
LANDLORD GUIDE · DEPOSITS

Deposit Prescribed Information — A Practical Guide

HA 2004 ss.212–215 as amended by RRA 2025 s.26 and SI 2026/325

Rewritten for the post-1 May 2026 regime — the 30-day rule, what the Prescribed Information must contain after SI 2026/325, why Superstrike is now of limited application, and the 1×–3× penalty that still bites even though s.21 has been abolished.

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What changed? RRA 2025 s.26 amends Housing Act 2004 ss.212–215, substituting 'assured' for 'shorthold' throughout. SI 2026/325 (made 18 March 2026) amends the 2007/2012 Prescribed Information Order. Section

21 — the historic enforcement lever — is abolished. The 30-day deadline and the 1×–3× financial penalty remain.

What the law requires

Under HA 2004 ss.212–215 (as amended), any deposit taken in connection with an assured tenancy of a dwelling-house in England must be protected in an authorised scheme (TDS, DPS or MyDeposits) and the Prescribed Information served on the tenant and any relevant person within 30 days of receipt.

Prescribed Information content (post SI 2026/325)

- Amount of the deposit and the property address.
- Name, address and contact details of the landlord, the tenant and any relevant person.
- Name and contact details of the authorised scheme (and its dispute-resolution service).
- Circumstances in which all or part of the deposit may be retained, with reference to the tenancy terms.
- Confirmation that the information is accurate to the best of the landlord's knowledge, signed by the landlord (or agent) and acknowledged by the tenant.
- Scheme-prescribed leaflet (TDS/DPS/MyDeposits — current version).

The 30-day rule

The clock starts on the day the deposit is received, not the tenancy start date. Late protection or late service of the Prescribed Information triggers the s.214 penalty (1× to 3× the deposit) at the court's discretion.

Tenancy renewals & periodic tenancies

Under the previous regime, *Superstrike v Rodrigues* required re-protection when a fixed-term AST became a statutory periodic tenancy. From 1 May 2026 the AST no longer exists — all new tenancies are assured periodic tenancies from the outset, so the *Superstrike* trap does not arise for new lettings. For pre-May 2026 tenancies that have rolled over, re-issuing the Prescribed Information on conversion to the new regime is a sensible defensive step.

What happens if you get it wrong

Failure Consequence

Deposit not protected Court must order 1×–3× the deposit to the tenant (s.214).

PI not served within 30 days Same s.214 penalty applies, even if the cash is in a scheme.

Wrong / incomplete PI Treated as non-compliance — penalty risk.

Possession proceedings Historic s.21 bar is gone, but unprotected deposits remain a costly tenant counterclaim under any s.8 action.

Practical workflow

- Receive deposit → log date and amount the same day.
- Protect with chosen scheme within 5 working days (best practice).

- Generate Prescribed Information from scheme template; check landlord/agent details and tenancy reference.
- Have tenant sign acknowledgement; retain signed copy and proof of service for 6 years.
- Diary review at any tenancy change (new joint tenant, mid-term variation) and re-issue if the underlying facts change.

Sources legislation.gov.uk: RRA 2025 s.26 (in force 1 May 2026); SI 2026/325 (made 18 March 2026); HA 2004 ss.212–215; Housing (Tenancy Deposit Schemes) Order 2007; SI 2012/2268. Case law: *Superstrike v Rodrigues* [2013] EWCA Civ 669 (now of limited application post-RRA 2025).

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