

CITY OF LONDON LAW SOCIETY LAND LAW COMMITTEE

Minutes of a meeting held on 21 March 2018 at Hogan Lovells, Atlantic House, 50 Holborn Viaduct, London EC1A 2FG

In attendance	Jackie Newstead (Chair) Warren Gordon (Secretary) Nick Brent Jeremy Brooks Jamie Chapman Jayne Elkins Alison Hardy Kevin Hart David Hawkins Laurie Heller Matthew Hooton Pranai Karia John Nevin Tom Pedder Sangita Unadkat Ian Waring
Apologies	James Barnes James Crookes Bruce Dear Caroline DeLaney Martin Elliott Victoria Hills Nick Jones Paul Kenny Daniel McKimm Franc Peña Jon Pike Peter Taylor

1. WELCOME

The Committee welcomed Matthew Hooton who replaces Nick Jones as Simmons & Simmons' representative. The Committee was very sorry to see Nick leave the Committee and thanked him for all his excellent work for the Committee over the years.

2. APPROVAL OF MINUTES

The Minutes for January's Committee meeting were approved and will be added to the CLLS website.

3. CLLS SHORT FORM REPORT ON TITLE

The Committee's new Short form report on title has been launched. The document (with page numbers) is on the Committee's webpage. The number of hits to the report and other documents on the website will be reviewed in 6 months. Stats recently obtained show excellent number of hits to the Committee's documents, for example, 8,841 to the Certificate of title since April 2017.

4. UPDATING CITY CORPORATION'S STANDARD WAYLEAVE AGREEMENT FOR THE NEW ELECTRONIC COMMUNICATIONS CODE

The Corporation of London is shortly to launch a consultation on the revised wayleave agreement for the new Electronic Communications Code. It will likely be a 6 weeks consultation followed by a period to consider comments with a view to launch before Summer 2018. In addition to the Corporation's consultees, the consultation will be circulated to the Committee and the PSL groups. There is also likely to be a Greater London Authority project to create a standardised rooftop agreement and the Committee will be involved with that.

5. PROPOSED NEW RICS CODE FOR LEASING BUSINESS PREMISES

The Committee was asked to send Warren Gordon any comments by 6 April 2018 on the RICS's consultation on the new Code for Leasing Business Premises. Kevin Hart will organise submission of a Committee response.

6. LAW COMMISSION'S CALL FOR EVIDENCE ON COMMONHOLD

The Committee will put in a response to the Law Commission's Call for evidence on Commonhold. The response will be based primarily on Laurie Heller's comments, but other comments are welcome.

7. IMPACT OF BREXIT

The Committee discussed various issues where Brexit is likely to have an impact. Matters mentioned include Energy and OJEU procurement/State Aid (lobbying for clarification of the land transaction exemption). David Hawkins agreed to circulate an IPF document on Brexit. Kevin Hart will see if Edward Sparrow, Chairman of the CLLS, can attend a Committee meeting to discuss Brexit. Kevin will also liaise with the Chair of the Revenue Law Committee to look at the issue of VAT structuring on residential development caused by EU law. Kevin will also raise the issue of employment in the construction industry with the Employment Law and Construction Law committees.

8. LAND REGISTRY WORDING FOR EXECUTION OF DEEDS BY OVERSEAS COMPANIES

Changes in Land Registry's requirements for execution of deeds by an overseas company not using a common seal were noted, including no requirement now for name of company to be written in wet ink by each signatory – it just has to be typed in.

9. GDPR

There is some uncertainty about how to deal with GDPR in property documents and also how it impacts on landlords, tenants, managing agents and others in relation to their processing of data. Kevin will ask the Chair of the Data Law committee if he can attend the next Committee meeting on 16 May to answer questions. Matthew Hooton also offered a GDPR expert at Simmons & Simmons.

10. MEES

In relation to whether to allow a tenant to have absolute discretion over whether a landlord can enter to carry out relevant energy efficiency improvements, some on the Committee adopt this approach used by the Model Commercial Leases. Others wish to introduce exceptions.

11. CONSULTATION ON PROPOSED NEW RICS CODE FOR SERVICE CHARGES IN COMMERCIAL PROPERTY

The new RICS Professional Statement on Service charge for commercial property is likely to go live on 1 April 2018. **Post-meeting note:** it did not happen then and a launch date is awaited.

12. CONCERNS WITH PROCESS FOR AND DRAFTING OF SUB-STATION LEASES

The Committee agreed that something needs to be done to improve the process relating to and negotiation of sub-station leases. Warren Gordon will reach out to Madeleine Smallwood at Dentons (who acts for electricity companies) and approach contacts at Birketts and DMH Stallard, who it appears also act for power companies. The Committee will set up a sub-committee to look into a possible standard lease and protocol. Volunteers were requested. There are 3 key areas – how title is dealt with? (trying to ensure an easier process), the timing and the process generally, and the form of the lease.

13. COMMITTEE'S ASSET AND DEVELOPMENT MANAGEMENT AGREEMENT

The Committee will review the asset and development management agreement on the webpage with a view to a relaunch to create more publicity for the document. Volunteers were requested for this project.

14. AOB

Dates for diaries - Monday 14 May 2018 – Annual Service at the Tower of London; Monday 18 June 2018 – CLLS AGM at Tallows Chandlers' Hall. The CLLS main

committee is keen to encourage this side of CLLS membership as another element of the valuable work carried out by the CLLS.

15. **Length of meeting:** 1 hour 15 minutes. Where appropriate, please note this in professional development records.

16. **Dates for 2018 Committee meeting dates** - 16 May, 27 June, 26 September and 21 November, all at 12.30pm at Hogan Lovells LLP, Atlantic House, 50 Holborn Viaduct, London EC1A 2FG.