

**CITY OF LONDON LAW SOCIETY – CONSTRUCTION LAW COMMITTEE**  
**Minutes of meeting held on Thursday 27 February 2020**  
**at BCLP, Adelaide House, London Bridge, EC4R 9HA**

<b>In attendance:</b>	<b>Apologies for absence</b>
John Hughes-D'Aeth (Chair)	Eleanor Milne
Matthew Jones (Vice-Chair)	Drew Norman
Marc Hanson	James Pratt
Stephanie Canham	Richard Hill
Fiona Edmond	Nicholas Downing
Alex Cunliffe	
Angus Dawson	
Paul Cowan	
Paul Starkey	
David Metzger	
John Woolley	
Andrew Thornton	
Louise Mercer	
Alistair McGrigor	
Victoria Peckett	
Richard Ceeney	
Ben Patton	
Julia Court	
Francis Ho (via conference call)	
Kevin Hart (CLLS)	

**Minutes of last meeting**

The Minutes of the meeting held on 28 November 2019 were approved and will be posted on the CLLS website.

**Membership of the Committee**

It had been rehearsed that this would be the final Committee meeting for John Hughes-D'Aeth as Chair, who is due to retire from the City in the following months. John's contribution to the City and to the business of the Committee has been exceptional and the Committee extended its gratitude to John ahead of his retirement.

The Committee welcomed new members Ben Patton (Ashurst) and John Woolley (Pinsent Masons) to the Committee. The Committee also welcomed Louise Mercer to the Committee Meeting. Louise is to be the new insurance industry representative for the Committee and has been a colleague of Andrew Thornton, who is retiring from the City in 2020.

It was reported back to the Committee by the Chair that membership of CLLS Committees was generally restricted to partners or equivalents, to reflect the standing of the CLLS. That would allow also for individuals who had been partners but who have taken on a new role within their firms, where appropriate.

**Ratification of Chair and Election of Vice Chair**

It was noted that the election of Matthew Jones as incoming Chair had been ratified by CLLS on 22 April 2020.

Francis Ho was also elected as Vice Chair at the meeting, with congratulations for the new role.

### **Update on current activities**

**Foundation Level Training Programme:** The Chair reported that he had been aware that Project Associates (the CLLS PR company) had taken photos and were planning to prepare a summary of the event but there was a query as to where and when that would be publicised.

**Tenant's works and insurance:** Victoria Peckett reported that the final paper has been published jointly with the Land Law Committee on the CLLS website.

**Update to Novation Agreement:** Marc Hanson and Paul Cowan reported back to the Committee that there had been further discussions within the sub-group as to the issues arising, including the intention of drafting and impacts of *ab initio* novations. There was a wider discussion about alternatives and objectives. The commonly held view was that further Guidance from the Committee was likely to be helpful and an output in future workstreams.

**Update to Letter of Intent:** Francis Ho, Nicholas Downing and Matthew Jones are progressing this workstream. There was discussion about form and whether a published fixed format may assist, as the existing published form Letter of Intent by the Committee was being widely used but often amended without the changes being identifiable without close inspection. The current form is available in Word on the website (other documents are produced in pdf form).

**Update to Security Assignments in Lending Transactions:** Marc Hanson reported that this was a matter being progressed with the Financial Law Committee.

**Update to Borrower Reporting:** Matthew Jones reported that a final draft of the sub-group's paper would be issued shortly. The Committee discussed issues including Addressees and the scope of that being extended for later events, including syndication of debt and refinancing.

**Standardisation of CLLS Documentation:** The Chair reported that there were proposals to undertake a review of CLLS standard documentation with a view to enhancing standardisation. Details to follow in due course.

**Funders and third party rights:** There was to be a working group established, with Angus Dawson and others to refresh previous guidance on TPRs. This may also involve the Financial Law Committee in joint working groups.

### **Other business**

**Insurance market update:** Andrew Thornton shared initial insurance industry thinking in relation to Coronavirus and how this was unlikely to trigger insurance. There was discussion around precedent involving infectious diseases and insurance, including business interruption insurance. Andrew further gave an update on developments in cyber exclusions to policies as well as the introduction of new standalone cyber policies, in response to greater cyber threats. Generally, annual insurance renewals are taking much longer for insured parties. Finally, the OCIP (project policy) market continues to be well serviced, with over 20 insurers for larger policies.

**Retentions:** The Chair reported that proposed statutory reform has quietened.

**Christmas lunch:** Marc Hanson proposed that this be deferred until early April for a lunch.

### **Date of next meeting**

The next meeting will be held in June 2020 (date to be confirmed).