Tenancy Deposit Protection Bill 2025

An Act to make provision for the creation of a system to hold and return rental deposits paid by tenants in a fair, transparent and expedient manner in keeping with established practice in neighbouring jurisdictions.

June 2025

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Bill

entitled

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PART 1

PRELIMINARY AND GENERAL

Short Title

1. (1) This Act may be cited as the Tenancy Deposit Protection Act.

   (2) This Act shall come into operation on such day or days as the Minister may by order or orders appoint either generally or with reference to any particular purpose or provision and different days may be appointed for different purposes or different provisions.

Interpretation

2. (1) In this Act –

   "Act of 2004" means the Residential Tenancies Act 2004;

   "Act of 2009" means the Housing (Miscellaneous Provisions) Act 2009;

   "Act of 2015" means the Residential Tenancies (Amendment) Act 2015;

   "approved tenancy deposit scheme" means a scheme which has been approved by the Minister for the purposes of safeguarding deposits paid in connection with a tenancy agreement.

   "the Board" means the Residential Tenancies Board;

   "the Department" means the Department of Housing;

   "designated account" means a bank account designated by an approved tenancy deposit scheme for safeguarding deposits paid in connection with a tenancy agreement.

"Minister" means the Minister for Housing;

"prescribed" means prescribed by regulations made by the Minister;

"scheme administrator" means a person or body which has been appointed to administer an approved tenancy deposit scheme.

"tenancy agreement" includes an oral tenancy agreement;

"a Tribunal" means a Residential Tenancies Appeals Tribunal;

(2) In this Act—

(a) a reference to a section or Part is a reference to a section or Part of this Act unless it is indicated that reference to some other enactment is intended,
(b) a reference to a subsection, paragraph or subparagraph is a reference to the subsection, paragraph or subparagraph of the provision in which the reference occurs, unless it is indicated that reference to some other provision is intended, and
(c) a reference to any other enactment is a reference to that enactment as amended or extended by or under any subsequent enactment.

Regulations

3. (1) The Minister may make regulations prescribing such incidental, supplementary and consequential provisions for the purpose of this Act as appear to the Minister to be necessary or expedient.

(2) Every regulation made under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made, and if a resolution annulling the regulation is passed by either such House within the next 21 days on which that House sits after the regulation is laid before it, the regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

Repeal

4. Sections 23, 24, 37, 57, 59, 60, 61, 62, 64, 65, 70, 71 and 72 of the Act of 2015 are repealed.

Expenses

5. The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Public Expenditure and Reform, be paid out of moneys provided by the Oireachtas.

PART 2

OPERATION OF TENANCY DEPOSIT SCHEME

Appointment of Scheme Administrator

6. (1) The Minister shall invite application to establish and maintain a tenant deposit scheme.

(2) Upon receipt of a suitable application by a scheme administrator to establish and maintain a tenant deposit scheme within the meaning of this Act, the Minister may approve the tenant deposit scheme.

(3) An application to establish a tenant deposit scheme will not be suitable within the meaning of this section unless the scheme is one under which:

(a) no fee is payable by the landlord or tenant to the scheme administrator in respect of participation in, or otherwise in connection with, the scheme;
(b) the tenancy deposit is paid by the landlord to the scheme administrator;
(c) the scheme administrator pays the tenancy deposit into an account, known as a designated bank account, which is maintained for the purpose of holding accounts; and
(d) the tenancy deposit is held in a designated bank account until it falls to be repaid in accordance with this Act.

(3) The Minister shall not approve an application to establish a tenant deposit scheme where the scheme administrator:
(a) has been convicted of any offence involving fraud or dishonesty;
(b) is a bankrupt;
(c) is disqualified from being a director of a company.

(5) The scheme administrator must:—
(a) ensure that the scheme is capable of covering the cost of its operations using only its own finances, including interest;
(b) ensure that the scheme operates on a not-for-profit basis;
(c) have access to sufficient working capital to fund the establishment and operation of the tenancy deposit scheme from the date of approval until the date on which the tenancy deposit scheme becomes self-financing;
(d) have appropriate strategies in place in relation to the investment of tenancy deposits and accrued interest to support the sustainability of the tenancy deposit scheme;
(e) have contingency measures and procedures in place to safeguard, and ensure the repayment, in accordance with this Act, of tenancy deposits held in designated accounts in the event that the tenancy deposit scheme fails or otherwise ceases to be operational; and
(f) have appropriate procedures in place to identify if the scheme is likely to fail or otherwise cease to be operational, and give notice to:—
(i) all landlords and tenants whose deposits are held by the scheme; and

(ii) the Minister.

Use of Designated Bank Accounts

7. (1) The approved tenancy deposit scheme administrator will use designated accounts to hold on deposit:

(a) tenancy deposits transmitted to the scheme under this Act;

(b) such sums of money belonging to the scheme administrator as may be necessary for the purpose of opening the account; and,

(c) interest that accrues on such tenancy deposits.

(2) The designated account shall not be used to hold funds for any other purpose.

(3) The scheme administrator shall not cause to be withdrawn any sum from a designated bank account unless the withdrawal:

(a) is for the purpose of returning a specified deposit to one or more persons in accordance with this Act; or,

(b) is made in respect of withdrawing interest.

(4) The scheme administrator shall maintain, or cause to be maintained, records of all deposits transmitted to it and lodged in a designated bank account, and shall maintain records allowing identification of information regarding the deposit, specifically:

(a) the landlord who transmitted the deposit to the administrator;

(b) the tenancy to which the deposit relates;

(c) the tenant to which the deposit relates.

Withdrawal of Interest

8. (1) The scheme administrator shall cause to be maintained one or more bank accounts for the purpose of holding interest that is withdrawn from a designated bank account.

(2) The scheme administrator shall, from time to time, direct the withdrawal of moneys from a designated bank account representing the interest which has accrued on the tenancy deposit, and shall cause the interest to be deposited in a bank account within the meaning of subsection (1).

(3) The scheme administrator shall use the interest withdrawn under subsection (2) to fund the operation of the scheme.

Transmission of Deposits

9. (1) Where a deposit is paid by a tenant to a landlord on entering into an agreement for a tenancy, the landlord of a dwelling shall within 10 working days of the receipt of the deposit from the tenant:

(a) Transmit the deposit to the approved tenancy scheme.

(b) Provide the scheme administrator with information regarding:
    (i) the RTB tenancy registration number;
    (ii) the amount of the deposit paid and the full address to which it relates, including the eircode;
    (iii) the landlord's full name and date of birth;
    (iv) the landlord's contact details to include the address, telephone number(s) including mobile telephone number and a contact email address;
    (v) the landlord's correspondence address in Ireland if different from (c);
    (vi) the name, address and contact number of any agent acting on the landlord's behalf; and
    (vii) confirmation of the tenant's contact details including confirmation of the contact details of any relevant person acting on behalf of the tenant.

(c) Certify that the written information provided to the scheme administrator is correct to the best of the landlord's belief and knowledge.

(2) An agreement to enter into a tenancy may be completed orally or in writing.

(3) Upon receipt of the deposit and prescribed information from the landlord, the scheme administrator shall, as soon as is reasonably practicable:

(a) Provide written confirmation of receipt of the deposit to the landlord, along with written information confirming:
    (i) the amount of the deposit protected and the full postal address to which it relates including the eircode;
    (ii) details of the tenant including contact details (confirmation of any relevant person details) etc;
    (iii) details of the scheme in which the deposit has been protected;
    (iv) details of the Board's role in mediating and adjudicating upon disputes;
    (v) details of how the deposit will be refunded and confirming under what circumstances the landlord may retain some or all of the deposit;
    (vi) that the onus is on the landlord to ensure the scheme administrator is notified immediately of any change to the details previously supplied; and
    (vii) the procedures that apply under the scheme when the landlord is not contactable at the end of the tenancy.

(b) Provide written confirmation of receipt of the deposit to the tenant, along with written information confirming:
    (i) the amount of the deposit protected and the full address to which it relates, including the eircode;

(ii) the landlord's full name;
(iii) the name, address and contact number of any agent acting on the landlord's behalf;
(iv) the landlord's contact details to include the address, telephone number(s) including mobile telephone number and a contact email address;
(v) the landlord's correspondence address in Ireland if different from (iv);
(vi) confirmation of the tenant's contact details including confirmation of the contact details of any relevant person acting on behalf of the tenant;
(vii) details of the scheme in which the deposit will be protected including details of the Board's role in mediating and adjudicating upon disputes;
(viii) details of how the deposit will be refunded and the circumstances under which the landlord may retain some or all of the deposit; and
(ix) procedures that apply under the scheme when the tenant is not contactable at the end of the tenancy.

(c) Provide written confirmation of receipt of the deposit to the RTB, along with written information confirming:
(x) the amount of the deposit protected and the full address to which it relates, including the eircode;
(xi) the landlord's full name;
(xii) the name, address and contact number of any agent acting on the landlord's behalf;
(xiii) the landlord's contact details to include the address, telephone number(s) including mobile telephone number and a contact email address;
(xiv) the landlord's correspondence address in Ireland if different from (xiii);
(xv) the tenant's contact details including contact details of any relevant person acting on behalf of the tenant;

Application of Act to new and existing tenancies

10. (1) This Act shall apply to all tenancies entered into following the commencement of the Act from the date of registration of that tenancy.

(2) This Act shall apply to existing tenancies, which are in place at the time of the commencement of the Act, from the next date for annual re-registration of the tenancy.

Failure to transmit deposit to the approved tenant deposit scheme

11. (1) Failure on the part of a landlord to transmit a deposit to the scheme in accordance with section (8)(1) shall be subject to investigation and sanction within the meaning of Section 7A of the Act of 2004.

(2) Schedule 2 of the Act of 2004 is amended to insert the words:

"Improper conduct in relation to a landlord means—

(h) the failure by a landlord to transmit a deposit to an approved tenancy deposit scheme in accordance with section (8)(1) of the Tenancy Deposit Protection Act 2025."

Return of Deposit upon Conclusion of Tenancy

12. A deposit transmitted to the scheme in accordance with section 9 shall, subject to the provisions of this Act, be returned by the scheme administrator upon the conclusion of the tenancy.

Application for Repayment of Deposit

13. (1) A landlord must apply to the scheme administrator for repayment of any tenancy deposit paid to an approved scheme on, or as soon as is reasonably practicable after, the end of the tenancy. The landlord's application shall specify the date on which the tenancy ended and the amount of the tenancy deposit which, in the view of the landlord, should be—

(a) repaid to the tenant; and
(b) paid to the landlord.

(2)Where a request for repayment is received in accordance with subsection (1),

(a) the scheme administrator shall notify the tenant of the request for repayment and the amount of the tenancy deposit which, in the view of the landlord, should be—

i. repaid to the tenant; and
ii. paid to the landlord.

(b) The tenant shall approve or dispute the landlord's request for payment.

(c) Where the tenant agrees with the landlord's request for repayment under subsection (1), the scheme administrator shall approve the repayment.

(3)Where the tenant disputes the landlord's request in accordance with subsection (2),

(a) the tenant shall notify the scheme administrator of the amount of the tenancy deposit which, in the view of the tenant should be—

i. repaid to the tenant; and
ii. paid to the landlord.

(b) The landlord shall approve or dispute the tenant's request for payment.

(c) Where the landlord approves the tenant's request for repayment under subsection (4), the scheme administrator shall approve the repayment.

(4) (a) If the landlord fails to submit a request for repayment in accordance with subsection (1), the tenant shall notify the scheme administrator of the amount of the tenancy deposit which, in the view of the tenant, should be—

i. repaid to the tenant; and
ii. paid to the landlord.

(b) The scheme administrator shall approve the repayment.

(5) If a dispute arises regarding repayment of the deposit, and if the landlord and tenant are unable to agree within 10 working days of the dispute arising, the scheme administrator shall notify the parties of their entitlement to refer the dispute to the RTB.

(6) Where neither landlord nor tenant submit a request for repayment within 28 days of the tenancy coming to an end, the scheme provider shall:

(a) Notify the landlord and tenant regarding the unclaimed deposit.
(b) Hold the deposit on account for 90 days.

(7) In the event that a deposit remains unclaimed following the exhaustion of the time period designated in subsection (6)(b), the scheme provider shall invest the deposit in the operation of the deposit protection scheme.

Disputes referred to the Board

14. (1) Disputes regarding the retention or return of a deposit shall be referred to the Board by a landlord or a tenant in accordance with Section 78 of the 2004 Act.

(2) Where a dispute has been referred to the Board under subsection (1), the Board may take preliminary steps in accordance with Chapter 3 of Part 6 of the 2004 Act, and may invite the parties to mediation, in accordance with subsection (3), or may arrange an adjudication, in accordance with subsection (4).

(3) The Board may invite the parties to resolve the dispute through mediation,

(a) An invitation to mediate a dispute within the meaning of subsection (1) shall be carried out in accordance with section 93 of the 2004 Act.

(b) A mediation arising from a dispute within the meaning of subsection (1) shall be carried out in accordance with section 95 of the 2004 Act.

(4) The Board may arrange an adjudication in relation to a dispute.

(a) An adjudication of a dispute within the meaning of subsection (1) shall be arranged in accordance with Chapter 3 of Part 6 of the 2004 Act.

(b) An adjudication of a dispute within the meaning of subsection (1) shall be carried out in accordance with Chapter 4 of Part 6 of the 2004 Act.

(c) Where an adjudicator examines a dispute within the meaning of subsection (1), the adjudicator may make a determination in relation to said dispute, including a direction as to the return or payment, in whole or in part, of the amount of a deposit, and other declarations as the adjudicator deems appropriate for the purpose of providing relief to one, or more than one as appropriate, of the parties, in accordance with section 115 of the 2004 Act.

(d) The determination of an adjudicator under subsection (5)(c) may be appealed to a Tribunal in accordance with section 100 of the 2004 Act.

(e) Proceedings under subsection (5)(d) shall be carried out in accordance with Chapter 6 of Part 6 of the 2004 Act.

PART 3

REVIEW

Review of Operation of Act

15. (1) The Minister shall, not later than 3 years after the commencement of the Act, carry out a review into the operation of the approved tenant deposit scheme.
(2) The Minister shall carry out, or cause to be carried out, any other review, assessment, and reporting required by regulations made under this Act, within the time prescribed by such regulations.

Reports to Minister

16. (1) The Board shall, not later than 30 April in each year, make a report (in this section referred to as the "annual report") to the Minister on the performance of its functions in relation to this Act during the preceding year.

(2) The report must include the following information:—
(a) the number of tenancy deposits paid to the scheme;
(b) the total value of tenancy deposits held in designated accounts at the end of the financial year in question;
(c) the total value of tenancy deposits repaid to tenants;
(d) a statement of the financial position of the scheme, including a set of independently audited accounts and a breakdown of income and expenditure during the financial year assessed against the projected income and expenditure for that year;
(e) a statement of how accrued interest has been distributed, applied or invested during the financial year;

(f) a forecast budget for the following financial year;

(g) details of all referrals to the dispute resolution mechanism including:—

(i) the number of referrals requested by landlords;

(ii) the number of referrals requested by tenants;

(iii) the basis of the dispute;

(iv) the time taken to resolve the dispute;

(v) the outcome of the referral; and

` (vi) the time taken to repay the deposit in accordance with the decision;

and

(h) details of any complaints received about the scheme including any relating to the dispute resolution mechanism.

(3) The Board may make such other reports to the Minister relating to its functions as it considers appropriate.

(4) For the purposes of *subsection (1)*, the period between the establishment day and the following 31 December shall be deemed to be a preceding year.

(5) The Minister shall, as soon as is practicable, cause copies of the annual report or, as the case may be, a report referred to in *subsection (3)*, to be laid before each House of the Oireachtas.

(6) The Board shall publish its annual report in such form and manner as it considers appropriate as soon as is practicable after *subsection (1)* has been complied with in respect of the report.