

CONSULTATIONS

The following consultations are currently in progress, or have recently closed awaiting outcome

Consultation	Detail	Closing Date	HL articles
<b>Law Commission consultation on Landlord and Tenant Act 1954</b>	The Government has commissioned a Law Commission review of the Landlord and Tenant Act 1954, and security of tenure provisions for business leases.	Consultation Paper to be published in December 2023	<a href="#">UK Landlord and Tenant Act 1954: what might reform look like? - Hogan Lovells Engage</a>
<b>ESG: New UK Sustainability Disclosure Requirements</b>	The consultation sets out proposed rules for the UK's equivalent of the EU's Sustainable Finance Disclosure Regulation. The timing for introduction of the proposed new SDR has now been delayed until Q4 of 2023. We are monitoring this closely.	This consultation has now closed, outcome awaited.	<a href="#">UK: FCA delays SDR policy statement until Q4 2023 - Hogan Lovells Engage</a>  <a href="#">The FCA released Consultation Paper CP22/20 on the UK Sustainable Disclosure Requirements - Hogan Lovells Engage</a>  <a href="#">Sustainability disclosure requirements for the UK: where are we now? - Hogan Lovells Engage</a>
<b>Consultation on high street rental auctions</b>	The consultation considers practical questions such as the form of lease between the Local Authority and the tenant under the controversial proposals for high street rental auctions.	This consultation has now closed, outcome awaited.	<a href="#">UK government's rental auction plans will bulldoze normal letting processes - Hogan Lovells Engage</a>
<b>ESG: Consultation on the Community Infrastructure Levy</b>	The consultation considers how to reform the Community Infrastructure Levy, the existing system of developer contributions.	This consultation has now closed, outcome awaited.	

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<b>ESG: Consultation on Environmental Outcomes Reports</b>	The consultation contemplates how the European-based system of environmental impact assessments is to be replaced.	This consultation has now closed, outcome awaited.	<a href="#">UK Environmental outcomes reports: evolution or revolution? - Hogan Lovells Engage</a>  <a href="#">UK: Earth Day: Investing in our Planet – real estate and planning</a>
<b>Consultation on the introduction of a use class for short term lets</b>	The consultation sets out proposed changes to the Town and Country Planning (Use Classes) Order 1987 (as amended) including the introduction of a new use class for short term lets and associated permitted development rights.	This consultation has now closed, outcome awaited.	
<b>Consultation on reform of the Construction Industry Scheme</b>	The consultation considers how the CIS regime could be simplified. In particular, the consultation seeks views on two areas that are of relevance: landlord/tenant contributions and group reporting requirements.	The consultation has now closed, outcome awaited.	
<b>FCA consultation on multi-occupancy buildings insurance</b>	The consultation focuses on the levels of insurance commissions and the practice of brokers sharing commissions with landlords and/or property managers when arranging buildings insurance, primarily in relation to buildings including a residential element.	This consultation has now closed and the FCA has confirmed in a press release that it will be making reforms in this area from 2024. Insurers will be required to ensure policies provide fair value to leaseholders and must not recommend a policy based on commission.	<a href="#">UK FCA consultation on multi-occupancy buildings insurance: the end of the line for commission-sharing? - Hogan Lovells Engage</a>

## NEW AND PENDING LEGISLATION

This covers future legislation where: a Bill has been drafted and is passing through parliament; a change in law which has been passed but which has yet to come into effect; and recent changes that have come into effect.

Legislation	Detail	Date	HL articles
<b>ESG: MEES- forthcoming changes</b>	<p>MEES – what to be aware of in 2023 and beyond:</p> <ul style="list-style-type: none"> <li>01.04.2023 – prohibition on <u>continuing</u> to let commercial property with a substandard EPC rating of F or G is now in force</li> <li>Changes on the horizon <ul style="list-style-type: none"> <li>01.04.2030 – minimum EPC rating of B</li> <li>New “Compliance windows” requiring presentation of valid EPCs for commercial property within the scope of MEES</li> <li>Note that in relation to MEES for non-commercial properties the government has scrapped its plans to tighten rules.</li> </ul> </li> </ul>	01.04.2023 and 01.04.2030	<p><a href="#">What does ESG mean for UK Real Estate? - Hogan Lovells Engage</a></p> <p><a href="#">ESG, everywhere, all at once - Hogan Lovells Engage</a></p> <p><a href="#">UK MEES: Reviewing a greener future - Hogan Lovells Engage</a></p> <p><a href="#">UK: Why MEES are not enforced – and how they can be - Hogan Lovells Engage</a></p> <p><a href="#">ESG: Sustainability concerns see green leases evolve in the UK - Hogan Lovells Engage</a></p>
<b>Economic Crime and Corporate Transparency Bill</b>	Includes sweeping reform to Companies House, granting Registrar broad investigative and enforcement powers. Also more tools to fight financial crime and prevent misuse of limited partnerships.	Introduced to Parliament on 22.09.2022. This Bill is currently being debated in the House of Lords.	<p><a href="#">Second UK Economic Crime Bill - Hogan Lovells Engage</a></p> <p><a href="#">Economic crime and corporate transparency bill: Important changes for UK limited partnerships - Hogan Lovells Engage</a></p>
<b>The Building Safety (Registration of Higher-Risk Buildings and Review of Decisions)(England) Regulations 2023</b>	<p>The registration process for higher-risk buildings (high-rise buildings 18 metres tall or at least 7 storeys tall with at least 2 residential units) opened on 12 April 2023.</p> <p>The “Accountable Person” or “Principal Accountable Person” for each higher-risk building must register that building and provide certain information through the online portal by 1 October 2023, or face a fine or imprisonment.</p>	<p>Came into force on 6 April 2023.</p> <p>Minor amendments in The Higher-Risk Buildings (Management of Safety Risks etc) (England) Regulations 2023</p>	<p><a href="#">UK Building Safety Act: Do I need to register my high-rise building? - Hogan Lovells Engage</a></p> <p><a href="#">UK Building Safety Act: The registration deadline for higher-risk buildings is fast approaching - Hogan Lovells Engage</a></p>

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		Registration process opened on 12 April 2023, with a deadline of 30 September 2023	
<b>Building Safety (Leaseholder Protections etc.) (England) (Amendment) Regulations 2023</b>	<p>Schedule 8 of the Building Safety Act 2022 and <i>The Building Safety (Leaseholder Protections) (England) Regulations 2022</i> introduced landlord certificates.</p> <p>Landlords are required to provide various information about any relevant defects (anything which causes a risk of the spread of fire or building collapse) in relevant buildings (over 5 storeys or 11 metres tall with at least 2 residential dwellings), and their responsibility for those defects and net worth to enable leaseholders to understand whether they qualify for protection from recovery of service charge to pay for works to remedy those defects.</p> <p>The Building Safety (Leaseholder Protections etc.) (England) (Amendment) Regulations 2023 introduced a new format for landlord certificates and the information that must be provided with them.</p>	Came into force on 5 August 2023	<p><a href="#">Fire safety: Landlord and Leaseholder Certificates for residential blocks - Hogan Lovells Engage</a></p> <p><a href="#">Building Safety Act - What are landlord certificates and when do I need to provide one? - Hogan Lovells Engage</a></p> <p><a href="#">UK Building Safety Act Landlord Certificates: What supporting information must a landlord provide? - Hogan Lovells Engage</a></p>
<b>The Higher-Risk Buildings (Management of Safety Risks etc) (England) Regulations 2023</b>	<p>Introduces further duties on principal accountable persons, including:</p> <ul style="list-style-type: none"> <li>- Building Safety Case Reports (which summarise the safety case for higher-risk buildings (over 18 metres/7 storeys with 2 residential dwellings) to manage the risk of spread of fire or structural collapse;</li> <li>- Building assessment certificates (confirming compliance i.e. the accountable person has complied with their building safety obligations);</li> <li>- Mandatory reporting; and</li> </ul>	In force from 1 October 2023	

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	<ul style="list-style-type: none"> <li>- Provision of information to regular/residents etc.</li> </ul>		
<b>Residential Reform</b>	The Renters (Reform) Bill is currently being debated in the House of Commons.	Currently in the House of Commons	<a href="#">UK private rented sector: white paper published – Hogan Lovells Engage</a>  <a href="#">UK landmark reforms in the private rented sector – Hogan Lovells Engage</a>  <a href="#">Leasehold reform in the UK: The end of residential ground rent is now imminent – Hogan Lovells Engage</a>  <a href="#">UK Renters Reform Bill – big changes afoot in the private rented sector - Hogan Lovells Engage</a>  <a href="#">UK-renters-reform-bill-update</a>
<b>Levelling-Up and Regeneration Bill</b>	Please see attached links for concise detail on key aspects of the Levelling-Up and Regeneration Bill (LURB).	Currently at the Report stage in the House of Lords	<a href="#">UK Levelling-up and Regeneration Bill – compulsory purchase power and the best of the rest – Hogan Lovells Engage</a>  <a href="#">UK Levelling-up and Regeneration Bill – environmental outcome reports and heritage reforms – Hogan Lovells Engage</a>  <a href="#">UK Levelling-up and Regeneration Bill – when things don't quite go to plan – Hogan Lovells Engage</a>

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			<p><a href="#">UK Levelling-up and Regeneration Bill: IL, CIL and our old friend Section 106 – Hogan Lovells Engage</a></p> <p><a href="#">Levelling-up and regenerating the English planning system – planning policy and "material" considerations – Hogan Lovells Engage</a></p> <p><a href="#">UK Environmental outcomes reports: evolution or revolution? - Hogan Lovells Engage</a></p>
<p><b>ESG: Environmental Act 2021</b></p>	<ul style="list-style-type: none"> <li>Introduces a new mandatory 10% Biodiversity Net Gain requirement for new developments. New pre-commencement planning condition – now expected to come into effect in January 2024.</li> <li>Conservation covenants came into force on 30 September 2022. Responsible bodies are expected to be able to apply for designation as such imminently.</li> <li>, The government has launched its Nutrient Mitigation Scheme and has committed to setting up a local nutrient mitigation fund to provide direct grant funding to LPAs to deliver locally led nutrient mitigation schemes. Changes to nutrient neutrality rules are anticipated but it is unclear how this will be achieved.</li> </ul>	<p>Received Royal Assent on 09.09.2021- provisions are coming in piecemeal as regulations and further details are published</p>	<p><a href="#">What does ESG mean for UK Real Estate? - Hogan Lovells Engage</a></p> <p><a href="#">Biodiversity net gain: future of sales and investment trends – Hogan Lovells Engage</a></p> <p><a href="#">UK: What does nutrient neutrality mean for developers? – Hogan Lovells Engage</a></p> <p><a href="#">UK: Earth Day: Investing in our Planet – real estate and planning</a></p> <p><a href="#">UK-esg-conservation-covenants-what-are-they-and-how-will-they-be-used</a></p> <p><a href="#">Nutrient neutrality in a nutshell - Hogan Lovells Engage</a></p>

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	<ul style="list-style-type: none"> <li>•</li> </ul>		
<b>ESG: The Environment (Local Nature Recovery Strategies) (Procedure) Regulations 2023</b>	<p>These regulations set out how the new system of Local Nature Recovery Network Strategies (“LNRSS”) is going to work. LNRSSs cover the whole of England and consist of a biodiversity priorities statement and local habitat map. They will identify opportunities, priorities, areas and measures for recovering and enhancing biodiversity in a local planning authority’s area. The intention is that these strategies will create a more coordinated and focused approach to protecting our environment on a local and national level.</p>	<p>Came into force on 13 April 2023 in England.</p>	<p><a href="#">UK: Earth Day: Investing in our Planet – real estate and planning</a></p>
<b>Amendments to the National Planning Policy Framework (“NPPF”)</b>	<p>A consultation was held at the start of 2023 which considered changes to the NPPF including removing the mandatory requirements for the 300,000-new-homes-a-year target.</p> <p>Also considered proposals relating to development on Green Belts, housing need, Local Plans and beauty.</p>	<p>The NPPF was updated on 5 September 2023. However, it only included an update on onshore wind development in England. A further response is expected "this autumn".</p> <p>A further review of the NPPF will be undertaken in due course, once the LURB becomes law. This will look at climate change, infrastructure, slow build-out rates and the proposed national development management policies.</p>	
<b>New Protect Duty</b>	<p>Owners and operators of commercial properties could be required by law to consider the adequacy of security measures, systems and processes adopted at their sites and take steps to mitigate any perceived risks. The proposals have been championed by victims’ groups, including the Martyn’s Law campaign which was established by Figen Murray, who</p>	<p>TBD. The government has published its <a href="#">Consultation Response Document</a> on 2 May 2023.</p>	<p><a href="#">Protect-duty-what-does-this-new-duty-mean-for-owners-and-operators</a></p>

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	tragically lost her son, Martyn, in the Manchester Arena attack in 2017. By the proposed introduction of this new Duty, the government intends to set out a legal framework for “publicly accessible locations” to ensure preparedness for, and protection from, terrorist attacks.		

**KEY CASES**

Case	Detail	Dates	HL articles
<b>M&amp;S, Oxford Street</b>	The redevelopment by M&S of its flagship store in London was refused by the Secretary of State (against the recommendation of his appointed Inspector). M&S wanted to demolish the existing building and build a new ten floor retail and office space. The decision relates to heritage harm and the importance of assessing embodied carbon when considering proposals for full demolition rather than retrofitting existing buildings.	M&S have now launched a s288 challenge over the decision.	<a href="#">To demolish or not to demolish, that is the question - Hogan Lovells Engage</a>  <a href="#">Dividing opinion: UK Secretary of State refuses M&amp;S Oxford Street scheme against Inspector’s advice - Hogan Lovells Engage</a>
<b>Manchester Ship Canal v United Utilities</b>	Whether Manchester Ship Canal can bring a private nuisance claim for trespass/nuisance against United Utilities for unauthorised discharges of sewage into the canal.	Hearing took place in the Supreme Court in March 2023. Awaiting judgment.	