



COMMERCIAL REAL ESTATE LEGAL ASSOCIATION

NEWSLETTER – SEPTEMBER 2013

Website!

So have you had a look at the website yet and registered? Click here www.crela.org.uk and follow the link through the Members' area. The new site was launched during the summer and as we fill up our seminar and event programme this will gradually become a more interactive website. So expect to see a number of additions appearing on the website over the coming weeks. If there is something you would like to see on it then do please let us know. We always welcome feedback.

Membership

To date the Association's membership year has run from 1 June to 31 May of the following year.

At the AGM in June it was proposed and approved that the membership year in future will run from 1 September until 31 August in the following year. This change is purely for administrative reasons.

This means that all members will have received a free 3-month extension to their 2012-2013 membership, and the next membership year will begin as of this week, 1 September 2013. The annual subscription for the coming year remains unchanged at £25.

Those who joined on or after 1 June 2013 are not required to pay a further subscription to renew their membership for 2013/14.

You may pay your renewal subscription personally or your firm may pay it for you and in conjunction with other colleagues.

You should by now have had your renewal invitation sent directly to you. If so we would encourage you to renew your subscription as soon as possible please. If you have not had a renewal notice please log on to the website and complete the form there or contact Tim Power at TPS (booking@tpsnorfolk.co.uk).

2013

CRELA's 2013 seminar and event programme kicked off on 31 January 2013 with a talk on sustainability provided by Martyn McCarthy, Director of Business Operations and Sustainability at Aberdeen Asset Management plc ("AAM"). Sustainability and environmental impact are going to feature regularly in the future.

As third party asset managers, AAM's firm belief is that whilst environmentally friendly buildings make perfect sense, new buildings are only a small proportion of the current building stock and so to have any real impact on the environment, there must be beneficial management and improvement of existing buildings. It is actual use of a property that really makes a difference to energy consumption, CO₂ emissions and ultimately the environment so there needs to be mutual co-operation between landlords and those who work or live within the properties themselves to have a positive effect on reducing environmental impact. In Martyn's view, the thinking behind some Government initiatives on the environment are not joined up or, at worse, not thought through.

We are therefore to expect further changes under the CRC Scheme and EPC's in future years which, coupled with the "green lease" clauses, should be unobjectionable. Tenant's lawyers should not simply strike out every

clause that mentions sustainability concepts as a matter of course but, rather, examine each carefully and consider its effect. That said, there may be good reason for short term tenants to resist the idea of contributing (via the service charge) to expensive and long term capital projects. No doubt we as lawyers will become tasked with finding compromise solutions with the need to draft accordingly. Thanks to Martyn for giving up the time for a very helpful insight into what leases might look like in the very near future.

On Thursday 25 April Taryn Nixon, Chief Executive of Museum of London Archaeology (MOLA) presented a talk entitled "Your Path, Our Future – Archaeology and Development in the City of London".

With archaeology having long been a material consideration in the UK planning process and often seen as a significant development risk, cost and delay, Taryn outlined the latest thinking around archaeology in the planning and construction process. Our thanks to Taryn for this informative and educational talk.

Next Events

On 30th September 2013, CRELA will hold a joint seminar with the Chancery Bar Association with updates on Landlord and Tenant, the Telecommunications Code and other "hot topics" to be presented by Professor Elizabeth Cooke of the Law Commission, Nicholas Taggart of Landmark Chambers and Patrick Rolfe of 5 Stone Buildings. The Hon Mr Justice Morgan is chairing the debate.

Publicity for this event, which is free of charge and being held at The Royal College of Surgeons, Lincoln Inn Fields, London WC2A, has been circulated and it is advisable for Members to reserve places early as they are limited.

On 20th November 2013, David Tomback of English Heritage has kindly agreed to lead a discussion on the issues that are presently affecting the profession and, indeed, society when dealing with Heritage.

This event is being held at The Willis Building, Lime Street, London and details will be circulated to Members shortly.

We've had requests from members to have a talk delivered by the Land Registry on the latest developments that practitioners should expect including e filing and are presently in dialogue with the Land Registry to confirm arrangements for that. Once confirmed the details will be placed on the website.

We are always looking to grow the regional support for CRELA and have events out with London. This is one of the core objectives of the organisation and we are hopeful of an event in Birmingham and possibly Leeds soon.

Do you have something you want to hear about or which would help you as a practitioner? Maybe regarding leasing, covenants, funding structures, changes to legislation or procedure? If so, we would be delighted to looking into setting something up with relevant speakers or offering you an audience of CRELA members. So drop us an e mail and let us know. It can be on an anonymous basis if you wish, we promise not to tell anyone!

Venues

We're always keen to keep down the price of events to help you as the member benefit. The price of holding and booking venues is in many cases prohibitive and therefore limits the size of venue and the location. We are grateful to those firms in London (and Birmingham) who have so far offered their services and offices up for use for venues and it is likely that the Committee will take up these kind offers for future events. If members are aware of any venues which are available for use or hire at a limited cost and which would suit a CRELA event then please do let us know.

We have of course also taken advantage of the good will and sponsorship from Willis and PLC Property on a number of occasions and for which we are most grateful.

Practice and Procedure Committee

Chaired by Simon Schipper, the committee meets regularly and has been involved most recently in submitting a response to the Con29 consultation broadly supporting the proposed changes and in discussions with other organisations such as the RICS to explore ways in which our organisations may be able to bring enhanced benefits to our respective members. More to follow on this shortly.

It has been an active participant in the Law Commission rights of light consultation which has received wide publicity and also provided feedback to the RICS on the RICS form of Retail Lease which was launched last year . Over the summer, the Committee considered and responded to the Con 29 consultation.

It is currently reviewing the Law Commission's proposed 12th Programme in relation to commercial lease issues (ie AGAs, exclusion of security of tenure procedure) and the potential review of the Land Registration Act 2002

The Committee is also working on effective ways to canvass the views of Members, possibly through the website, and details will follow.

CRELA Committee's Work

The Committee continues to work hard and is focused on expanding membership numbers and at the same time is striving to improve the variety and content of seminars and promoting the Association beyond London. We have ensured there has been a considerable variety in the seminars and discussions held to date covering all kinds of economic, development and legal based themes. However, we welcome suggestions, queries, recommendations or requests from all members to fill the diary for the forthcoming 12 months. Please direct any suggestions to those listed on the website who will be delighted to do what they can to assist.

This is your Association and so we want to hear from you to make sure we represent your needs and wishes.

Thanks for your continuing support.

CRELA Committee
September 2013