regulations 9 and 10 (First-tier Tribunal orders).”

(4) In regulation 25 (application for repayment of a tenancy deposit)—

(a) after paragraph (1)(d) omit “and”,

(b) at the end of paragraph (1)(e) insert—

“, and

(f) where a tenancy deposit was paid by the landlord to the scheme administrator later than the date set out in regulation 3(1) (duties in relation to tenancy deposits), inform the tenant of the sanctions contained in regulations 9 and 10 (First-tier Tribunal orders).”.

(1) S.S.I. 2011/176, amended by S.S.I. 2017/329.

(2) 2016 asp 19.

- (c) after paragraph (2) insert—
 - “(3) Paragraph (1) does not apply where a landlord’s application under regulation 24(1) specifies that the amount to be repaid to the landlord in accordance with regulation 24(2)(b) is zero.”.
- (5) In regulation 26 (repayment by the scheme administrator where there is no disputed amount)
—
 - (a) for paragraph (1) substitute—
 - “(1) Paragraph (2) applies where the scheme administrator receives—
 - (a) confirmation as mentioned in regulation 25(1)(b) or (2)(b) that repayment of the tenancy deposit as applied for is agreed, or
 - (b) an application to which regulation 25(3) applies.”, and
 - (b) in paragraph (2) after “confirmation” insert “or application”.
 - (6) In regulation 42 (landlord’s duty to provide information to the tenant), after paragraph (3) insert—
 - “(4) Where the landlord and the tenant agree that the tenancy deposit is to be paid in instalments—
 - (a) paragraphs (2) and (3) apply as if the references to deposit were to each instalment of the deposit, and
 - (b) in relation to the information provided under paragraph (2)(a), confirmation of the cumulative amount of the tenancy deposit paid by the tenant in respect of each instalment after the first instalment.”.
 - (7) In regulation 45(1) (duty to provide annual report to the Scottish Ministers) for “By 15th May” substitute “On or before 31 August”.