



Fast, easy and affordable online access to practical guidance, precedents, cases and legislation for lawyers

Lexis®PSL

## What is LexisPSL?

It's a collection of practical, step-by-step guides to approaching the matters you are most likely to come across, arranged by practice area. It's written by a team of over 70 lawyers employed by LexisNexis and it provides you with guidance, links to relevant legislation and cases and access to the most useful forms and precedents in your practice area.

## Why use LexisPSL?

It's a quick and easy guide to tackling client matters in your practice area and helps you turn work around faster by pulling together step-by-step guidance plus the most useful legislation, cases, forms and precedents in one place.

Links into LexisLibrary make it quick and easy to do extra research if you need to and weekly emails keep you up-to-date with the latest rulings, developments and best practice in your area.

## How to access LexisPSL?

To log in to the service go to [www.lexisnexis.com/uk/lexispsl](http://www.lexisnexis.com/uk/lexispsl) and enter your ID and password. Alternatively, if you are using our LexisLibrary service you can access LexisPSL via the link within each practice area page.

The LexisPSL home page is divided into four easy to use search areas, [Browse Topics](#), [Search](#), [What's new](#) and [Recently Viewed documents](#).

1. Change the practice area you wish to view by clicking on the [links](#) at the top of the page. (These will vary according to your subscription).
2. Click on the [LexisPSL logo](#) to return to the home-page at any point.
3. Use the [Browse Topics](#) area on the left to access the content by Browsing.
4. Use the [Search box](#) on the right to word-search the content. Use key words and clear terminology. Please see [search connectors page](#) at the end of this section.
5. View [latest news stories](#) by clicking on the title of the story in the latest legal updates area.
6. See what's new in LexisPSL within the [new content](#) section.
7. View your [recently viewed documents](#) by clicking on the title of them on the bottom left.
8. Send us feedback on LexisPSL using the link at the top of the page.

The screenshot shows the LexisPSL home page interface. At the top, there is a navigation bar with 'Practice Areas' and various categories like Commercial, Corporate, Dispute Resolution, etc. Below this is the 'Lexis®PSL Property' header. The main content area is divided into several sections: 'Browse Topics' on the left with sub-sections like 'Transferring property', 'Leasing property', 'Property development', 'Mortgages', 'Easements, rights and covenants', 'Property management and disputes'; 'Property insolvency', 'Property taxes', 'Planning, highways and utilities', 'Environment', 'Insurance', and 'Regulatory compliance'; 'Search' on the right with a search box and filters; 'What's New in Property' with 'Latest Legal Updates' and 'New content in Property'; and 'Recently Viewed Documents' at the bottom left. Numbered callouts (1-8) point to specific elements: 1 points to the Practice Areas menu; 2 points to the LexisPSL logo; 3 points to the Browse Topics section; 4 points to the Search box; 5 points to the Latest Legal Updates section; 6 points to the New content in Property section; 7 points to the Recently Viewed Documents section; and 8 points to the Send Us Feedback link in the top navigation bar.

You can browse through LexisPSL to access the content you need using the **Browse Topics** area on the left.

1. To see an overview of all topics covered, click on **view all topics** towards the top left of the page.
2. To expand the list of topics under just one of the headings, click on any of the **More Topics** links.
3. Click on a sub-topic to access the relevant **guidance and documents**.

The screenshot displays the LexisPSL Dispute Resolution interface. At the top, there are navigation links for various Practice Areas: Commercial, Corporate, Dispute Resolution, Employment, Environment, Family, In-House, In-House Essentials, Local Government, Pensions, Personal Injury, Practice Compliance, Private Client, Property, and Wills & Probate. Below this is the page title 'Lexis®PSL Dispute Resolution' and utility links for Smart Precedents, Library, and Learning. A secondary navigation bar includes 'Manage Legal Updates', 'About Lexis®PSL', 'Send Us Feedback', 'Meet the Experts', 'Change Password', and 'Sign Out'.

The main content area is titled 'Browse Topics' and features a 'View all topics' link (callout 1) and a 'Reset' button. The topics are organized into several categories:

- Limitation:** Includes 'Limitation: general' and 'Limitation: types of claims'. A 'More topics >>' link is present (callout 2).
- Pre-action:** Includes 'Pre-action: general' and 'Pre-action emergency relief'. A 'More topics >>' link is present (callout 2).
- Litigation:** Includes 'Starting a claim' and 'The claimant and statements of case'. A 'More topics >>' link is present (callout 2).
- Costs:** Includes 'Consultations, reports and schemes' and 'Funding arrangements'. A 'More topics >>' link is present (callout 3).
- Arbitration:** Includes 'Arbitration in context' and 'Arbitration agreement and procedural rules'. A 'More topics >>' link is present.
- Adjudication:** Includes 'Adjudication in context' and 'The adjudicator'. A 'More topics >>' link is present.
- ADR:** Includes 'Mediation in context' and 'The mediator'. A 'More topics >>' link is present.
- Cross Border:** Includes 'Jurisdiction' and 'Choice of law'. A 'More topics >>' link is present.
- Other information:** Includes 'Miscellaneous news' and 'Weekly update'.

At the bottom of the main content area is a 'Recently Viewed Documents' section with a 'Lexis®Smart Precedents' icon and a document titled 'Dispute Resolution roundup for week ending 2 September ...'.

On the right side, there is a 'Search' box with a 'Help' link, radio buttons for 'Title' (selected) and 'Full text', and a 'Search' button. Below the search box is a 'What's New in Dispute Resolution' section, which includes 'Latest Legal Updates' (with a list of press releases and dates), 'News Analysis by our Professional Support Lawyers' (with a list of news items), and a 'Weekly roundup' (with a list of roundups).

The footer contains the LexisNexis logo, 'About LexisNexis | Terms & Conditions', and 'Copyright © 2011 LexisNexis. All rights reserved.'

Once a topic is selected you will see a number of tabs displaying the relevant documents.

1. The **Overview** tab gives introductory guidance on the topic selected, useful as a refresher, a teaching tool or explaining legal concepts to clients.
2. The **Practice Notes** tab provides you with access to succinct practical guidance written by lawyers for lawyers.
3. The **Checklists** tab sets out lists of the key considerations of a transaction to ensure that nothing is missed.
4. The **Cases**, **Legislation** or **CPR** tabs provide key primary law relevant to the topic.
5. The **Forms and Precedents** tabs offer access to prescribed forms and precedents which can be downloaded into Word. Or completed using LexisSmart (depending on your subscription).
6. The **News** tab provides any latest developments in the topic selected.

The screenshot displays the LexisPSL interface for the 'Dispute Resolution' topic. The navigation menu on the left includes categories like Limitation, Pre-action, Litigation, Costs, Arbitration, Adjudication, ADR, Cross Border, and Other information. The 'Litigation' category is expanded, showing sub-topics such as 'Starting a claim', 'The claimant and statements of case', 'The defendant and statements of case', 'The defendant and additional claims', 'Serving documents', 'Requests for further information', 'Default judgment', 'Case management', 'Applications', 'Security for costs', 'Emergency relief', 'Summary Judgment and strike out', 'Disclosure and inspection', 'Witness evidence', 'Expert evidence', and 'Part 36 and offers to settle'.

The main content area is titled 'Litigation | Part 36 and offers to settle' and features six numbered tabs: Overview, Practice Notes, Checklists, Cases, Legislation, CPR, Forms, Precedents, and News. The 'Practice Notes' tab is active, displaying detailed guidance on 'Part 36 and offers to settle'. The content includes sections for 'Claimant making a Part 36 offer', 'Defendant making a Part 36 offer', and 'Making a valid Part 36 offer - claimant or defendant', each with sub-questions and practical tips.

Once a practice note has been selected, you will see guidance set out with links to relevant legislation, caselaw and further reading.

1. Succinct practical guidance takes you through the essentials.
2. Links to [relevant legislation](#) or [cases](#).
3. Links into [further reading](#) from key Butterworths texts.
4. Return to [previous page](#) using the link on the left.

Practice Areas » [Commercial](#) | [Corporate](#) | [Dispute Resolution](#) | [Employment](#) | [Environment](#) | [Family](#) | [In-House](#) | [In-House Essentials](#) | [Local Government](#)  
[Pensions](#) | [Personal Injury](#) | [Practice Compliance](#) | [Private Client](#) | [Property](#) | [Wills & Probate](#)

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**4** [Return to Part 36 and offers to settle](#) **Other offers to settle** [Hide](#)

### Other offers to settle

Offers outside the scope of Part 36

**1** [Small Claims Track](#)

#### Offers outside the scope of Part 36

A party is free to make a settlement offer outside the scope of Part 36. The court must have regard to such an offer when making any order as to costs, but if the offer is not made in accordance with CPR 36.2 it will not carry the consequences of Part 36 set out in rules CPR 36.10, 36.11 and 36.14.

Before the introduction of Part 36, parties made 'Calderbank' offers, which are offers to settle marked 'without prejudice save as to costs'. They cannot be disclosed to the court during the substantive court proceedings, but if a party unreasonably rejects such an offer, the court must still have regard to it when making an order as to costs.

Where an offer has been made, except in the most exceptional cases, the determination of damages should take place prior to the determination of costs. This is because it is only at that stage that it will be known whether the claimant has 'beaten the payment'.

Before the Part 36 rules were significantly changed (6 April 2007), the court held that an offer by a defendant that complied with all the requirements of Part 36 other than being accompanied by payment into court could still have the consequences of a Part 36 offer, provided the defendant was 'good for the money'.

Under the new rules, there is little reason why a claimant wanting to make a settlement offer would deliberately want to step outside the Part 36 regime. A defendant, on the other hand, may still choose to make an offer 'without prejudice save as to costs' where:

- the defendant anticipates that it will not be able to comply with the strict rule of having to pay the amount offered within 14 days of the offer being accepted. Certain companies may not be able to process a large payment in this time
- the defendant wants to make an offer that is all inclusive as to settlement and costs, or an offer whereby both parties 'walk away' and bear their own costs. The court has held that an offer containing such a condition does not fall within Part 36
- the defendant wants to offer to make payments in instalments

**2** [CPR 36.1\(2\)](#)  
[CPR 44.3\(4\)\(c\)](#)

[Calderbank v Calderbank \[1975\] 3 All ER 333](#)

[Tullet Prebon plc and others v BGC Brokers LP and others \[2010\] EWHC 989 \(QB\)](#)  
[HSS Hire Services Group plc v Builders Merchants Ltd \[2005\] 3 All ER 486](#)  
[Trustees of Stokes Pension Fund v Western Power \[2005\] 3 All ER 775](#)

[Mitchell v James \[2002\] All ER \(D\) 200 \(Jul\)](#)

There are various options for searching the content of LexisPSL from the home page.

1. You can search only the titles of all documents – a suggested results list will appear in a **drop down box** showing documents which include your search terms in the title.
2. You can search the **full text** of the content on LexisPSL – this uses **connectors** as outlined at the end of this section - e.g the 'and' connector looks for your search terms anywhere within the same document.
3. Click on the red **Search** button to run your search.
4. Alternatively you can choose to search individual document types by clicking on the relevant link e.g **search precedents only**.

The screenshot shows the LexisPSL Property search interface. At the top, there are navigation links for Practice Areas: Commercial, Corporate, Dispute Resolution, Employment, Environment, Family, In-House, In-House Essentials, Local Government, Pensions, Personal Injury, Practice Compliance, Private Client, **Property**, and Wills & Probate. Below this is the LexisPSL Property logo and a navigation bar with links for Lexis@Smart Precedents, Lexis@Library, and Lexis@Learning. A secondary navigation bar includes Manage Legal Updates, About Lexis@PSL, Send Us Feedback, Meet the Experts, Change Password, and Sign Out.

The main content area is divided into two columns. The left column, titled "Browse Topics", lists various categories such as Transferring property, Leasing property, Property development, and Mortgages, each with sub-links and "More topics >>" options. The right column, titled "Search", contains a search box with a dropdown menu. The dropdown menu is open, showing search results for "Call Option". A red "Search" button is located to the right of the search box. A red circle with the number "1" is placed over the search box, and a red circle with the number "3" is placed over the "Search" button.

This screenshot shows the LexisPSL Property search interface with a different search query. The navigation and layout are identical to the previous screenshot. The search box in the right column now contains the text "Restrictive covenant and unregistered land". The dropdown menu is open, showing search results for "Restrictive covenant and unregistered land". A red circle with the number "2" is placed over the search box, and a red circle with the number "4" is placed over the "Search" button.

Your search will return a results list as shown on the right.

1. The results are **grouped** in tabs according to the document type.
2. Select the result you wish to view by clicking on the **blue link**.
3. From the selected document, you can **return** to the results page by clicking on the blue link towards the top left.
4. To explore the topic further from the selected result, click on the link on the left which will take you into **related content**.

Practice Areas » Commercial | Corporate | Dispute Resolution | Employment | Environment | Family | In-House | In-House Essentials | Local Government  
Pensions | Personal Injury | Practice Compliance | Private Client | **Property** | Wills & Probate

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Search Help

Title Full text Call option Search

Clear

1 Overviews (0) Practice Notes (3) Cases (0) Legislation (0) Precedents (2) Updates Archive (0)

Results 3 results Copy link to this results list

Results 1-3 of 3

	Title	Document Type
1.	<a href="#">Call options - protection against third parties</a>	Practice Note
2.	<a href="#">Call options - exercising the option</a>	Practice Note
3.	<a href="#">Call options - calculating the price</a>	Practice Note

Practice Areas » Commercial | Corporate | Dispute Resolution | Employment | Environment | Family | In-House | In-House Essentials | Local Government  
Pensions | Personal Injury | Practice Compliance | Private Client | **Property** | Wills & Probate

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Return to Results 3 Hide

**Call options - protection against third parties**

**Call options - protection against third parties**

Restrictions on dealings with the option land  
Where the option land is registered, the call option must be protected by entry of a notice at the Land Registry. This is so even in cases where the option holder is in actual occupation, as the meaning of 'actual occupation' (and with it the instances where the option will create an overriding interest) has been significantly narrowed by the Land

Browse for Call options - protection against third parties in:  
Transferring property | Options and pre-emption rights

Once you have found a document and you wish to extract it from LexisPSL, there are various options.

1. For Precedents, **download into Word** using the link towards the top of the document.
2. Use the icons on the top right to e-mail or print the document.
3. When viewing Precedents, you will also see **drafting notes** giving **guidance on completing the document** – click on the link to read the notes.

LexisPSL drafting notes provide a comprehensive instruction manual for the precedent to which they relate. They describe clearly and in detail how to use the document in a way that precisely suits the circumstances confronting you in practice. Our drafting notes link through to relevant fully consolidated legislation, caselaw, practice notes, LexisLibrary-based commentary texts, and other relevant supporting materials.

Practice Areas » [Commercial](#) | [Corporate](#) | [Dispute Resolution](#) | [Employment](#) | [Environment](#) | [Family](#) | [In-House](#) | [In-House Essentials](#) | [Local Government Pensions](#) | [Personal Injury](#) | [Practice Compliance](#) | [Private Client](#) | **Property** | [Wills & Probate](#)

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[Return to Results](#) **Call option** 2    

[Hide](#) 1 [Download precedent in Word](#) 

**Call option** [View Drafting Note](#) 

**Option agreement**

**DATE** *[insert date of agreement]*

**PARTIES**

**1** *[insert name of Seller] of [insert address][incorporated in England and Wales with company registration number][insert company registration number] (the 'Seller')*

**2** *[insert name of Buyer] of [insert address] [incorporated in England and Wales with company registration number [insert company registration number] (the 'Buyer')*

**3** *[insert name of Seller's mortgagee] of [insert address] [incorporated in England and Wales with company registration number][insert company registration number] (the 'Mortgagee')]*

**1 Definitions** 3 [View Drafting Note](#) 

In this agreement the following definitions apply:

<b>Appeal</b>	an appeal against a Planning Refusal made by or on behalf of the Buyer during the Initial Option Period
<b>Appeal Date</b>	that is [20] Working Days after final determination of an Appeal
<b>Calculation Date</b>	the Completion Date
<b>Challenge</b>	an application to the High Court under <a href="#">section 288</a> of the Town and Country Planning Act 1990 or an application to the court for judicial review (or other relief of a similar nature) made during the Initial Option Period
<b>Challenge Date</b>	the date that is [20] Working Days after final determination of a Challenge

To receive key information about developments in your practice area by email, set up an e-mail update. These will alert you to legislation changes, new cases, changes in practice and procedure plus news analysis as written by our LexisPSL lawyers

1. Click on **Manage Legal Updates** link.
2. Select the **yes** button.
3. Choose the **frequency** – daily or weekly.
4. Enter your **e-mail address**.
5. Select the **topics** you wish to include in the alert.
6. Click **Save** at the very bottom of the page.



### Manage Legal Updates

Would you like to receive Legal Updates?  Yes **2**  No

**Options**

When would you like to receive your Legal Updates?  Daily (At 22:00)  **Weekly (Fridays at 22:00)** **3**

To what e-mail address?  **4**

**5** Covering which topics?

- All
- Transferring property
- Leasing property
- Property development
- Mortgages
- Easements, rights and covenants
- Property management and disputes
- Property insolvency
- Property taxes
- Planning, highways and utilities
- Environment
- Insurance
- Regulatory compliance

## How to Search

LexisPSL will search for consecutive words as phrases, unless they are separated by a connector.

**For example:** Searching for Human Rights only brings back results with those words next to each other in that order, similar to putting quotation marks around search terms in Google.

Connectors and wildcards are tools you can use when conducting a search on LexisPSL. The key connectors are outlined here:

<b>and</b>	<p><b>Links words or phrases that appear anywhere in the same document.</b></p> <p><i>Example:</i> armed robbery and weapon finds both the phrase armed robbery and the word weapon anywhere in the same document.</p>
<b>w/p</b>	<p><b>Looks for documents with search words in the same paragraph.</b></p> <p><i>Example:</i> unfair w/p dismissal finds unfair within the same paragraph as dismissal.</p> <p>Note: The w/p connector cannot be combined with the w/n connector.</p>
<b>w/s</b>	<p><b>Looks for documents with search words in the same sentence..</b></p> <p><i>Example:</i> cloning w/s legislation finds cloning within the same sentence as legislation.</p> <p>Note: The w/s connector cannot be combined with the w/n connector.</p>
<b>w/n</b>	<p><b>Links search words and phrases to create concepts, without specifying word order. 'n' represents any number from 1 to 255.</b></p> <p><i>Example:</i> dismissal w/5 constructive finds dismissal within 5 words or fewer of constructive, regardless of which word appears first.</p>
<b>or</b>	<p><b>Links synonyms, alternative forms of expression, abbreviations, acronyms, etc.</b></p> <p><i>Example:</i> lawyer or counsel finds either the word lawyer or the word counsel</p>
<b>! Truncation</b>	<p><b>The truncation symbol (an exclamation mark) replaces any number of characters at the end of a word and allows you to search for alternative word endings.</b></p> <p><i>Example:</i> acqui! will find acquire, acquires, acquired, acquiring, and acquisition</p> <p>Note: Words that work best with ! are those that are unique in their truncated form. For example, if you search fir! (to retrieve 'fired', 'firing' or 'fires'), your results will also include 'first', 'firm', etc.</p>
<b>* Wildcard</b>	<p><b>The wildcard symbol (an asterisk) replaces a single character at any point in a word, except for the first character.</b> The wildcard (*) is particularly useful if you are unsure of the spelling of a particular word or name. You can also use multiple wildcards in a single word.</p> <p><i>Example:</i> int**net finds both internet and intranet.</p>