

## **Chair's Report given at the 1 May 2019 AGM**

**Astra:** The SCL Astra breakfast lectures continue to be popular with London based members, with subjects over the past 12 months ranging from the new FIDIC contracts to insurance coverage and claims; the Society is indebted to those members who have hosted these breakfast lectures. The joint organisations boat trip was held in July 2018 and once again proved to be very successful. It will return in July 2019 and the joint organisations will be SCL Astra, CIOB Novus, ICE and BGA. Regionally, SCL Astra is expanding and a variety of events have been very well received, including the Northern Powerhouse Ball in Leeds in April 2019. Following the successful SCL Astra conference in Dubai in 2018, another conference is planned for April 2020, and further details will be released shortly.

### **1. *Educational events – London:***

- (i) *Lectures:* In the past year there has been a full complement of 10 lectures at the National Liberal Club in London. Highlights have included “*Privacy in Arbitration*” by Lord Dyson, “*Prevention or Cure? Delay Claims and the Rise of Concurrency Clauses*” by Lord Justice Coulson and “*Whose case is it anyway? Some thoughts on the presentation and assessment of evidence*” by Mrs Justice Jefford. All of the lectures have been exceptionally well attended, and indeed on a number of occasions they have been fully booked in advance;
- (ii) *Conference:* No SCL conferences were held in London over the past 12 months, but the Society is pleased that a London Conference will be held at the IET in London on 19<sup>th</sup> September 2019;
- (iii) *Advocacy training:* In November 2018 the Society held another successful Advocacy Training Course in London. This fully booked course, which focused on advocacy in adjudication, was open to all members of the Society who have no or little advocacy experience. No charge was made for members attending. A further Advocacy Training Course is planned to be held in London later in 2019.

### **2. *Educational events – Regional:***

- (i) *Lectures:* More than half the membership are based outside of London, and the regions are of vital importance to the Society. We have held over 50 lectures throughout the regions during the year. A new Surrey and Sussex Region has been established, and held their first lecture in January 2019 at which Sir Rupert Jackson spoke. After consulting members locally, it was also decided that lectures in the Eastern Region should take place in Ipswich as well as Cambridge, and that lecturers in the South West Region should take place in Exeter as well as Bristol;
- (ii) *Conferences:* The Irish Region and SCL Astra Ireland held a very successful conference in Powerscourt in February 2019 titled “*Effective Construction*”. It was very well attended, particularly by local practitioners. The always popular Spring Conference in Leeds took place in March 2019, where in excess of 200 people listened to an outstanding line-up of speakers;
- (iii) *Advocacy training:* In January 2019 the Irish Region held their second Advocacy Training Course in Dublin which was very well attended. Like the London course, this was offered free-of-charge to junior practitioners wanting to test their adjudication advocacy skills.

3. **Hudson Prize:** The Judging Panel of the SCL Hudson Prize awarded First Prize to Max Twivy, a Pupil Barrister at Atkin Chambers, for his paper titled “*The Prevention Principle After North Midland -v- Cyden Homes: Time for Change?*”. The other prizes included: Second Prize for “*Microwaving Jesus’s Burrito: The Problem of No Oral Modification Clauses*” by Anirudh Mandagere, a Legal Assistant at Keating Chambers; Highly Commended for “*A Stadium and its Defects: Liberty, Loss and the Limitation Period*” by Philip Britton, a former Professor of Law at King’s College London; and Highly Commended for “*Security of Payment for subcontractors – lessons for England from around the world*” by Louise Hall, a Commercial Manager at the Environment Agency.
4. **International – Europe:** I attended the European Society of Construction Law’s Annual Conference in Bucharest in October 2018 and jointly gave a presentation with Professor Anthony Lavers in accordance with the conference theme, “*European Construction Public Procurement, Current Issues and Perspectives*”. The Masters Thesis Prize was won by a student from Bocconi University in Milan, the first Italian Prize winner. Joint Second Prize was won by a Dutch student and a King’s College, London student (King’s has had the most winners of any university in Europe since the Prize was instituted in 2012). I represented the UK at the President’s Meeting, during which the ESCL Constitution was ratified. It was confirmed that sales of the ESCL Book (Studies in European Construction Law) had now enabled the re-payment of the national Societies, including the UK, who had advanced sums to fund the initial publication costs. Finally, Professor Monika Chao-Duivis was elected President of the ESCL and will host the 2019 Annual Conference in Delft on the 24<sup>th</sup> October 2019, the theme of which is “*The Legal Implications of Climate Change; the case for circularity*”.
5. **International – excluding Europe:** The 8<sup>th</sup> SCL International Conference took place in Chicago in September 2018. UK SCL members Keith Kirkwood and Paul Battrick were members of the organising committee that made the event an outstanding success. Over 275 delegates attended from countries including USA, Canada, South Africa, Brazil, France, Australia, New Zealand, Singapore, UK, Hong Kong, Dubai, Germany, Mexico and Mauritius. A number of UK SCL members participated in the panel sessions, including members of Council. The next SCL International Conference will be held between 4<sup>th</sup> and 6<sup>th</sup> November 2020 in Auckland, New Zealand. Throughout the year we have continued to provide assistance to groups in other countries wanting to set up new SCLs, and we are currently in discussion with groups in Turkey, Lebanon, China, Japan and the Philippines. Having undertaken the role for 18 years, Keith Kirkwood stood down as the International Liaison after the conference in Chicago. I must acknowledge Keith’s dedication and longevity in the role, and the vital part he has played in developing SCL’s internationally. So great was his involvement that we now have two International Liaisons, Sarah Williams and Paul Battrick.
6. **IT and Social Media:** We are addressing ways to improve the Society's IT capability in order to enable it to operate more efficiently, transform how the Society communicates with its members and to raise its profile. Statistics show that the website is accessed from across the globe, averaging over 6,500 hits per month in 2018/2019 with the most popular pages being papers and events. Recent developments include:
  - (i) Switching payment for events from Paypal to Worldpay to extinguish difficulties with processing foreign currency payments.
  - (ii) Launching (in May 2019) a new LinkedIn page to improve communication to members and guests. The Society will also retain its Twitter profile but will no longer communicate via Facebook.

- (iii) Planned upgrade to the website to improve functionality and appearance.
7. **Membership:** The UK Society currently **has 2,800 members from 75 different countries** (2,112 UK members and 688 overseas members).
  8. **Papers:** Since last year's AGM we have published 15 papers covering a wide range of topics. The production of papers is key to furthering the object of the Society, namely to "...*promote, for the public benefit, education, study and research (and publication of the useful results of such research) in the field of construction law and related subjects both in the United Kingdom and overseas*".
  9. **Social:** This has been another bumper year for the Society's social events, with regional lunches held in Manchester, Leeds, Bristol, Glasgow and Dublin, as well as other regional networking events. The London lunch is now firmly established at the Grosvenor House Hotel, and more than 1,500 people attended on 15<sup>th</sup> February 2019. The Annual Dinner has also moved to Drapers' Hall in the City of London for the first time in its history.
  10. **University Liaison and Grants:** The total grants awarded to UK universities was just over £11,300. There were 12 recipient institutions this year, spread across England, Wales, Scotland and Northern Ireland. The grants were for practitioner texts such as *Keating* and *Hudson*, for contract forms such as JCT and NEC, and for student prizes. The largest grants this year went to Wolverhampton, Loughborough, Ulster and Bath. The other main initiative was the setting up of the Frances Paterson Scholarship awards, which will fund 50% of the fees of a Ph.D student in construction law at a UK university. It is hoped that the first two awards will be made to students starting their doctoral studies in September 2019. This programme was set up as a result of discussions with the university academic staff representatives in May 2018 and is named in honour of the Society's former President, Chair and papers editor, Frances Paterson MBE. The Society has also donated £3,000 to BAILII; the Society considers that BAILII remains a very worthwhile cause given the invaluable free access to case law it provides.

My thanks go to all of the Society's members and the staff involved with the running of the Society, which would be unable to function without their hard work and dedication.

I look forward to seeing you at a Society event soon.

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