



Fern Schofield Called 2018

Practice Summary

Fern Schofield (née Horsfield-Schonhut) practises in all areas of real property and landlord and tenant law, in both commercial and residential contexts, and has developed a busy court and advisory practice.

Fern has particular expertise in telecoms law and has appeared in numerous cases under the New Code, including as junior counsel for the site provider in three conjoined appeals to the Supreme Court. She is also a contributing author to the chapter on 'Rents and Rent Reviews in Electronic Communications Agreements' in the Handbook of Rent Review.

Fern's recent cases and advisory matters have included the following areas:

- Residential landlord & tenant, including possession proceedings, tenancy deposit claims, service charge disputes and enfranchisement
- Commercial landlord & tenant, including forfeiture, dilapidations and opposed and unopposed renewals under the Landlord & Tenant Act 1954
- Telecoms
- Land registration
- Easements
- Adverse possession
- Boundary disputes
- Restrictive covenants
- Nuisance and trespass
- Mortgages, including FCA regulation and the position of the mortgagee on sale
- Charging orders
- Trusts of land and TOLATA
- Education
 - BA Modern & Medieval Languages (German and French), Newnham College, University of Cambridge – First class
 - Graduate Diploma in Law, City University of London – Distinction
 - LLM in Professional Legal Practice, City University of London - Merit
- Professional
 - Bar Professional Training Course, City Law School, London (Very Competent)
 - Jarman Advocacy Prize, Inner Temple, 2019 (highest pupil advocacy prize)
 - BPTC Exhibition Award, Inner Temple, 2017
 - Paul Methven Scholarship, Inner Temple, 2017
 - GDL Exhibition Award, Inner Temple, 2016
 - Creighton Memorial Prize, Newnham College, 2016 (outstanding dissertation)
 - Margaret Gardner Prize, Newnham College, 2016 (academic excellence)
 - Alastair Graham Scholarship, Alton College, 2010
- Reported cases



- **Potting Shed Bar Gardens Ltd (formerly known as Gencomp (No.7) Limited) v AP Wireless II (UK) Limited** [2023] EWCA Civ 825 – Junior counsel, led by Wayne Clark, in a case considering the mechanics of renewal and imposition of agreements under the Electronic Communications Code.
- **On Tower Ltd v AP Wireless (II) (New Zealand Farm)** [2022] EW Misc 6 (CC) – Junior counsel, led by Wayne Clark, in a 1954 Act renewal of a telecommunications agreement considering terms and valuation
- **Vodafone Ltd v Gencomp** (No.7) Ltd [2022] UKUT 223 (LC) – Junior counsel, led by Wayne Clark, in a case considering the mechanics of renewal and imposition of agreements under the Electronic Communications Code
- **EE Ltd v Stephenson** [2022] UKUT 180 (LC) – Junior counsel, led by Wayne Clark, in a Part 5 Code renewal considering terms, consideration and compensation
- **On Tower Limited v AP Wireless II (UK) Limited** [2022] UKUT 152 (LC) ('Audley House') - Junior counsel, led by Wayne Clark, in a Part 5 Code renewal considering numerous disputed terms across 3 sites
- **Cornerstone Telecommunications Infrastructure Ltd v Compton Beauchamp Estates Ltd** [2022] UKSC 18 – Junior counsel, led by Wayne Clark and Christopher Pymont QC, in three appeals to the Supreme Court considering the meaning of 'occupier' for the purposes of the Code
- **EE Limited and Hutchison 3G UK Limited -vs- Aviva Investors Ground Rent Holdco Limited and Aviva Investors Ground Rent GP Limited** [2021] UKUT 0057 (LC): Sole counsel in a case under the Electronic Communications Code consider when para 26 interim rights are appropriate and costs discretion
- **Vodafone Limited v Hanover Capital Limited** [2020] EWMisc 13(CC) – Junior counsel, led by Kester Lees, in the first reported decision concerning determination of rent under the Landlord and Tenant Act 1954 where the renewed lease will be an agreement under the Electronic Communications Code.
- **On Tower UK Limited v. JH and FW Green Limited** [2020] UKUT 0348 – Junior counsel, led by Kirk Reynolds QC, in the first Part 5 renewal determined by the Upper Tribunal under the Electronic Communications Code, concerning consideration payable for a rural greenfield site.
- **CTIL v Compton Beauchamp Estates Ltd** [2019] EWCA 1755, CA – Junior counsel, led by Wayne Clark, in the first case under the new Electronic Communications Code to reach the Court of Appeal, concerning who is the 'occupier' for the purpose of granting code rights.
- **Bate v Affinity Water Ltd** [2019] EWHC 3425 (Ch) – Junior counsel, led by Guy Featherstonhaugh QC, in a case concerning the legal basis of the presence of a water main, involving acquisition of easements by prescription and the exercise of statutory powers.
- Publications
 - **Recent Developments under the Electronic Communications Code – Part 2** (2022) 26 L. & T. Rev., Issue 6
 - **Recent Developments under the Electronic Communications Code – Part 1** (2022) 26 L. & T. Rev., Issue 5
 - **To the victor the spoils?** (with Anthony Tanney) New Law Journal, vol 172 7990
 - **Pushing the limit? Unlimited sharing and upgrading rights under the Electronic Communications Code** (2022) 26 L. & T. Rev, Issue 2
 - **Handbook of Rent Review**, 'Rents and Rent Reviews in Electronic Communications Agreements' (contributing author)
 - **Telecommunications - Lease Renewal under the EC Code or 1954 Act?** (2021) 25 L. & T. Rev., Issue 6
 - **Ringling the Changes: Government Consultation on the New Telecoms Code** (2021) 25 L. & T. Rev., Issue 4
 - **A new lease of life: the first renewal under the Electronic Communications Code** (2021) 25 L. & T. Rev, Issue 3
 - **Tenancy Renewals of Telecommunications Sites** (2021) 25 L. & T. Rev, Issue 1

Published Comments

'Very knowledgeable in telecoms matters despite her relatively junior years, and very user-friendly.' *Legal 500 2024*



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