

**CITY OF LONDON LAW SOCIETY – CONSTRUCTION LAW COMMITTEE**  
**Minutes of meeting held on Wednesday 21st March 2019 at Bryan Cave**  
**Leighton Paisner LLP, Adelaide House, London Bridge, London EC4R 9HA**

**In attendance:**

John Hughes-D'Aeth (Chair)  
Matthew Jones (Vice-Chair)  
Kevin Hart (CLLS)  
Francis Ho  
Angus Dawson  
Drew Norman  
James Pratt  
Nicholas Downing  
Alex Cunliffe  
Paul Starkey  
Julia Court  
Paul Cowan  
Marc Hanson  
Martin Potter  
Eleanor Milne (Secretary)

**Apologies for absence**

Apologies had been received from Victoria Peckett, Tim Reid, Andrew Thornton, Fiona Edmond, Alistair McGrigor, Stephanie Canham, Richard Ceeney, David Metzger and Gillian Thomas.

**Welcome of new industry representatives**

The Committee warmly welcomed its new industry representatives, Alex Cunliffe and Paul Starkey.

**CLLS Update from Kevin Hart**

Kevin updated the Committee as to the current structure of the CLLS and the role of the 18 constituent committees. He also reported that the CLLS is concentrating on co-ordination between the committees and improving communications.

**Minutes of last meeting**

The Minutes of the meeting held on 21st November 2018 were approved and will be posted on the CLLS website.

**Membership of the Committee**

The Chair reported that Tim Reid is retiring and reminded members that if a new or replacement member is nominated for appointment, then the Committee is required to advertise the vacancies to member firms and invite people to apply. The Committee is also organising a lunch to wish Martin Potter well on his retirement and welcome Alex and Paul.

**Update on current activities**

***Tenant's works and insurance:*** The draft note has been issued to the Land Law Committee for consideration and Victoria Peckett will provide an update once feedback has been received from the Land Law Committee.

**Retentions:** The submission was sent to BEIS on 3<sup>rd</sup> December and feedback is awaited. The Committee noted that the government is considering the retention issue but it is not clear at this stage in which direction the government is proposing to move the debate. The Committee discussed various approaches and Paul Starkey noted that Costain has had some success with the project bank account approach, although it can be administratively burdensome for contractors.

**Security assignments in lending transactions:** Marc Hanson circulated points for consideration prior to the meeting and the Committee agreed to provide feedback by 5 April 2019. [**Post meeting note:** Feedback was provided by the required date.]

**Due diligence reporting:** Matthew Jones reported that a draft framework had been prepared and was currently being reviewed by the relevant sub-group. Once this feedback had been collated, the framework would be circulated to the Committee for review. [**Post meeting note:** The framework has been circulated to the Committee for review.]

### **Other business**

**Insurance market update:** It was reported that the construction insurance market was tightening up enormously. There continues to be debate on the terms of appointment of insurance consultants and consultants are strongly resisting carve outs from limitations of liability in respect of insured losses.

**Reverse Charge to VAT:** The Committee is interested to know if JCT will be changing its forms to address this issue.

**Foundation Level Training Programme:** The Chair reported that this event will take place in November 2019 and that the Chair is currently considering feedback on the programme content, potential presenters and possible venues. The Committee also discussed publicising the event on the CLLS website. [**Post meeting note:** A provisional programme for 2019 has been circulated and is currently with the Committee for review.]

**Potential future work:** The Chair reported that the Escrow Agreement has now been published on Practical Law as a CLLS branded product. The Novation Agreement and the Letter of Intent are currently being updated so that these can also be published in the same way on Practical Law.

**Communications within CLLS member firms:** The Chair reported that the CLLS Chairs meeting is on 10 April. Kevin Hart reported that the CLLS is focusing on improving communications between the CLLS and member firms and is keen to ensure that all CLLS communications are clearly available to associates and partners alike in member firms. The CLLS AGM is on 17 June (followed by summer drinks) and the CLLS annual service at the Tower of London and Trinity House is on 13 May, if any members of the Committee wished to attend

**Development Management Agreement:** The Chair reported that the template DMA had been discussed with the Chair of the Land Law Committee. They would be happy to receive the Committee's feedback on key issues.

### **Date of next meeting**

The next meeting will be held on a date tbc in June 2019.