

SCHEDULE 11

Title Matters

Part 1

Title Warranties

Save as disclosed in the Disclosed Title Matters, the Replies to Enquiries and the Disclosed Searches the Authority warrants that for the period of this Agreement:

1. each and every Site is in the sole legal and beneficial ownership of the Authority;
2. the Sites are not subject to any Adverse Rights;
3. no one is in adverse possession of the Sites or has acquired or is acquiring any Adverse Rights affecting the Sites;
4. there are no disputes, claims, actions, demands or complaints in respect of the Sites that are outstanding or that are expected by the Authority and that would prevent or disrupt the provision of Services;
5. from the Service Commencement Date no person, other than the Authority, has any right (actual or contingent) to possession, occupation or use of or interest in the Sites;
6. the information set out or described in the Replies to Enquiries has been prepared after due and careful enquiry and is true, accurate and complete as at the Service Commencement Date; and
7. the Disclosed Title Matters comprise all of the documents relating to the title to the Sites.

Part 2
Disclosed Title Matters

Per Site:

Official Copies and plan (where registered land) / epitome of title (where land is unregistered) and copies of any title documents.

Part 3
Replies to enquiries

Per Site:

Replies to relevant Standard Pre contract Enquiries (CPSE1).

Replies to Standard Pre contract Enquiries (Supplemental) Property subject to commercial tenancies (CPSE.2).

Part 4

Disclosed Searches

Per Site:

Search:

Date:

Official search in the Index Map (SIM).

Local search certificate and replies to enquiries in CON29R Enquiries of Local Authority (2016) and Common land and town and village green enquiry and any other relevant enquiries in CON29O Optional Enquiries of Local Authority (2016).

Commercial drainage and water enquiries.

Enquiries of the Mining Remediation Authority as to past, present and future mining operations in proximity to the Site.

Where title to the Site is not registered, Land Charges Act searches against every estate owner who was a party to any transaction, or concerned in any event, comprised in the relevant title (see section 25 of the Law of Property Act 1969) where there is no clear search with the title deeds.

Land Registry search (whether of whole or part), date of expiry of priority and name of party having benefit of priority period.

Where title to the Site is not registered, date of search at the Companies Registry of the file of all companies disclosed by the documents of title as estate owners of the Site since the root of title.

Enquiries of the Highways Authority to ascertain the boundaries of publicly maintainable highways abutting, and any footpaths or rights of way affecting, the Site.