

CITY OF LONDON LAW SOCIETY – CONSTRUCTION LAW COMMITTEE
Minutes of Meeting held on Wednesday 21 June 2023 via Teams

| Attendees | Apologies/unable to attend |
|-------------------------|-----------------------------------|
| Matthew Jones (Chair) | Drew Norman |
| Francis Ho (Vice-Chair) | Eleanor Milne (Secretary) |
| Kevin Hart (CLLS) | James Pratt |
| Julia Court | David Metzger |
| Louise Mercer | Alex Cunliffe |
| Marc Hanson | Richard Hill |
| Victoria Peckett | Gillian Thomas |
| Nicholas Downing | Angus Dawson |
| Ryan Fordham | Paul Cowan |
| John Woolley | Richard Ceeney |
| Ben Patton | Stephanie Canham |
| Alistair McGrigor | |

Minutes of last meeting

The last Committee Meeting had not proceeded as not quorate, a first due to various apologies. The Committee separately emailed with interim actions pending this meeting.

Update on CLLS activities

There was discussion as to the new Chair, Colin Passmore, and the strategic ambitions for CLLS. These include promoting CLLS and its Committees' activities, encouraging further engagement with younger members of the profession and contributing to new legal developments, for instance in relation to AI.

Associate Event

The Committee successfully held its first Associate Event, with Mark Farmer of Cast Consulting leading a discussion on methods of modern construction and related issues. Approximately 60 attendees were at the event and there had been very positive feedback.

The Committee resolved to sponsor further events, with the establishment of an Associate Committee and for that to be overseen by Committee Members: Francis Ho and Alistair McGrigor kindly offered to assist.

Insurance market update

The PI insurance market has settled with cover for fire and cladding, with the caveat that this is not available to all SME's or others in the supply chain.

Further the PI insurance market is not seeing any material impact on recent increases in statutory limitation periods and/or retrospective statutory duties, in connection with building safety. This is being monitored. Latent defects insurers however are not preferring to increase period of cover.

Finally, the market is increasingly accepting of express limitation periods in contracts including periods of cover commensurate with increased statutory limitation periods in connection with building safety.

Adjudication Bonds

There was a further update in relation to the Yuanda v Multiplex case and its impact on the market in relation to bonds and proposed/evident market response in terms of pricing for different bond triggers in response to the case and generally in respect of "on default" bonds.

Committee Training Series

There was discussion in relation tot form and content of the pending 2023 programme.

Other Current Committee activities

- (a) Novation Agreement and guidance: The Committee discussed progress of work by the working group, with appreciation for the various issues that have been considered. It was proposed and resolved that the business of the working group would revert to the Committee and that an updated precedent form and guidance notes would be considered and resolved by the Committee. Thanks was extended again to the working group for their efforts.
- (b) TPR's and CIGA: Angus is to lead progressing this.
- (c) Letter of Intent and guidance: This is final form to be distributed prior to publication.

AOB

None

Date of next meeting – 20 September 2023