

**CITY OF LONDON LAW SOCIETY
CONSTRUCTION LAW COMMITTEE**

Held on Monday 7 March 2005 at 13.00

At Clifford Chance, 4 Coleman Street, London

Present: Alan Elias, Clifford Chance (Chairman)
Terry Fleet, Nabarro (Deputy Chair)
John Scriven, Allen & Overy
Jake Davies, Jones Day
John Rushton, Mayer Brown Rowe & Maw
Patrick Holmes, Macfarlanes
Marc Hanson, Cameron McKenna
Jenny Baster, Arup

Apologies: David Johnson, Kendall Freeman	Bill Gloyn, AON
Miranda Ramphul, Denton Wilde Sapte	Robert Bryan, Simmons & Simmons
David Courtney-Hatcher, Denton Wilde Sapte	Paul Cowan, White & Case
Marshall Levine, Field Fisher Waterhouse	Adrian Creed, Trowers
Anthony Bowles, Druces	Lynne Freeman, Richards Butler
Peter Brinley-Codd, Robert McAlpine	Jessica Taylor, Trowers & Hamlins
Stephanie Canham, Trowers & Hamlins	Jane Jenkins, Freshfields
Matthew Jones, Travers Smith	

1. Chairman's Report - Alan Elias

Alan had nothing specific to report from the main Committee of the CLLS. However, he urged members and additional working group meetings to participate fully and to regularly attend meetings. There was a need to maintain momentum and to produce regular out-put.

2. Reports from Working Groups

2.1 UK Development Working Group - Terry Fleet (Chairman)

- (a) **Standard From Novation Agreement:** The CLLS form is now available on the SCL site via a link. It has been successful and is being used by practitioners. Recent SCL seminar criticised CLLS form in favour of CIC alternative. Extent of comment unknown as none of those present had attended the relevant SCL meeting. Terry to gather more information and formulate a response, if required.

However, there was an opportunity further to promote its use (and therefore the work of the Committee). Marc Hanson's and Paul Cowan's article has been submitted to Building magazine. Its publication is imminent.

- (b) **Standard From Letter of Intent:** Terry reported that the first draft had been circulated to a sub-group of the Working Group - waiting for members of team to respond. Circulation to wider Group scheduled for end of March for feedback. Aim to publish on CLLS site before Summer.
- (c) **Latham Proposals:** Marc Hanson reported that the DTI is to publish its proposals very shortly, may be as soon as two weeks. It was considered very important that the Construction Committee was seen to participate fully in the consultation process. Alan is to invite members to volunteer to gear up for preparing the Committee's draft response
- (d) **Third Party Rights:** Alan has still not received any response from the Land Law Committee on the proposed open meeting. Agreed to campaign in property press for its use/raise awareness: *Property Week* and *Estates Gazette*. Alan to secure space and write articles.
- (e) **Proceeds of Crime Act:** The CLLS Regulatory Committee's open meeting arranged for 3 February 2005 had been postponed. John Rushton had received no response to his letter dated 23 December 2005 to the Chairman of the CLLS Litigation Committee. John to keep a watching brief on developments.

2.2 PFI/PPP/Projects Working Group

John Scriven reported no meeting of his Working Group had taken place since the last main committee meeting. John suggested another open meeting with guest speaker (e.g. someone from PUK), to be arranged for June.

Concerns remain that the international projects area is not being covered.

3. A.O.B

- 3.1 **Latent Defects Insurance:** Marc Hanson suggested this is one area the Group could look at in the future. Potential for an article in *Property Week* or *Estates Gazette*.
- 3.2 **Possible Guidance on CM as a procurement method:** Marc also suggested an article following the High Court decision in *Great Eastern Hotel v Laing* (February 2005). Terry also suggested an article on procurement 'fashions and trends'. Further suggestions included two stage tendering - 'opportunities and pitfalls'.
- 3.3 **Other:** there was a discussion on the practice of Employer's Agents to exclude liability for design and its implications for the client.

Alan Elias
Chairman