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Thank you for your letter of 11 July about the recent Superstrike Ltd vs Rodriques Court of Appeal decision.

I am aware that this ruling has implications in respect of the tenancy deposit protection (TDP) legislation and the operation of the tenancy deposit protection schemes. There are concerns that the Court of Appeal decision means that where a deposit was taken for an assured shorthold tenancy before the introduction of TDP and continued as a statutory periodic tenancy after 6 April 2007, the landlord should have protected the deposit at the start of the statutory periodic tenancy. This was not the intention of the legislation and we are urgently exploring whether new legislation is required to clarify the situation.

I understand that concerns have also been raised that the decision could have implications for some tenancies where a deposit has been protected in an authorised scheme in relation to a tenancy begun after 6 April 2007 and the fixed term has expired, and the tenancy continues as a statutory periodic tenancy. While the Court of Appeal did not make a decision on these particular facts and we cannot advise on individual cases, as a precaution, landlords could decide to re-issue the prescribed information to their tenant(s) which should ensure they can rely on the section 21 procedure if they wish to end the tenancy. Again, we are exploring whether new legislation is required to clarify the situation.

**MARK PRISK MP**