

BACKGROUND

The Howard de Walden Estate ('the Estate') owns 92 acres of Marylebone including most of the freeholds in Harley Street, Wimpole Street and adjacent streets, locations which have a longstanding worldwide reputation for medical and dental excellence. This part of London is known as the 'Harley Street Medical Area'.

The Estate, as majority Landlord, seeks the continuation of best medical practice and to enhance the reputation of the Harley Street Medical Area by applying an overriding medical policy to those properties under its ownership. Furthermore, the Estate wishes to avoid leases with tenants who have a reputation for controversial medical procedures which raise ethical issues. The policy is designed to maintain and strengthen the reputation for best in class medical provision and also to support the commercial success of those offering high-quality medical services in the Harley Street Medical Area. For the avoidance of doubt the policy will apply to the provision of any health care services provided in the Harley Street Medical Area.

GENERAL POLICY

The Estate, acting reasonably and responsibly, has the right to revoke the lease of any approved practitioner, or any practice or procedure undertaken on premises within the Harley Street Medical Area which it considers could damage the reputation of the area, or the Estate. The Estate considers that elective health care procedures, including surgery undertaken for cosmetic enhancement, are inconsistent with the aims of the Harley Street Medical Area and it will therefore seek to limit or curb life style procedures through the leases it grants at properties it owns. The policy is not intended to limit genuine and essential medical treatment or research carried out in accordance with the rules and practices laid down by the relevant authorities and in accordance with accepted medical, dental or other practices.

In addition, all practices on the Estate must meet the requirements of the Care Quality Commission and all practitioners must have a current licence to practise from their governing body. The Estate will not knowingly permit any practitioner who has been suspended from practicing in his/her own right by his/her relevant governing body or licensing authority to practise at all, even under the supervision of another doctor.

The Estate endeavours to seek a balance in the type of medical services provided in the Harley Street Medical Area in order to improve the quality of the medical offering in the area. For example, the Estate may consider that there is an abundance of cosmetic surgeons practicing in the area and, in that instance, it would avoid granting any further leases or licences to cosmetic surgeons. In certain circumstances, this could be financially detrimental to the Estate as the rent offered by this type of practice may exceed the next best offer, but it would be in the best interest of the Harley Street Medical area as whole. Furthermore, the Estate may not provide consent to assignments of premises to a type of practitioner where it reasonably considers that in doing so it would cause an imbalance or lead to an over-provision of similar medical services at the same location.

The Estate is aware that it is commercial practice for some practitioners in the Harley Street Medical Area to advertise and to market their services and areas of specialisation. However, all marketing practices must comply with guidelines set out by their governing body and comply with the law and guidance issued by the Advertising Standards Authority.

SPECIFIC POLICIES

1) Marketing teams

- i. Cold calling is not permitted.
- ii. There may not be more than one salesman per licensed practitioner (here meaning those practitioners authorised by the Estate to practise).
- iii. Salesmen must make it clear to those that they deal with that they are not medically qualified or, if they are, the limitation of such qualifications.
- iv. They are not to make unjustifiable claims about the quality of service.
- v. Must make factual and verifiable statements, claims and comments.
- vi. Must not offer guarantees of cures or exploit patients' vulnerability or lack of medical knowledge.
- vii. Must not put pressure on people to use their services, for example by arousing ill-founded fear for their future health or by visiting or telephoning prospective patients.
- viii. No address on the Estate may be used as a mailbox address.

2) Passing Off

There may be no name copying/imitation/passing off in respect of Harley Street itself unless previously agreed in writing or where existing names are established (e.g. the Harley Street Clinic). This name is generic to the area and may not be used by individuals for their own practises or businesses.

3) Organ Donation

- i. Organ donation from a living person is not permitted except in exceptional circumstances where approval has been given by the relevant regulatory body.
- ii. The sale or purchase of human organs is absolutely prohibited.

4) Embryonic Selection and Cloning

- i. Embryonic selection is generally currently permitted provided it is carried out in accordance with the requirements of the relevant licensing authority and in accordance with accepted medical practise. However the Estate will not permit the practice of embryonic selection with the purpose of choosing the sex of a child without good medical reason. This is not acceptable and will not be permitted.
- ii. Human cloning is not permitted.

5) Euthanasia

No assisted suicide or euthanasia will be permitted.

6) Cosmetic Surgery

This practice (as opposed to plastic surgery) will be restricted, any surgeons who perform cosmetic surgery procedures must have certification from the Royal College of Surgeons.

The Harley Street Medical Area policy will be subject to change to adjust for the development of medical procedures and treatments and the Estate will therefore publish a revised policy from time to time.