

Government Response: The Renting Homes (Deposit Schemes) (Required Information) (Wales) Regulations 2022

Technical Scrutiny point 1:

The Welsh Government have included provision that where a landlord is provided with any information by the Scheme provider which explains the operation of sections 45 to 47 of, and Schedule 5 to, the Act (i.e. deposit schemes) it must be shared with the contract-holder. The Regulations, consequently, make clear that where any relevant information is received by the landlord, it must be shared with the contract-holder. A level of discretion will be required on part of the landlord in that they will only be required to pass on information which helps to explain the relevant provisions of the Act.

The Welsh Government do not consider it necessary, at this stage, to place a duty on scheme administrators to provide specific information, as a landlord is only under an obligation to pass on any relevant information that is provided by the scheme administrator. The operation of these provisions in practice will be kept under review by the Welsh Government.

Technical Scrutiny point 2:

As the Committee have identified, the Regulations make use of the word “paid” and “repaid”, in order to reflect the fact that the Regulations and the Act (including the Act’s Explanatory Notes) acknowledge that a deposit may be paid by a person who is not the contract-holder. If the original deposit payment was made by the contract-holder it will be *repaid* to them, where the payment was made by a person on the behalf of the contract-holder that payment will be *paid* to the contract-holder.

The Welsh Government do not consider that the provision is unclear or that the situations require further distinction. The Welsh Government will approach scheme administrators in Wales to determine whether this distinction is also reflected in their guidance.