

The Conveyancing Conference

11 March 2019, 9.30am - 5.00pm
6 hours CPD



Chair: Ann Stewart, Shepherd & Wedderburn

Review of my first year as Keeper

- Progress with
 - Land Register completion (and the arrear)
 - introducing digital services
 - sharing our data and information
- An outline of our plans for the year ahead

Jennifer Henderson, Keeper of the Registers of Scotland

How do you establish a prescriptive servitude?

- The type of servitude right that can be created by positive prescription
- The type of activity needed to assert a servitude – open, peaceful, for a continuous period of at least 20 years and as if of right
- The difference between Prescription and Limitation (Scotland) Act 1973, s.3(1) and 3(2)
- Factors that vitiate possession, violence, stealth etc.
- The referability of possession to other rights

Professor Roddy Paisley, University of Aberdeen

Enforcement of heritable securities

Dr John MacLeod, University of Edinburgh

Transparency in land ownership and control

- A register to disclose those who control interests in land
- The duties to disclose
- What is control, and who has it?
- Exemptions, and protection for vulnerable individuals
- The consequences of failure to comply

Ann Stewart, Shepherd and Wedderburn

Land registration – some practical tips

What are the top ten pressure points for registration under the Land Registration etc. (Scotland) Act 2012 and how can you overcome them whilst...

- Avoiding rejection
- Getting the title sheet and title plan your clients need
- Navigating rectification, and
- Dealing with common areas

Valerie Clough

LBTT update

- Meaning of residential property
- Multiple dwelling relief
- Tricky Additional Dwelling Supplement issues
- Other recent developments

Isobel d'Inverno, Brodies

Transforming Scottish conveyancing

- Introduction to Altis Legal
 - A commitment to transforming Scottish conveyancing
 - An innovative online platform built in conjunction with Scottish solicitors
 - Improving conveyancing and creating transparency for all parties involved
 - A Scottish centric conveyancing solution for all sizes of organisations
- Paul Hilton, Mike Barcroft & Jamie Pemberton, Altis Legal*

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The Personal Injury Conference

11 March 2019, 9.30am - 5.00pm

6 hours CPD

Chair: Iain Nicol, Balfour + Manson

Prescription and limitation – recent developments

- The 1973 Act
- Recent cases and their impact
- Abolition of time bar in abuse cases
- Application of section 19A discretion
- Time bar and the Athens Convention

Robert Milligan QC

Developments in costs, funding and expenses

- The Civil Litigation (Expenses and Group Proceedings) (Scotland) Act 2018
- Current position with Success Fee Agreements and QOCS
- Recent court decisions on expenses

Iain Nicol, Balfour + Manson, Elena Fry, Brodies

Liability without fault – letting the Boss answer

- Historically, vicarious liability has always been a matter of expediency
- A trilogy of recent cases in the Supreme Court has recast and broadened the application of vicarious liability
- What is the nature of the relationship to allow the application of responsibility?
- What conduct is connected to the relationship?
- What future developments might be expected?

Simon Di Rollo QC

Industrial diseases – the current position

- Recent caselaw from Scotland
- English decisions and their likely impact north of the border
- Other recent developments

Kenneth Christine, Compass Chambers

Package travel claims modernised?

- The new package travel regulations
- Lack of conformity versus improper performance
- Linked travel arrangements
- Case update
- Pre-action protocol for gastric illness claims

Katherine Allen, Hugh James

The role of the Motor Insurers' Bureau in Scotland

- Background
- Compulsory insurance and indemnity under the Road Traffic Act 1988
- The Uninsured Drivers' Agreement
- The Untraced Drivers' Agreement
- Accidents in the UK involving a foreign-registered vehicle and accidents abroad
- Recent case law

Richard Templeton, Clyde & Co

Psychological trauma following personal injury: the problem of malingering and non-deliberate exaggeration?

- What can we tell you in a report?
- How do we assess this?
- What is malingering?
- How does this differ from non-deliberate exaggeration?
- The role of clinical experience
- The reality of surveillance footage
- How can you help us?

Dr Alison Harper, Harper Clinical Psychology

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The Family Law Conference

11 March 2019, 9.30am - 5.00pm
6 hours CPD



Chair: Alison Edmondson, SKO Family Law Specialists

For richer, for poorer.... review of recent case law on financial provision on divorce

- Considering developments in approach to s.9(1)(b)
- What is dissipation and when can it be argued?
- Where are we in relation to pension valuations?

Kirsty Malcolm, Westwater Advocates

Appropriate dispute resolution

- Consideration of each ADR
- Where do ADR processes sit against a skill base of negotiation/litigation?
- Where do such options fit into a modern family law practice?

Shona Templeton, MTM Family Law

Examination-in-chief v cross examination

- How to conduct each
- Being clear about the differing purposes
- Contrasting techniques

Scott McAlpine, Westwater Advocates

International child abduction

- The aims of the Hague Convention
- How to make an application
- Procedure
- Defending a Hague Convention case

Karen Gailey, Family Law Matters

Domestic abuse: a guide for practitioners on how to spot it and how stop it

- “Why doesn’t she just leave?” – a discussion on the pressures on women in abusive relationships and how practitioners can identify abusive behaviour, with reference to the 2018 Act, and tailor their advice to clients accordingly
- Protective measures that can be sought in court
- Considering how domestic abuse is treated by the legal system and the differences in how the civil, criminal and children’s referral proceedings approach the matter
- The experiences of children and young people – some thoughts for child welfare reporters

Nicola Gilchrist, Arnot Manderson

Education law update

- Additional Support for Learning
- Children’s rights in education - “My Rights, My Say” one year on
- Disability discrimination in education
- Parental engagement in Scottish schools
- Case law update

Iain Nisbet, Education Law Consultant

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The Contract Law Conference

11 March 2019, 9.30am - 5.00pm

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Chair: Brandon Malone, Brandon Malone & Company

Dispute resolution in cross-border contractual matters after EU withdrawal

- Impact of EU withdrawal on Scottish courts acting as forum for cross-border disputes
- Impact on identification of the governing law of the contract
- Impact on the enforcement of EU judgments in Scotland
- Impact on the enforcement of outgoing Scottish judgments within the EU
- Transitional provisions

Dr Kirsty J Hood QC

Remedies for breach of contract

- Retention (and is it a right?)
- Rescinding (just walking away)
- Implement (and do you want it?)
- Interdict (and undertakings)
- Payment (and the difference from damages)
- Damages (some less obvious aspects)

Michael Upton, Hastie Stable

You can never break the (Block)chain

- A quick refresher – what Blockchain is, and what it isn't
- Smart contracts – where clause and code collide
- 'Fizzy' by Axa Insurance – exploring an early adopter
- Industry trends and emerging stars
- What do you actually need to know?

Sam Moore, Burness Paull

Catering for negligence

- Contracting out: common law and statutory restrictions
- Negligence before and after the formation of the contract
- Parallel claims under contract and under delict
- The ever-expanding entire agreement clause

Alan Stalker, Young & Partners

Are your contracts Brexit ready?

- What's missing
- What should be included?
- *Force majeure*
- Anything else that needs to be considered?

Stephen Cotton, Wright, Johnston & Mackenzie

Cybersecurity, GDPR and contract

- Cybersecurity threats and weaknesses
- Agreeing cybersecurity standards
- Limiting liability for cybersecurity threats
- Damages for breaches of cybersecurity provision
- Resolving cybersecurity disputes
- The GDPR dimension

Brandon Malone, Brandon Malone & Company

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The Employment Law Conference

11 March 2019, 9.30am - 5.00pm
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Chair: Lindsey Cartwright, Morton Fraser

Whistleblowing in 2019

- What is a “protected disclosure”?
- What does it protect against?
- The public interest test
- Recent & future developments

Neil Maclean, Shepherd and Wedderburn

Changing terms and conditions of employment

- The legal context of change
- Best practice procedure
- Legislative interactions - avoiding the pitfalls
- Constructive dismissal

Lindsey Cartwright, Morton Fraser

Immigration law for employment lawyers

- Who has the right to work?
- Right to work checks and dismissal
- Brexit and the rights of EU staff
- Problem areas and pitfalls

Stuart McWilliams, Morton Fraser

Monitoring and staff

- What issues arise around social media
- Are random searches OK?
- What about alcohol and drug testing
- What practical pointers are there in managing these issues

Dr David Hoey, BTO Solicitors

Harassment claims– a new dawn or the same old story!

- An overview of the harassment provisions of the Equality Act 2010
- Third party harassment & MeToo – where are we now?
- Managing historic claims of harassment
- Harassment claims in the absence of a protected characteristic – avenues to explore

Noele McClelland, Thorntons

Restrictive covenants

- Restraint of trade and legitimate interests
- Whether a fiduciary or not?
- Non-competition vs confidentiality
- Prima facie case
- Balance of convenience

David Hay, Westwater Advocates

Protected conversations and legal advice privilege

- Admissibility of evidence in the employment tribunal
- How to have a pre-termination discussion (commonly known as a protected conversation) with an employee
- When might protected conversations still be admissible in subsequent employment tribunal proceedings?
- Distinctions between protected conversations and without prejudice communications
- When might legal advice in employment cases lose the protection of legal advice privilege?

Jacqueline McCluskey, Morisons

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The Corporate Conference

12 March 2019, 9.30am - 5.00pm

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Chair: Andrew Meakin, Morton Fraser

Private equity investing - a fund manager's view

- Evaluating private equity investment opportunities
- Transaction due diligence
- Portfolio value enhancement
- Exiting the investment
- Expectations of legal and other advisers

Andrew Carnwath, BMO Global Asset Management

Guarantees

- Treating guarantees with suspicion
- The beneficiary's view
- The guarantor's view
- Transactional risks for all parties
- Dealing with changes to the underlying deal
- Is a guarantee ever watertight?

Andrew Meakin, Morton Fraser

Company caselaw update

- Cases recently decided
- Impact of these cases in practice
- Pointers for practitioners

Gavin MacColl QC

Investor ready from an intellectual property perspective

- What a spin-out/start up company has to consider pre-investment regarding IP
- The IP due diligence process
- Considerations when dealing with an academic institution as part of the investment process

Dr Julie Nixon, Morton Fraser

TUPE for corporate lawyers

- Overview of TUPE and its key protections relevant to corporate deals
- When does TUPE apply - share acquisitions v business acquisitions, and application to service provision changes
- Duty to inform and consult with affected employees - key buyer and seller actions
- Approach to deal connected redundancies, reorganisation and harmonisation of terms and conditions of employment
- Application of TUPE to sales of insolvent businesses

Morag Moffett, Burness Paull

Professional indemnity insurance for solicitors in Scotland

- The importance of risk management
- The potential for conflict of interest in corporate transactions
- Examples of claims against solicitors working in corporate/commercial transactions
- Actions to reduce risk

Matthew Thomson, Lockton

Entrepreneurs' Relief on a Share Sale: avoiding the pitfalls

- Qualifying conditions and the impact of the Autumn Budget 2018 changes
- Pitfalls for the unwary
- The Entrepreneur's Relief impact of dilution on new investment
- Entrepreneur's Relief for EMI optionholders

Karen Davidson, Brodies

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The Succession Conference

12 March 2019, 9.30am - 5.00pm

6 hours CPD

Sponsored by



Chair: John Kerrigan, Morisons

The laws of succession - the current position

- What changes have been effected by the 2016 Act to our laws of succession?
- How are the provisions of the 2016 Act affecting executry practice and the drafting of wills?
- What are the implications of the October 2018 Government paper?
- What matters still require to be addressed by the Scottish Government in relation to our laws of succession?

John Kerrigan, Morisons

Estate planning by interveners

- Can an intervener be authorised to change an existing will?
- What have our courts allowed to date in relation to estate planning for wealthy incapax adults?
- Can the 2000 Act be used to replace a missing will?
- Can a suitably empowered/authorised intervener enter into a valid Deed of Variation, a disclaimer of an inheritance entitlement or legal rights?
- What protections do we already have under existing legislation/case law?
- Can an intervener be appointed as executor in place of an incapax adult?

Alison Hempsey, TC Young

IHT aspects of succession

- IHT on death
- IHT on lifetime gifts within 7 years before death
- Exemptions on death and in lifetime
- Reliefs
- Deeds of Variation

Professor Alex McDougall

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Cross-border succession

- A round up of common intra-UK succession issues & traps
- Brussels IV on the eve of Brexit
- Look across the pond – UK/US considerations
- A snapshot of highlights from the rest of the world

Mark McKeown, Turcan Connell

Reduction of wills - the process and basis of an action

- A brief outline of the procedure for an action of reduction of a will
- The basis for an action of reduction
- Review of recent case law

Gary Burton, Anderson Strathern

Managing the risk to an executor when using specialist support services

- Intestacies – when to seek specialist help
- Insurance and Bonds of Caution
- Charging models for missing beneficiaries
- Handling overseas assets

Simon Barber, Title Research

Negligence in will making

- Obtaining instructions: reflecting on “mirror” wills, double deaths & legal rights
- Effecting instructions: conquering old drafting chestnuts, and new varieties too
- Timely and tidy execution: keeping your head out of the noose
- Life After death: mitigation; “mobiles”; and more

Nicholas Holroyd, Terra Firma Chambers



The Criminal Law Conference

12 March 2019, 9.30am - 5.00pm

6 hours CPD

Chair: Sheriff Raymond McMenamin

Cross-examining children and vulnerable witnesses

- The current legislation
- Vulnerable witness applications
- Special measures
- What next? Key provisions of the Vulnerable Witnesses (Criminal Evidence) (Scotland) Bill
- Practical skills to be considered

Keith Stewart QC

Instructing a forensic pathologist

- The areas of expertise of a forensic pathologist
- Case types in which a forensic pathologist can assist, not only homicides
- Preparation of the case, what the forensic pathologist needs
- What you can expect from the forensic pathologist

Marjorie Turner, Head of Forensic Medicine and Science, University of Glasgow

Preparing for trial in serious solemn cases

- Practical considerations
- Procedural developments
- Pitfalls to avoid
- Significant cases

Frances McMenamin QC

Dockets in criminal trials: are they human rights compatible?

- The use of evidential charges
- Jurisprudential developments
- The need for corroboration in sexual offences cases
- Statutory reform - the introduction of dockets
- Compatibility issues

Ximena Vengoechea, Hastie Stable

Serious and complex crime

Ronnie Renucci QC

Criminal caselaw update

- Recent appeal cases from the High Court
- Recent appeal cases from the Sheriff Court
- Possible impact of those decisions
- Trends to look out for

Fred Mackintosh, Terra Firma Chambers

Current issues in sentencing

- Recent appellate sentencing guidance
- The English sentencing system and use of English guidelines as a "cross-check"
- Sentencing young offenders
- The work of the Scottish Sentencing Council

Dr Graeme Brown, Durham University

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The Commercial Property Conference

12 March 2019, 9.30am - 5.00pm

6 hours CPD

Chair: Professor Kenneth C Ross, Loch Lomond and the Trossachs National Park Authority



Repairing clauses in leases

- Drafting to maximise the landlord's or tenant's position
- Forcing a tenant to do works after the lease has ended
- Dispute resolution clauses and dilapidations claims
- Landlord certification clauses - do they work?
- Enforcing repairing obligations during the term
- Avoiding unexpected liabilities (repair)

Alan McMillan, Burness Paull

How do I ensure that my clients have an effective servitude for their property?

- Express servitudes
- Prescriptive servitudes
- Plans for servitudes
- Servitudes in prior Sasine deeds
- Vague servitudes in registered titles

Valerie Clough

How do you price land? Purchase price, overage and clawback

- How to approach pricing for different types of project and how price can help with different goals for clients
- How to deal with overage payments and clawback
- How to deal with projects with a long life, where contracts may run not just for years, but for decades

Andrew Todd, Springfield Properties

Planning obligations for the commercial conveyancer

- Planning obligations and how to avoid them – the hierarchy of options
- Drafting challenges and solutions
- Modification and discharge – process and practice
- Fallout from Elswick – what you need to know

Karen Hamilton, Brodies

Notices under leases – getting them right!

- Identity of the parties
- When do you serve notices?
- How do you serve notices?
- The importance of words
- What to do when it goes wrong

Sheila Webster, Davidson Chalmers

Common property – the story continues

- Origins and history of the problem
- Impact on practical conveyancing
- How should we adjust our behaviour?
- Is there a solution in sight?

Professor Kenneth C Ross, Loch Lomond & the Trossachs National Park Authority

Property case law update

- Most significant cases over the last 12 months
- Decisions taken in those cases
- Impact for practitioners

Isla Davie, Ampersand

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The Licensing Conference

12 March 2019, 9.30am - 5.00pm

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Chair: Scott Blair, Terra Firma Chambers

Licensing policies: “before and after”

- The wind of change – broad themes across the new policies
- Overprovision – new approaches, new areas?
- Licensed hours – relaxations vs restrictions
- The agent of change?
- Other notable ideas and blue sky thinking

Stephen McGowan, TLT LLP

Defending a review application

- The “incident” and first actions by the licenceholder
- The review citation
- Preparation for the review hearing
- Review hearing outcomes & the effect on strategy
- What remedies are available after review?

Andrew Hunter, Harper MacLeod

Gambling picture in Great Britain

- Consultations and publications – 2018 and upcoming
- Gambling Commission – a tougher stance continues
- Regulatory sanctions
- Case round-up
- What’s happening in Scotland?

Christopher Rees-Gay, Pinsent Masons

Good practice for licensees – how can the licensed trade assist the police

Sergeant Gareth Griffiths, Police Scotland

Taxi and private hire – current issues

- Demand surveys - taxis and private hire vehicles
- Taxi Licensing Conditions
- Equality Act 2010 duties and taxi licensing
- Digital technology
- The future of taxi licensing

Raymond Lynch, West Dunbartonshire Council

UK caselaw review

- Liquor cases update
- Taxi and private hire cases update
- Civic licensing cases update
- Emerging themes from the cases

Scott Blair, Terra Firma Chambers

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