

CITY OF LONDON LAW SOCIETY – CONSTRUCTION LAW COMMITTEE
Minutes of meeting held on Wednesday 24 June 2020
via video conference

In attendance: Matthew Jones (Chair) Francis Ho (Vice-Chair) Eleanor Milne (Secretary) Marc Hanson Fiona Edmond Angus Dawson Paul Cowan Paul Starkey David Metzger John Woolley Louise Mercer Alistair McGrigor Richard Ceeney Ben Patton Julia Court Drew Norman James Pratt Richard Hill Nicholas Downing Kevin Hart (CLLS)	Apologies for absence Stephanie Canham Alex Cunliffe Victoria Peckett
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Minutes of last meeting

The minutes of the meeting held on 27 February 2020 will be provided for approval in due course once a return to the office is permitted and hard copy notes can be retrieved.

Membership of the Committee

The Chair welcomed the Committee and commented on how well the construction industry and the CLLS was adapting to working in the current global pandemic.

No changes to the membership of the Committee were reported and it was agreed that plans to celebrate the previous Chair's retirement would be postponed until a more appropriate time.

CLLS Update

Kevin Hart reported that the CLLS has transitioned to working remotely and that each committee has been actively getting to grips with the unique situations created by the COVID-19 pandemic, for example, the Land Law Committee has been working with the Land Registry to resolve remote document signing and registration issues. The Insolvency Law Committee, the Company Law Committee and the Land Law Committee have also been liaising with Government in respect of changes to the new insolvency legislation.

The Chair of the CLLS is concentrating on diversity and social mobility initiatives and is currently liaising with many City law firms on these issues.

Nominations for the Wig & Pen Prize and the CLLS Lifetime Achievement Award are now open so please make Kevin aware of any nominations. The CLLS AGM is on 15 September 2020 and members of the Committee are welcome to attend.

New Initiatives

The Chair invited the Committee to consider potential new initiatives for thought leadership. The Committee discussed procurement guidance for domestic and international construction projects, the impact of COVID-19 on the construction industry, digital transformation and diversity and inclusion issues facing the construction law sector. These topics will be kept under review as rolling agenda items and interested members should contact the Chair to discuss further.

Update on current activities

Foundation Level Training Programme: The 2021 Programme will be discussed at the next meeting.

Update to Novation Agreement: The sub-group reported back to the Committee that there had been further discussions as to the issues arising, including the intention of drafting, the impact of *ab initio* novations and feedback from a consultant's perspective from James Pratt. The sub-group will discuss these issues further and report back as appropriate.

Update to Letter of Intent: Francis Ho, Nicholas Downing and the Chair are progressing this workstream.

Update to Security Assignments in Lending Transactions: Paul Cowan reported that this was a matter being progressed with the Financial Law Committee and that the general view was that lenders are becoming more comfortable with not having security assignments as part of their security package. The Chair undertook to discuss this and Borrower Reporting requirements with the Financial Law Committee.

Update to Borrower Reporting: The Chair reported that a final draft of the sub-group's paper would be issued shortly and that this would be discussed with the Financial Law Committee.

Standardisation of CLLS Documentation: Details relating to the CLLS's proposal to standardise its documentation will be made available in due course.

Funders and third party rights: A working group will be established, with Angus Dawson and others to refresh previous guidance on TPRs. This may also involve the Financial Law Committee in joint working groups. Any interested members of the Committee should reach out to the Chair.

Other business

Insurance market update: Louise Mercer shared that the COVID-19 pandemic had affected the already struggling construction industry market and that new construction cover would be available with a COVID-19 restriction. There was still no definitive position as to whether BII cover would respond to COVID-19 as causation was proving to be an issue. This matter is currently being debated and FCA has not yet formed its view. Cyber exclusions have currently taken a back seat but they have not gone away and will be discussed further in due course.

Date of next meeting

The next meeting will be held via video conference on 23 September 2020.