
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2011 No.

The Tenancy Deposit Schemes (Scotland) Regulations 2011

PART 1

Introductory and General

Interpretation

2. In these Regulations—

“the Act” means the Housing (Scotland) Act 2006;

“the 2004 Act” means the Antisocial Behaviour etc. (Scotland) Act 2004⁽¹⁾;

“adjudicator” means a person appointed by an approved scheme to resolve disputes relating to tenancy deposits held by that scheme;

“approval” and “approved” refer to approval by the Scottish Ministers under section 122 (approval of tenancy deposit schemes) of the Act;

“approved scheme” means a tenancy deposit scheme that has been approved by virtue of section 122 of the Act;

“designated account” means an account held by the scheme administrator in accordance with regulation 16;

“landlord” refers to a landlord, within the meaning conferred by the Act, of a relevant tenancy;

“operational”, in relation to a tenancy deposit scheme, means that the scheme is in a position to accept and safeguard deposits as referred to in regulation 14(1)(a);

“relevant tenancy” has the meaning given by regulation 3(3) and references to a “tenancy” are to be construed accordingly;

“scheme administrator” refers to the person or body who may administer an approved scheme;

“tenancy deposit” has the meaning conferred by section 120(1) (tenancy deposits: preliminary) of the Act;

“tenancy deposit scheme” has the meaning conferred by section 120(2) of the Act;

“tenant” refers to a tenant of a relevant tenancy and includes joint tenants and former tenants by whom a tenancy deposit was paid;

“working day” means a day that is not a Saturday or Sunday, nor any day that is a bank holiday under the Banking and Financial Dealings Act 1971⁽²⁾ in any part of the United Kingdom; and

“write” and “writing” include electronic communications within the meaning of section 15 (general interpretation) of the Electronic Communications Act 2000⁽³⁾.

⁽¹⁾ 2004 asp 8.

⁽²⁾ 1971 c.80.

⁽³⁾ 2000 c.7. Section 15(1) was amended by paragraph 158 of Schedule 17 to the Communications Act 2003 (c.21).

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
