



COMMERCIAL PROPERTY TRAINING CONSORTIUM

INTRODUCTION

The University of Law delivers a unique structured training programme for commercial property lawyers. The programme provides progressive development of technical expertise and skills using case studies that cover the commercial realities of property transactions. Courses focus on practical exercises with a minimum of formal presentations and are led by tutors, formerly partners or senior associates with significant property practices.

It is recommended that the following courses are attended in the early years of undertaking commercial property work and/or where a refresher is needed, with the additional courses being selected to further enhance particular areas of expertise.

Managing the Investment

A two-day course using case studies involving multi-let office and retail investment properties. Delegates act for landlord and tenant in considering the main legal, practical and commercial issues which can arise when managing an investment property.

Undertaking practical exercises delegates are reminded of the underlying statute and case law which it is crucial to know when advising a landlord on an application for consent under a lease.

Exercises involve deciding whether the landlord must give consent under the terms of the lease, how the landlord can refuse consent lawfully and whether the terms of documentation such as licences to assign, to underlet, change use and carry out alterations are appropriate.

Delegates also analyse and debate the provisions of rent deposits, AGAs and heads of terms.

Delegates consider the management issues relating to MEES and EPC requirements, the Electronic Communications Code, forfeiture, planning, surrender and regrant, guarantors, VAT, planning and rent concessions.

Lease Negotiation

A two-day course with case studies involving multi-let office and retail investment properties. Delegates act for both landlord and tenant in considering the drafting and negotiation of key lease terms.

In the context of the retail investment property, delegates consider practical and legal points relating to heads of terms and the acceptability of tenant amendments to the insurance provisions in a lease. They negotiate the service charge provisions and also address issues on the user and alterations clauses including keep open covenants and competition. Rent review provisions are addressed in detail as are break options and early access issues.

In the context of the office property, considering the underlying law, delegates address the suitability of the repair covenant and, having prepared a presentation, suggest appropriate alienation provisions.

The Investment Transaction

A two-day course using a case study involving the sale of a multi-let shopping centre. Delegates act for both buyer and seller in considering the main issues which could arise on an investment transaction.

At the outset delegates analyse the attractiveness of commercial property as an investment package. f the pre-contract

Delegates then undertake a detailed title investigation (unregistered and registered), decide on which searches and enquiries should be made on the facts and are reminded of the importance of preparing and reviewing replies to CPSEs.

Delegates analyse a tenancy schedule and ancillary information and give practical advice on issues raised (for example relating to rent deposits, arrears and absconding tenants). They deal with issues arising on drafting and negotiating the sale contract (for example deposits, insurance, management between exchange and completion, incumbrances and entire agreement clauses).

Delegates prepare a transfer, part of a Certificate on Title and a completion statement and also undertake an analysis of issues arising out of TOGCs.

Corporate Real Estate

A one-day course that uses case studies dealing with a share sale and an assets sale.

The course begins with delegates undertaking an exercise to check their understanding of the key legal, commercial and practical differences between a share sale and an assets sale.

After a short interactive presentation on the legal and commercial nature of warranties and indemnities (using a share sale agreement to demonstrate drafting points), delegates then undertake a detailed exercise reviewing and amending property warranties. After a tutor-led exploration of the inter-relationship of warranties and disclosure, delegates undertake an exercise on negotiating disclosures.

Delegates then turn their attention to drafting the property provisions in an asset sale agreement and finally make a presentation on what practical solutions exist for the issues that a property lawyer is likely to be asked to address on a corporate transaction.

Commercial Property Further Courses

In addition to the core courses, The University of Law provides a programme of further training. These courses are also practical in focus, using case studies and exercises and are delivered by tutors with high level experience in practice.

Each course can be taken on its own or in conjunction with others, enabling people to pick and choose the courses that are most relevant to them.

onerous conditions in planning. Delegates will also undertake a negotiation exercise on the onerous conditions provisions in the case study.

In addition, the appeals, variation and termination provisions will be considered and there will be a closer look at termination and the significance of target dates, postponement of target dates, and longstop dates.

Development Basic Environmental Issues

This half-day course is designed to provide property lawyers with an introduction to the regulatory regime that applies in relation to environmental issues (contaminated land, water pollution, asbestos, biodiversity, habitats and wildlife) and the aspects of this regime that can impact on the drafting and negotiation of development documentation.

The course includes tutor presentations on identifying risk, the relevant regulatory requirements, how these may impact on property transactions and the inter-relationship between environmental requirements and the planning process.

Delegates undertake practical exercises designed to enable them to identify risk, undertake due diligence and consider the options available for structuring transactions to deal with allocating risk in rela

Delegates deal with these issues

in freehold and leasehold contexts.

Development Basic Planning





through practical exercises, looks at the possession from protected tenants and also the likely terms of any renewals against the backdrop of the statutory scheme.

This course is suitable for a wide PQE range of non-contentious property lawyers as eith

