

---



---

# Prescribed Information A guide for landlords

---

Ensure your deposit protection is delivered correctly

**STRIDE**   
The Independent Insurance Specialists

## Prescribed Information: a guide for landlords

Prescribed Information has proved to be a confusing subject, with many landlords still unsure as to what it is and how to ensure they are complying with new laws on protecting tenant deposits. Stride Limited's brief guide to Prescribed Information covers the key points landlords should be aware of and how non-compliance could impact on their let property insurance cover.

### Deposit protection

Arguments around the use (and abuse) of tenant's deposits have plagued the Private Rented Sector (PRS) for years. To resolve this and restore trust in the PRS, statutory regulation has been introduced to protect deposits, which must now be placed with a government-backed Tenancy Deposit Scheme (TDS) and can only be handled a restricted way. Landlords must now provide their tenants, and any third party who has contributed to the deposit, with the following documents:

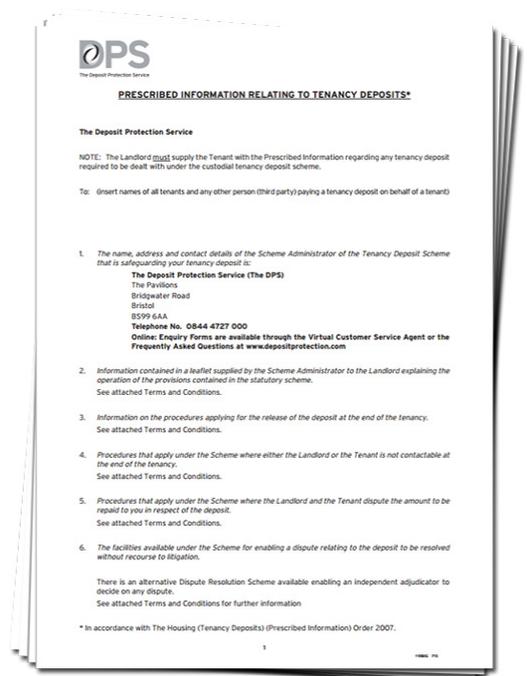
- A copy of the deposit protection certificate or receipt
- A copy of the terms and conditions of the relevant TDS, laying out the procedures that apply for the release of the deposit at the end of the tenancy; the circumstances when all or part of the deposit may be retained by the landlord and details of the Dispute Resolution Scheme that applies to the TDS
- Prescribed information

## What is Prescribed Information?

Prescribed Information is a specific set of information, often laid out on a single document, which landlords have a statutory obligation to provide to tenants. The following information must be made available to tenants surrendering a deposit:

- The amount of the deposit
- The address of the property to which the tenancy relates
- The name, address and contact details of the administrator of the TDS with which the deposit is held
- The name, address and contact details of the landlord and tenants and any third parties which have contributed to the deposit)

As per the Housing Act 2004, the tenant must have adequate time to check and sign the Prescribed Information.



# Completing Prescribed Information

The **Deposit Protection Service** offers a Prescribed Information template, alongside a range of best practice advice and documents. **View the Deposit Protection Scheme Processes Page.**

The process may differ depending on which deposit scheme the landlord uses, but it is the responsibility of the landlord or letting agent to ensure it is completed accurately.

## Who should the Prescribed Information be given to?

It is the responsibility of the landlord or letting agent to serve the Prescribed Information form to the tenants and anyone who pays the deposit on a tenant's behalf.



## When should the Prescribed Information be given?

A complete and correct Prescribed Information document should be given to the tenant(s) within 30 days of the landlord or agent receiving the deposit. The Prescribed Information should be re-served at the start of every new tenancy, including statutory periodic tenancy agreements.

## Failure to deliver Prescribed Information to tenants

The main sanctions of not properly providing Prescribed Information, in the correct format and within the 30 day deadline, are that:

- Landlords are potentially liable to a penalty of one to three times the amount of the deposit
- Landlords will be unable to serve a section 21 notice to recover possession of the property (this applies regardless of the date of the original tenancy agreement - see Superstrike vs. Rodrigues, right)

### **Superstrike vs. Rodrigues**

The Superstrike vs. Rodrigues case tested the validity of section 21 possession notices where the tenancy had started earlier than the introduction of the legislation. The Deposit Protection Service has created a summary of the ruling and implications from the **ruling here**

## How Prescribed Information can affect Rent Guarantee and Legal Cover policies

If the landlord has failed to provide Prescribed Information in accordance with the law, any claims they make under a Rent Guarantee or Legal Cover policy may be declined.

It is the responsibility of the landlord to ensure they are compliant with the law in relation to Deposit Protection requirement. Call your property insurance provider to check your policies are up to date and how Prescribed Information affects your cover.



### Sources

[http://www.rla.org.uk/landlord/tenancy\\_deposits/tds-Documentation.shtml](http://www.rla.org.uk/landlord/tenancy_deposits/tds-Documentation.shtml)

[http://www.rla.org.uk/docs/RLA\\_My\\_Deposits\\_Prescribed\\_Information.pdf](http://www.rla.org.uk/docs/RLA_My_Deposits_Prescribed_Information.pdf)

<http://www.guild-let.co.uk/index.php/landlords-should-pay-heed-to-how-the-prescribed-information-about-the-deposit-is-presented/>

<https://www.depositprotection.com/help/browse/custodial/agent-landlord/prescribed-information>

<http://www.mydeposits.co.uk/blog/issuing-prescribed-information>



Stride Limited has made every attempt to ensure the accuracy and reliability of the information provided. However, this guide is for informational purposes only and the content is provided as is, without express or implied warranties of any kind. Please refer to your insurance provider for assistance regarding specific policies or seek qualified legal advice.

© Stride Limited 2014 Registered Office 3 Acorn Business Centre, Northarbour Road, Portsmouth, Hampshire PO6 3TH.  
Registered in England No. 1122247. Stride Limited is authorised and regulated by the Financial Conduct Authority.