

The Conveyancing Conference

9th March, 9.30am - 5.00pm
6 hours CPD

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

Access rights under the Land Reform (Scotland) Act 2003

- Extent of rights and limits of rights
- *Creelman v Argyll and Bute Council*
- *Forbes v Fife Council*
- *Manson v Midlothian Council*
- Core paths and other paths
- When is a garden not a garden?

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

Enforcement of missives

Alan McMillan, Burness Paull

Common good law - perils and pitfalls

- What is common good, exactly?
- When is something inalienable?
- Title issues and the Common Good Register
- Missive issues - court authority
- The new consultation regime and community empowerment

Andrew C Ferguson, Fife Council

Land and Buildings Transaction Tax

- Meaning of residential property
- Multiple Dwellings Relief
- Tricky Additional Dwelling Supplement issues
- Other recent developments

Isobel d'Inverno, Brodies

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Plans and consequences

- Registers Plans Reports
- Real life examples of Plans Reports and adverse matters
- What to consider when remedial action is required
- Requirements for new deed plans

Derek Hand, First Scottish

Professional indemnity insurance for solicitors in Scotland

- The Importance of risk management
- The potential for conflict of interest in conveyancing transactions
- Examples of claims against solicitors working in conveyancing transactions
- Actions to reduce risk

Matthew Thomson, Lockton

The Private Housing (Tenancies) (Scotland) Act 2016

- New Model Tenancy Agreements
- Restrictions on rent review
- Rent Pressure Zones
- Termination of leases
- The role of the First-tier Tribunal for Scotland
- 2 years on – what are the issues?

Adèle Nicol, Anderson Strathern

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

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The Personal Injury Conference

9th March, 9.30am - 5.00pm

6 hours CPD

Chair: Iain Nicol, Balfour & Manson

Damages in non-accidental claims

- Child abuse
- Rape
- Harassment

Kim Leslie, Digby Brown

Expenses update

- The new regulations on:
 - Damages Based Agreements
 - Qualified One Way Cost Shifting
 - Expenses awards against legal representatives
 - Taxation of expenses
- Update on court decisions on expenses

Iain Nicol, Balfour & Manson

Accidents on board air and sea

- What law applies?
- What is an accident?
- What are the time limits?
- Is there a limit to the compensation?
- Does foreign law help or hinder?

Mark Harvey, Hugh James

Quantum update

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

Gavin Thornley, Compass Chambers

Personal injury trusts – the essentials

- What is a personal injury trust?
- Uses and benefits
- Types of trusts
- Tax treatment
- Practical arrangements (such as accounts, tax, costs etc).

Susanne Batchelor & Jessica Flowerdew, Brodies

Employment reports: loss of employability and future wage loss

- Why instruct an expert employment report?
- What is an employment expert?
- What instructions does an employment expert require?
- What papers does the expert need?
- What doesn't the expert need?
- What is, or should be, contained in an employment report?

Gordon Cameron, Gordon Cameron Partnership

Industrial disease update

- Key recent decisions
- Impact of those decisions
- Advice for personal injury practitioners
- Current issues affecting non-asbestos industrial disease cases

Claire Campbell, Thompsons

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The Family Law Conference

9th March, 9.30am - 5.00pm

6 hours CPD

Chair: Kate Dowdalls QC, Scottish Law Commission

Scottish Law Commission - family law reform

- The work of the Scottish Law Commission
- Family law reform in Scotland and elsewhere 2018/2019
- The Scottish Law Commission family law reform project: timing and approach
- The content of phase 1: cohabitation law reform

Kate Dowdalls QC, Scottish Law Commission

What is a child?

- A young human being below the age of puberty or below the age of legal majority
- Legal majority ...a minefield?
- Thirty years on from the UN Convention on the rights of the child where are we now?
- The voice of the child... is it being heard in our legal system?
- Are children 'moral actors in their own right'/should they be?
- Childhood and divorce? The impact. Are lawyers facilitators of harm?

Lisa Girdwood, Brodies

Cohabitation and unjustified enrichment

- The law after *Shilliday v Smith*
- The law after the Family Law (Scotland) Act 2006
- Reform?

Professor Hector MacQueen, The University of Edinburgh

Contractual issues in family law

- Drafting agreements that are robust
- Challenging those that aren't
- New law including third party rights

Alison Edmondson, SKO Family Law Specialists

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Understanding domestic abuse and the applicable law in family proceedings

- What solicitors need to know about domestic abuse.
- Overview of the law in relation to obtaining protective orders
- Overview of the Children (Scotland) Act 1995 when there are domestic abuse issues
- Exploring the best options for clients
- The impact of the Domestic Abuse (Scotland) Act 2018

Helen Hughes, McAuley, McCarthy & Co

Financial provision upon separation of adult relationships

- Financial provision on divorce/dissolution under the Family Law (Scotland) Act 1985
- Financial provision for cohabitants under section 28 of the Family Law (Scotland) Act 2006
- The definition of 'cohabitant' in section 25 of the Family Law (Scotland) Act 2006
- The Scottish Law Commission's upcoming reform of the cohabitation regime

Dr Alan Brown, University of Glasgow

s28 of the Family Law (Scotland) Act 2006 and cohabitation

- Time limit for claims
- The purpose of and test for awards under sections 28(2)(a) and (b)
- The range of remedies available
- Resources

Marie Clark, Arnot Manderson

The Contract Law Conference

9th March, 9.30am - 5.00pm

6 hours CPD

Chair: Brandon Malone, Brandon Malone & Company

Identifying competition law issues

- Common competition law considerations in contract
- Most favoured customer clauses: where are we?
- Online retailing restrictions
- Recent major cases and what they mean for contracts

Michael Dean, Dentons

Entering into, and enforcing, international contracts

- Entering into cross-border contracts
- Choice of court clauses, and choice of law clauses, in cross-border contracts
- Jurisdiction issues in cross-border contractual disputes
- Enforcing foreign judgments in cross-border contractual disputes

Dr Kirsty J Hood QC, Themis Advocates

Contracts and artificial intelligence - hype or help?

- Artificial intelligence and the augmented document drafter
- Artificial intelligence and due diligence/document review
- Artificial intelligence's place in the world of disputes

Sam Moore, Burness Paull

Blockchain and smart contracts

- Cryptocurrency and the origins of blockchain
- Current smart contract applications
- Resolving “disputes” under smart contracts
- The future of smart contracts and the end of lawyers?

Brandon Malone, Brandon Malone & Company

Penalty clauses and liquidated damages update

- An overview of the law on penalty clause pre the Supreme Court decision of *Makdessi v Cavendish Square*
- Discussion of the Supreme Court decision in *Makdessi v Cavendish Square* and *ParkingEye v Beavis*
- Post *Cavendish* and *Parking Eye* – where are we now?

Lauren Rae, Thorntons

Boilerplate clauses

- Notice clauses
- Good faith clauses
- Endeavours clauses
- Variation clauses
- General points for consideration

Eoghann Green, Brodies

Caselaw – the 5 most important recent cases

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

Catherine MacColl, Themis Advocates

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The Employment Law Conference

9th March, 9.30am - 5.00pm

6 hours CPD

Chair: Lindsey Cartwright, Morton Fraser

Employment in the care sector

- Working time issues in the care sector (recent case update)
- National Minimum Wage compliance
- Care sector and zero hours workers/atypical workers
- PVG Scheme and the care sector
- Regulatory issues – the role of the SSSC and the Care Inspectorate

Noele McClelland, Thorntons

Advising senior executives and directors

- Negotiating the service agreement
- Duties, responsibilities and liabilities
- Planning an exit – from the executive's view
- Planning an exit – from the employer's view
- Where to litigate

Catherine Greig, Greig Employment Law

Unfair dismissal - the interaction between employment rights and criminal allegations

- Considerations for employers
- Suspension and initial steps
- Problems with investigations and the burden of proof
- Reputational issues
- Unfair dismissal and the interaction with frustration of contract

Lindsey Cartwright, Morton Fraser

Harassment

- What is harassment?
- How to manage complaints of harassment
- Update on recent harassment cases
- Other strands of discrimination to be aware of

Ingrid McGhee, Weightmans

Data protection for employers as the dust settles on the GDPR panic!

- Privacy notices and legal bases for processing personal data
- Data sharing: can we still do it and how to make it fair
- Data subject rights and exemptions
- Personal data breaches and when to report
- Surveillance

Laura Irvine, Davidson Chalmers Stewart

Employment litigation: a claimant's perspective

- Identifying claims and managing expectations
- Calculating time limits following early conciliation
- Valuation and schedules of loss
- Preparing for the hearing and obtaining evidence

Michael Briggs, Thompsons

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The Criminal Law Conference

10th March, 9.30am - 5.00pm

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Chair: Sheriff Raymond McMenamain

Child and vulnerable witnesses

- 'The vision'
- Sexual offence causes reform
- Joint investigative interviews – finally fit for purpose?
- Evidence on commission
- Ground rules hearings
- Training the lawyers

Frances McMenamain QC, Black Chambers

Bribery and corruption

- What are the offences?
- Relevant caselaw
- Information that you require
- Advising your client
- Developing lines of defence

Alasdair Gillies, BTO

Police station interviews

Stuart Munro, Livingstone Brown

Role of the medical expert

- Duty is to court not to the Crown/defence
- Beware confirmation bias
- Opinion must be evidence based not emotional/personal
- Severity of injuries - based on clinical assessment, not potential outcomes

Dr Michael O'Keefe, University of Glasgow

Civil recovery: strategy, practice and enforcement

- Overview on the work and strategic objectives of the Civil Recovery Unit
- Opportunities and challenges afforded to law enforcement by the Criminal Finance Act 2017
- The amendments the 2017 Act introduces to the civil recovery regime in Scotland

Martin Collins, Civil Recovery Unit, Crown Office

Parole - from *Maconochie* to *Worboys*

- The development of parole
- Procedure
- Tests for release
- *Worboys*
- Future developments

Ian Bryce, Parole Board for Scotland

Sexual offences – developments in law, procedure, and punishment

- Image-based sexual abuse: the Abusive Behaviour and Sexual Harm (Scotland) Act 2016
- The use of mobile and online technologies to record the commission of sexual offences, and implications for sentencing
- Sentencing offences involving indecent images of children
- Sentencing historic offences and the aged offender
- The work of the Scottish Sentencing Council: current guidelines and forthcoming guidelines on sexual offences

Dr Graeme Brown, Durham University

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The Elderly Client Conference

10th March, 9.30am - 5.00pm
6 hours CPD

Chair: John Kerrigan, Blackadders

Power of Attorney – complex challenges

- What are the challenges?
- Issues arising from real case examples
- What can we take from those?
- Possible solutions

Sandra McDonald, Ex-PG

Contentious executries update

- Overview of parties' interests
- Overview of the solicitor's position
- Overview of recent cases and points for practice

Roddy MacLeod, Terra Firma Chambers

Acting as a financial guardian

- Duties of the guardian
- Role of the adult and family members
- What information do you need from the client?
- External information and the commissioning of reports
- Particular pitfalls to avoid

Alison Hempsey, TC Young

Tax planning for elderly clients – is it ever too late?

- Reminder of basic inheritance tax rules, reliefs and exemptions
- Planning opportunities with 7+ years to death
- Planning opportunities with 2+ years to death
- Death bed planning opportunities
- Planning opportunities after death

Andrew Paterson, Murray Beith Murray

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Case studies in executry risk management

- Maximising the estate when dealing with non-UK listed Shares
- Locating all the beneficiaries
- Ensuring only the entitled receive a share of an intestate estate
- Insurance solutions to protect Executors
- Ways to avoid arguments over costs when outsourcing to a specialist

Simon Barber, Title Research

Will drafting for the older client

- Capacity
- Vulnerability – an older client may not be incapax but may be vulnerable
- Freedom of testation
- Will it be possible to disinherit children completely in the future?
- The difficulties which can arise where an elderly client has an adult child (may be middle aged) who has learning difficulties or difficult (for example, spendthrift) personality traits

John Kerrigan, Blackadders

Financial scams and the impact on the elderly

- A growing problem
- The impact
- Current common scams
- Advice & guidance for your clients
- Case studies
- How Victim Support Scotland can help

Alison Love, Victim Support

The Corporate Conference

10th March 2019, 9.30am - 5.00pm

6 hours CPD

Chair: Andrew Meakin, Morton Fraser

Navigating tax issues on corporate sales

- Buyer and seller tax considerations
- Role of tax warranties and indemnities
- Dealing with input from tax advisers
- Stamp duty traps
- Dealing with employee options
- The international dimension

Karen Davidson, Brodies

Intellectual property in corporate transactions

- Overview of intellectual property for corporate lawyers – identifying different types of intellectual property
- Conducting intellectual property due diligence and sources of information
- Relationship between intellectual property and employees
- Overview of key intellectual property warranties

Joanna Boag-Thomson, Shepherd & Wedderburn

Interpreting accounts – a guide for corporate lawyers

- Fundamental concepts – common sense
- Profits vs cash – demystified
- Borrowing and leveraging understood
- Company tax – what do the figures mean?
- Checklist of top ten matters to check and why

Gareth Magee, Scott-Moncrieff

Company caselaw update

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

Gavin MacColl, Themis Advocates

Drafting and negotiating guarantees

- When a family business is different from an owner managed business
- Ask the question - why are you in business together?
- Organising good governance
- Succession and transition

Graham Bell, Wright Johnston & Mackenzie

Owner-managed businesses and succession planning

- When a family business is different from an owner managed business
- Ask the question - why are you in business together?
- Organising good governance
- Succession and transition

Graham Bell, Wright Johnston & Mackenzie

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The Commercial Property Conference

10th March 2018, 9.30am - 5.00pm

6 hours CPD

Chair: David Steel, Harper Macleod

Planning reform – implications for commercial property

- New approaches to plan-making, including local place plans and 10 year review cycles
- National housing targets
- Master plan consent areas
- Agent of change principle
- Short term holiday lets
- Permitted development rights
- Infrastructure levy and land value capture

Neil Collar & Victoria Lane, Brodies

Property case law update

- Most significant recent cases
- Issues considered
- The outcome of those cases
- Practical considerations arising from the decisions

Ewen D Brown, Terra Firma Chambers

Rent review update

Kenneth Gerber, Mitchells Robertson

Mineral leases and prospecting licences

- The anomalous nature of the mineral lease
- Issues regarding rent and royalty payments
- What are minerals?
- Who grants the minerals lease if the minerals are owned separately from the land?
- Typical tenants' rights and obligations
- Typical landlords' rights and obligations
- Restoration provisions

David Steel, Harper Macleod

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'Abra Cadastral' – spells to remedy boundary disputes

- What causes boundary disputes?
- What remedies are available, including:
 - self-help
 - The Keeper of the Registers of Scotland
 - corrective conveyancing court
 - Lands Tribunal for Scotland
- Real examples of previous cases

Andrew Upton, Harper Macleod

Policy wording - how interesting can it be?

John Logan, Stewart Title

Recent updates on LBTT and points for commercial practitioners

- Technical guidance round-up
- 'Complex' Leasing - issues with some standard leasehold transactions and how to deal with them
- Updates on group and sub-sale reliefs
- Additional Dwellings Supplement – not just a 'residential' tax
- Penalties
- Update on the policy framework for devolved taxes consultation

Deborah Lovell, Anderson Strathern

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?
- Green clauses
- The Scottish Model Commercial Lease

David Bell, Harper Macleod

The Licensing Conference

10th March 2019, 9.30am - 5.00pm

6 hours CPD

Chair: Scott Blair, Terra Firma Chambers

Update on minimum unit pricing

- What is minimum unit pricing and how did we get here?
- How does it work in practice?
- Why the controversy?
- Minimum unit pricing – is it working?
- The future of minimum unit pricing

Frances Ennis, Pinsent Masons

Insolvency & property – when licensing law interacts

- What to do when an “insolvency event” occurs
- The difficulties around dissolution
- The role of the licensing board/authority when:
 - The landlord and tenant relationship breaks down
 - Securities and charges are enforced

Andrew Hunter, Harper Macleod

Gambling law update 2020

- A review of recent changes to the Gambling Commission’s Licence conditions and codes of practice (LCCP)
- Dos and don’ts of premises licence applications
- Licensing of lotteries/raffles
- Evaluating compliance of licensed premises from a local authority perspective

Michael McDougall, TLT

Recent licensing caselaw and other developments

- Update - Scottish licensing caselaw
- Update - English licensing caselaw
- Is there (still) a European dimension to licensing caselaw?
- Areas of future legal challenge

Scott Blair, Terra Firma Chambers

Civic Government update

- Public processions - the current position and going forward
- Sexual entertainment venue licensing
- Current issues in taxi licensing
- Boat hirers licensing

Raymond Lynch, West Dunbartonshire Council

The 2005 Act Fit and Proper Test - deconstructed

- The origin of fit and proper
- Comparison with other licensing regimes
- How ‘fit and proper’ fits into the 2005 Act structure
- The licensing objectives ‘nexus’

Stephen McGowan, TLT

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