



March 2020

### Special COVID-19 Update

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#### Are construction project activities still permitted?

As the COVID-19 crisis develops day by day, how each developer interprets the government “stay at home” 23 March 2020 announcement is changing. Increasingly, developers are feeling the pressure of balancing health and safety concerns for employees, contractors and sub-contractors with running a safe site. Colin Jones and Simon Wain discuss the legal interpretation of the announcement as all grapple with the decision of what is best for all in the current uncertainty. [Click here](#) to read more.

Colin Jones and Simon Wain are part of Hewitsons construction team. For more information please contact Colin Jones on 01223 532731, or [click here](#) to email Colin, or contact Simon Wain on 01908 247019 or [click here](#) to email Simon.



## The Coronavirus: The Implications for Landlords - a question of who is in control

As we pass the quarter day on top of the ever increasing problems that landlords are encountering as to whether or if their rental, service charge and insurance premiums will be paid by tenants is the question of what are their obligations to keep the occupiers of their buildings safe and protected from the virus. The answer as to whose responsibility it is depends largely on who is in control. Julian Bishop discusses these issues in his article *The Implications for Landlords- a question of who is in control* [click here](#) to read further.

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## Government guidance says delay on residential completions

Although there is no official guidance (yet) a government spokesman has said that as far as possible, home buyers and renters should, delay moving to a new house while emergency measures are in place to fight the coronavirus. Anyone with symptoms, self-isolating or shielding from the virus, should follow medical advice and not move house for the time being.

This advice has put into jeopardy many chains of completions. It appears that it is increasingly going to be practically difficult to move house as removal firms cease to operate and lenders put new mortgages on hold.

Moving house is already said to be one of the most stressful things that people can do and the COVID-19 pandemic has added a new previously unimaginable layer of stress to this. Whether you are a seller, buyer, landlord or tenant, the residential team at Hewitsons LLP can help you navigate the fast changing situation so that you can achieve a successful outcome.

Please contact Clare Martin on 01223 447412 or [click here](#) to email her for further information.

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## Government extends rescue package to commercial tenants

The UK government has [issued a press release](#) (23 March 2020) indicating that as part of the Coronavirus Bill which is being pushed through Parliament, commercial tenants will be protected from eviction and cannot be forced out of their premises if they miss a payment in the next three months. This includes service charge and insurance payments which may become due during this time. This will help tenants in the short term, but may hit landlords hard whilst they try and service mortgage debt. The embargo will last until 30 June which falls just after the next quarter day (24 June) with an option for the government to extend.

Susanne Hinde is a partner based in our Cambridge office. You can contact Susanne on 01223 532728 or [click here](#) to email her.

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## Signing property documents in lockdown

The COVID-19 lockdown has increased focus on the use of electronic signatures and poses a unique challenge for the valid execution of 'deeds'. Property transactions often involve deeds to effect the transfer of land or to create leases greater than 3 years in length.

The Law Commission's 2019 commentary on the 'Mercury' case suggested that electronic signatures added to PDF versions of entire documents should enable "virtual signings". But while an electronic signature is a valid means of signing a document, most deeds submitted to the Land Registry must contain "wet-ink" signatures. Legal practitioners have raised these concerns with the Land Registry on the basis that the legislative framework for e-conveyancing already exists under the Land Registration Act 2002.

However, presently deeds cannot be validly witnessed via video link – a witness must be physically present in the room with the signatory. This clearly poses a major obstacle to property transactions during the lockdown period. The Lord Chancellor has recently acknowledged these concerns, but emergency legislation is necessary to relax the formalities in relation to deeds and with Parliament shut down now for several weeks this is not likely for the foreseeable future. Until the necessary changes are made, virtual witnessing will not be possible and deeds must still be witnessed in person to be valid.

Patricia Kempson is a partner based in our Northampton office. For further help or guidance you can contact her on 01604 463352 or email Patricia by clicking [here](#).

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