

# Commercial Leases

Assigning or Subletting

Matthew Farrell

October 4th · Radisson Blu, Glasgow

PURSUE  EXCELLENCE

## Assigning or Subletting: When can a landlord refuse consent

In commercial leases, a tenant is usually prohibited from assigning or subletting its interest in the lease without the prior consent of the landlord. That consent, however, is normally not to be withheld by the landlord unless it is reasonable for it to do so. In 2006 we were given the decision in *Burger King Limited v Rachel Charitable Trust*, which set out a number of general principles that described the general approach to the question of whether or not a landlord had unreasonably withheld consent.

Partly as a result of this clear guidance, there haven't been many cases in Scotland since 2006 that have dealt with the question of consent. However, recently, there has been a flurry of activity in the Commercial Court of the Court of Session relating to the application for landlord's consent that has changed the landscape when it comes to applying for consent.

This session will revisit the *Burger King* general principles, will look at the current position in England, and will review the effect of the latest cases and consider (1) the extent to which a party can rely on an expert's advice; (2) the role of the guarantor; and (3) whether or not there is a two stage test that has to be employed. We will also consider whether or not the principle of mutuality allows a landlord to refuse to consider an application for consent while the tenant is in breach of the lease, and we'll pay particular attention to understanding the significance of the landlord's own commercial interests when making its decision.

We would hope to give you a practical set of guidelines to follow when making or receiving an application for consent, which should be equally useful to a transactional lawyer as they are to a litigator.

*The event begins at 2pm. Delegate registration is open from 1:30pm*

**Book Now →**

### At a glance

**£150+VAT; 3hrs CPD**

**2pm–5pm**

**October 4th**

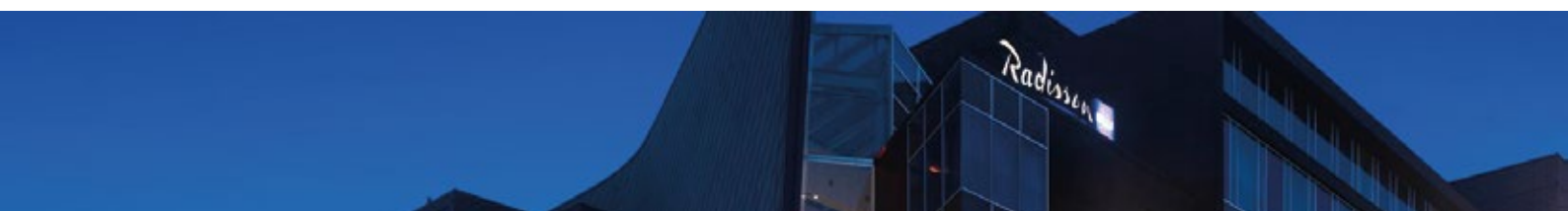
**Glasgow**

**Radisson Blu**

## Materials

Once delegates book the event, you will receive confirmation of your attendance, and a follow-up reminder email shortly before the event.

At the event, delegates will receive a comprehensive handbook covering issues raised, including any presentation material. The handbook will be provided hard copy, and these materials will be available to purchase after the event for those unable to attend.



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## The Speaker



**Matthew  
Farrell**

Matthew deals with complex and high value real estate disputes for a wide variety of clients, from property funds and corporate occupiers to developers and public bodies. He is especially well known for top end dilapidations disputes, having acted in the leading cases of Grove Investments Limited v Cape Building Products Limited and @SIPP Pension Trustee Limited v Insight Travel Services Limited. He also lectures on dilapidations at Glasgow Caledonian University.

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## The venue

The event will take place at the Radisson Blu Hotel in Glasgow. Centrally located, with excellent transport links and car parking facilities, the Radisson have a wealth of experience hosting events.

### Radisson Blu

301 Argyle St  
Glasgow  
G2 8DL

[www.radissonblu.com](http://www.radissonblu.com)

0141 204 3333

## Unable to attend?

If your diary precludes attendance at the event, the course materials will be available for purchase. Please contact us for more information.

### CCPD Training

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