

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

12:30 28TH SEPTEMBER 2017

MINUTES OF MEETING

IN ATTENDANCE

Gillian Thomas – Chair

Matthew Jones

Marc Hanson

Stephanie Canham

Alistair McGrigor

Paul Cowan

Andrew Thornton

Francis Ho

Nick Downing

Martin Potter

Drew Norman

Kevin Hart – CLLS

APOLOGIES

John Hughes D'Aeth

David Metzger

Jane Jenkins

Richard Hill

Richard Ceeney

Victoria Peckett

Angus Dawson

Tim Reid

1. AGENDA

1.1 Construction Foundation course 2017 – see attached

1.2 Invitation to new members - update

1.3 Election of new chair - update

1.4 Any other business

2. CONSTRUCTION FOUNDATION COURSE

GT confirmed that speakers had now confirmed acceptance and venues were arranged. Details of the talks are to be put on the CLLS website, in the form attached to these minutes.

GT asked that speakers send slides to her so she could distribute to the venue hosts. GT also asked that committee members advertise the talks to their colleagues and pass names of attendees to GT.

3. INVITATION FOR NEW MEMBERS FOR THE COMMITTEE

GT said she had received three applications from Julia Court of Addleshaws, Rob Horne of Simmons & Simmons and Fiona Edmonds of Charles Russell Speechly. It was agreed that all three would be asked to join.

4. ELECTION OF NEW CHAIR

GT had confirmed at the last meeting that she would be stepping down as Chair of the committee. GT reported that she had received one expression of interest in the Chair position from John Hughes D'Aeth. In the absence of other candidates the committee took a vote approving John's appointment.

John's appointment is subject to CLLS board approval. The board would next meet in November. Pending that approval, GT will remain as Chair.

As the vice chair position was held by John, expressions of interest in that position were requested. Matthew Jones confirmed that he would be happy to take on that role. Election of vice chair will be table for the committee's next meeting.

5. ANY OTHER BUSINESS

AT updated us on effects of the Grenfell tragedy on the insurance market.

GT brought The Business Contracts (Assignment of Receivables) Regulations 2017 to the attention of the Committee. These have been laid before parliament for approval. GT reported that she understood the CLLS Banking Committee to be raising concerns on the wording of the Regulations.

GT is to follow up on updates to the Letter of Intent and Novation Standard Forms. GT to follow up with JHD regarding the Escrow Agreement.

NOTE TO APPEAR ON WEBSITE REGARDING FOUNDATION TRAINING

The construction committee will be running three foundation level training sessions in November – details are on the attached programme. The training is intended for newly qualified solicitors in construction and trainee solicitors doing a construction seat. However, it may also be of interest to specialists in other areas that come across construction documentation and issues in the course of their work, for example real estate, insurance and banking lawyers. If you have colleagues that would like to attend, please email Gillian Thomas at Hogan Lovells to register (Gillian.thomas@hoganlovells.com).

CITY OF LONDON LAW SOCIETY
CONSTRUCTION COMMITTEE
FOUNDATION LEVEL TRAINING 2017

<p>Session One: Construction Procurement Venue: Berwin Leighton Paisner Adelaide House, London Bridge, London, EC4R 9HA Date: Friday 3/11/17</p>			
Topic	Speakers	Time	Programme
REGISTRATION/ INTRODUCTION		9.00 – 9.10	
Procurement Route Options	Marc Hanson (Berwin Leighton Paisner) [Another]	9.10 – 10.10	<ul style="list-style-type: none"> • Explanation of various procurement routes including traditional, design and build, management forms and two stage contracting. • Availability of standard forms • Letters of Intent – uses and abuses – the CLLS form.
Consultancy Appointments	Alistair McGrigor (CMS Nabarro) Gillian Thomas (Hogan Lovells)	10.10 – 11.10	<ul style="list-style-type: none"> • Key provisions of consultancy appointments • Standard forms
COFFEE BREAK		11.10 – 11.30	
Warranties and Third Party Rights	John Hughes D'Aeth (Berwin Leighton Paisner)	11.30 – 12.15	<ul style="list-style-type: none"> • Key provisions and standard forms

Session Two: Construction contracts legislation and construction issues

Venue: Penningtons, 125 Wood St, London EC2V 7AW

Date: Friday 10/11/17

Topic	Speakers	Time	Programme
REGISTRATION/ INTRODUCTION		9.00 – 9.10	
Construction Contracts legislation Part 1	Victoria Peckett (CMS Nabarro)	9.10 – 10.10	<ul style="list-style-type: none">• Explanation of what contracts are covered by the legislation and what is excluded.• Explanation of the statutory requirements relating to payment terms
Construction Contracts legislation Part 2	Francis Ho (Penningtons)	10.10 – 11.10	<ul style="list-style-type: none">• Adjudication
COFFEE BREAK		11.10 – 11.30	
Delay and Defects	Robert Horne (Simmons & Simmons) Paul Cowan (4 New Square)	11.30 – 12.15	<ul style="list-style-type: none">• Meaning of practical/substantial completion• Liquidated damages• Extensions of time• Termination• Remedies for latent and patent defects

Session Three: Bonds, guarantees, standard forms and insurance.

Venue: Hogan Lovells, Atlantic House, Holborn Viaduct, London EC1A 2FG

Date: Friday 17/11/2017

Topic	Speakers	Time	Programme
REGISTRATION/ INTRODUCTION		9.00 – 9.10	
Performance Bonds and Guarantees	Matthew Jones (Taylor Wessing) Sam Danton (Sir Robert McAlpine)	9.10 – 10.10	<ul style="list-style-type: none"> • Performance bonds • Parent company guarantees • Other bonds: advance payment, off-site materials and retention bonds • Payment security: advance payments, payment guarantees, project bank account agreements and escrow account agreements
Industry standard forms	Richard Ceeney (Reed Smith)	10.10 – 11.10	<ul style="list-style-type: none"> • Bodies producing standard forms • What forms are available • What types of projects are they used on • Words of warning.
COFFEE BREAK		11.10 – 11.30	
Introduction to Construction Insurance	Nick Downing (HSF) Richard Hill (Norton Rose Fulbright)	11.30 – 12.30	<ul style="list-style-type: none"> • All risks insurance • Professional indemnity insurance • Public liability insurance • Latent defects insurance • Subrogation, co-insurance and vitiation provisions • Rights of Light/Legal Indemnity insurance