



From Lord Berkeley  
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Secretary and Keeper of the Records  
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19 January 2021

Dear Alistair,

### **Leasehold reform and Duchy of Cornwall Property**

You will be aware of the announcement by Government on 7 January that it intends to introduce legislation so that 'millions of leaseholders will be given a new right to extend their lease by 990 years' ... 'at zero ground rent'. Ministers say that this is the first piece of legislation planned to take forward the content of the Law Commission's Report 'Leasehold Enfranchisement' published on 21<sup>st</sup> July 2020.

I now write to enquire how the Duchy of Cornwall intends to implement the recommendations of this report and the likely legislation in respect of Duchy properties. You will be aware that I live in a property leased by my wife on the Island of Bryher.

I refer in particular to Chapter 7: 'Qualifying criteria: exceptions to the usual rules' and to paragraph 7.178 which discusses the issue of special cases. Can you please explain why maintaining the 'unique nature of the islands' requires the Duchy uniquely to have exemptions from this legislation?

I note that the Report states that there is a divergence of policy between the Crown and Duchy and that the Law Commission invites the Duchy, as one of the Crown Bodies, to 'consider whether a new undertaking to Parliament could provide that lease extensions shall be available by analogy with the legislation in all cases...' Since the Government is now proposing very long leases (990 years) rather than freeholds, can you please advise whether the Duchy intends to comply fully with this proposal and, if not, what are the reasons why Parliament should consider Duchy properties to be special cases and in any way exempt from this proposal?

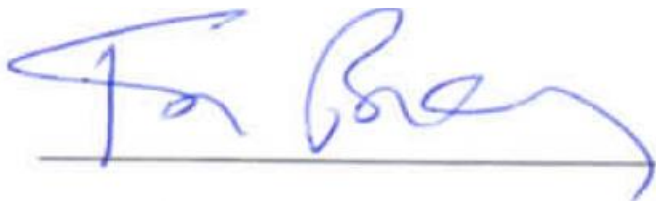
Paragraph 7.178 (2) refers to the fourth category of 'excepted areas' and the 'vague' wording. Here the Duchy is invited to consider 'how any equivalent category might be framed so as to capture only those (properties) that are of historical importance where exemption is truly necessary' Can you please advise your intentions in this regard?

Paragraph 7.179 states that 'Duchy of Cornwall leaseholders are in an even worse position, being entitled even in the best-case scenario to just two 50-year extensions.' Can you please advise how you propose to remedy this unfairness?

Paragraph 7.180 states 'We would encourage Crown bodies when setting their voluntary policies in future to ensure these reflect the law which is in force at the time. We consider that this would improve considerable the position of Duchy of Cornwall Leaseholders in particular'. Please advise whether you intend to seek to continue the option of having voluntary policies and, if so, how they would comply with the spirit and letter of paragraphs 7.180 and 7.181 and the new legislation proposed.

I look forward to hearing from you and am at your disposal to meet to discuss these issues further.

Yours, Tony

A handwritten signature in blue ink, appearing to read 'Tony Berkeley', written over a horizontal line.

Tony Berkeley