

**CITY OF LONDON LAW SOCIETY – CONSTRUCTION LAW COMMITTEE**  
**Minutes of meeting held on Wednesday 13 January 2021**  
**via video conference**

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

**Minutes of last meeting**

The minutes of the meeting held on 10 November 2020 were approved and will be uploaded to the CLLS website

**Membership of the Committee**

No changes to the membership of the Committee were reported.

**CLLS Update**

The Chair welcomed the Committee and advised that the Chairs of Committees dinner would take place as a zoom call at the end of January. The Chair confirmed that one of the matters he will raise is possible synergies between the Committee and the Energy Law Committee now that renewables are back on the Government's policy table and if there are any other matters that members would like him to raise then please let him know in advance.

**New Initiatives**

Alex Cunliffe updated the Committee on the publication of the Construction Playbook that has been developed by the Government and industry (Costain were part of the working group) to set out key policies and guidance for how public works projects and programmes are assessed, procured and delivered. The Construction Playbook will be added as a future agenda item to the Committee meetings in order to collect feedback and assess how the market is responding to the Construction Playbook.

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 that they met in November to move the work stream along and drafting should be provided for the Committee's review prior to the next meeting.

**Update to Letter of Intent:** The sub-group reported that this work stream was progressing and that the revised draft of the LOI should be ready for review by the next meeting.

**Update to Security Assignments in Lending Transactions:** Given the recent movements towards a charging structure rather than security assignments it was agreed, subject to feedback from Marc Hanson, that this item would be removed from the agenda going forwards.

**Update to Borrower Reporting:** The Chair reported that he had discussed the guidance with the Financial Law Committee and the Land Law Committee, who have both endorsed the document.

**Standardisation of CLLS Documentation:** Angus Dawson, Richard Hill and Fiona Edmond have set up a working group to liaise with the Land Law Committee in commenting on the 8th Edition of the Certificate of Title as and when the Land Law Committee progresses this work stream.

**Funders and third party rights:** The working group is meeting at the beginning of February and will report back at the next meeting.

**Innovation Working Group:** Members will consider on an ongoing basis if there are any new areas that should be considered by the Committee.

## **Other business**

**Insurance market update:** Louise Mercer advised that the construction insurance sector is currently distressed leading to redundancies and reduced response times. Construction policy coverages are generally being restricted and wide policy exclusions for risks associated with COVID 19 and cyber security are prevalent. It also continues to be very difficult to obtain PI cover for architects and consultants.

The Supreme Court has granted insurers the right to appeal the decision in the FCA case that allowed COVID 19 claims to be made as long as the relevant coverage contains the appropriate infectious disease clauses. It was also reported that Arriva is filling some of the gap left in the commercial market by Alliance's withdrawal.

## **Date of next meeting**

The next meeting will be held via video conference on at a date to be agreed in March 2021 and if there are any issues with the date circulated please let the Chair know.