

*The Chartered Institute
of Loss Adjusters*



Chattels, fixtures & Improvements

by the CILA Property SIG

Speaker:

Mike Weatherhead, vrs Vericclaim

Wednesday 16th March 2016
Nottingham Conference Centre

A row of five yellow human figures standing side-by-side. To their left, there are two white diagonal lines forming a stylized arrow pointing towards the figures.

Overview

- Introduction
- The Legal Position
- The Law Concerning Landlords and tenants
- The Insurance Aspects
- Leases
- The Four Questions
- Closing Summary



Introduction

- Questions
- Background to 1997 paper
- Logical and structured approach
- Very little black and white
- A moving feast



The Legal Position

- Chattels
- Fixtures
- Fittings
- Improvements
- Land & Buildings



Landlords & Tenants

- Tenant's fixtures
- Landlord's fixtures
- Improvements



The Insurance Aspects



- Back to Basics – insurable interest
- Chattels
- Fixtures
- Land & Buildings
- Improvements
- Fires Prevention (Metropolis) Act 1774

Leases

- Cannot affect whether chattel or fixture
- Can affect ownership
- Can assist in clarifying intentions
- Additions and improvements
- Position where there is no lease (or a licence)



The Four Questions

- What is the legal category of the item?
- Is it landlord's or tenant's i.e. who has the primary liability?
- Does the insurance policy cover the party's interest on the basis of primary liability alone?
- Is the position modified by the terms of any lease?

Closing Summary

- Taking a logical approach may assist with narrowing down the possibilities
- Clearly issues will arise on improvements
- Things moving more towards removability
- A comment on household issues
- Last questions



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