



Matthew Smith, Solicitor

Matthew is a Senior Associate Solicitor in our Commercial property team and has significant experience in helping clients with all aspects of business property advice and transactions.

Our 'cuppa with' series is an informal chat with one of our team to give a deeper understanding into their area of law and share some little-known legal facts!

1. What is the best part of your job?

It is good solving problems for clients to help them achieve their ambitions, such as opening new premises for their business, or selling a business they have worked hard to build up so that they can retire and do other things. Sometimes the problem is something the client just wasn't sure about, and you can advise on it to reassure them, and sometimes it might be a technical legal problem requiring serious consideration and research, but in either case it is nice when you can find a way forward.

2. And the worst?

Sometimes clients have to be given bad news, such as that there is a serious title issue which means that they won't be able to proceed with a purchase or obtain mortgage funding, or that the other party to a transaction has withdrawn, or that something has arisen which might cause serious delay or more work than expected to sort out. It is not pleasant but it has to be done, and occasionally clients are at least relieved to be told, so that they can move on and make other plans.

3. What does a typical day entail?

Keeping clients updated and corresponding with other parties is a large part of the job and needs to be done throughout the day. Usually if there are documents to draft or review, or a report on title to prepare or replies to enquiries to consider, I will try to start on this early in the morning, to give myself the best possible chance of finishing the work the same day. Then the afternoon is more taken up with catching up on calls and correspondence.

4. What would people be most surprised to find out about your job?

That it is actually quite interesting. Solicitors practising in other areas might get out and about more, but the work of a property solicitor still involves finding out lots of interesting things about properties and the areas in which they are located, who owns what, and what local businesses there are and what they get up to. I have also visited clients at their

business premises before, which always helps to give another perspective on what they do and how they operate.

5. What questions do you often get asked a solicitor?

- Do you go to court? No
- Have you ever defended someone knowing they're guilty? No, because I don't do criminal law.
- How did you get into property law? To an extent, I started doing it because it was assigned to me when I was training, although I had enjoyed studying it at university and so was happy to try it. I stuck with it because I found it interesting and it appealed to my way of working. Investigating title can be a bit like detective work, reviewing documents from different sources, piecing together the history, and understanding how it all works, and so it's an aspect of the job I quite enjoy.
- Are you expensive? Obviously this is a matter of opinion, but I believe that our charges are reasonable and reflect the value of the work that we do and what we can add to your transaction or your business. Our Property work continues to grow, and we have many clients who instruct us regularly, which is hopefully a sign of faith in us. I also believe that we are very clear and realistic with the costs estimates we give when we are first instructed, giving clients the opportunity to think again before we begin work if they think our charges are too high, and also meaning that we are very rarely in the position of having to revise an estimate later in the transaction, meaning that clients can rely on the estimates given.
- Have you ever acted for anyone famous? Occasionally, but obviously duties of confidentiality prevent us from saying who!

6. Tell us some little-known facts about this area of law...

- For business tenants, the Landlord and Tenant Act 1954 means that you might be able to remain in your premises even after the term of your lease expires, and even without the consent of the landlord. The Act will apply to business leases unless specific steps have been taken when the lease is granted to exclude it.
- A business tenant will not however be entitled to end a lease early, before the end of the agreed contractual term, without an express break clause in the lease.
- A mortgage is an interest in land taken to secure repayment of a debt, and is therefore taken by a lender in exchange for their lending. A borrower will therefore give a mortgage rather than receive one!