

**CITY OF LONDON LAW SOCIETY – CONSTRUCTION LAW COMMITTEE**  
**Minutes of meeting held on Wednesday 23 September 2020**  
**via video conference**

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

**Minutes of last meeting**

The minutes of the meeting held on 24 June 2020 were approved and will be uploaded to the CLLS website

**Membership of the Committee**

The Chair welcomed the Committee and invited Kevin Hart to provide an update on the recent CLLS AGM.

No changes to the membership of the Committee were reported.

**CLLS Update**

Kevin Hart reported that at the CLLS AGM on 15 September the CLLS focussed on the range of work still being done by the CLLS Committees irrespective of the pandemic. The International Law Committee continues to discuss international market issues and issue updates. At the next CLLS meeting in November the focus will be very much on mental health issues associated with working from home and isolation as a result of the pandemic.

Nominations for the Wig & Pen Prize and the CLLS Lifetime Achievement Award continue to be open so please make Kevin aware of any nominations as they will be announced in November.

**New Initiatives**

The Committee is considering whether there should be a thought leadership piece being developed on the changes in construction contracts that are being made as a result of the pandemic. This will be discussed further at the next meeting.

Committee members should contact the Chair if they wish to discuss any new initiatives outside of the Committee meetings.

### **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 will be a further discussion on the issues arising, including the intention of drafting, the impact of *ab initio* novations and feedback from a consultant's perspective from James Pratt and from the Contractor's perspective from Alex Cunliffe. 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 work stream.

**Update to Security Assignments in Lending Transactions:** The LMA appears to have moved to a charging structure rather than security assignments which is positive news and Marc Hanson and David Metzger undertook to confirm what has been published by the LMA and report back.

**Update to Borrower Reporting:** The Chair reported that the Financial Law Committee was happy to rely on the views on the Land Law Committee who are of the opinion that the guidance is useful and the Committee's update is positive. Publication of the update should be expected in the next 4-6 weeks pending receipt of any further comments.

**Standardisation of CLLS Documentation:** It was agreed that a new work stream be set up with Fiona Edmund and Angus Dawson to review how construction matters are reported on in the Certificate of Title 8th Edition. This work stream will liaise with the Land Law Committee.

**Funders and third party rights:** The working group with Angus Dawson, Richard Ceeney and others will 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 FCA had been decided on 15 September and that it was a favourable judgement as it was possible to make COVID 19 claims as long as the relevant coverage contains the appropriate infectious disease clauses. It is possible that this position may, however, be reversed on appeal. It was also reported that Alliance have pulled out of the latent defects market for residential buildings.

### **Date of next meeting**

The next meeting will be held via video conference on at a date to be agreed in January 2021.