

The Conveyancing Conference

3 June 2019, 9.30am - 5.00pm
6 hours CPD



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

Boundary disputes

- Gaining an overview – people, property, prospects
- Boundary disputes and title plans
- Access and servitude disputes
- Tenement disputes
- Burdens disputes
- Tools and resources – rectification, litigation, negotiation

Donald Reid, Mitchells Robertson

Tenements

Professor Roddy Paisley, University of Aberdeen

Listed buildings/conservation areas – key issues for property lawyers

- What does the listing include?
- Listed building consent – when is it required?
- Lack of immunity from enforcement
- Implications for redevelopment
- Protection of setting
- Certificate of intention not to list
- Enabling development
- Demolition of buildings in conservation areas

Neil Collar & Victoria Lane, Brodies

The Scottish Standard Clauses

- Review of Scottish Standard Clauses (Edition 3)
- Discussion on the reasoning behind the recent changes
- Impact on practice
- Suggestions for Edition 4?

Ross MacKay, Coulters

Access to land – the impact on conveyancing

- Access rights under the Land Reform (Scotland) Act 2003
- Extent of rights and limits of rights
- Early case law
- The *Drumlean* case

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

Prescriptive claimants- is it worth all the bother for your clients?

- *A non domino* under the Land Registration etc. (Scotland) Act 2012
- How do the procedures work?
- What if a true owner appears?
- What are the alternatives your clients may seek?
- How does this sit with the completion of the Land Register?

Valerie Clough

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The Health & Safety Conference

3 June 2019, 9.30am - 5.00pm

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Chair: Katherine Metcalfe, Pinsent Masons

Justice denied? Delay in the fields of regulatory crime and Fatal

Accident Inquiries

- The cause of delay
- The effect of delay
- Public concern
- Legal remedies
- Strategic and tactical issues

Murdo MacLeod QC, Compass Chambers

Data protection legislation and health & safety investigations: myth busting!

- Significant changes that were brought in by the GDPR versus what has not changed
- The significance of personal data versus special category personal data
- Important data processing considerations for health and safety investigations
- When can you share personal data and what needs to be in place to comply with the law?
- The exemption for processing data when legal privilege and client confidentiality are considerations

Laura Irvine, Davidson Chalmers

Occupational health and wellbeing

- What is occupational health and wellbeing?
- What are your legal obligations?
- Good practice
- Health surveillance
- Hot topics and current areas of HSE focus

Charlotte O'Kane, Pinsent Masons

Developments in UK building safety

- Update on implementation of the Hackitt review in England & Wales
- The Scottish Government's response to the Cole and Stollard reports
- Progress to date with the Grenfell Inquiry
- Implications for product safety

Katherine Metcalfe, Pinsent Masons

Corporate homicide in Scotland

- An overview of the Corporate Manslaughter and Corporate Homicide Act 2007
- Who does the Act apply to and in what circumstances will a conviction result?
- No prosecutions in Scotland – yet. Update on the current position in respect of Crown Office and Procurator Fiscal Service
- Alternatives in Scotland: Culpable Homicide and the Health and Safety at Work etc. Act 1974
- A view from England & Wales – a brief review of recent/key decisions south of the border

David Cairns, BTO

Sentencing in health and safety cases

The latest trends in sentencing in health and safety prosecutions will be examined, including use of definitive sentencing guidelines when dealing with individuals and companies in light of the recent cases including *R v Electricity North West Limited* and *R v Butt*.

Gavin Anderson, Compass Chambers

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The Family Law Conference

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Chair: Marika Franceschi, MacRoberts

Review of recent case law on financial provision on divorce

- Special circumstances and the matrimonial home, and related issues
- Considering developments in approach to s.9(1)(b)
- What is dissipation and when can it be argued?
- Where are we in relation to pensions on divorce post McDonald in the Supreme Court

Kirsty Malcolm, Westwater Advocates

The challenges of seeking a relocation order

- The starting point – The Children (Scotland) Act 1995
- Case law analysis
- Relocations intra UK and abroad
- Temporary relocation
- Competing factors and the weight accorded to them
- Practical advice for a client considering relocation

Morven Douglas, Morisons

Using family consultants

Myra Eadie

International family law

- General practical tips and pitfalls to look out for
- International divorce – pre-action checklist
- The international pre-nup
- Relevant case studies
- The impact of Brexit

Marika Franceschi, MacRoberts

Update on surrogacy law and practice

- Recent statutory reform
- Case law update
- Future reform
- Related developments re legal parentage and assisted reproduction

Robert Gilmour, SKO Family Law Specialists

Key employment issues for family lawyers

- Dividing up the family business – employee spouses and use of settlement agreements
- Practical case study
- Impact of Brexit on EU citizens going through separation/divorce

Katy Wedderburn, MacRoberts

Understanding business accounts and valuing business assets

- An overview of business accounts
- Understanding how a business is valued
- How a forensic accountant can help with business valuations
- The information a forensic accountant needs in order to value a business
- Warning signs in accounts for business valuations in divorces

Greig Rowand, Henderson Loggie

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The Contract Law Conference

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Chair: Alan Stalker, Young & Partners

The future of contract

- Formation of contract: representations and terms
- Mutuality of contract
- Withholding performance
- Restitution upon termination
- Contributory fault

Professor Hector MacQueen, The University of Edinburgh

Jurisdiction issues in contract cases: the impact of EU withdrawal

- EU jurisdiction rules relevant to contract cases
- Transitional provisions applicable on UK's withdrawal from EU
- Jurisdiction rules in contract cases in a 'post-Brexit' world

Dr Kirsty J Hood QC, Hastie Stable

Unfair contract terms: a bit of codification, a bit of a guddle

- Protection for consumers (and not much protection for businesses)
- Contracting on-line, at a distance and face-to-face
- Trading practices v unfair trading terms
- Civil remedies and criminal liability

Alan Stalker, Young & Partners

Rangers F.C. in the Courts: 2011-2018

- Administration & applicable law
- Indemnities – interpretation
- Assignment & fraud
- Judicial review of contractual arrangements
- Gaming contracts
- Employee benefit trusts & tax

Michael Upton, Hastie Stable

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Liquidated damages and penalty clauses: where are we now?

- Penalty clauses and liquidated damages clauses before *Cavendish Square Holdings BV v Talal El Makdessi; Parkingeye Ltd. v Beavis* ("Makdessi") [2015] UKSC 67; [2016] AC 1172
- The Decision of the Supreme Court in *Makdessi*
- *Edgeworth Capital (Luxembourg) Sarl v Ramblas Investments BV* [2016] EWCA Civ 412; [2017] 1 All E.R. (Comm) 577 and other decisions post-Makdessi
- Scottish decisions post- *Makdessi*
- Drafting penalty clauses after *Makdessi*

Professor David Cabrelli, The University of Edinburgh

Boilerplate clauses update

- Written variation clauses
- Entire agreement clauses
- Jurisdiction and choice of law
- No partnership clauses

Graham Middleton, Hastie Stable

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The Criminal Law Conference

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Chair: Sheriff Raymond McMenamin

Miscarriages of justice and the role of expert witnesses

- The current roles and duties of expert witnesses in court
- Reflections on the work of the SCCRC in 20 years of operation in reviewing miscarriages of justice
- Ways in which prosecutors, forensic scientists and police officers have, either intentionally or inadvertently, misapplied forensic science skills or techniques in such cases

Gerard Sinclair, Scottish Criminal Cases Review Commission

Financial crime update

- Issues arising when a client faces a charge of embezzlement
- The peculiarities arising from crime committed by a person in a position of trust
- The obligations (or lack thereof) on the Crown as regards specification
- How to prepare to defend an embezzlement charge
- Recent trends in sentencing such cases

Clare Connelly, Compass Chambers

Transitional justice in Colombia: moving from words to action

Simon spent 5 years working in conflict zones in Colombia. He regularly returns to carry out field work there. His talk will look at the implementation of Colombia's historic peace accord, particularly in regard to the rights of victims of the armed conflict. Where should the line be drawn between, on the one hand, accountability for gross human rights violations and, on the other, the political realities of a negotiated peace accord? Simon's talk will look at the role of the International Criminal Court in Colombia and the precarious situation of human rights lawyers and defenders in the field

Simon Crabb, Arnot Manderson

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The Domestic Abuse (Scotland) Act 2018 – the main provisions and application

- The new statutory provisions
- Changes introduced by the legislation
- Evidential and practical issues arising from the new provisions
- Potential problems

Sheriff Raymond McMenamin

Immigration for criminal practitioners

- Basic concepts of immigration law, including who can and cannot live and work in the UK lawfully
- Specific offences related to immigration law
- Defences available in immigration law to criminal offences
- The powers available to police & immigration officials
- Factors to take into account before pleading

Jamie Kerr, Burness Paull

Regulatory crime update

- Health & safety update
- Corporate homicide/manslaughter
- Health & safety sentencing developments

Barney Ross, Compass Chambers

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The Debt Recovery Conference

4 June 2019, 9.30am - 5.00pm

6 hours CPD



Chair: Stephen Cowan, Yuill & Kyle

Personal Insolvency, the past, the present, the future

- A brief history lesson
- Major influencing factors
- Modernisation - "Bankruptcy and Debt Advice fit for Scotland in the 21st century"
- Hot topics
- The future

Eileen Blackburn, French Duncan

Overview of diligence and statutory demands

- Introduction to pre sue collections and how clients can maximise recoveries
- Introduction to diligence to include
- Charge for payment
- Attachment and exceptional attachment
- Arrestment, earnings arrestment and money attachment
- Time to pay directions
- Statutory demands for payment

Stephen Cowan, Yuill & Kyle

Debt Arrangement Scheme

- Scottish Insolvency Statistics and DAS
- Background to Scottish SME Market
- Challenges for SMEs
- Applicable regulations
- DAS, Business DAS and updates
- Case Studies

Ian Brown, Thomson Cooper

Anatomy of a disputed Simple Procedure debt recovery action

- Application of Simple Procedure rules in defended actions
- Sheriff's powers, e.g. to make a decision without a hearing
- Do orders to lodge documents at early stage conflict with rules on evidence?
- Is Simple Procedure simple particularly for party litigants?
- Has Simple Procedure met its objectives?

Eleanor Hamilton, Optima Legal

Dealing with commercial tenant arrears'

- The key lease obligations
- Management of arrears and common debt recover practices
- Summary diligence
- Irritancy
- Tenant insolvency, including CVAs and hypothec

Angus Wood, MacRoberts

Recovering debt – the grounds of jurisdiction

- Litigation to recover debt: which rules apply?
- Which set of rules applies in any particular action?
- Litigating in Scotland to recover debt: the main grounds
- Pleading jurisdiction
- Recovering debt without litigation

Richard McMeeken, Morton Fraser

£135 + vat (Members)/£175 + vat (Non-Members) until 24 April

The Elderly Client Conference

4 June 2019, 9.30am - 5.00pm

6 hours CPD

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Chair: John Kerrigan, Morisons

Adults with incapacity reform

- The AWI Reform agenda and progress to date
- The process from here
- The impact of the proposed changes on practice
- What you can do to prepare

Sandra McDonald, EX-PG

Testamentary capacity and capacity

- What is capacity?
- What is testamentary capacity?
- Who decides the question of capacity?
- How should a Solicitor approach the question of capacity – testamentary or otherwise?
- What is the Law Society Guidance on the question of capacity?

John Kerrigan, Morisons

Incapacity – the current position

Alison Hempsey, TC Young

Effective will drafting for the elderly

- Practical drafting steps
- Tax implications
- Asset protection & trusts
- Rectifying wills & post-death planning

Chris Sheldon, Turcan Connell

Use of genealogy in estate administration

- When to instruct a specialist
- Intestacies
- Missing beneficiary insurance
- Other applications for genealogy
- Charging models and mitigating risk

Simon Barber, Title Research

Planning for residential care

- The cost of care and its funding
- The family home
- Notional capital
- Moving to care home and capacity

John Peutherer, Anderson Strathern

Contested executries

- Troublesome trustees and executors: murderers; mischief makers; and more
- Debt: dealing with the difficult
- Legal Rights, and wrongs
- Residuary beneficiaries: overlooked questions; and some answers
- Judicial guidance and the need for reform

Nicholas Holroyd, Terra Firma Chambers

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The Employment Law Conference

4 June 2019, 9.30am - 5.00pm

6 hours CPD

Chair: Lindsey Cartwright, Morton Fraser

The Parity Paradox: why simple equal pay is so difficult to achieve

- How to recognise a good claim?
- What type of equal pay claim to pursue?
- What defences can be deployed?
- What is job evaluation and why is it important?
- What makes a job evaluation scheme valid?
- Trends

Stephen Miller, Clyde & Co

When private life meets working life: a human rights based perspective

- Human rights placed in the employment law context
- The right to privacy in a digitally connected world. Article 8 respect for private and family life
- Freedom of thought, conscience and religion. Article 9
- Deploying a human rights based argument. Can I? Should I? How to?
- Unfair dismissal and Article 8 rights; an example

Kenny Gibson, Hastie Stable

Update on age discrimination

- Latest case law update
- New ACAS Guidance on Age Discrimination
- Justification arguments
- The impact of an ageing population on social policy considerations

Lindsey Cartwright, Morton Fraser

Insolvency and employment

- The effect on employment relationships of insolvency
- TUPE and insolvency
- Practical issues to consider when buying from administrators (including qualifying liabilities and ranking of employment debts)

Alison Weatherhead, Dentons

A walk down Market Street: a consideration of employer vicarious liability

- Consideration of vicarious liability in employment scenarios
- Determining vicarious liability
- Closer look at *Wm Morrison Supermarkets Plc v Various Claimants* [2018] EWCA Civ 2339
- Avoiding vicarious liability
- How to advise on vicarious liability

Marianne McJannett, TC Young

The beginning of the end: the benefits of case analysis and written advocacy

- Focused case analysis - put the shotgun away
- Taking advantage of pleadings - tell the story you want to tell
- Persuasive advocacy - making the judge's life (and decision) easy

Neil MacDougall, Westwater Advocates

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The Commercial Property Conference

4 June 2019, 9.30am - 5.00pm

6 hours CPD

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Chair: Ann Stewart, Shepherd & Wedderburn

Buying and selling property at auction

- Buying property at an auction – buyer beware
- Selling property at an auction – an easy option?
- Peculiarities of auction sales
- RICS Standard auction conditions – and the PSG kilted version

Ann Stewart, Shepherd & Wedderburn

Capital allowances

- Maximising capital allowances on property deals
- The new Structures and Buildings Allowance
- Making the most of the £1m Annual Investment Allowance
- The importance of section 198 elections
- How to deal with capital allowances in deal documentation

Isobel d'Inverno, Brodies

Title insurance in 2019

- Overview
- Current issues
- Case studies

John Logan, Stewart Title

Good faith - is this relevant under the Land Registration etc. (Scotland) Act 2012?

- Leases and servitudes granted by non-owners
- Extinction of encumbrances and floating charges
- Compensation available under this part of the Act
- How to advise your clients for a stress-free registration

Valerie Clough

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Developments in planning and land reform

- Progress with the Planning ((Scotland) Bill
- Potential controls over short term holiday lets
- Proposed infrastructure levy and relationship to section 75 contributions
- Land value capture
- Developments in compulsory purchase

Michael Greig, DLA Piper

Alcohol licensing for property lawyers

A general overview of the current alcohol licensing regime in Scotland, looking in particular at the issues most commonly encountered by property lawyers, including:

- complexities around premises licence transfers and how this can impact on completion timescales
- licensing matters to consider when drafting leases
- landlord v tenant: who should hold the premises licence?
- what happens in insolvency situations and the important licensing timescales

Lynn Simpson, Shepherd & Wedderburn

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The Licensing Conference

4 June 2019, 9.30am - 5.00pm

6 hours CPD

Chair: Scott Blair, Terra Firma Chambers

Gambling – place your bets?

- Gambling backlash? FOBTs, £2 stakes, and scratchcards
- Licensing Board's Statement of Gambling Principles – a review
- Current approaches to dealing with Operating Licences – an applicant's view
- Interplay between operating licences and premises licences – what licensing boards need to know
- Technology/"disruptive" business models and licensing

Stephen McGowan, TLT LLP

Minimum pricing – one year on

- Recap on the law
- Examples in practice
- The Sunset clause and Scottish Government evaluation
- NHS Health Scotland Independent evaluation
- Do we know of any impacts one year on?

Andrew Hunter, Harper MacLeod

Licensing and immigration – where are we now and what the future holds

- Background and context to the amendments to the Licensing (Scotland) Act 2005 and Civic Government (Scotland) Act 1982 to include immigration provisions
- Immigration and the civic licensing regime
- Immigration and liquor licensing – impact on personal licence renewals?
- Is licensing the right place to tackle immigration? How will these changes fit with licensing's fit and proper person test?
- What will the changes mean for local authorities and licensing practitioners?

Michael McDougall, TLT LLP

Transfers and troublesome times

- Transferring a premises licence- what's the big deal?
- Law versus practice
- Straightforward transfers
- Transfers in insolvency
- "so where's the licence now?!" ; when things go wrong

Frances Ennis, Pinsent Masons

Animal welfare licensing - the current scene in Scotland

- Dog breeding licensing reform - the current consultation and state of play
- Lucy's Law - a gap in our system?
- Grouse moor shooting licensing - the REVIVE campaign
- Animal rehoming and shelter licensing
- Animal welfare licensing caselaw roundup

Scott Blair, Terra Firma Chambers

Civic licensing update

- Policy considerations in civic licensing - trends and direction
- Sexual entertainment licensing
- Taxi licensing - the national picture and local trends
- Civic licensing - the current regulatory structure, the approach of comparative jurisdictions and future reform

Raymond Lynch, West Dunbartonshire Council

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