

Michael Warby

From: Regulation 13 <Regulation 13@djblaw.co.uk>
Sent: 06 October 2018 21:15
To: Information Governance
Subject: FW: s278 Agreement, High Leigh [IBB-LNE.FID2244223] [DJB-DJB-DMS.FID125960]
Categories: Red Category

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Email in 1

Regulation 13

Partner

DAVITT JONES BOULD

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Switchboard: 020 Regulation 13
Email: Regulation 13@djblaw.co.uk
Web: www.djblaw.co.uk/office-london



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1 01' HAP,

From: Regulation 13 [mailto:Regulation 13@ibblaw.co.uk]
Sent: 07 March 2018 10:18
To: Regulation 13
Subject: s278 Agreement, High Leigh [IBB-LIVE.FID2244223]

Hi Regulation 13

Your letter of 6th March with enclosed S278 Agreement received safely, thank you.

Regards

Regulation 13

Regulation 13

Senior Solicitor

T: Regulation 13

E: Regulation 13 ibblaw.co.uk



Regional Real Estate Firm of the Year

IBB Solicitors, Capital Court, 30 Windsor Street, Uxbridge, Middlesex UB8 1AB, DX 45105 Uxbridge

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F: 08456 381351

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Michael Warb

From: Regulation 13 <Regulation 13@djblaw.co.uk>
Sent: 06 October 2018 21:23
To: Information Governance
Subject: FW: High Leigh s278 [IBB-LIVE.FID2244223] [DJB-DJB-DMS.FID125960]
Categories: Red Category

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Web: www.djblaw.co.uk/office-london



From: Regulation 13 [mailto:Regulation 13@djblaw.co.uk]
Sent: 05 March 2018 23:56
To: Regulation 13
Subject: RE: High Leigh s278 [IBB-LIVE.FID2244223] [DJB-DMS.FID125960]

Hi Regulation 13

Thank you for your email and sorry not to get back to you earlier.

The Bond should come to our Taunton office.

Many thanks.

Regards.

Regulation 13

Regulation 13

Partner

DAVITT JONES BOULD

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Web: www.djblaw.co.uk/office-london



11:11
54141

From: Regulation 13 [mailto:Regulation 13xxxxxxxxx@xxxxxx.xx.xx]

Sent: 05 March 2018 10:29

To: Regulation 13

Subject: High Leigh s278 [IBB-LIVE.FID2244223]

Hi Regulation 13

Hope you had a good weekend.

Could you please let me know which address to use to send out the original signed bond?

I have also checked our ledger and your costs were sent out on 2nd March, so I would be grateful if you could send through the invoice for our records marked as paid, and confirm that we are released from our undertaking.

Regards

Regulation 13

Regulation 13

Senior Solicitor

T: Regulation 13

E: Regulation 13 [co.uk](mailto:Regulation 13@ibblaw.co.uk)



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Michael Warb

From: Regulation 13 <Regulation 13@djblaw.co.uk>
Sent: 06 October 2018 21:16
To: Information Governance
Subject: FW: High Leigh s278 [IBB-LIVE.FID2244223] [DJB-D113-DMS.FID125960]

Categories: Red Category

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Sent: 05 March 2018 10:29
To: Regulation 13
Subject: High Leigh s278 [IBB-LIVE.FID2244223]

Hi Regulation 13
Hope you had a good weekend.

Could you please let me know which address to use to send out the original signed bond?

I have also checked our ledger and your costs were sent out on 2nd March, so I would be grateful if you could send through the invoice for our records marked as paid, and confirm that we are released from our undertaking.

Regards

Regulation 13

Regulation 13

Senior Solicitor

T: Regulation 13

E: Regulation 13 ibblaw.co.uk

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Michael Warby

From: Regulation 13 <Regulation 13@djblaw.co.uk>
Sent: 06 October 2018 21:25
To: Information Governance
Subject: FW: Section 278 Agreement - Hoddesdon Link Road [DJB-DJB-DMS.FID125960]
Attachments: S22C-618030216140.pdf

Categories: Red Category

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ROI

11)PI I R

From: Regulation 13 [mailto:Regulation 13@djblaw.co.uk]
Sent: 02 March 2018 15:41
To: Regulation 13
Subject: Section 278 Agreement - Hoddesdon Link Road [DJB-DMS.FID125960]

Regulation 13

Further to our telephone conversation, I enclose a copy of the first two pages of the section 278 Agreement duly dated, together with the final signature page.

I will write separately (on Monday now) with one completed part of the Agreement for you to retain.

I will look forward to receiving the completed Bond. If you have taken a copy of this before posting this, can you please let me have a scanned copy.

In addition, I look forward to receiving the paperwork in relation to the Lafarge restriction.

Thank you for confirming that our costs are on the way.

Finally, thank you for all your help in completing this matter.

Have a good weekend.

Kind regards.

Regulation 13

Regulation 13

Partner

DAVITT JONES BOULD

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Date 2 i/fi (4cH 2018

HERTFORDSHIRE COUNTY COUNCIL

- and -

LANDS IMPROVEMENT HOLDINGS LANDMATCH S.A RI

Agreement for Highway Works at
Hoddesdon Link Road, west of Hoddesdon, Hertfordshire pursuant
to sections 38 and 278 Highways Act 1980 and
section 106 Town and Country Planning Act 1990

Davitt Jones Bould

Ref 11432.0006

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- # I

The COMMON SEAL of
HERTFORDSHIRE COUNTY
COUNCIL was hereunto affixed
in the presence of:-

Regulation 13

Regulation 13
Head of
Commercial Law



~~Chief Legal Officer/Assistant Chief Legal Officer~~

EXECUTED as a DEED by

**LANDS IMPROVEMENT HOLDINGS
LANDMATCH S.a r.l.**

a company incorporated in Luxembourg by

being a person/s who in accordance with the laws
of that territory is/are acting under the authority of
the company

Regulation 13

Michael Warb

From: Regulation 13 <Regulation 13@djblaw.co.uk>
Sent: 06 October 2018 21:25
To: Information Governance
Subject: FW: High Leigh [IBB-LIVE.FID2244223] [DJB-DJB-DMS.FID125960]
Categories: Red Category

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LEIS U.

From: Regulation 13 [mailto:Regulation 13@djblaw.co.uk]
Sent: 02 March 2018 09:29
To: Regulation 13
Subject: FW: High Leigh [IBB-LIVE.FID2244223] [DJB-DMS.FID125960]

Regulation 13

... and when we speak I am assuming that you are also going to give me an undertaking in respect of the Lafarge certificate.

Regards.

Regulation 13

Regulation 13

Partner

DAVITT JONES BOULD

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Web: www.djblawco.uk/office-london



From: Regulation 13

Sent: 02 March 2018 09:16

To: Regulation 13

Subject: RE: High Leigh [IBB-LIVE.FID2244223] [D3B-DMS.FID125960]

Regulation 13

Just to confirm that you may ignore my remarks about the amount of the additional sum.

I will look forward to receiving the sum of £1,850. I have asked our accounts department to prepare a final invoice and this will follow separately.

Similarly, I will look forward to receiving a scanned copy of the Bond executed by the bondsman. Upon receipt of this I will call you, and then hopefully, we will be able to complete.

Regards.

Regulation 13

Regulation 13

Partner
DAVITT JONES BOULD

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Web: www.djblaw.co.uk/office-london



From: Regulation 13 [<mailto:Regulation 13@ibblaw.co.uk>]
Sent: 01 March 2018 13:46
To: Regulation 13
Subject: RE: High Leigh [DJB-DMS.FID125960] [IBB-LIVE.FID2244223]

Dear Regulation 13

Please accept this email as this firm's undertaking to pay the sum of £1,399.50 in respect of your legal costs in this matter. This is in addition to the sum of £450.50 which remains unpaid from the undertaking dated 8 December 2017, meaning that the final payment will be £1,850.

I shall arrange to send through these monies in readiness for completion tomorrow to the account details provided, but would be grateful if you could send through an invoice for this final payment.

Could you also as discussed let me know the name of your colleague in the offices at the Shard to whom the signed Bond should be sent.

Regards

Regulation 13

Regulation 13

Senior Solicitor

T: Regulation 13
E: Regulation 13 mortinneribblaw.co.uk



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From: Regulation 13 [mailto:Regulation 13@djblaw.co.uk]

Sent: 01 March 2018 11:36

To: Regulation 13

Subject: High Leigh [DJB-DMS.FID125960]

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Hi Regulation 13

We now have the engrossments of this Agreement executed by the Council.

I have just asked our office to send you our bank details (in case you do not have these to hand) in order that you can send the additional sum of f1,850,

Can you please let me know where we stand with the bond?

I understand that you client is looking to start work on Monday and so we really need to complete this matter by tomorrow, if you client wishes to start then.

Regards.

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Partner
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Michael Warb

From: Regulation 13 <Regulation 13@djblaw.co.uk>
Sent: 06 October 2018 21:26
To: Information Governance
Subject: FW: High Leigh [IBB-LIVE.FID2244223] [DJB-DJB-DMS.FID125960]
Categories: Red Category

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Email out 4

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DAVITT JONES BOULD

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Web: www.djblaw.co.uk/office-london



From: Regulation 13 [mailto:Regulation 13@djblaw.co.uk]
Sent: 02 March 2018 09:16
To: Regulation 13
Subject: RE: High Leigh [IBB-LIVE.FID2244223] [DJB-DMS.FID125960]

Regulation 13

Just to confirm that you may ignore my remarks about the amount of the additional sum.

I will look forward to receiving the sum of £1,850. I have asked our accounts department to prepare a final invoice and this will follow separately.

Similarly, I will look forward to receiving a scanned copy of the Bond executed by the bondsman. Upon receipt of this I will call you, and then hopefully, we will be able to complete.

Regards.

Regulation 13

Regulation 13

Partner
DAVITT JONES BOULD

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1169

WI II: II

From: Regulation 13 [mailto:Regulation 13@djblaw.co.uk]
Sent: 01 March 2018 13:46
To: Regulation 13
Subject: RE: High Leigh [DJB-DMS.FID125960] [IBB-LIVE.FID2244223]

Dear Regulation 13

Please accept this email as this firm's undertaking to pay the sum of £1,399.50 in respect of your legal costs in this matter. This is in addition to the sum of £450.50 which remains unpaid from the undertaking dated 8 December 2017, meaning that the final payment will be £1,850.

I shall arrange to send through these monies in readiness for completion tomorrow to the account details provided, but would be grateful if you could send through an invoice for this final payment.

Could you also as discussed let me know the name of your colleague in the offices at the Shard to whom the signed Bond should be sent.

Regards

Regulation 13

Regulation 13

Senior Solicitor

T: Regulation 13

E: Regulation 13 [co.uk](mailto:Regulation 13@djblaw.co.uk)



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F: 08456 381351

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CI in a

From: Regulation 13 [mailto:Regulation 13@djblaw.co.uk]

Sent: 01 March 2018 11:36

To: Regulation 13

Subject: High Leigh [DJB-DMS.FID125960]

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Hi Regulation 13

We now have the engrossments of this Agreement executed by the Council.

I have just asked our office to send you our bank details (in case you do not have these to hand) in order that you can send the additional sum of £1,850,

Can you please let me know where we stand with the bond?

I understand that you client is looking to start work on Monday and so we really need to complete this matter by tomorrow, if you client wishes to start then.

Regards.

Regulation 13

Regulation 13

Partner
DAVITT JONES BOULD

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Michael Warb

From: Regulation 13 <Regulation 13@djblaw.co.uk>
Sent: 06 October 2018 21:27
To: Information Governance
Subject: FW: High Leigh [I8B-LIVE.FID2244223] [DJB-DJB-DMS.FID125960]

Categories: Red Category

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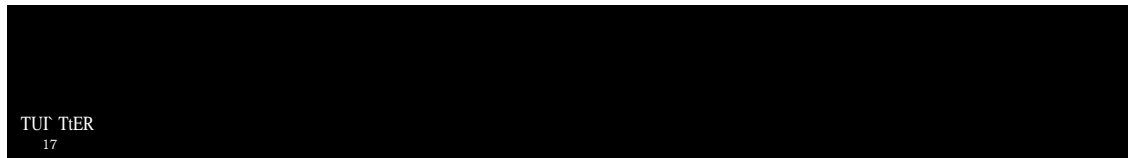
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From: Regulation 13 [mailto:Regulation 13@djblaw.co.uk]
Sent: 01 March 2018 16:17
To: Regulation 13
Subject: RE: High Leigh [IBB-LIVE.FID2244223] [DJB-DMS.FID125960]

Regulation 13

Thank you for your email, but the sum of £1,850 was in addition to the sum already billed - not the sum paid. Can you please let us have an amended form of undertaking.

As to the Bond we have since spoken. Please do not send this to our Shard Office as there will be no-one there tomorrow. As I indicated, I am happy to collect the executed Bond tomorrow morning from the Bondsman's office in the City. If you would like to deal with matters in this way, please let me have an address for them, and name of the person I should ask for.

Many thanks.

Regards.

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Regulation 13

Partner
DAVITT JONES BOULD

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Could you also as discussed let me know the name of your colleague in the offices at the Shard to whom the signed Bond should be sent.

Regards

Regulation 13

Regulation 13

Senior Solicitor

T: Regulation 13

E: Regulation 13 [co.uk](mailto:Regulation 13@ibblaw.co.uk)



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DOD 

From: Regulation 13 [\[mailto:Regulation 13@ibblaw.co.uk\]](mailto:Regulation 13@ibblaw.co.uk)

Sent: 01 March 2018 11:36

To: Regulation 13

Subject: High Leigh [DJB-DMS.FID125960]

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Hi Regulation 13

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Can you please let me know where we stand with the bond?

I understand that you client is looking to start work on Monday and so we really need to complete this matter by tomorrow, if you client wishes to start then.

Regards.

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Partner

DAVITT JONES BOULD

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Michael Warb

From: Regulation 13 <Regulation 13@djblaw.co.uk>
Sent: 06 October 2018 21:17
To: Information Governance
Subject: FW: Section 278 Agreement - Hoddesdon Link Road [IBB-LNE.FID2244223] [DJB-DJB-DMS.FID125960]
Attachments: Highways bond.PDF

Categories: Red Category

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Email in 3

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From: Regulation 13 [mailto:Regulation 13@djblaw.co.uk]
Sent: 02 March 2018 15:50
To: Regulation 13
Subject: RE: Section 278 Agreement - Hoddesdon Link Road [DJB-DMS.FID125960] [IBB-LIVE.FID2244223]

Hi Regulation 13

Scanned copy of the bond attached – I shall likewise send documents out on Monday.
Also, thanks to you for your assistance, and have a good weekend!

Regards

Regulation 13

Regulation 13

Senior Solicitor

T: Regulation 13

E: Regulation 13 ibblaw.co.uk



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F: 08456 381351

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From: Regulation 13 [mailto:Regulation 13@ibblaw.co.uk]

Sent: 02 March 2018 15:42

To: Regulation 13

Subject: Section 278 Agreement - Hoddesdon Link Road [D1B-DMS.FID125960]

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Regulation 13

Further to our telephone conversation, I enclose a copy of the first two pages of the section 278 Agreement duly dated, together with the final signature page.

I will write separately (on Monday now) with one completed part of the Agreement for you to retain.

I will look forward to receiving the completed Bond. If you have taken a copy of this before posting this, can you please let me have a scanned copy.

In addition, I look forward to receiving the paperwork in relation to the Lafarge restriction.

Thank you for confirming that our costs are on the way.

Finally, thank you for all your help in completing this matter.

Have a good weekend.

Kind regards.

Regulation 13

Regulation 13

Partner

DAVITT JONES BOULD

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FINALISTS - Estates Gazette Awards, Real Estate Legal Team of the Year 2017.

Mobile: Regulation 13

Switchboard: 020 Regulation 13

Email: Regulation 13 [djblaw.co.uk](mailto:regulation13@djblaw.co.uk)

Web: www.djblaw.co.uk/office-london



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IN TRIPLICATE

Date 2nd 2018

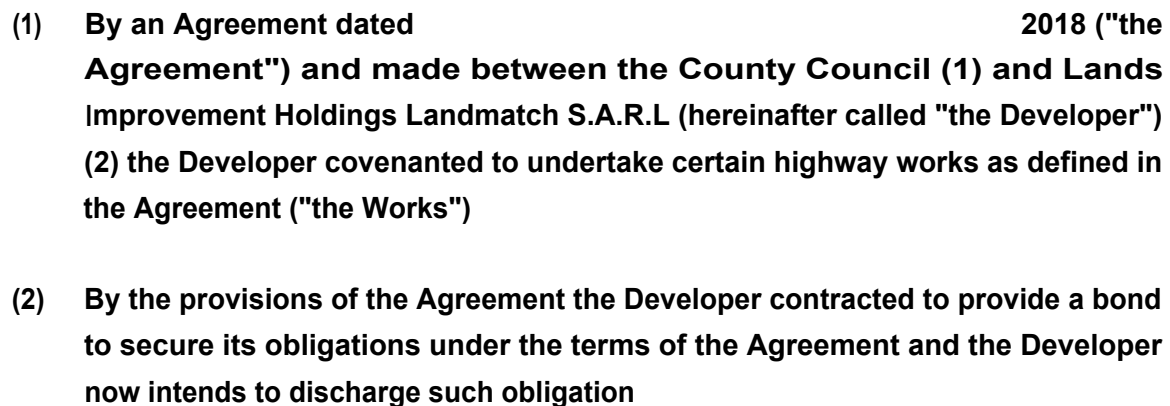
HCC INTERNATIONAL INSURANCE COMPANY PLC

- and -

HERTFORDSHIRE COUNTY COUNCIL

**Bond providing Security in respect of
Highway Works at Hoddesdon Link Road,
west of Hoddesdon, Hertfordshire**

- - - . - - - - - - -



- 2.2.3 entry into a voluntary arrangement with creditors**
- 2.2.4 presentation of a proposal to a nominee with regard to a voluntary arrangement**
- 2.2.5 an application for an interim order pursuant to section 253(1) or section 253(3) Insolvency Act 1986**
- 2.2.6 appointment of an administrator**

2.3 where the Developer is a firm:

- 2.3.1 occurrence of any of the Events specified in sub-clauses 2.2.1 to 2.2.6 inclusive with regard to any member of the firm**
- 2.3.2 a determination or order to wind up**

2.4 where the Developer is a company:

- 2.4.1 liquidation whether compulsory or voluntary**
- 2.4.2 entry into administrative receivership**
- 2.4.3 entry into a company voluntary arrangement for the benefit of its creditors**
- 2.4.4 presentation of a proposal to a nominee in connection with a voluntary arrangement**
- 2.4.5 making of an application for, or any meeting of its members resolving to make an application for an administration order in relation to the Developer**
- 2.4.6 the giving or filing of notice by any party of intention to appoint an administrator**
- 2.4.7 passing of a resolution for winding up or dissolution**
- 2.4.8 the appointment of an administrator**
- 2.4.9 the appointment of an administrative receiver, receiver or manager or supervisor by a creditor or by the court, or the taking of possession of its property under the terms of a fixed or floating charge**
- 2.4.10 the making by the court of a winding up order**

2.5 occurrence of any events or proceedings which have an analogous effect to any referred to in clauses 2.2 to 2.4 (inclusive) above

pay to the County Council within 28 days of a written demand ("the Demand") which Demand shall be deemed and accepted as conclusive

evidence that an Event or a combination of Events has occurred) the Specified Sum (as hereinafter defined) provided that the total sums payable by the Surety shall not exceed the Bond Figure

3. The Specified Sum shall be such sum or sums of money as:

3.1 the Director certifies to be necessary:

3.1.1 to complete the Works or reinstate the highway or complete such alternative works as the Director considers appropriate; and

3.1.2 to remedy any defects occurring or discovered during the Maintenance Period; and

3.1.3 to maintain the said alternative works and/or the Works for a period of twelve months following their completion; and

3.1.4 to cover the costs or any other sums due under the terms of the Agreement; and

3.2 such further sums as the Chief Legal Officer may certify to be necessary to fully reimburse the County Council in respect of any costs incurred in the enforcement of the obligations on the part of the Developer under the Agreement and of preparing an alternative contract for the Works and of supervising the execution of this alternative contract

4. The County Council shall be entitled to make more than one Demand under this Bond

5. If no claims shall have been made by the County Council and no claims or liability have arisen under this bond or the Agreement THEN the Bond Figure shall be reduced by seventy-five per cent (75%) upon issue of the Certificate of Completion and the Surety shall be released and discharged upon issue of the Certificate of Maintenance

6. The Demand shall be deemed to be sufficiently served on the Surety if signed by the Director or the Chief Legal Officer and delivered to the Surety do Claims Manager, Surety Department, HCC International Insurance Company Plc, The Grange, Rearsby, Leicester LE7 4FY or such other address as shall have been notified in writing to the County Council



- 7, The Surety shall not be discharged or released by any alteration of any of the terms conditions and provisions of the Agreement or in the extent or nature of the Works and no allowance of time by the County Council under or in respect of the Agreement or the Works shall in any way release reduce or affect the liability of the Surety under this Bond
8. Reference wherever it appears in this Deed to the Developer shall include any successor in title thereto
9. Any capitalised terms that are not specifically defined in this Deed shall have the meaning ascribed thereto in the Agreement
10. This Bond shall be governed by and construed in accordance with the laws of England and the Surety irrevocably submits to the exclusive jurisdiction of the English Courts
- 11 The Contracts (Rights of Third Parties) Act 1999 shall not apply to this Bond save that the terms hereof shall be enforceable by any successor or duly appointed agent or licensee of the County Council **as** highway authority

SIGNED AS A DEED BY

Regulation 13

As Attorney for and on Behalf of

HCC INTERNATIONAL INSURANCE COMPANY PLC

In the presence of

Witness

Occupation

Regulation 13

Bond No : BU/LO/00150

Michael Warb

From: Regulation 13 <Regulation 13@djblaw.co.uk>
Sent: 06 October 2018 21:19
To: Information Governance
Subject: FW: High Leigh [IBB-LIVE.FID2244223] [DJB-D113-DMS.FID125960]
Categories: Red Category

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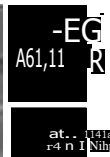
Email in 4

Regulation 13
Partner
DAVITT JONES BOULD

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Email: Regulation 13@djblaw.co.uk
Web: www.djblaw.co.uk/office-london



From: Regulation 13 [mailto:Regulation 13@djblaw.co.uk]
Sent: 01 March 2018 13:46
To: Regulation 13
Subject: RE: High Leigh [DJB-DMS.FID125960] [IBB-LIVE.FID2244223]

Dear Regulation 13

Please accept this email as this firm's undertaking to pay the sum of £1,399.50 in respect of your legal costs in this matter. This is in addition to the sum of £450.50 which remains unpaid from the undertaking dated 8 December 2017, meaning that the final payment will be £1,850.

I shall arrange to send through these monies in readiness for completion tomorrow to the account details provided, but would be grateful if you could send through an invoice for this final payment.

Could you also as discussed let me know the name of your colleague in the offices at the Shard to whom the signed Bond should be sent.

Regards

Regulation 13

Regulation 13

Senior Solicitor

T: Regulation 13

E: Regulation 13 ibblaw.co.uk



Regional Real Estate Firm of the Year

IBB Solicitors, Capital Court, 30 Windsor Street, Uxbridge, Middlesex UB8 1AB, DX 45105 Uxbridge

T: 03456 381381 (geographic: +44 1895 230941)

F: 08456 381351

www.ibblaw.co.uk

- ^ ^ _____

From: Regulation 13 [mailto:Regulation 13@djblaw.co.uk]

Sent: 01 March 2018 11:36

To: Regulation 13

Subject: High Leigh [DJB-DMS.FID125960]

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Hi Regulation 13

We now have the engrossments of this Agreement executed by the Council.

I have just asked our office to send you our bank details (in case you do not have these to hand) in order that you can send the additional sum of £1,850,

Can you please let me know where we stand with the bond?

I understand that you client is looking to start work on Monday and so we really need to complete this matter by tomorrow, if you client wishes to start then.

Regards.

Regulation 13

Regulation 13

Partner

DAVITT JONES BOULD

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—"PEIMENIMPEIMPIEMM•1!"



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Michael Warb

From: Regulation 13 <Regulation 13@djblaw.co.uk>
Sent: 06 October 2018 21:20
To: Information Governance
Subject: FW: High Leigh - bond [IBB-LIVE.FID2244223] [D1B-DJB-DMS.FID125960]
Attachments: BOND - clean copy (address amended).DOCX

Categories: Red Category

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Email in 5

Regulation 13
Partner
DAVITT JONES BOULD

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Mobile: Regulation 13
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Email: Regulation 13@djblaw.co.uk
Web: www.djblaw.co.uk/office-london



- 1 -

From: Regulation 13 [mailto:Regulation 13@djblaw.co.uk]
Sent: 20 February 2018 18:06
To: Regulation 13
Cc: McDiarmid, Paul (xxxx.xxxxxxxx@xxx.xx.xx)
Subject: High Leigh - bond [IBB-LIVE.FID2244223]

Hi [Redacted]

The bondsman (HCC) have asked if we can amend clause 6 of the bond to insert the following address for service instead of LIH Empire: Claims Manager, Surety Department, HCC International Insurance Company Plc, The Grange, Rearsby, Leicester LE7 4FY. (I have amended in track in the attached). Could you please confirm that you are happy with this amendment?

Regards

[Redacted]

Regulation 13

Senior Solicitor

T: Regulation 13

E: Regulation 13 ibblaw.co.uk



Regional Real Estate Firm of the Year

IBB Solicitors, Capital Court, 30 Windsor Street, Uxbridge, Middlesex UB8 1AB, DX 45105 Uxbridge

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F: 08456 381351

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Date

2018

HCC INTERNATIONAL INSURANCE COMPANY PLC

- and -

HERTFORDSHIRE COUNTY COUNCIL

Bond providing Security in respect of
Highway Works at Hoddesdon Link Road,
west of Hoddesdon, Hertfordshire

BY THIS BOND HCC INTERNATIONAL INSURANCE COMPANY PLC (Co. Regn. No. 01575839) whose registered office is situate at 1 Aldgate, London, England, EC3N 1RE (address) (hereinafter called "the Surety") is held and firmly bound to HERTFORDSHIRE COUNTY COUNCIL of County Hall, Hertford, Hertfordshire ("the County Council") in the sum of one million six hundred and seventy six thousand three hundred and seventy three pounds (£1,676,373) to be paid to the County Council for the payment of which sum the Surety binds itself and its successors

EXECUTED as a Deed this day of **2018**

WHEREAS

- (1) By an Agreement dated **2018** ("the Agreement") and made between the County Council (1) and Lands Improvement Holdings Landmark S.A R.L (hereinafter called "the Developer") (2) the Developer covenanted to undertake certain highway works as defined in the Agreement ("the Works")
- (2) By the provisions of the Agreement the Developer contracted to provide a bond to secure its obligations under the terms of the Agreement and the Developer now intends to discharge such obligation

NOW THIS DEED WITNESSETH

1. The Surety is hereby bound to the County Council in the sum of one million six hundred and seventy six thousand three hundred and seventy three pounds (£1,676,373) ("the Bond Figure")
2. The Surety shall upon the occurrence of any of the following events (each hereinafter referred to as an "Event"):
 - 2.1 breach or non-performance or non-observance of any of the terms or covenants on the part of the Developer contained in the Agreement
 - 2.2 occurrence of any of the following where the Developer is an individual:
 - 2.2.1 bankruptcy
 - 2.2.2 presentation of a bankruptcy petition

- 2.2.3 entry into a voluntary arrangement with creditors
- 2.2.4 presentation of a proposal to a nominee with regard to a voluntary arrangement
- 2.2.5 an application for an interim order pursuant to section 253(1) or section 253(3) Insolvency Act 1986
- 2.2.6 appointment of an administrator

2.3 where the Developer is a firm:

- 2.3.1 occurrence of any of the Events specified in sub-clauses 2.2.1 to 2.2.6 inclusive with regard to any member of the firm
- 2.3.2 a determination or order to wind up

2.4 where the Developer is a company:

- 2.4.1 liquidation whether compulsory or voluntary
- 2.4.2 entry into administrative receivership
- 2.4.3 entry into a company voluntary arrangement for the benefit of its creditors
- 2.4.4 presentation of a proposal to a nominee in connection with a voluntary arrangement
- 2.4.5 making of an application for, or any meeting of its members resolving to make an application for an administration order in relation to the Developer
- 2.4.6 the giving or filing of notice by any party of intention to appoint an administrator
- 2.4.7 passing of a resolution for winding up or dissolution
- 2.4.8 the appointment of an administrator
- 2.4.9 the appointment of an administrative receiver, receiver or manager or supervisor by a creditor or by the court, or the taking of possession of its property under the terms of a fixed or floating charge
- 2.4.10 the making by the court of a winding up order

2.5 occurrence of any events or proceedings which have an analogous effect to any referred to in clauses 2.2 to 2.4 (inclusive) above

pay to the County Council within 28 days of a written demand ("the Demand") which Demand shall be deemed and accepted as conclusive

evidence that an Event or a combination of Events has occurred) the Specified Sum (as hereinafter defined) provided that the total sums payable by the Surety shall not exceed the Bond Figure

3. The Specified Sum shall be such sum or sums of money as:

3.1 the Director certifies to be necessary:

3.1.1 to complete the Works or reinstate the highway or complete such alternative works as the Director considers appropriate; and

3.1.2 to remedy any defects occurring or discovered during the Maintenance Period; and

3.1.3 to maintain the said alternative works and/or the Works for a period of twelve months following their completion; and

3.1.4 to cover the costs or any other sums due under the terms of the Agreement; and

3.2 such further sums as the Chief Legal Officer may certify to be necessary to fully reimburse the County Council in respect of any costs incurred in the enforcement of the obligations on the part of the Developer under the Agreement and of preparing an alternative contract for the Works and of supervising the execution of this alternative contract

4. The County Council shall be entitled to make more than one Demand under this Bond

5. If no claims shall have been made by the County Council and no claims or liability have arisen under this bond or the Agreement THEN the Bond Figure shall be reduced by seventy-five per cent (75%) upon issue of the Certificate of Completion and the Surety shall be released and discharged upon issue of the Certificate of Maintenance

6. The Demand shall be deemed to be sufficiently served on the Surety if signed by the Director or the Chief Legal Officer and delivered to the Surety do Claims Manager, Surety Department, HCC International Insurance Company Plc, The Grange, Rearsby, Leicester LE7 4FY. Empire LIH Limited, 15th Floor, 1'10

such other address as shall have been notified in writing to the County Council

7. The Surety shall not be discharged or released by any alteration of any of the terms conditions and provisions of the Agreement or in the extent or nature of the Works and no allowance of time by the County Council under or in respect of the Agreement or the Works shall in any way release reduce or affect the liability of the Surety under this Bond
8. Reference wherever it appears in this Deed to the Developer shall include any successor in title thereto
9. Any capitalised terms that are not specifically defined in this Deed shall have the meaning ascribed thereto in the Agreement
10. This Bond shall be governed by and construed in accordance with the laws of England and the Surety irrevocably submits to the exclusive jurisdiction of the English Courts
11. The Contracts (Rights of Third Parties) Act 1999 shall not apply to this Bond save that the terms hereof shall be enforceable by any successor or duly appointed agent or licensee of the County Council as highway authority

SIGNED AS A DEED by

As Attorney for and on Behalf of

HCC INTERNATIONAL INSURANCE COMPANY PLC

In the presence of

Witness: _____

Occupation: Bond Administrator

Bond No: _____