

Society of Construction Law CHAIRMAN'S REPORT 2009

It was an extremely busy year for SCL, not only with core business but also in hosting the second International SCL Conference in London, but more on that later.

Membership of the Society continues to grow, both here and abroad, and at the time of writing this report the membership stands at 1988. This figure includes overseas members from nearly 60 countries, ranging from Australia to Vietnam.

The London programme, administered by Nerys, Julian and Paula (unfortunately we lost Paula at the beginning of the year, as her firm decided to ship her out to the Middle East, but we wish her well) continues to flourish, with 10 papers being presented, including 2 joint TECBAR meetings and the presentation by the Hudson Prize winner

The regions in England, Scotland and Ireland held over 30 meetings during the past year, on a vast array of topics given by many eminent speakers. The regions meetings continue to be led by Jocelyn Taylor in England and by Lindy Patterson in Scotland, who were ably assisted by a number of Regional Co-ordinators. I know that Jocelyn and Lindy would like to thank all those involved in regional activities for their help and support, long may it continue. I would also like to add my personal thanks to all those involved in regional activity and to those speakers who give their time freely. I was involved with the first regional meeting ever held, (in Bristol), and so it is pleasing for me to see how regional activities have blossomed.

To say that the International Conference held in London on 6th and 7th October 2008 at the Grange City Hotel was a success would be an understatement. The Conference attracted nearly 300 delegates from 23 countries, who attended to hear 48 speakers and chairmen presenting some outstanding papers. The American College of Construction Lawyers were also guests at the Conference, having presented their own Conference on the afternoon of the 5th October.

The reason the Conference was so successful is because a number of council members spent a considerable amount of time and effort, over a period 18 months, in order to organise the event. My thanks go to Keith Kirkwood, assisted by Frances Whitehead, who took the lead in organising the event. My thanks also go to Nerys and Helena for painstakingly organising the speakers before and during the conference. There are a large number of other people who also spent a considerable amount of time helping and organising, and if you refer to the November 2008 newsletter you'll find that I list them all in there. Thanks to you all.

Following on from the International Conference, the President's Reception was held at Ironmongers Hall on the evening of the 7th October. At the Reception, our President, Sir Anthony May, presented the President's Medal

to John Sims. John is the 5th recipient of the President's Medal, which is presented every 2 years. Those of you who are old enough will remember that John used to write some of the first articles on building contracts in Building Magazine in the early 70s. Although John is now retired, he will be remembered as an active member of the Institute of Arbitrators as well as an Arbitrator himself.

The European Society of Construction Law (ESCL) held its annual meeting in Athens on 25th – 27th of September. The Conference theme was 'Construction Law and Environmental Protection', and the day was chaired by the Greek and ESCL Chairman Panos Verveniotis. I attended on behalf of the UK SCL, and was pleased to note that the Conference was both well attended and well presented. There were 3 speakers from the UK SCL, Anthony Lavers, John Redmond and Tim Reynolds. Also attending were a number of past UK SCL Chairmen.

The International scene continues to grow, and within the last year the following countries are forming their own society: Egypt, Australia, Caribbean, Nigeria, South Africa and Canada. The international scene is very much guided by Keith Kirkwood, although John Tackaberry QC, Adrian Hughes QC and Nicholas Gould have an active involvement. I think the Intentional Conference sparked an interest for a number of countries, and from personal experience a number of people from abroad approached me to find out how they should go about forming their own society. I would also add that a decision was made at the Conference that the next International Conference, in 2010, will be held in Hong Kong.

The Brewery Lunch held on Friday the 13th February 2009 featured as one of the main social events on the calendar, and once again was oversubscribed. Over 650 people attended, and our speaker was the journalist and broadcaster Gavin Esler, who's after lunch speech was well received and enjoyed. SCL guests at the lunch were Mr Justice Coulson, Mr Justice Akenhead, His Honour Judge Thornton, His Honour Peter Bowsher, His Honour Judge David Wilcox, Graham Watts (Chief Executive Construction Industry Council), John Behan (Deputy President, Chartered Institute of Arbitrators), Martin Burns (RICS Dispute Resolution Service), Andrew Bartlett (Chairman TECBAR) and Simon Baylis (Chairman TeCSA).

I have mentioned previously the Hudson Prize, and this year the winner was Sarah Pengelly, whose paper was entitled "The exclusivity provisions of the NHS lift contract and the EU procurement regulations". Sarah delivered her paper on Tuesday 5th May at the National Liberal Club. My thanks go to Anthony Lavers who chairs the Hudson Prize Sub Committee, ably assisted by Adrian Hughes QC, Colin Reese QC, Ronan Champion and Jocelyn Taylor.

The University Grants Sub-Committee has also been active, and a number of grants have been given to Universities throughout the country. My thanks go to the Sub-Committee of Anthony Lavers, Peter Phillippo and Hamish Lal.

The Advocacy Course was held again this year under the leadership of Nerys Jefford QC, James Bowling and Hamish Lal, and I believe the course was as successful as ever. Our thanks go to those members of the judiciary who give their time freely to assist on this course, these being Mr Justice Ramsey and HHJ Wilcox.

Although in its infancy, the Expert Witness Training Proposal is taking shape, and I anticipate that during the next year we'll see the inaugural expert witness training sessions being led by Peter Phillippo and Ronan Champion. I also anticipate taking an active role in this myself, as it is a subject in which I have an interest.

The Society could not exist and function without the able support of the administration staff. As always, Jackie Morris and Frances Whitehead provided a valuable service, particularly this year with so much more extra work involved with the International Conference. Some of you may have noticed that the SCL website has been updated, and my thanks go to Edward Peters who engineered and masterminded the changeover. I think the new website looks really good. Thanks also to Simon Hogg, who continues to keep our members advised on events, both SCL and other organisations. Frances Paterson and Philip Britton continue to provide an excellent service with regard to the publication of papers.

Finally, we say goodbye to Nerys Jefford QC and David Richards, who have decided to stand down from Council. My special thanks goes to Nerys, who was Chairman before me, and commenced the arrangements for the International Conference, although I was the chairman at the time the International Conference went ahead. Nerys put in a lot of time and effort, not only on the International Conference but also in being chairman of SCL, which I can now confirm is a position that creates its own demands.

I look forward to what I hope will be another successful year for the society in 2009 and 2010.

Barry Milton
Chairman
13th May 2009