

CITY OF LONDON LAW SOCIETY LAND LAW COMMITTEE

Minutes of a meeting held on 27 March 2013 at Hogan Lovells, Atlantic House, 50 Holborn Viaduct, London EC1A 2FG

In attendance	Jackie Newstead (Chair) Warren Gordon (Secretary) Nick Brent Jeremy Brooks Jamie Chapman Jayne Elkins Alison Gowman Alison Hardy Laurie Heller Emma Kendall Anthony Judge Daniel McKimm John Nevin Peter Taylor Richard Collins of the SRA
Apologies	James Barnes William Boss James Crookes Mike Edwards Martin Elliott Charles Horsfield Nick Jones Pranai Karia Jon Pike Jeanette Shellard Nicholas Vergette

1. WELCOMES

Richard Collins of the Solicitors Regulation Authority (SRA) was welcomed.

2. MINUTES

The Minutes for the Committee meeting of 17 January 2013 were approved and are on the CLLS website.

3. DISCUSSION WITH RICHARD COLLINS

The majority of the meeting was taken up with a very useful and wide-ranging discussion between the Committee and Richard Collins over a number of key topics including client money, conflicts of interest, SDLT schemes, the relationship with the Law Society and contract races.

Richard will send some information to the Committee about the SRA's thoughts on client money and other matters. The Committee can then provide its views to and commence a continuing dialogue with the SRA.

4. PROTOCOL FOR DISCHARGING MORTGAGES

The Committee is asked to provide to Warren Gordon or Anthony Judge any feedback on the draft protocol for discharging mortgages in commercial property transactions. The protocol will be explored in detail at the next committee meeting on 23 May.

5. PRE-PACKS PROJECT

A meeting will be arranged to consider the pre-packs project.

Post-meeting note: A meeting was held on 10 May to discuss this.

6. CLLS CERTIFICATE OF TITLE

The form of questionnaire for the 7th edition of the Certificate of title was circulated to the Committee and comments were sought.

Post-meeting note: The questionnaire has now been added to the CLLS website.

A small change has been made to paragraph 30.1.5 of Schedule 5 to the Certificate of title to reflect more accurately the type of provision typically found in leases. Paragraph 30.1.5 now reads-

"the guarantor covenants that, in the event that the Letting Document is forfeited or disclaimed, the guarantor will, if required by the landlord within a period of six months after the relevant event, enter into a new Letting Document (as tenant) on essentially the same terms as the previous Letting Document; and"

The main PSL groups and PLC have been notified.

Jackie Newstead will liaise with the Chair of the Construction Law committee with a view to a joint project for the two committees to create an annex document for the 7th edition Certificate dealing with construction documentation (collateral warranties, Contracts (Rights of Third Parties) Act 1999, contracts, appointments etc).

A sub-group will be set up to update the CLLS's report on title. Consideration will also be given by the sub-group to whether there should be a separate Certificate of title for development transactions. Volunteers are requested please.

7. INSURANCE PROVISIONS

The sub-group considering the lease insurance provisions for commercial property leases next meets on 26 April 2013 and the draft, once finalised, will be circulated to the Committee. Consideration will be given to a future project on insurance clauses in banking documents.

Post-meeting note: The sub-group met on 26 April and one further meeting will be needed.

8. RIGHTS TO LIGHT

A meeting will be arranged of members of the sub-group on the rights to light deed of release and of members of the CLLS Planning and Environmental Law committee to discuss the production of a response to the Law Commission's consultation on changes to the law on rights to light.

Post-meeting note: The meeting to discuss the Law Commission's consultation took place and a response was sent on behalf of the two CLLS committees.

The rights to light surveyors will be chased for their contributions to the note to accompany the deed of release produced by a sub-group of the Committee.

Warren Gordon awaits a response from Lance Harris of Anstey Horne in relation to a possible contribution to a short note to accompany the rights to light deed. The note will essentially be a top tips on rights to light issues covering points both for a developer and adjoining property owner. There will also likely be an insurance element.

9. COMMUNITY INFRASTRUCTURE LEVY

A small sub-group of Warren Gordon, Laurie Heller and William Boss (which will "meet" by email) will consider drafting for the community infrastructure levy and which real estate documents are affected.

Post-meeting note: Warren Gordon has supplied some drafting for consideration.

10. ESTATE AGENTS ACT 1979

Peter Taylor will provide comments on the proposals to amend the Estate Agents Act 1979 at the May committee meeting.

11. SECURED TRANSACTIONS REFORM AND REGISTERING CHARGES

The Committee is requested to send any comments on the CLLS's proposed secured transactions reform to Richard Calnan at Norton Rose richard.calnan@nortonrose.com

The Committee's attention is drawn to changes to the procedures for registering a company charge at Companies House from 6 April 2013 and a consequential impact on Land Registry practice on registering charges.

12. RESEARCH REPORT

Please click [here](#) for a research report on "Taking stock: the relationship between businesses and office provision in the City", authored by Ramidus Consulting for the City of London.

13. CPD- 1.5 hours (CPD reference CRI/CLLS).

14. Future Committee meetings - 23 May, 17 July, 18 September and 20 November at 12.30pm at Hogan Lovells LLP, Atlantic House, Holborn Viaduct, London EC1A 2FG.