

CITY OF LONDON LAW SOCIETY – CONSTRUCTION LAW COMMITTEE
MINUTES OF MEETING
Wednesday 18 September 2024

Attendees and Apologies/non-attendees

See Agenda for 18.9.24 meeting with rolling attendee list.

Minutes of last meeting

The minutes of the last June 2024 meeting are yet to be distributed – to follow if possible.

Update on CLLS activities

No update other than discussion of new Committees.

Insurance market update

No update for this meeting.

Associate Committee

The working group gave an update on progress. There are 7 nominees for Associate Committee membership; others are awaited. The revised goal is to have the Committee constituted and first meeting with Committee member champions in October 2024.

Discussion of JCT 2024 and BSA

There was sharing of market response and uptake of the 2024 JCT suite and anticipated further trends in the period up to JCT withdrawing the 2016 forms from publication.

There was also an extended discussion in respect of the Building Safety Act and Building Regulations, particularly in respect of Higher-Risk Buildings and also gateway approvals. There are market concerns over delays to gateway approvals and also the matters relevant to extending time periods. There was also a detailed discussion of the impact of gateway 3 approval and its impact on practical completion and related matters. There were genuine concerns over risks and costs associated with the regime, in addition to caution if the processes are delayed. Significant effort is being deployed by industry and their advisers to best deal with these matters.

Other Current Committee activities

- (a) Letter of Intent and guidance: This is published and its use and/or adaptation is encouraged.
- (b) Novation Agreement and guidance: This is in progress; Matthew Jones and Richard Ceeney, as well as ongoing input from Marc Hanson is to follow.
- (c) TPR's and CIGA: This had been reviewed and it was shared that CIGA may impact on step-in rights under TPR's. It was resolved the Committee's earlier note on TPR's should be reviewed and updated to deal with the same.
- (d) Energy/ESG: It was agreed this should be a standing agenda item. John Woolley and Richard Hill and Richard Ceeney are to have a standing brief under the same.

AOB

Committee meeting dates for 2025 (to follow as at the meeting) are now:

- 22 January 2025
- 26 March 2025
- 25 June 2025
- 24 September 2025

Date of next meeting – 22January 2025