

Location & Date

Date: 18th June 2019

Time: 08:50 - 16:45

Location:

COSLA

Verity House

19 Haymarket Yards

Edinburgh

EH12 5BH

CPD Hours: 5hours 30minutes

Join residential conveyancing and commercial property colleagues in Edinburgh for a unique property focused joint conference. For the first time, you can mix and match between residential conveyancing and commercial property streams and join together with peers for joint plenary updates and discussions. The programme will also feature the latest from the Property Law Committee and Law Society experts on recent matters that affect your practice.

Whether acting for tenants or landlords, first time buyers or high-value second properties, it is always the priority of the property solicitor to help negotiate the best terms and conditions with the aim of ensuring clients are able to achieve their objectives and timescales. The conference has a superb line-up of leading experts and a specialised programme to provoke, stimulate, challenge and educate you on the latest unmissable issues in conveyancing practice across Scotland.

*Are you a solicitor interested in specialising in this area of law? We offer specialist accreditation in a number of areas including **Commercial leasing**. Find out more and how to qualify **Specialist Accreditation**.*

Learning outcomes

- Get an update on the key issues from residential and commercial conveyancing practice in 2019
- Gain valuable knowledge and insight on LBTT and ADS
- Pose best practice questions and scenarios to our experts across the day
- Explore the latest trends in commercial leasing and remedies for breach of contract
- Analyse tricky fraud scenarios for your radar
- Gain the latest updates from the work of the Property Law Committee

Testimonials

"This was a very useful and informative day."

June 2018

"Great conference with a variety of important subjects discussed."

June 2018

"One of the best, most useful events I've been at that the Law Society have run"

October 2017

"I am a dual qualified lawyer and really enjoyed this - better standard and atmosphere than English equivalents. More engagement"

June 2017

Programme Details

08:50 - 09:20 Registration, refreshments and exhibition

09:30 - 09:45 Welcome and introduction

Speakers

Residential Chair: Austin Lafferty, Austin Lafferty Ltd



Austin qualified in 1981, and after working in firms in various areas of practice, he opened Austin Lafferty Solicitors, in East Kilbride – in the office where the firm still operates and thrives. Over the years he has acted in many court cases doing both criminal and civil litigation in courts throughout Scotland, and occasionally beyond. He built up the core business, and as it grew, he was joined by colleagues who have all brought their own substantial contribution to the firm. In the last few years Austin has come to concentrate more on business law and commercial property work – leases, purchases and sales, acquisitions security transactions and corporate restructuring. He also deals in wills, powers of attorney and executries for the firm's many private clients.

Throughout his career Austin has had a unique parallel professional life. He has written and broadcast on legal issues for the general public, on radio, television, the internet and in newspapers and periodicals. He has worked for BBC, STV, many local radio stations and news organisations. Currently writing a weekly (Wednesdays) legal advice column for the Evening Times newspaper and broadcasting a weekly (Wednesdays 10 pm) legal discussion feature on Your Radio FM.

Commercial Chair: Deborah Lovell, Commercial Property Specialist, Anderson Strathern



Deborah is a commercial property specialist who focuses particularly on property development, renewable energy and land tax advice. She works closely with landowners and developers on the acquisition and sale of land for residential development. She also provides expert advice to public bodies to help them in the delivery of their estate strategy. This involves issues such as the sale of surplus land for re-development and the acquisition of land for projects such as bespoke new-build student accommodation. Deborah is also a member of our Brexit Group.

09:30 - 10:00 2019 update from the Property Law Committee

- Who are the Committee – and what we do
- A brief overview of our ongoing Stakeholder Engagement and recent updates
- Contribution to recent Consultations and law reform – some points to note for practitioners
- A brief summary of other ongoing work relevant for practitioners

Speaker

Deborah Lovell, Commercial Property Specialist, Anderson Strathern and Convener, Law Society Property Law Committee

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10:00 - 10:05

Transition to breakouts

Breakout sessions

Your choice of commercial or residential

10:05 - 10:50

Commercial property: LBTT update

- Three yearly lease returns
- The meaning of residential and non-residential land and mixed purchases
- Market value substitution
- ADS issues for commercial purchasers

Speaker

Isobel d'Inverno, Head of Corporate Tax & Incentives, Brodies LLP



Isobel advises on the LBTT/SDLT/LTT, VAT and capital allowances aspects of real estate purchases, sales and leases, as well as the tax implications of transactions involving properties held in corporate wrappers and structuring of property funds. Her experience includes advising on Student Accommodation and Buy to Rent/PRS structures, property joint ventures, the Construction Industry Scheme and the new VAT reverse charge for building and construction service. Isobel has a particular expertise in LBTT and was closely involved in working with the Scottish Government in relation to the introduction of the Land and Buildings Transaction Tax in April 2015 and the Additional Dwelling Supplement in April 2016. Isobel is a top ranked individual in Chambers and Partners and a leading individual in Legal 500 for Corporate Tax. Isobel is Convenor of the Tax Law Committee of the Law Society of Scotland, Chair of the Tax Committee of the Scottish Property Federation and a Council member of the Stamp Taxes Practitioners Group.

Residential property: Streets ahead: Owning the market

- 12 steps to success for a law firm that wants to stand out from the competition and win clients

Speaker

Dave Kerr, Client Relationship Director, Moore Legal Technology

10:50 - 11:20

Refreshments, exhibition and networking

Breakout sessions

Your choice of commercial or residential

11:20 - 12:05

Commercial property: Planning in property transactions

- Control of "development"
- Types of Permission
- Enforcement and lawful development
- Role of development plan
- Planning Appeals
- Planning Obligations
- What is a satisfactory planning permission

- Judicial Review and Statutory Applications to Quash
- Reform and the Planning (Scotland) Bill

Speaker

Alastair McKie, Partner, Anderson Strathern



Alastair's expertise covers planning (zoning), environmental and transportation law. He's accredited by the Law Society of Scotland as a specialist in Planning Law and is a Legal Associate of the Royal Town Planning Institute.

He has over 25 years of direct experience advising in these areas.

Regularly undertaking inquiry and hearing advocacy, Alastair's approach is built on a wealth of legal expertise, knowledge and experience. These combined strengths allow him to identify swiftly the legal issues and risks in any project and manage them accordingly.

He acts for developers, central and local government, land owners, infrastructure providers, utilities and energy providers.

A consummate professional with diverse and significant experience, Alastair also specialises in compulsory purchase and compensation, and advises on judicial reviews and statutory appeals.

He is the Convenor of the Law Society's Planning Law Sub-committee and the Convenor of the Environment and Sustainability Special Interest Group for the Association of European Lawyers.

Residential property: LBTT/ADS for residential conveyancers

- ADS
- Residential v non-residential land
- Mixed purchasers
- Multiple dwellings relief

Speaker

Alan Barr, Partner, Brodies LLP

12:05 - 12:10

Transition to breakouts

Breakout sessions

Your choice of commercial or residential

12:10 - 12:55

Commercial property: Property transactions - The route to recovering Spanish assets in a sequestrated estate

- Establishing the right of a Trustee to Spanish assets in a sequestrated estate
- Realising the assets and the obstacles that we may encounter along the way

Speaker

Jonathan Eshkeri, Director, E&G Solicitors in Spain

Jonathan Eshkeri is a dual qualified solicitor in England & Wales and a Spanish Abogado, who has been practising Spanish law in Spain and in England since 2004. Jonathan also taught law in London and Madrid at undergraduate and postgraduate levels between 2001 and 2009 and now regularly speaks on the subject of Spanish property, Spanish succession law and the recovery of Spanish assets to legal practitioners and other professionals working in the field.

Jonathan acts for trustees and liquidators of insolvent estates in England and in Scotland, both directly and through firms of solicitors, recovering assets throughout Spain that are registered in the names of those subject to bankruptcy orders, awards of sequestration and winding up orders.

Jonathan also acts for a considerable number of UK registered charities and individuals located throughout the world with regard to inheritance matters with a Spanish element.

Jonathan spends most of his time working in London, where he lives with his wife and three children, but also spends some of his time working at the firm's Spanish office.

Residential property: Tenements update

Speaker

Debra Clapham, *Claphams Solicitors*



Debra was brought up in Newton Mearns and educated at Westbourne School, Glasgow College of Technology and the University of Glasgow. She has a varied academic background having studied politics and law and she is a graduate member of the British Psychological Society.

She has been involved in legal education in Glasgow for some 16 years including a position as Senior Tutor and Course Director in Conveyancing at the University of Glasgow. She was a part time lecturer in conveyancing and property law at Glasgow Caledonian University. She is frequently invited to speak to colleagues on matters of conveyancing and is the editor of a manual on property law and conveyancing which is circulated Scotland wide to practitioners and students. Debra is well known in the local area through her work and as a southside resident.

Debra is also a part-time judge with the asylum and immigration tribunal. Debra is frequently involved in organising community events and advising local businesses and business owners in commercial matters.

12:55 - 13:40

Lunch, exhibition and networking

13:40 - 14:10

Joint plenary: Perfect pricing

Speaker

Andrew Todd, *Group Director and General Counsel, Springfield Properties PLC*



Andrew Todd is general counsel and company secretary of Springfield Properties plc, Scotland only listed housebuilder. He trained with McGrigors and worked with them in their property team from 2000 to 2010 before joining Dundas & Wilson. He joined Springfield in 2014. Andrew is the co-author of "The Lands Tribunal for Scotland: Law & Practice" and "Commercial Awareness for Lawyers. He also edits Rennie's Scottish Conveyancing Legislation.

14:10 - 14:15

Transition to breakouts

Breakout sessions

Your choice of commercial or residential

14:15 - 15:00

Commercial property: Current trends and topical issues in commercial leasing

- What effect has the economy and Brexit had on commercial lease terms
- Break clauses
- Uninsured risk damage clauses
- Yielding up and dilapidations provisions
- Documenting personal concessions-are back letters on the way out?
- The Scottish Model Commercial Lease

Speaker

David Bell, *Commercial Partner, Harper Macleod*

 David acts for both public and private sector organisations in relation to sales, purchases, leases and general estate management work, including the Scottish Courts and Tribunals Service, the Registers of Scotland, the Home Office, CBRE Global Investors, JD Sports, Caffè Nero, Kiko Milano, William Hill Organization and Dulux Decorator Centres.

High profile transactions include:

- The sale of Princes Square Speciality Shopping Centre, Glasgow and the adjoining Guildhall office development on behalf of Clerical Medical Investment Group Limited and Britel Fund Trustees Limited (£107m).
- The acquisition of the Cerium Building, Glasgow on behalf of Rreef Investment GmbH (£21m).
- The acquisition of Princes House, Glasgow on behalf of HansalInvest Hanseatische Investment GmbH (£16.6m).
- The sale of Thistle Marches Shopping Centre, Stirling.
- The purchase of Quartermile 2 office development, Edinburgh for AFIAA Scotland AG (£23m).
- The acquisition and sale of a large number of high value investment properties for clients of CBRE Global Investors Limited.

David is a Law Society of Scotland Accredited Specialist in Commercial Leasing.

Residential property: Boundaries and conflicting titles

Speaker

Frances Rooney, Founder, Lexares LLP

15:00 - 15:15

Refreshments, exhibition and networking

15:15 - 16:00

Joint plenary: Reform of the Law of Heritable Securities

- Scottish Law Commission project on heritable securities
- Discussion Paper 1 on pre-default issues, to be published June 2019

Speaker

Dr Andrew Steven, Commissioner, Scottish Law Commission



Dr Steven was appointed as a full-time Commissioner in August 2011.

He is a senior lecturer in law, and a former associate director of the Edinburgh Centre for Private Law, at the University of Edinburgh. His research interests are in property law, security rights and European private law.

16:00 - 16:35

Joint plenary: Fraud in both residential and commercial property transactions

- Liability and scenarios for your radar

Speakers

Morna Grandison, Director, Interventions, Law Society of Scotland

Gillian Alexander, Senior Solicitor, Professional Practice, Law Society of Scotland

16:35 - 16:45

Closing remarks from conference chairs

Prices

prices exclude VAT

Member:	£210.42
New member:	£175.00
Accredited Paralegal:	£175.00
Trainee:	£175.00
Unemployed member:	£162.50
Non-member:	£222.92