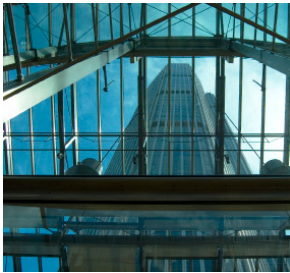


# Argyll Environmental CPD Training for Real Estate Lawyers



September 2011

To arrange training, or for further information please contact us on 0845 458 5250 or by e-mail to, [mandy.hawkins@argyllenviro.com](mailto:mandy.hawkins@argyllenviro.com).

Seminars are subject to availability

## Part 2A Environmental Act 1990: Avoiding negligence actions

The Law Society's Contaminated Warning Card contains best practice advice regarding contaminated land liabilities. It states that lawyers should be aware of the requirements of Part 2A Environmental Act 1990 and offers specific advice in relation to property transactions. Whilst many real estate lawyers now carry out environmental searches as part of their normal due diligence, gaps in knowledge and understanding of Part 2A and the ways in which liability for contaminated land may be transferred or avoided could have serious consequences for both lawyers and clients.

The aim of this session is to help minimise the possibility of future negligence actions in this area by making real estate lawyers aware and improving their understanding of:

- The key points of Part 2A
- The practical advice contained in the Warning Card

The training session is divided into three parts.

The first part looks at:

- The statutory meaning of "Contaminated Land"
- Liability of owners, occupiers and lenders
- The statutory exclusion tests
- Overlap with the planning regime

The second part examines in detail the practical advice given in the Warning Card, including:

- Understanding the purpose and limitations of searches and enquiries
- Tenants' liability under leases and how they can be protected contractually

The third part of the session consists of a workshop exercise involving a case study (based on the facts of the leading Crest Nicholson case). This brings together and illustrates in a practical context some of the points made in the first part of the session, particularly the operation of the key exclusion tests for real estate lawyers.

The course tutor is Jane Mortimer Tracy, BA (Hons), a solicitor with 17 years' experience as a real estate lawyer with leading UK law firms and lecturer at the College of Law.

Timing: 1.5 hours