



Jersey

**RESIDENTIAL TENANCY (DEPOSIT
SCHEME) (JERSEY)
REGULATIONS 2014**

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Jersey

RESIDENTIAL TENANCY (DEPOSIT SCHEME) (JERSEY) REGULATIONS 2014

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Jersey

RESIDENTIAL TENANCY (DEPOSIT SCHEME) (JERSEY) REGULATIONS 2014

THE STATES, in pursuance of Article 24 of the Residential Tenancy (Jersey) Law 2011¹, have made the following Regulations –

Commencement [[see endnotes](#)]

PART 1 INTERPRETATION

1 Interpretation

In these Regulations, unless the context otherwise requires –

“adjudicator” means an adjudicator acting under the dispute resolution service;

“administrator” means scheme administrator;

“deposit notice” means a notice in accordance with Regulation 18;

“direction” means a direction in writing by the Minister to the scheme administrator;

“dispute resolution service” means the service referred to in Regulation 25;

“dispute statement” means a statement referred to in Regulation 16(1)(e) or 17(1)(e);

“function” means any function that by or under these Regulations, or by the terms of the instrument of appointment of a scheme administrator, the scheme administrator is required or enabled to perform in relation to a scheme;

“relevant amount” in respect of a deposit –

- (a) means an amount equal to the amount paid to the scheme administrator by way of deposit; and

- (b) where, under Regulation 8, interest is required to be paid on that amount to the tenant, includes interest that has accrued on the amount;

“relevant party” means a person who is the landlord or tenant in relation to a residential tenancy;

“residential tenancy deposit scheme” means the scheme published under Regulation 10;

“scheme” means a residential tenancy deposit scheme;

“scheme account” means the account or accounts required to be held under Regulation 6;

“scheme administrator” means the person who for the time being performs functions in relation to a scheme.

2 References to deposit and residential tenancy

In these Regulations –

- (a) a reference to a deposit held or to be held in accordance with the scheme –
- (i) means a deposit less any fee deducted under Regulation 32(1)(b);
 - (ii) includes a reference to the relevant amount representing the deposit held or to be held in accordance with the scheme;
- (b) a reference to a residential tenancy or to a residential tenancy agreement is a reference to one to which the Residential Tenancy (Jersey) Law 2011 applies.

PART 2

ADMINISTRATION OF SCHEME

3 Minister to appoint scheme administrator

- (1) The Minister must, as soon as is reasonably possible after these Regulations come into force, or if a scheme has come to an end, appoint a person to establish and maintain a residential tenancy deposit scheme.
- (2) The Minister must, as soon as is reasonably possible after an appointment under paragraph (1) is terminated, appoint a person to maintain a scheme that has already been established.
- (3) In the absence of a scheme administrator appointed under this Regulation, the Minister is the scheme administrator.
- (4) The scheme administrator is responsible for maintaining the scheme, and the safekeeping and management of the deposits under the scheme, in conformity with the scheme and with these Regulations.

4 Minister to be satisfied of ability of scheme administrator

The Minister must not appoint a person as scheme administrator unless the Minister is satisfied that the person is fit and proper to exercise the functions of scheme administrator.

5 Termination of appointment

- (1) The Minister may terminate the appointment of a person as scheme administrator if the person fails to comply with any requirement imposed on the administrator by a scheme or by or under these Regulations or if the Minister is no longer satisfied that the person is fit and proper to exercise the functions of a scheme administrator.
- (2) A person ceases to be a scheme administrator if –
 - (a) the person is appointed as scheme administrator for a period and the period comes to an end;
 - (b) the person becomes bankrupt;
 - (c) the appointment of the person is terminated under paragraph (1); or
 - (d) in a case where the person is an individual, the person dies.

6 Scheme account

The scheme administrator –

- (a) must not do anything to cause or permit deposits, or other amounts, held under the scheme to be subject to any security interest or other burden;
- (b) must hold, in one or more accounts dedicated to the purpose –
 - (i) deposits,
 - (ii) interest that accrues on the deposits,
 - (iii) any amount repaid to the scheme administrator by the Minister under Regulation 12 in respect of an unclaimed deposit, and
 - (iv) any other amounts that are permitted or required to be kept in exercise of the administrator's functions;
- (c) must hold, or transfer, those deposits, and other amounts, in accordance with the directions of the Minister if the scheme is terminated or if the appointment of the scheme administrator is terminated by or under these Regulations; and
- (d) may pay out from those deposits, and other amounts, only –
 - (i) amounts to be paid to landlords and tenants in accordance with the scheme and these Regulations,
 - (ii) amounts to be paid for the uses referred to in Regulation 8, and
 - (iii) amounts required to be paid to the Minister under Regulation 12.

7 Investment of funds in scheme account

- (1) The balance in the scheme account must be invested in accordance with an investment strategy as directed by the Minister.
- (2) In carrying out his or her functions under paragraph (1) the Minister must seek the advice of suitably qualified and experienced persons.
- (3) The scheme account –
 - (a) must not be overdrawn; and
 - (b) must be operated in such a way that there are sufficient funds readily available to pay amounts payable for the purposes of the scheme as they become due.

8 Use of interest earned on scheme account

- (1) Interest on the scheme account may be used –
 - (a) to meet the costs of the scheme administrator in administering the scheme;
 - (b) to provide to tenants interest on their deposits accruing while those deposits are held by the administrator;
 - (c) to reimburse the Minister's costs in administering these Regulations; and
 - (d) otherwise in accordance with directions of the Minister.
- (2) However, the priority as between the uses specified in paragraph (1) must be in accordance with directions of the Minister.

9 Annual report on scheme

- (1) The scheme administrator must, within 3 months of each anniversary of the start of a scheme, provide the Minister with a report that –
 - (a) sets out details of the scheme as at that anniversary, including in particular the total value of payments into the scheme, the number of deposits held by the scheme, their total value, the interest earned on the deposits and the values of payments out of the scheme for each of the uses referred to in Regulation 8; and
 - (b) generally comments on the manner in which the scheme has worked over the year ending on that anniversary.
- (2) The scheme administrator must provide to the Minister, in accordance with the directions of the Minister, such information, in respect of the administrator, the scheme, the scheme account and the operation of the scheme and the scheme account, as the Minister may specify in the directions.
- (3) The Minister must present a copy of the report prepared in accordance with paragraph (1) to the States.
- (4) The reference in paragraph (1) to an anniversary of the start of a scheme does not include an anniversary that falls more than 12 months after a scheme has ended.

10 Scheme administrator to publish scheme and information about scheme

- (1) The scheme administrator must prepare and publish a scheme if none is currently in force.
- (2) The scheme must set out the following to the extent that they are not already set out in these Regulations –
 - (a) the respective rights and obligations of landlords and tenants in relation to the scheme;
 - (b) the procedures that apply under the scheme by which an amount in respect of a deposit may be paid to the tenant at the end of the tenancy;
 - (c) the procedures that apply under the scheme where either the landlord or the tenant is not contactable at the end of the tenancy;
 - (d) the procedures that apply under the scheme in circumstances in which, in accordance with these Regulations, all or part of the deposit may be retained by the landlord;
 - (e) the procedures that apply under the scheme if the landlord and the tenant dispute the amount to be paid to the tenant in respect of the deposit;
 - (f) the facilities available under the scheme to enable a dispute relating to the deposit to be resolved without recourse to litigation;
 - (g) such other matters as the Minister specifies by direction.
- (3) The scheme administrator must prepare and publish information (if none is currently available to the public under this paragraph) on the following –
 - (a) how the scheme works;
 - (b) the application of these Regulations in general;
 - (c) the procedure for making a complaint using the facility referred to in Regulation 11;
 - (d) the respective rights and obligations of landlords and tenants under the scheme and under these Regulations;
 - (e) such other matters as the Minister specifies by direction.
- (4) The scheme administrator must prepare and publish revisions of the scheme, and of the information, as necessary or when the Minister so requires by direction.
- (5) The scheme, the information, and any revision must be –
 - (a) approved by the Minister before being published; and
 - (b) published in such manner and at such times as the Minister requires by direction.

11 Scheme administrator to establish complaints facility

The scheme administrator must establish and administer a facility approved by the Minister that enables persons to make complaints about the administration of the scheme and to seek resolution of those complaints.

12 Scheme administrator to pay unclaimed deposits to Minister

- (1) The scheme administrator must pay to the Minister the amount of any unclaimed deposit.
- (2) That amount must be paid from the scheme account as soon as the scheme administrator becomes aware of the existence of the unclaimed deposit.
- (3) However, the Minister must repay to the scheme administrator any amount paid under paragraph (1) to the extent that an adjudicator, or the Court, decides that the amount is in fact payable to any person.
- (4) In this Regulation, “unclaimed deposit” means such part of a relevant amount held by the scheme administrator under the scheme as has not been claimed 5 years after the residential tenancy in relation to which the amount was paid has ended.

PART 3**OPERATION OF SCHEME****13 Deposits to and debits from the scheme account**

- (1) A deposit paid to the scheme administrator by a landlord must be credited to the scheme account.
- (2) An amount paid under the scheme to a landlord or to a tenant must be debited to the scheme account.
- (3) However, the scheme administrator is not required to credit or debit any amount to the scheme account under this Regulation if –
 - (a) the notice required by Regulation 30 did not accompany the payment; or
 - (b) the fees (if any) required by Regulation 32(1)(a) have not been paid.

14 Paying out deposit – where parties agree

- (1) Within 5 days of the conditions specified in paragraph (2) both being satisfied, the scheme administrator must pay the relevant amount in accordance with the agreement mentioned in paragraph (2)(b).
- (2) The conditions are –
 - (a) a deposit in relation to a residential tenancy is held by the scheme administrator; and

- (b) the relevant parties have both notified the scheme administrator in writing –
 - (i) that the tenancy has ended and that they have agreed that the relevant amount should be paid wholly to one of them or partly to one and partly to the other, or
 - (ii) that though the tenancy has not ended, they have agreed that the relevant amount should be paid wholly to one of them or partly to one and partly to the other.

15 Paying out deposit – adjudicator or Court decision

- (1) Within 5 days of the conditions specified in paragraph (2) all being satisfied, the scheme administrator must pay the relevant amount in accordance with the decision referred to in paragraph (2)(c).
- (2) The conditions are –
 - (a) a deposit in relation to a residential tenancy is held by the scheme administrator;
 - (b) the scheme administrator is satisfied that the residential tenancy has ended;
 - (c) a decision referred to in paragraph (3) has been made;
 - (d) the decision, if a decision of the Court, has become final; and
 - (e) a copy of the decision, certified by or on behalf of the adjudicator or the Court (as the case requires), has been provided to the scheme administrator.
- (3) The decision is a binding decision by an adjudicator, or a decision of the Court, to the effect that the relevant amount is payable either wholly to the landlord or tenant or partly to one and partly to the other.
- (4) For the purposes of this Regulation, a decision of the Court becomes final –
 - (a) if not appealed against, at the end of the period for bringing an appeal; or
 - (b) if appealed against, at the time when the appeal (or any further appeal) is disposed of.
- (5) For the purposes of paragraph (4), an appeal is disposed of –
 - (a) if it is determined and the period for bringing any further appeal has ended; or
 - (b) if it is abandoned or otherwise ceases to have effect.

16 Paying out deposit – landlord claims amount

- (1) When all of the following conditions are satisfied, the scheme administrator must act in accordance with Regulation 18 –
 - (a) a deposit in relation to a residential tenancy is held by the scheme administrator in accordance with the scheme;

-
- (b) the residential tenancy has ended;
 - (c) at least 14 days have elapsed since it ended;
 - (d) the relevant parties have not agreed on how much of the relevant amount each should receive;
 - (e) the landlord has given the scheme administrator a statement that complies with paragraph (4) (a “dispute statement”);
 - (f) either paragraph (2) or (3) applies.
- (2) This paragraph applies if the landlord has no current address for, or other means of contacting, the tenant.
- (3) This paragraph applies if –
- (a) the landlord has, since the residential tenancy ended, given the tenant a written notice asking whether the tenant accepts that the landlord should be paid the claimed amount; and
 - (b) the tenant has failed to respond to the notice, within 14 days after being given it, by indicating to the landlord whether or not the tenant accepts that the landlord should be paid the claimed amount.
- (4) A statement complies with this paragraph if it specifies –
- (a) the date on which the tenancy ended;
 - (b) that the landlord and the tenant have not reached agreement in respect of the claimed amount;
 - (c) a summary of any communications between them about how much of the relevant amount each should receive;
 - (d) the claimed amount and the basis upon which it has been calculated, with particulars of any facts relied upon to justify claiming the amount;
 - (e) if the landlord relies on the application of paragraph (2), that the landlord has no current address for, or other means of contacting, the tenant, with particulars of any address (other than the premises that were the subject of the residential tenancy) and other contact details (including telephone numbers and e-mail addresses) that the landlord has had for the tenant;
 - (f) if the landlord relies on the application of paragraph (3), that the requirements of that paragraph have been met, with particulars of the facts relied upon to demonstrate that they have been met and attaching a copy of the notice given to the tenant;
 - (g) any information that the landlord has as to the whereabouts of the tenant;
 - (h) whether the landlord consents, if the tenant disputes that the landlord should be paid the claimed amount, to the resolution of the dispute through the use of the dispute resolution service; and
 - (i) that the landlord considers that he or she is entitled to be paid the claimed amount.
- (5) In this Regulation, “the claimed amount”, in respect of a residential tenancy, means the amount claimed by the landlord and equal to the sum of –

- (a) any unpaid rent or any other amount due to the landlord under the terms of the relevant residential tenancy agreement; and
 - (b) the cost of meeting the tenant's liability under the relevant residential tenancy agreement for any damage to the premises that were the subject of the residential tenancy or for loss of or damage to any property of the landlord on those premises.
- (6) For the purposes of this Regulation, the claimed amount cannot exceed the relevant amount.

17 Paying out deposit – tenant claims amount

- (1) When all of the following conditions are satisfied, the scheme administrator must act in accordance with Regulation 18 –
- (a) a deposit in relation to a residential tenancy is held by the scheme administrator in accordance with the scheme;
 - (b) the residential tenancy has ended;
 - (c) at least 14 days have elapsed since it ended;
 - (d) the relevant parties have not agreed on how much of the relevant amount each should receive;
 - (e) the tenant has given the scheme administrator a statement that complies with paragraph (4) (a “dispute statement”);
 - (f) either paragraph (2) or (3) applies.
- (2) This paragraph applies if the tenant has no current address for, or other means of contacting, the landlord.
- (3) This paragraph applies if –
- (a) the tenant has, since the residential tenancy ended, given the landlord a written notice asking whether the landlord accepts that the tenant should be paid the claimed amount; and
 - (b) the landlord has failed to respond to that notice, within 14 days after being given it, by indicating to the tenant whether or not the landlord accepts that the tenant should be paid the claimed amount.
- (4) A statement complies with this paragraph if it specifies –
- (a) the date on which the tenancy ended;
 - (b) that the landlord and the tenant have not reached agreement in respect of the claimed amount;
 - (c) a summary of any communications between them about how much of the relevant amount each should receive;
 - (d) the claimed amount and the basis upon which it has been calculated, with particulars of any facts relied upon to justify claiming the amount;
 - (e) if the tenant relies on the application of paragraph (2), that he or she has no current address for, or other means of contacting, the landlord, with particulars of any address and other contact details

- (including telephone numbers and e-mail addresses) that the tenant has had for the landlord;
- (f) if the tenant relies on the application of paragraph (3), that the requirements of that paragraph have been met, with particulars of the facts relied on to demonstrate that they have been met and attaching a copy of the notice given to the landlord;
 - (g) any information that the tenant has as to the whereabouts of the landlord;
 - (h) whether the tenant consents, if the landlord disputes that the tenant should be paid the claimed amount, to the resolution of the dispute through the use of the dispute resolution service; and
 - (i) that the tenant considers that he or she is entitled to be paid the claimed amount.
- (5) In this Regulation, “the claimed amount”, in respect of a residential tenancy, means the amount claimed, by the tenant from the landlord, in respect of the tenancy.
- (6) For the purposes of this Regulation, the claimed amount cannot exceed the relevant amount.

18 Scheme administrator’s response where dispute notified

- (1) If the scheme administrator receives a dispute statement from a landlord or tenant, the administrator must take the action set out in this Regulation and, as the case requires, in Regulation 19, 20, 21 or 22 and, where applicable, in Regulation 23.
- (2) The administrator must give a copy of the dispute statement and a deposit notice to the tenant or landlord (being the party other than the party who gave the dispute statement to the administrator).
- (3) The deposit notice must ask the person to whom it is given (referred to as “person A” in this Part) –
 - (a) whether he or she accepts that the person who gave the dispute statement (referred to as “person B” in this Part) to the scheme administrator should be paid the whole or a part of the amount claimed by person B;
 - (b) if person A accepts that part of the amount claimed should be paid, the part that he or she accepts should be paid; and
 - (c) if person A does not accept that the whole of the amount claimed should be paid, whether he or she consents for the dispute to be resolved through the use of the dispute resolution service.
- (4) A deposit notice must warn person A that, if he or she does not, within 14 days after being given the notice, inform the scheme administrator that person A does not accept that the whole of the amount claimed should be paid to person B –
 - (a) the amount claimed will be paid to person B; and
 - (b) the remaining part (if any) of the relevant amount will be paid to person A.

- (5) A deposit notice must also warn person A that if, within 14 days after being given the notice, person A –
- (a) informs the scheme administrator that person A does not accept that the whole of the amount claimed should be paid to person B; but
 - (b) fails to respond to the question referred to in paragraph (3)(c),
- person A will be treated as having given his or her consent for the dispute to be resolved through the use of the dispute resolution service.

19 Where it is agreed that the amount claimed should be paid

- (1) This Regulation applies if, within 14 days of being given a deposit notice, person A informs the scheme administrator that person A accepts that the amount claimed should be paid to person B.
- (2) The administrator must –
 - (a) pay the amount claimed to person B within 5 days after being so informed; and
 - (b) within those 5 days pay any remaining part of the relevant amount to person A.

20 Where it is not agreed that the amount claimed should be paid

- (1) This Regulation applies if, within 14 days of being given a deposit notice, person A informs the scheme administrator that person A does not accept that any part of the amount claimed should be paid to person B.
- (2) The administrator must –
 - (a) inform person B whether or not person A has given his or her consent for the dispute to be resolved through the use of the dispute resolution service; and
 - (b) pay such amounts to either or both of those persons as an adjudicator or the Court decides.
- (3) If, after the administrator has paid those amounts, part of the relevant amount remains unpaid, the administrator must pay that part to person A.

21 Where it is agreed that part of the amount claimed should be paid

- (1) This Regulation applies if within 14 days of being given a deposit notice, person A informs the scheme administrator that person A accepts that part of the amount claimed should be paid to person B.
- (2) The administrator must –
 - (a) pay that part of the amount to person B within 5 days after being so informed; and
 - (b) act in accordance with paragraph (3) in respect of the remainder of the amount claimed.

- (3) The administrator must –
 - (a) inform person B whether or not person A has given his or her consent for the dispute to be resolved through the use of the dispute resolution service; and
 - (b) pay such amounts to either or both of those persons as an adjudicator or the Court decides.
- (4) If, after the administrator has paid out those amounts, part of the relevant amount remains unpaid, the administrator must pay that part to person A.

22 Failure to respond to deposit notice

- (1) This Regulation applies if, more than 14 days after being given a deposit notice, person A has not informed the scheme administrator whether person A accepts that the amount claimed or part of it should be paid to person B.
- (2) The scheme administrator must –
 - (a) pay the amount claimed to person B within 5 days; and
 - (b) within those 5 days pay any remaining part of the relevant amount to person A.

23 Deemed consent to use of dispute resolution service

- (1) This Regulation applies if, within 14 days of being given a deposit notice, person A –
 - (a) informs the scheme administrator that person A does not accept that the whole or a part of the amount claimed should be paid to person B; but
 - (b) fails to respond to the question whether or not person A consents to the resolution of the dispute through the use of the dispute resolution service.
- (2) This Regulation also applies if person A responds to the question mentioned in paragraph (1)(b) to refuse such consent and –
 - (a) within 7 days of such response fails to provide evidence to the scheme administrator that the person has initiated Court proceedings in respect of the matter mentioned in the deposit notice; or
 - (b) having initiated such proceedings discontinues them before their conclusion.
- (3) For the purposes of the scheme and these Regulations, person A is to be taken to have given his or her consent to the use of that service.
- (4) Accordingly, the scheme administrator must inform person B that the consent is to be taken to have been given.

24 Notice on request as to deposit held in scheme

- (1) The scheme administrator must, on request by a relevant party, provide to the party written notice stating whether or not a deposit paid in connection with the tenancy is being held in accordance with the scheme.
- (2) The scheme administrator must, on request by a relevant party, provide notice to the party of the following matters –
 - (a) whether payment has been made to the scheme administrator in connection with the tenancy;
 - (b) the date on which the payment was made;
 - (c) the amount so paid;
 - (d) whether the scheme administrator has been given the notice required by Regulation 30(1).
- (3) The scheme administrator may refuse a request referred to in this Regulation if the scheme administrator considers that the terms of the request do not provide sufficient detail to the scheme administrator or that the person making the request has not, to the satisfaction of the scheme administrator, established his or her identity as a relevant party.

25 Dispute resolution service to be provided

The scheme must make provision for a service to resolve disputes that relate to deposits, being a service that –

- (a) is without recourse to litigation;
- (b) except to the extent provided in Regulation 23, is not compulsory; and
- (c) may be free or subject to payment by one or more of the parties to a dispute.

26 If there is more than one landlord or tenant

The scheme must provide that if a residential tenancy agreement specifies more than one person as landlord or as tenant, the administrator must take reasonable steps to make the payments under the scheme in appropriate shares, according to –

- (a) the information before the administrator; or
- (b) a decision of an adjudicator or the Court.

27 Receipt of notice given by post

- (1) Where, for the purposes of these Regulations or the scheme, the scheme administrator is required to give a notice to a relevant party, the party is to be treated as having been given the notice in the normal course of post if the notice has been sent by post to –

-
- (a) the address (if any) last provided to the scheme administrator by the party as the address to which correspondence may be sent to the party; or
 - (b) if no such address has been provided –
 - (i) except if clause (ii) applies, the address provided to the scheme administrator by the tenant as the landlord's last known address or by the landlord as the tenant's last known address, as the case requires, or
 - (ii) if the scheme administrator has a more recent address for the person, that address.
- (2) Nothing in this Regulation prevents a notice from being given otherwise than by post.

PART 4

OBLIGATIONS OF LANDLORDS AND TENANTS

28 Landlord to pay deposit to scheme – new residential tenancy agreement

- (1) A landlord who receives a deposit in relation to a residential tenancy, where the relevant residential tenancy agreement was entered into while a scheme is in force, must pay to the scheme administrator an amount equal to the value of the deposit within 30 days after receiving the deposit.²
- (2) A landlord who fails to comply with the requirement in paragraph (1) is guilty of an offence and is liable to a fine of level 3 on the standard scale.

29 Landlord to pay deposit to scheme – variation or renewal of residential tenancy agreement

- (1) A landlord who –
 - (a) received a deposit in relation to a residential tenancy where the relevant residential tenancy agreement was entered into at any time when there was no scheme in force; and
 - (b) has not paid an amount equal to the deposit to the scheme administrator, as described in paragraph (3),must pay to the scheme administrator an amount equal to the deposit within 30 days after the time when the relevant residential tenancy agreement is first varied or renewed at a time when a scheme is in force.³
- (2) A landlord who fails to comply with the requirement in paragraph (1) is guilty of an offence and is liable to a fine of level 3 on the standard scale.
- (3) A landlord who received a deposit in relation to a residential tenancy where the relevant residential tenancy agreement was entered into at any time when there was no scheme in force may, while a scheme is in force, pay to the scheme administrator an amount equal to the deposit even if not required to do so under paragraph (1).

30 Obligation on landlord and scheme administrator to provide information

- (1) When a landlord pays to the scheme administrator an amount under Regulation 28(1) or 29(1) or (3), the payment must be accompanied by a notice that includes the following information –
 - (a) the address of the residential unit;
 - (b) the commencement date of the residential tenancy;
 - (c) the date on which the residential tenancy ends;
 - (d) the type of property that is the subject of the tenancy;
 - (e) the amount of the deposit payable in respect of the residential tenancy;
 - (f) the date on which the deposit was paid;
 - (g) the name, address and contact information of the landlord;
 - (h) the name and contact information of each tenant;
 - (i) the name and business address of any managing agent;
 - (j)
 - (k) any other information required by the scheme administrator.⁴
- (2) ⁵
- (3) The scheme administrator must send to the tenant –
 - (a) a copy of the notice; and
 - (b) information about how to notify the scheme administrator in the event that the tenant believes that any information included in the notice is inaccurate.⁶
- (4) A landlord who fails to comply with paragraph (1) is guilty of an offence and is liable to a fine of level 3 on the standard scale.

31 False information

A landlord or tenant who –

- (a) gives to the scheme administrator a notice permitted or required by these Regulations; and
- (b) knowingly and wilfully includes in the notice any false or misleading information,

is guilty of an offence and is liable to a fine of level 3 on the standard scale.

32 Fees

- (1) When the landlord pays a deposit to the scheme administrator –
 - (a) the landlord and the tenant must pay any fee prescribed under paragraph (4) to be paid by the landlord or tenant or both of them as the case may be, to the scheme administrator; and

- (b) the scheme administrator must deduct the amount of any fee prescribed under paragraph (4) to be taken from the deposit, from that deposit.
- (2) A person who fails to pay any required fee under paragraph (1)(a) is guilty of an offence and is liable to a fine of level 3 on the standard scale.
- (3) Fees paid or deducted under this Regulation must be applied by the scheme administrator to pay the scheme administrator's debts or expenses in relation to the scheme or to discharge any other liability or obligation of the scheme administrator in relation to the scheme.
- (4) The Minister may by Order prescribe fees for the purposes of this Regulation.

PART 5

CITATION

33 Citation

These Regulations may be cited as the Residential Tenancy (Deposit Scheme) (Jersey) Regulations 2014.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement
Residential Tenancy (Deposit Scheme) (Jersey) Regulations 2014	R&O.103/2014	28 February 2015
Residential Tenancy (Deposit Scheme) (Amendment) (Jersey) Regulations 2015	R&O.107/2015	15 September 2015

Table of Renumbered Provisions

Original	Current
None	

Table of Endnote References

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- ¹ *chapter 18.720*
- ² *Regulation 28(1) amended by R&O.107/2015*
- ³ *Regulation 29(1) amended by R&O.107/2015*
- ⁴ *Regulation 30(1) amended by R&O.107/2015*
- ⁵ *Regulation 30(2) deleted by R&O.107/2015*
- ⁶ *Regulation 30(3) substituted by R&O.107/2015*