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<https://www.lawgazette.co.uk/news-focus/news-focus-queens-speech-what-solicitors-need-to-know/5108520.article>



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News focus: Queen's speech - what solicitors need to know

17 May 2021

The Judicial Review Bill dominated professional concerns in the wake of the Queen's speech, but there were many other measures of interest to the legal profession

The new parliamentary session opened last week with the announcement of 31 new pieces of legislation, several of which had already been introduced as the Gazette went to press. The immediate attention of the profession focused on the promised Judicial Review Bill, which Law Society president I. Stephanie Boyce said risks 'taking power away from citizens and putting more into the hands of government'.

Other measures of interest to solicitors include:

A **Professional Qualification Bill** that will create a 'new bespoke framework for recognition of overseas qualifications', the government said. The measure, introduced last week, will give regulators autonomy to assess qualifications and to pursue arrangements with counterparts in other countries. It fills a gap left by the EU Mutual Recognition of Professional Qualifications Directive.

A **Planning Bill**. The government said this would create a simpler, faster and more modern planning system to replace the current regime, dating from 1947. It promised 'Simpler, faster procedures' for producing local development plans, approving major schemes, assessing environmental impacts and negotiating affordable housing and infrastructure contributions from developers. The Law Society warned about the dangers of hasty reform. 'While planning reform is much needed, hurried reforms will not be sustainable and would risk uncertainty and damage to both the physical environment and the overarching principles of planning,' said Boyce. 'Making sure that new laws are good laws will take time and thorough consultation is needed. Any reform should not overlook the inherent complexities of the planning process.'

Building on the government's longstanding pledge to tackle unfair practices in the leasehold market, the **Leasehold Reform (Ground Rent) Bill** will set in law ground rents at a 'peppercorn' level. Freeholders who charge prohibited ground rents could be fined £5,000. The bill would apply to new, long residential leases. However, Scott Goldstein, a partner at Payne Hicks Beach, said all may not be lost for existing leaseholders. In March, the Competition and Markets Authority wrote to two housebuilders requesting the removal of what the CMA says are unfair ground rent terms from existing contracts.

A white paper on tenant reforms will be published this autumn. This could include abolishing section 21 'no-fault' evictions, which the government consulted on two years ago. Private landlords would be required to belong to a redress scheme. 'Improvements and possible efficiencies' to the courts possession process would be explored. The National Residential Landlords Association said the reforms must include comprehensive grounds for landlords to legitimately repossess properties. The Housing Law Practitioners Association said no-fault eviction is problematic because of 'market failure with unaffordable rents, a massively overheated demand for accommodation and what has been a disastrous diminution of social housing over decades, forcing households into unstable short-term accommodation when they would rather be in long-term stable housing'.

A draft **Online Safety Bill** will give Ofcom powers to fine internet giants up to 10% of their global turnover if they fail to show a duty of care to users.

Legislation to increase the judicial retirement age to 75 through a **Public Service Pensions and Judicial Offices Bill**. This is also intended to put judicial allowances 'on a firmer legal footing' by reforming their pension arrangements, the government said.

A **Sovereign Borders Bill** will deny indefinite leave to remain to people who enter the UK through non-legitimate routes. Those who claim asylum after entering the UK will be granted only 'temporary protection status', subject to regular reassessment. Boyce said Home Office plans for immigration and asylum 'pose a serious threat to the rule of law as well as undermining access to justice and making a mockery of British fair play'.

'The Law Society shares the government's aim of preventing people smuggling, but asylum-seekers who reach our shores by so-called irregular routes, such as by boat, should not be penalised,' she said. 'To do so would risk breaching international law by creating a two-tier asylum system'

The **Police, Crime, Sentencing and Courts Bill** will also be taken forward, along with its powers for the police to 'better manage highly disruptive protests' and streamlined processes in the criminal courts.

A draft **Victims Bill** will put into law the rights set out in the Victims' Code.

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