

The Protocol for Applications for Consent to Assign or Sublet

The Protocol for Applications for Consent to Assign or Sublet is accessible at www.propertyprotocols.co.uk. This is an online resource which has been developed for those who want to assign or sublet part or all of their premises but require their landlord's consent to do so, and for those landlords whose consent is being sought.

The Protocol was drafted by Nicholas Cheffings, Chair of Hogan Lovells and head of real estate disputes and his partner Mathew Ditchburn, together with Guy Fetherstonhaugh QC and Jonathan Karas QC of Falcon Chambers. It is intended to be the first in a series of collaborative ventures by property professionals to facilitate good practice in the property industry, and enable disputes concerning commercial property situated in England and Wales, if not avoided altogether, to be resolved by experts with minimum contention.

The Protocol will help to:

- Improve communication between landlords and tenants and ensure that applications are dealt with within a reasonable timeframe
- Smooth relations and avoid disputes because both parties are provided with all the information they need regarding procedure
- Save the parties time and expense by allowing them to focus on the substance of an application, rather than wrangling over procedure
- In cases where disputes do arise, parties are guided towards alternative dispute resolution through an experienced arbitrator, with recourse to the courts being an option of last resort. We would hope that Falcon Chambers Arbitration will be the obvious choice.

Other leading practitioners and industry bodies, including the British Property Federation and the Property Litigation Association, have been invited to put forward ideas for further protocols aimed at avoiding or resolving real estate disputes to be included in the online Property Protocols hub for industry use.

We envisage the Protocol being disseminated by the legal and surveying professions as, in the first place, a ready reckoner for behaviour at the point of application. As the Protocol becomes embedded in practice, we would hope to see it being referred to in leases and other binding documents, as a behavioural code to which arbitrators and courts will have regard in assessing compliance.