

**CITY OF LONDON LAW SOCIETY LAND LAW COMMITTEE**

**Minutes of a meeting held on 21 November 2012 at Hogan Lovells, Atlantic House, 50 Holborn Viaduct, London EC1A 2FG**

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

**1. MINUTES**

The Minutes for the Committee meeting of 19 September 2012 were approved and are on the CLLS website.

**2. PRE-PACKS PROJECT**

Mike Edwards to lead a sub-group to consider lease drafting to improve the position of landlords in the light of the tactics of administrators and liquidators highlighted by the

Goldacre and Luminar cases. Jackie Newstead, Peter Taylor and Pranai Karia have also volunteered to be members of this sub-group and other volunteers are requested.

**3. RESPONSES TO LAW COMMISSION'S QUESTIONS ON RIGHTS TO LIGHT**

Member firms should respond individually to questions put to the Committee by the Law Commission on rights to light (to help inform their Impact Assessment). There will in due course be a formal Law Commission consultation on changes to the law in relation to rights to light.

**4. HABITATS DIRECTIVE**

The Committee proposes to take no further action on the Habitats Directive, but members should alert their planning colleagues.

**5. SDLT SUB-SALE CONSULTATION AND THE CONSULTATION ON SDLT FOR NON-RESIDENT OWNERS OF HIGH VALUE RESIDENTIAL PROPERTY**

Please click [here](#) to access the response of the CLLS Revenue Law committee to HMRC's consultation on the SDLT transfer of rights or sub-sale rules.

**Post-meeting note- draft legislation has now been published. Please click [here](#).**

**6. PROPOSALS TO AMEND ESTATE AGENTS ACT 1979**

This will await the next committee meeting and Peter Taylor will lead on this.

**7. ASSETS OF COMMUNITY VALUE**

John Nevin very helpfully highlighted to the Committee the main aspects of the new Assets of Community Value Regulations. John has produced a note which can be found on the Committee's webpage and can be accessed [here](#).

**8. REPORT ON SUB-GROUP MEETING TO DISCUSS PROTOCOL FOR DISCHARGING MORTGAGES**

The sub-group is to meet on 21 January 2013 to continue its discussions on a draft protocol for discharging mortgages in commercial property transactions including suggested forms of undertaking. The sub-group includes members of the Committee, the CLLS Financial Law Committee and the Association of Property Lenders.

**9. RIGHTS OF LIGHT DEED OF RELEASE**

The deed of release produced by a sub-group of the Committee will be added shortly to the Committee's webpage (this has now been done- please click [here](#)). The rights of light surveyors will be chased for their contributions to the accompanying note.

**Post-meeting note- Warren Gordon met with Lance Harris of Anstey Horne with a view to Lance contributing to a note.**

**10. INSURANCE PROVISIONS**

A meeting will be arranged for early 2013 of the insurance provisions sub-group to finalise the provisions for commercial property leases. The sub-group will also consider the draft BPF's lease's treatment of insurance.

**11. CHANGES IN THE RULES ON REGISTERING RENT DEPOSITS AS CHARGES**

The Committee awaits the final form of the changes in the law for registration at Companies House (or otherwise) of charges in rent deposit deeds.

**12. FINAL WORD ON CLLS CERTIFICATE OF TITLE AND OPINION LETTER**

The new 7<sup>th</sup> edition of the CLLS Land Law Committee Certificate of title, plus confirmation letters, have been added to the CLLS website. Jackie Newstead will send through the questionnaire for the 7<sup>th</sup> edition. Warren Gordon has now sent through the supplemental enquiries intended to cover the gap between the CPSEs and information needed to produce the Certificate and they have been added to the website. Warren has also written an article on the new Certificate for the Law Society's Property in Practice publication.

The revised CLLS Land Law Committee draft form of overseas legal opinion on transactions relating to real property in England and Wales has also been added to the Committee's webpage.

Generally, the precedents can also be found on the Precedents Documents [section](#) of the website, which appears to be frequently used by visitors to the site to access the CLLS's precedents.

**13. RESPONSE TO LAW COMMISSION'S CONSULTATION ON ELECTRONIC COMMUNICATIONS CODE**

The Committee has responded to the Law Commission's consultation on the Electronic Communications Code. Please click [here](#) for the response. Thanks to Jon Pike and Warren Gordon for their work on this.

**14. SRA AND MORTGAGE FRAUD**

It has been reported that the Solicitors Regulation Authority is considering cutting the need for solicitors to hold client money in conveyancing transactions, as part of a review of its strategy to help firms reduce the risk of mortgage fraud. The SRA is looking again at its draft conveyancing strategy published in April 2011 to ensure it provides "appropriate support" to solicitors. An important question is the appropriateness of the SRA's approach if applied to commercial transactions (where, for example, a corporate deal may trigger conveyancing provisions). It was considered that it would be useful for an SRA representative to attend a Committee meeting to discuss this and other matters of mutual interest.

**15. FURTHER THOUGHTS ON BPF LEASE**

The British Property Federation's form of lease is still being finalised. The BPF will encourage landlords to use this as a starting point.

**16. MEMBERSHIP**

Pranai Karia of CMS Cameron McKenna, Michael Edwards of Clifford Chance, Charles Horsfield of Macfarlanes and Alison Hardy of Wragge & Co have been selected as members of the Committee.

**17. AOB**

Possible changes to the Retail Prices Index were discussed. **Post-meeting note- those changes are now not to take place.**

**18. CPD- 1.5 hours** (CPD reference CRI/CLLS).

**19.** Next Committee meeting on 17 January 2013 at 12.30pm at Hogan Lovells LLP, Atlantic House, Holborn Viaduct, London EC1A 2FG.