

## Minutes of CLLS Energy Committee Meeting

28 April 2020

### Attendees:<sup>1</sup>

Clare Hatcher (*Vice Chair*), Clyde & Co LLP

Kevin Hart, City of London Law Society

Filip Radu (*Secretary*), CMS

Elisabeth Sullivan, Sasol

Hywel Davies, Slaughter and May LLP

Judith Aldersey-Williams, CMS

Maria Connolly, TLT LLP

Michael Coates, Shell plc

Munir Hassan, CMS

Natalya Pilbeam, BP plc

Stephen Jurgenson, Clyde & Co LLP

William Ingram Hill, Temple Bright LLP

### **1. Introduction**

Clare Hatcher opened the meeting and welcomed the attendees.

### **2. Welcome to New Members**

Clare Hatcher introduced and welcomed the new Members of the Committee (being Stephen Jurgenson, Elisabeth Sullivan, Maria Connolly and Munir Hassan).

Each of the new Members gave a brief description of their background, practice and interests.

### **3. Tribute to Robert Lane (former Chairman)**

In light of the unexpected and tragic passing of Robert Lane, Clare Hatcher paid tribute to the former Chairman of the Committee. Clare Hatcher praised Robert's chairmanship, career, professional achievements and described their longstanding relationship, noting that "*the CLLS and the Energy Committee owed a lot to Robert's commitment and dedication over the years*".

Kevin Hart proposed and the Members agreed that Penelope Warne's<sup>2</sup> tribute to Robert Lane is appended to the minutes of the meeting.<sup>3</sup>

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<sup>1</sup> Note: This meeting was held virtually via videoconference given the restrictions imposed as a result of the Covid-19 pandemic.

<sup>2</sup> Note: Penelope Warne is The Senior Partner of CMS Cameron McKenna Nabarro Olswang LLP.

<sup>3</sup> Note: See Appendix for Penelope Warne's tribute to Robert Lane.

#### **4. Role of the Committee**

Clare Hatcher explained the role of the Committee to date and invited views from Members on the possible evolution of its role. Clare Hatcher raised the prospect of expanding the remit of the Committee and her desire to extend its membership beyond City specialists to a wider range of energy practitioners.

The Members engaged in a constructive debate, during which multiple new areas and topics were proposed and considered as being potentially relevant to the Committee's work, particularly in anticipation of the long-awaited BEIS Energy White Paper.

The Members noted that, due to their diverse range of backgrounds, practices and clients (including potential client conflicts), it may be difficult to reach timely consensus on proposals for new policies. However, the Members agreed that this could be overcome by the Committee focusing on scrutinising draft legislation to determine whether it is fit for its declared purpose and supporting policies. The Members also welcomed the suggestion that a variety of stakeholders are invited by the Committee to share their views and insight on specific topics, which can then inform the Committee's work in the relevant areas.

Although Members recognised that there is a natural check on the Committee's role, there are multiple other ways in which it can expand its remit so that it better serves the public interest. In particular, it was noted that Members have a wealth of experience and a wide-ranging perspective on various sectoral issues, which can be used to provide support and guidance to policymakers where required. There was also agreement among Members that, given the global nature of the City and London more generally, the Committee should extend its focus to global issues affecting the Energy sector and therefore leverage the unique experience of its Members on a more global scale.

Members were similarly in agreement regarding the need to ensure that the Committee promotes Energy Law among younger practitioners with the twin aims of attracting the best talent into the Energy sector and, in equal measure, providing an additional source of knowledge and expertise for younger professionals.

Clare Hatcher noted that a consensus was emerging among Members on the future role of the Committee, in particular: (1) scrutinising and commenting on draft legislation affecting the Energy sector, (2) engaging with a wide range of stakeholders to inform the Committee's work, and (3) encouraging the development of Energy Law more generally (including by promoting Energy Law among younger practitioners).

Members agreed that this Agenda item should be finalised and resolved at the next meeting of the Committee in order to allow for more proposals to be put forward in the interim.

#### **5. Appointment of New Chair**

As the role of Chairman of the Committee is currently vacant, Clare Hatcher explained the procedure for appointment of a new Chairman, specifying that she will not be a candidate. It was noted that due to unprecedented restrictions caused by the Covid-19 pandemic, the usual procedure has been adapted to facilitate a virtual format and is as follows:

- Candidates must be Members of the Committee and should submit an expression of interest via email to Clare Hatcher (with Kevin Hart in copy) by close of business on 15 May 2020. The list of candidates will be notified during the week commencing 18 May 2020.
- If only one candidate applies, Members of the Committee will be asked to indicate whether there are any objections by close of business on 22 May 2020 and the Committee will be informed of the outcome during the week commencing 25 May 2020.

- If more than one candidate emerges, the Committee will be informed of their names and Members will be asked to vote for their preferred candidate by emailing Kevin Hart on Wednesday 27 May 2020, with no votes being accepted after 28 May 2020. The result will be determined by majority vote (with the Vice Chair having the casting vote, if required) and will be announced during the week commencing 1 June 2020.
- The successful candidate will become the Chair designate, who, in order to be appointed, has to be approved by the CLLS at a meeting currently scheduled for 17 June 2020.
- Subject to approval by the CLLS, the outcome of the election will be notified to the Committee.

Kevin Hart agreed to circulate an email to Members setting out the amended (and also the usual) procedure for electing the Chairman.

## **6. BEIS Energy White Paper**

Clare Hatcher observed that the BEIS Energy White Paper initially scheduled for publication date in Q1 2020 has not yet been released and that further delays are possible given the currently unfolding Covid-19 pandemic.

Munir Hassan also noted that publication in summer 2020 remains likely and highlighted the fact that BEIS has already issued consultations on a number of topics that are expected to overlap with the White Paper. There was a discussion on whether the impact of Covid-19 and the strategy for economic recovery may cause a shift in policies announced to date.

Clare Hatcher proposed, and Members agreed, that the next meeting of the Committee should focus on topics that are likely to feature in the BEIS Energy White Paper. A list of such topics will be included in the agenda for the next Committee meeting.

## **7. Dates of Future Meetings**

Members agreed that the Committee should convene at least on a quarterly basis, although the pace of developments in the Energy sector in the current environment may require increased frequency of meetings.

Clare Hatcher noted that it is also possible for Members to consider and discuss various topics over email between quarterly meetings.

Members confirmed their availability for 29 or 30 June 2020.

There was a consensus that further dates for Committee meetings beyond June 2020 would be agreed once the new Chairman of the Committee has been appointed.

## **8. AOB**

Munir Hassan suggested that the international dimension of the Committee's work should be included as a separate agenda item for the next meeting and Clare Hatcher agreed.

Judith Aldersey-Williams suggested that the Committee should review and consider the OGA's Maximising Economic Recovery Strategy for the UK and Clare Hatcher agreed.

Clare Hatcher closed the meeting and thanked Members for their participation.

## APPENDIX

### (Penelope Warne's Tribute to Robert Lane)

#### **Robert Lane: The best of the best. A giant of the energy world**

Robert Lane excelled in terms of his legal and industry expertise as a leading energy specialist. Described as “*a luminary in the electricity markets field,*” “*a legendary name in the UK power regulatory space*” and a “*statesman of the energy industry with a depth of knowledge that is hard to match*” by both Legal 500 and Chambers Legal Directories, he was the best of the best - a partner, colleague, friend, husband and father. A gentleman, cultured, professional, extraordinarily kind, of great integrity and held in the highest regard.

Robert, a partner of global law firm CMS for over 30 years, joined McKenna & Co as it then was in 1988. He was a brilliant lawyer and utterly dedicated to his clients, his team and a leading ambassador of CMS worldwide. He founded the CMS Energy Sector Group and led it for 20 years.

We will always remember Robert for his immense technical knowledge of the nuts and bolts of all aspects of the power system, his attention to detail and his extraordinarily high standards of client care, for all of which he had a huge passion. But we also remember him as a man of great warmth who was just as excited by the achievements of his team, and supporting the growth of the CMS family around the world. He also found time outside the office for other passions such as books, opera, the Garrick Club and the music of Benjamin Britten and was an ally to diversity & inclusion and strong supporter of LGBTQ rights. Robert was an incredibly proud family man and, although modest by nature, he was not shy in talking about his beloved wife Margaret and adored children Edward, William and Alice with an infectious enthusiasm. Margaret, Edward, William and Alice were his world.

Robert had joined the firm from Slaughter and May and his first job at CMS was to write the first ever set of technical rules for operating the power system, now known as the Grid Code. He identified the difficult issues and potential answers almost instantly. He is well known as the author of the first ever Grid Code, and then of subsequent Grid and Market Codes which he wrote all over the world.

It would be wrong to think of Robert as an electricity technocrat, despite the fact that he would talk about new thinking in electricity market design, tariffs, transmission pricing or incentive regulation. He loved his work in water and other regulated industries, drawing learning out from one sector to another.

In the early 1990s, he looked after National Grid and Northern Ireland Electricity in their early years. Robert's team transformed energy markets across 65 jurisdictions, including Saudi Arabia, Japan, Oman, Taiwan, Mexico, Turkey and others.

Robert was passionate about promoting the UK's expertise in power sector reforms. Over the years he has led and served on The UK Government's Power Sector Advisory Group, The Parliamentary Group for Energy Studies, The British Electricity Association, The Energy Industries Club, The Energy Committee of the City of London Solicitors Company and the Nuclear Industry Association. In Her Majesty's Birthday Honours 2001 he was honoured and awarded a CBE for services to British commercial and legal interests overseas.

We remember Robert as a man of great kindness, integrity and warmth. He leaves a huge number of friends and admirers, not just in the CMS family and amongst his clients, but all over the world. He made a huge contribution, empowering everyone to match his own intense curiosity, not just to improve knowledge and problem-solving skills but also to collaborate and build strong lasting friendships. He was an inspiring leader and mentor to his team and leaves an exceptional legacy of a strong international Power team that he established together with Dame Fiona Woolf, DBE. We will always remember him with huge affection.