

The Conveyancing Conference

28th October, 9.30am - 5.00pm
6 hours CPD

Chair: Professor Robert Rennie, Harper MacLeod

Scottish Law Commission project on heritable securities

- Discussion Paper 1 on pre-default issues
- Obligations that can be secured
- Property that can be encumbered
- Creation, variation, assignment and extinction
- The standard conditions

Andrew Steven, The Scottish Law Commission

Tax planning on the sale of residential property

- Is the owner UK resident or not?
- Capital Gains Tax issues on sale including changes in Finance Act 2019
- Some recent cases relating to Capital Gains Tax Private Residence Relief
- Other tax issues

Professor Alex McDougall

How do you ensure that your application for registration avoids rejection?

- Plans - preparing these successfully
- Application forms - giving all the information required
- Common areas - making sure these are effectively registered
- Burdens - including or omitting
- Existing title sheets - future proofing your client's title

Valerie Clough

Planning reform and other developments – what do they mean for you?

- The latest on planning reform from the Planning (Scotland) Bill, including -
 - Regulation of short term lets
 - Changes to s75 and
 - Local Place Plans
- Permitted development rights for householders – pitfalls to avoid
- Case law update

Karen Hamilton, Brodies

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The Coal Authority



The Coal Authority – keeping the public safe and protecting the environment

- An introduction to the work that we do
- When do mining features become hazards?
- Our range of search reports and advisory services available
- Putting our customers at the heart of everything we do - we'd love to get your feedback
- We're here to support you – here's how

Clare Tasker, The Coal Authority

Professional negligence in conveyancing: learning from the mistakes of others

- Are "experts" experts?
- Disagreement among experts and expert reports
- *Hunter v Hanley*
- The cross examination test and giving evidence in court
- Some case law examples

Donald Reid, Mitchells Robertson

Dispositions and reduction

- Grounds of reduction: a survey of the most common problems
- Void or voidable and why it matters
- Actions of reduction and third parties: substance and procedure
- Actions of reduction: personal bar and void dispositions
- Actions of reduction: judicial discretion

Dr John MacLeod, The University of Edinburgh

Servitudes and registration of title

- Prescriptive servitudes
- Geographic extent
- Ancillary rights
- Dual registration
- Servitude conditions

Professor Roddy Paisley, The University of Aberdeen

The Personal Injury Conference

28th October, 9.30am - 5.00pm

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Chair: *Iain Nicol, Balfour & Manson*

Vicarious liability – the recent developments

- The scope of vicarious liability
- Recent English case law
- *Grubb v Shannon*
- Implications for pursuers and defenders
- More change to come?

Robert Milligan QC, Compass Chambers

Developments in costs and expenses

- Implementation of the Civil Litigation (Expenses and Group Proceedings) (Scotland) Act 2018
- Damages Based Agreements rules and enforceability
- Qualified One Way Cost Shifting – applicability and exceptions
- Act of Sederunt (Taxation of Judicial Expenses Rules) 2019

Iain Nicol, Balfour & Manson

Advocacy and pleadings

- Case Analysis - know your case
- Pleadings
- Defences
- Joint Minutes
- Motions/Debates
- Proof - Examination-in-chief/Use of productions/Cross-examination/Discrediting a Witness
- Submissions

Dana Forbes, Ampersand



Psychiatric injury update

- Who is entitled to sue for psychiatric injury?
- Has *Weddle v Glasgow City Council* clarified the definition of a primary victim?
- Where now are the lines between primary victim, secondary victim and bystander?
- How have the rules on secondary victims evolved in light of *McVean v Young* and other recent cases

David Wilson, Digby Brown

Presenting a dental negligence claim – the view from the (dental) chair

- Who to choose/not choose as a dental expert
- What to ask for - what do I need/not need – ‘copies of the clinical records’ does not cover it
- Common causes for delay and how to avoid them
- Standards and guidelines – which to use and how to choose if they conflict
- When will I need to examine the Pursuer?
- What does the instructing solicitor need from me?

Dr Andrew Mulford

Quantum update

- Important recent cases
- Impact on practice
- Other forthcoming issues to look out for

Chris Jones, Hastie Stable

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The Family Law Conference

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Chair: Alison Edmondson, SKO Family Law Specialists

Proofs - preparation and practicalities

- Which court – advocate or not?
- Pleadings
- Witnesses – affidavits
- Productions
- Questions
- Settlement at last minute, pitfalls of Heads of Agreement

Lindsey Ogilvie, Turcan Connell

Dispute resolution in family cases

- Consideration of the range of dispute resolution options
- How best to advise about advantages and disadvantages to enable an informed choice
- Identifying when certain options may not be suitable
- The relationship between mediation and court
- A review of relevant caselaw and examples from practice

Lesley Gordon, BTO

Cohabitation case law update: What has happened since *Gow v Grant*?

- Case law update 2012-2018
- What can be taken from the decided cases?
- Is there a theme to the decisions?
- What type of evidence is needed/what may be persuasive?
- What general advice can be given to clients?

Amy Donachie, Westwater Advocates

Child psychology for lawyers

- Child development
- Attachment
- Talking to children
- Parents and families
- Separation, divorce & parental alienation
- Contact

Dr Kirsty Dalrymple, Consultant Clinical Psychologist, Clinical Psychology Partnership

Family friendly Brexit: from Brussels to the Hague?

- The influence of EU and international law in family matters.
- If Brexit means Brexit, what then does it mean for family law in Scotland?
- The proposed Scottish approach to jurisdictional and recognition of judgment issues as they relate to child, divorce and financial provision cases
- The main challenges going forward for Scots family lawyers in relation to England and Wales and at European and international levels

Simon Crabb, Arnot Manderson

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The Contract Law Conference

28th October, 9.30am - 5.00pm

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Chair: Michael Upton, Hastie Stable

Recent developments in contract law

- Illegality: *Patel v Mirza*
- Withholding performance as self-help remedy and defence: *JH & W Lamont of Heathfield Farm v Chattisham Ltd*
- Good faith: term implied in fact or in law?

Professor Hector MacQueen, The University of Edinburgh

B2B Post-contract administration

- The unexpected - where to start
- Frustration and other avenues
- Notices
- No oral modifications
- Other boilerplates

Stephen Cotton, Wright, Johnston & Mackenzie

Interpretation and Implication: directions of travel since *Arnold v Britton*

- Classic views of contractual interpretation
- The traditional approach to implied terms
- The "unitary approach"
- Developments in the English Courts since *Arnold v Britton*
- The Inner House's approach
- Practical examples: survey of recent published decisions

Tim Haddow, Hastie Stable

Prescription update

- The 1973 Act
- What does the 2018 Act change?
- When does the clock start and what can interrupt it?
- Recent cases
- Implications for drafting

Gavin MacColl QC, Hastie Stable

Written agreements: why bother?

- When do we need writing at all?
- When are we better with writing? Or without?
- If we do get out a pen, what must we write? And what more might we choose to add?
- Is it easier to start with the blank page or the voluminous style?

Alan Stalker, Young & Partners

Non-pecuniary remedies for breach

- Retention
- And withholding performance, and compensation, and set-off
- Not forgetting Lien, *et separatim*
- Rescission
- Implement (and keeping open)
- Interdic

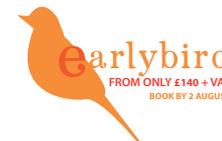
Michael Upton, Hastie Stable

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The Employment Law Conference

28th October, 9.30am - 5.00pm
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Chair: Innes Clark, Morton Fraser

Dealing with ill health issues involving alcohol or drugs

- Legal issues
 - The Equality Act 2010 and the excluded conditions
 - The Employment Rights Act 1996
 - Data protection
 - Human rights
- Issues for employers
 - Recruitment
 - Drugs and alcohol testing in the workplace
 - Substance abuse policies
 - Long term ill-health – support, occupational health and access to funded benefits
 - Dismissals and other disciplinary action

Tony Hadden, Brodies

TUPE update

Stuart Neilson, Pinsent Masons

The beginning of the end for workplace gagging clauses?

- Their use and misuse
- Gagging clauses and the #MeToo movement
- UK Government consultation to prevent misuse
- The SRA guidance
- Best practice & possible future solutions

Innes Clark, Morton Fraser

Workplace grievances: a practical look at problems that arise and how to overcome them

- Sickness absence and delay
- Relationship with performance management and disciplinary processes
- Grievance growing arms and legs
- Disruption to the organisation

Elouisa Crichton, Shepherd & Wedderburn

The Taylor Review and the Good Work Plan: keeping pace with modern business?

- Background and headline changes
- “Fair and Decent Work”
- Clarity for employers and workers – or is it?
- Fairer enforcement
- Compliments and criticisms – are the reforms fit for purpose?

David Morgan, Burness Paull

Pensions update

- General reminder on the different types of pension schemes
- Auto-enrolment update, including implications for TUPE transactions
- Life assurance schemes, death-in-service benefits and employer’s duties in respect of the same
- Case law update

Juliet Bayne, Brodies

Mental health in the workplace and reasonable adjustments

- Recognising a mental health condition and whether a legal duty could arise
- Risks in relation to health and safety, negligence, working time, breach of contract and harassment
- Focus on disability discrimination and the duty to make reasonable adjustments - case law update

Sarah Gilzean, Morton Fraser

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The Rural Law Conference

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Chair: Hamish Lean, Shepherd & Wedderburn

Land ownership and the exercise of power

- Brief historical reflection – how have we got here?
- The evolving political context – what do voters want?
- Brief overview of current work – how are we responding?
- Scale and concentration – why such a big issue?
- Redefining cultural norms – what does “reasonable” look like?
- Getting from here to there – how can the legal profession help?

Andrew Thin, Chairman of the Scottish Land Commission

Acting for landowners in renewables developments

- An overview of the structure and implementing the commercial terms
- A review of the key provisions in the option and lease documentation, including:-
 - extent of any land take
 - developer’s obligations and indemnity provisions
 - reserved rights and competing developments
 - irritancy and agreements with third party funders
 - assignation and change of control
 - restoration

Stuart Greenwood, Shepherd & Wedderburn

Rural case law update

- Key recent cases
- The effects of these cases
- What lessons can be learnt

Robert Sutherland, Terra Firma Chambers

Brexit – a catalyst for change for Scottish agriculture

- Dealing with uncertainty
- The impact in terms of trade, labour supply and future support policy
- The need for market access
- Securing a viable future for Scottish agriculture
- Grasping the opportunities

Jonathan Hall, Director of Policy, NFU Scotland

Agricultural Holdings update

Hamish Lean, Shepherd & Wedderburn

Fixed equipment

- Landlord’s obligations at commencement of lease (1991 Act, SLDT, LDT MLDT)
- Ongoing obligations of landlord and tenant
- Enforceability of write down agreements
- Claims at waygoing (dilapidations and improvements)
- The tenant’s amnesty

Adèle Nicol, Anderson Strathern

Crofting law update

- Recent case law
- Crofting law reform

Brian Inkster, Inksters

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The Private Client Conference

29th October, 9.30am - 5.00pm
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Chair: Colin Henderson, Anderson Strathern

Legal rights are here to stay – the rules explained and points to watch for

- Recent succession consultations
- Young beneficiaries
- Second marriages
- Domicile issues
- Inheritance tax considerations
- Planning to avoid legal rights

Susanne Batchelor, Brodies

Navigating the buy to let minefield

- Buy to let tax aspects of
 - getting into
 - running, and
 - getting out of them
- Operating entities
- Considerations on death
- Practical legal issues

John McArthur, Gillespie Macandrew

Trusts for vulnerable, disabled and injured beneficiaries

- Key considerations when planning for the vulnerable
- The role of the trustee
- Overview of particular forms of trusts for the vulnerable
- The personal injury trust and what we need to be aware of
- Practice and practical points – e.g. role of the Office of the Public Guardian, tax and succession not otherwise covered, intimations etc.

Pete Murrin, Turcan Connell

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Estate administration – avoiding problems

- What can go wrong when administering an estate
- Common issues
- North American assets
- Will writing – ways to help the future executor
- Missing or unknown beneficiaries
- Intestate estate distribution

Simon Barber, Title Research

Case studies in risk management for trusts, estates and tax planning

John Kunzler, Marsh Limited

Making sense of the inheritance tax residence nil rate band

- An understanding of the IHT residence nil rate band ('RNRB') and its qualifying conditions
- The interaction of the RNRB with the IHT NRB and IHT reliefs
- The impact of the RNRB on will drafting
- How to identify practical planning opportunities
- Office of Tax Simplification – IHT review

Martin Campbell, Anderson Strathern

Succession planning with life policies and pension death benefits

- Knowing the pension plan and life policy
- The importance of age 75 for pension death benefits
- Making use of the pension freedoms
- Asset protection and tax efficiency
- Nominations and trust options

Shona Lowe & Ross Hunter, 1825

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The Intellectual Property Conference

29th October 2019, 9.30am - 5.00pm

6 hours CPD



Chair: Colin Hulme, Burness Paull

Building competitive brand strategies

- IP Attorneys – what we do
- Registrable components of a brand
- Trade mark clearance
- Portfolio management
- Common pitfalls

Meena Murrin, Cameron Intellectual Property

An update on recent key patent decisions and developments

- A review of the key decisions from throughout the UK over the past 12 months
- Patent decision highlights from Europe
- A look ahead to upcoming decisions
- Patents and Brexit

David Woods, Pinsent Masons

Harris Tweed - a protected provenance

- A brief history of the Harris Tweed industry & its legal journey since 1909
- Protecting and promoting: finding the balance
- A truly team approach to brand protection
- Harris Tweed around the world
- Harris Tweed online

Lorna Macaulay, Harris Tweed Authority & Rachel Jones, SnapDragon

Mediation in intellectual property disputes

- Understand why mediation might be useful in resolving IP disputes
- Learn about different models of mediation (including hybrid models) and how to apply them in practice
- Be aware of how mediation can be used to ensure positive outcomes for clients in IP disputes
- Start to develop the knowledge, skills and confidence to be involved in an IP mediation

Pamela Lyall

A journey through recent intellectual property case-law in Scotland and the UK

- Focus on trade mark and copyright decisions
- Review of decisions of the Scottish courts in IP cases in recent times such as *Vapouriz*, *Tartan Army* and more
- Review of key trade mark decisions from the English courts in the past year such as *Cartier*, *KitKat* and more
- Review of key copyright decisions from the English courts in the past year such as *Mei Fields*, *Happy Camper* and more

Usman Tariq, Ampersand Advocates

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The Commercial Property Conference

29th October 2018, 9.30am - 5.00pm
6 hours CPD

Ryden's Scottish Property Review

- Scottish economic assessment
- Analysis of market trends
- Reports on office, industrial, retail and investment property and town planning

Dr Mark Robertson, Managing Partner, Ryden

PSG progress: avoiding the pitfalls of drafting index linked rent review clauses and an update on the PSG leases

- The pros and cons of index linked rent review clauses
- Which index to use?
- Potential pitfalls of drafting index linked rent review clauses
- The PSG index linked rent review clauses and how these avoid the pitfalls
- Update on recent changes to the PSG leases

Rachel Oliphant, Pinsent Masons

When is rectification appropriate and how can I complete this successfully under the 2012 Act?

- Inaccuracy - a clear definition
- Rectification - prior to 8 December 2014
- Rectification - after 8 December 2014
- Applications - what you need to supply
- Rectification in law and fact - the crucial differences

Valerie Clough

Title insurance - an underwriter considers current issues and concerns

- Recent cases
- Mines and minerals
- Title conditions
- The regulations

John Logan, Stewart Title

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Conveyancing following insolvency and calling-up

- Insolvency or calling up?
- Legal background
- Structure of contracts
- Risks to buyer and seller
- How do we achieve a fair deal?

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

Christian Marney, Ampersand

Managing and avoiding complaints

- Complaint numbers and trends – especially property complaints
- How to recognise a complaint
- How best to deal with complaints
- The benefits of SLCC Mediation
- What are the high risk areas?
- How to reduce the risk of a complaint about you
- Horizon scanning

Mark Paxton, Scottish Legal Complaints Commission

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The Licensing Conference

29th October 2019, 9.30am - 5.00pm

6 hours CPD



Chair: Scott Blair, Terra Firma Chambers

Health, wealth and happiness

- To have and to hold: overprovision, licensing board policies and landscape
- For better or for worse: challenges, consideration and ways forward
- For richer or poorer: what are the positives when dealing with health? Can there be a balance?
- To love and to cherish: objections, consultants and statistics
- Until death do us part: MUP analysis, can we predict the future?

Caroline Loudon, TLT LLP

Overprovision - where are we now?

- How is overprovision determined?
- Problems and case law
- How do different boards deal with overprovision?
- How to overcome the overprovision hurdle

Frances Ennis, Pinsent Masons

New statutory guidance on liquor licensing: providing clarity for licensing boards?

- Overview of the original section 142 guidance
- The background to and procedure for the review
- The proposed changes
- The consultation on the new guidance
- The likely impact of the new guidance

Douglas Campbell, Renfrewshire Council

Let's talk about sex licensing

- The current legal position
- Conflict between regimes/definitions
- Sexual Entertainment Venue (SEV) Licensing – the new regime
- SEV licensing objectives
- Caselaw

Niall Hassard, TLT LLP

Taxi and private hire – current issues

- Unmet taxi demand and private hire vehicles overprovision - where are we now?
- Taxi licensing conditions
- Equality Act 2010 duties and taxi licensing
- Digital technology and the challenges and opportunities of Going Green
- The future of taxi licensing and the current regulatory regime

Raymond Lynch, West Dunbartonshire Council

Review of licensing caselaw

- Scots liquor case update
- Scots civic case update
- Liquor cases from England and Wales
- Taxi and civic case update from England and Wales
- The lingering influence of EU law

Scott Blair, Terra Firma Chambers

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