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Introducing Brendon Lee - Planning and Environment Associate

Hewitsons LLP are pleased to announce that Brendon Lee has recently joined the Planning and Environment Team. Brendon joins us with a wealth of experience in both contentious and non-contentious cases. He is a contributing author to Lexis Nexis (and other professional planning and environmental publications) and has already made a wealth of contributions to keep you informed.

His planning experience covers both major and minor commercial and residential developments, and he regularly assists with planning applications and appeals. He can assist in the interpretation of planning policy and its application in using and developing land. See [his observations](#) on a recent Supreme Court case regarding preserving the openness of the greenbelt. He also deals with minerals and waste planning together with licencing and environmental regulatory control issues arising from waste operators and is a member of the Environmental Law Association (UKELA). See his review of the recently introduced [Environment Bill](#).

He has broad experience in all aspects of public access rights and statutory nuisance matters including regularly advising landowners and interest user groups on issues concerning highways, towns and village greens, assets of community value and environmental health matters. This includes advising on [acquiring unused highway land](#) and bringing applications for [judicial review](#). He additionally regularly acts for landowners in relation to objecting to infrastructure schemes and [comments on](#) Boris Johnsons backing of the HS2 scheme. He is a member of the Compulsory Purchase Association (CPA) and acts for landowners in claims for

compensation where they are affected by [compulsory purchase orders](#) (CPOs), transport and works act orders (TWAOs), and development control orders (DCOs).

If you need advice or assistance in any of these areas please contact Brendon on 01223 532757 or [click here](#) to email him.



Government consults on First Homes policy

The Ministry of Housing, Communities & Local Government has published a consultation paper on the design and delivery of First Homes. The aim of the initiative is to ensure that more new homes are available at a discount to local people, especially young first-time buyers, who would otherwise struggle to buy a home on the open market. The Government believes that a 30% discount off market price should be the minimum level of discount under the scheme, although local authorities will have the discretion to set higher discounts on a site-by-site basis, to be negotiated with the developer. The Government proposes that local people should get first refusal on First Homes sold through the scheme, and that it is appropriate to prioritise first-time buyers and key workers. The consultation asks for input as to whether changes to planning policy to secure First Homes is sufficient, or whether legislation is needed. The consultation is open until 3 April 2020.

For more information contact Gemma Dudley Head of our Planning and Environment team on 01223 532747 or [click here](#) to email Gemma.



Can a deed be virtually witnessed?

The law in England states that when an individual is executing a deed, they must do so in the presence of a witness who then confirms the authenticity of the signature (section 1(3) Law of Property (Miscellaneous Provisions) Act 1989) by signing the deed. A recent case looked at what “in the presence of” means in the contemporary working world?

The case of Yuen v Wong had to rule on whether a deed was validly witnessed if the witness was ‘virtually’ present (as opposed to physically) whilst the deed was signed. This case centred around a suspected false transfer, whereby the property was transferred from joint owners to only one of them. An additional argument that arose was whether the signature on the transfer was valid, as the signing (which took place in Hong Kong) had been witnessed over Skype, with the signature of the witness only later being attested once the transfer was sent to the UK.

The decision made by the Tribunal was that although the signature was not rendered invalid by the attestation occurring later, the witnessing over Skype could result in the courts deciding that the deed was not validly executed. The ruling was on whether the Applicant had a realistic prospect of success and therefore did not decide the issue. It is likely with the speed of technological advances; it will not be long before the courts will be required to provide binding authority on this issue. However, until a judgment is made by the court, the best approach is for a witness to be physically present when a deed is signed.

For further information contact Sophia Papworth on 01223 532701 or [click here](#) to email Sophia.



Is a landlord required to provide a tenant with an invoice in respect of the rent deposit monies?

On the grant of a lease, the landlord may require a tenant to pay a rent deposit. If the landlord has opted to tax the property, requiring the tenant to pay VAT on rents due to the landlord, then the rent deposit monies payable will include a sum equivalent to VAT.

However, the sum is only equivalent to VAT. This is because VAT is not actually payable when the monies are deposited, as the landlord has made no supply and there is no tax point. This means the landlord will not issue an invoice at this stage.

Only if the landlord makes a deduction from the deposit monies during the term of the lease, does it make a taxable supply which is potentially liable to VAT. Whether a VAT invoice will be provided, depends on what the deduction is for. For example, a common deduction is for unpaid rent. However, no additional invoice will be issued for unpaid rent, as the tenant will most likely have received a VAT invoice with the rent demand.

For further information contact Sarah Baron on 01223 461155 or [click here](#) to email Sarah.



The New RICS Code

A new code for Leasing Business Premises has been published by the Royal Institution of Chartered Surveyors (RICS) to come into effect from 1st September 2020. Unlike the existing code that is entirely voluntary the new code includes some requirements that will be mandatory to RICS member landlords and agents and RICS registered firms. These include that the heads of terms must be in writing and cover specified points and that negotiations must be approached in a constructive and collaborative manner. To read more [click here](#) New RICS Code introduces mandatory requirements for members in business lease negotiations or contact Carolynn Davies on 020 7831 8888 or [click here](#) to email Carolynn.



Farming for the Future -Government Publishes Policy Update

As the Agricultural Bill 2020 is making its way through Parliament, the government has published a policy and progress update on Farming for the Future. This outlines agricultural policy for England over the next 10 years and how the Agriculture Bill will help to achieve this. A consultation on proposals for designing Environmental Land Management schemes has also opened with responses to be received by 5th May 2020.

[Gareth Williams](#) and [Denise Wilkinson](#) partners in our Agricultural teams in Northampton and Cambridge provide their thoughts on what landowners and agribusinesses can do to plan for the future in their article *The Agriculture Bill 2020: A 20/20 vision of the future?* [Click here](#) to read more.

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