



NEWSLETTER

AUGUST 2008

Programme of Events

Unless marked otherwise, the following meetings are free to members and guests.

Location maps are now always available on the website.

All are welcome but for those meetings where the organiser's telephone or email is given, it would be helpful if you could please let them know of your intention to attend.

There are no Society events during August.

Tuesday, Venue: National Liberal Club, Whitehall Place, London SW1
2 September There will be two talks this evening, as follows:

At 6.00pm (*please note earlier start time*)

“Third Party Rights and Collateral Warranties”

Speaker: Stephanie Canham - Trowers & Hamlins

At 7pm to 7.30pm

“Alliance Contracting – Reshaping Australian Infrastructure”

Speaker: John Gallagher – DLA Phillips Fox

The Chairman for both talks will be Frances Paterson, MBE

Members and their guests are welcome to attend either or both talks.

Thursday, *Joint Junior SCL/King's College London event*
11 September “Sixth Introduction to the Basics Conference”

The lecture will take the same format as in previous years and is anticipated to be followed by the Michael Brown lecture and a drinks reception.

Speakers: Julie Stagg, Helen Garthwaite, Professor Phillip Capper,
Liam Holder, Nerys Jefford QC and Nicholas Gould

Venue: Strand Campus, King's College, London WC2R

2.00pm

Organiser: rbailey@fenwickelliott.co.uk

Wednesday, *Joint TECBAR/SCL Meeting*
17 September Talk tba

Chairman: Lord Justice May

Venue: Parliament Chamber, Inner Temple, London EC4Y

5.15pm

- Thursday,
25 September *Junior SCL Site Visit*
Venue: Central St Giles, London WC2
Continuing on from the successful site visit over the last few years, it is anticipated that this site will be one of significant interest to lawyers and non-lawyers. Central St Giles is a mixed-use development, developed by Stanhope and constructed by Bovis Lend Lease. The development is designed by world-renowned architect Renzo Piano. There is no charge for attendance but places are limited to 25 and will be allocated on a first come, first served basis. Please note: Although the site visit is open to all, preference will be given to SCL Junior members. 3.30pm
Organiser: rbailey@fenwickelliott.co.uk
- Thursday,
2 October *SCL in partnership with The RICS & The University of Manchester*
"Resolving Disputes In Construction"
Speakers: The Honourable Mr Vivian Ramsey, Edward Davies,
 Dr Peter Fenn, John Riches, Michael Hopkins & Derek Pye
Chairman: Dr Peter Fenn [co-chair]
Venue: The Centre, Birchwood Park, Warrington WA3 6YN 1.00pm
Organiser: peter.fenn@manchester.ac.uk
- Monday 6
- Tuesday 7
October *SCL International Construction Law Conference*
Venue: Grange City Hotel, 8-14 Cooper's Row, London, EC3N
The major two day conference, on 6th - 7th October 2008 will bring together leading construction experts from many different jurisdictions to exchange ideas on a wide range of highly relevant topics. 9.00am
- Monday
6 October *SCL International Construction Law Conference Gala Dinner*
Venue: The Brewery, Chiswell Street, London EC2
The Gala Dinner is open to all SCL and ACCL members and their guests not attending the Conference at a cost of £75 per head. Tables of 10 are available. For further details please see the International Construction Law Conference flyer attached to this newsletter. 6.30pm
- Tuesday
7 October *Society's President's Reception*
Venue: Ironmonger's Hall, Shaftesbury Place, Barbican, London EC2Y
The President's Reception will be open to all SCL Members and their guests and to all SCL Conference attendees and their guests at a cost of £30 per head.
- Tuesday,
4 November "A designer's duty - a time for review"
Speaker: Alexander Nissen QC
Chairman: Nerys Jefford QC
Venue: National Liberal Club, Whitehall Place, London SW1 6.15pm
- Thursday,
13 November "Proof of delay claims: London Underground v Citylink"
Speaker: Nerys Jefford QC
Venue: Pinsents, 3 Colmore Circus, Birmingham B4 5.45 for 6.00pm
Organiser: selvaratnam@mail.com
- Monday,
17 November "Claims: Onerous Pre-Conditions in the Irish Public Works Contract"
Speaker: Patricia Hill BL of Kings Inns, Dublin
Chairman: John Lyden
Venue: Tba 6.30pm
Organiser: johnlyden@eircom.net

Thursday, *Second Junior SCL Christmas Lecture*
Late November Further details and exact date to be advised.

Tuesday, Title of talk tba
2 December Speaker: Nicholas Baatz QC
Chairman: Mr Justice Coulson
Venue: National Liberal Club, Whitehall Place, London SW1 6.15pm

London Speaker Programme

Feedback and suggestions for speakers and topics continue to be gratefully received by the organising committee: njefford@keatingchambers.com ngould@fenwickelliott.co.uk and PMcKinley@trowers.com

SCL International Conference and Dinner at the Brewery

The Conference is being held at the Grange City Hotel near Tower Bridge between the 5th and 7th October 2008 and preparations are now well in hand.

A distinguished line up of speakers from around the world has been assembled to lead discussions and speak on a range of current topics. The conference days will be opened by Lord Justice Anthony May and Mr Justice Vivian Ramsey. Other distinguished judges involved in the conference proceedings include Sir Philip Otton and His Honour Humphrey LLOYD QC.

Attendees will be able to claim at least 12 accredited solicitors' CPD hours and the Society hopes to obtain similar accreditation from the BSB.

Places are already being booked for the Conference, the Tower Bridge Cocktail Reception on the 5th and for the Gala Dinner on the 6th, so please book early for all these events to avoid disappointment.

Please note: The Dinner at The Brewery on 6th October and the President's Reception to be held at Ironmongers' Hall on 7th October are open to all members and guests, whether attending the Conference or not.

Bookings can be taken online at www.sclinternational.org or by completing the registration form attached to this newsletter and returning with a cheque made payable to "Society of Construction Law (UK)" to Frances Whitehead at 114 Pettits Lane, Romford, Essex, RM1 4EJ.

Queries regarding registration may be addressed to Frances Whitehead on +44 (0) 1708 731476 or email franceswhitehead@scl.org.uk

There remains opportunities for businesses to sponsor the event. If you are interested in sponsorship please contact Keith Kirkwood by email at alchemybs@aol.com

President's Medal and the President's Reception at Ironmongers' Hall

Past winners of the medal are Professor John Uff CBE, QC, Professor Ian Duncan Wallace QC, His Honour Humphrey Lloyd QC and John Tackaberry QC. In consultation with Council, Lord Justice May will decide on the name of this year's recipient and will present the medal at the President's Reception to be held at Ironmongers' Hall on Tuesday, 7 October. Many senior members of the construction industry and the senior members of the Judiciary have been invited to attend. Dress is lounge suit and drinks and canapés will be served. We are expecting a lively and enjoyable evening for all. Members and their guests are welcome to attend at a cost of £30 each. Bookings can be made via the Conference website or by using the Registration form attached to this newsletter. For queries, contact Jackie Morris at admin@scl.org.uk

Papers

Two new papers are sent to Members with this Newsletter:

First, *Ethics: The SCL approach and the wider context* by Peter Higgins and Philip Britton (number 146). This joint paper on ethics was presented at a meeting in London last September. In Part 1, Peter Higgins considers SCL's involvement in ethics (beginning with Professor John Uff's Michael Brown lecture in 2003 and cumulating in the drafting of the *Statement of Ethical Principles* in 2006). The Society then commissioned reports from Philip Britton to assess how other professions dealt with ethical issues and see how these meshed with the Society's own approach. The results of Philip's research are the subject matter of Part 2. He sets the Society's work in the wider context of Government initiatives on better regulation and other professions' activities, looking at the codes of ethics published by many other bodies in and related to construction and engineering.

Secondly, *Proportionate Liability: Reform or Regression* by Professor Doug Jones (number 147). This is a revised and updated paper based on the seventh Michael Brown Lecture, given to the Centre of Construction Law, King's College London, on 7th September 2006. Professor Jones considers whether, when more than one potential defendant contributes towards a single loss or damage suffered by a plaintiff, the common law's traditional 'joint and several' principle works fairly, and whether any of the alternatives moving towards 'proportional' liability resolve the difficulties. He looks at the present situation in English and Australian law and the statutory introduction of forms of proportional liability within each Australian State and Territory. These reforms differ in their details and none of the statutes is without its problems and uncertainties, so they do not offer a clear way forward for the UK, where net contribution clauses have filled the gap left by the refusal of law reform bodies and Government to legislate.

London 2012 Dispute Resolution

The Olympic Delivery Authority (ODA) recently announced its proposals for dispute resolution. It reflects well on the standing of the Society that 8 of those named in the multi-tier dispute process are members of the Society. Two key extracts from the press release are:

An Independent Dispute Avoidance Panel (IDAP) has been set up to help avoid contractual disputes during the work to deliver the venues and infrastructure for the London 2012 Olympic and Paralympic Games.

The expert Panel is available to help the ODA and its construction contractors to avoid any potential disputes that could impact on the delivery of the Olympic Park and other London 2012 venues. The Panel will focus on finding pragmatic solutions to problems which may arise before they become disputes that could require lengthy resolution.

The full press release can be found on the London 2012 web site (www.london2012.com).

Junior SCL: Introduction to the Basics 2008

The Junior Committee of the Society of Construction Law in association with the King's College Centre of Construction Law presents Introduction to the Basics 2008 on Thursday 11 September 2008 at King's College.

The conference will cover topics including Tendering and procurement, PFI/PPP, Standard forms, Defects, Claims and dispute resolution techniques. The conference runs from 2 till 6.15 and is followed by the Michael Brown lecture which this year will be given by Louise Barrington the new head of the Centre of Construction Law. The conference is aimed at junior members of the industry and gives an introduction to many of the key issues in the industry today.

A booking form will shortly be distributed to members by e-mail. CPD points available.

Booking preference for any of the organised Junior events is always given to those who are registered as Junior Members. If you are new to the world of construction law, then you can register as a junior member, which is easy to do, as follows:

Log onto the SCL website www.scl.org.uk using your username and password (if you have forgotten what they are, Admin can help). Click on 'Members' and then click the 'Junior members' link on the left. You will find an explanation of Junior Membership, and a simple form to register. You do not need to enter your name/details – these are already recognised by the website after you logged in; you only need to confirm your eligibility by stating that you are junior in your area of expertise.

Update on the new website

Preparations for the new website are well advanced. We are confident that it is going to be a big improvement on the current one, much easier to use, and with significant new features.

As so much of the Society's administration is integrated into the website, the building of the new system is taking a little longer than anticipated. We expect to start testing the new site in July, and to launch it fully by the end of August.

Those who kindly offered to help with testing will be contacted in due course by our webmaster Edward Peters. If you have not already volunteered, but would like to help, please email Edward at webmaster@scl.org.uk

How to register on the current website as a member

In order to get members' access to the website you must register online as a member. Registration is easy.

Go to the website homepage www.scl.org.uk click Member Registration (listed below the Member Login box on the right hand side of the homepage) and enter your details and a username and password of your own choosing. Your membership number is also asked for (if you don't know it, then admin can tell you).

Thereafter, you can simply log onto the website using your username and password. When you log in you will see a navigation link to 'Members' which is where you can update your contact details, email subscriptions and data protection information – and where you can choose to have the newsletter emailed to you instead of (or as well as) receiving it by post. This is where you can also search for information about other SCL members who have agreed for their data to be accessible to other members on the website – the total of those who have given permission is now nearly 1,000 members.

ESCL Conference 2008: Advance notice

It has been announced that the 2008 European Society of Construction Law Conference will be held in Athens on 25th, 26th and 27th September. The focus of the conference will be “Construction Law and Environmental Protection” sub-divided into the following four sections:

- Environmental Infrastructure Projects (eg, water treatment plants) – drafting of contracts and financing issues
- Environmental licensing of (infrastructure) projects
- Urban Planning and building provisions and the protection of the environment
- Environmental aspects in the award of public contracts

Further details on the conference programme and venue will be announced to members in due course.

Advocacy Course

Attached to this newsletter is a flyer giving full details of the Advocacy Training course to be held during October and November 2008. Please note that the course is open only to SCL members who are solicitors and that it would be most beneficial to those solicitors who will be (or who have recently started) acting as a solicitor advocate. Attendance on the course will entitle each advocate to claim 12.5 CPD hours. For further details, contact vicky.lee@dundas-wilson.com

New Members

Finally, we are pleased to welcome the new members who joined the Society in July:

Fred Abbott, Cypress, USA	Peter Allen, Chelmsford, Essex
Francine Baker, Oxford	Lilin Bates, London,
Emre Bayrak, Doha, Qatar	Lauren Becker, London
Lisa Bull, Guildford, Surrey	Sergio Campos, Cascais, Portugal
David Chaplin, London	Jinto Thomas Chirayath, Dubai, UAE
Hervé de Trogoff, London	Terry Dawson, Barrow-in-Furness, Cumbria
Alex Durning, Mindarie, Australia	Rebecca Evans, Crawley, Sussex
Mark Fraser, London	Mark Fairclough, Wakefield, West Yorkshire
Bill Gallagher, Singapore	Lucy Goldsmith, London
Paul Gosal, London	David Halford, London
Kit Harvey, Bristol	Gregory Hunt, London
Colin Johnson, London	Lisa Kingston, London
Eric Kwan, Milton Keynes	Nikita Lalla, London
Hong-Chee Lim, Kuala Lumpur, Malaysia	Natalie Matharu, Teddington, Middlesex
Vincent O'Donnell, Doha, Qatar	Marcus Patten, Fislisbach, Switzerland
Jin Zhu Peng, Beijing, China	Sarah-Jane Pyne, London
Rashda Rana, Sydney NSW, Australia	David B. Ratterman, Louisville, USA
E Anthony Sheehan, Coventry	Thomas Siegenthaler, Zurich, Switzerland
Simon Silbernagl, London	Samantha Symons, London
Miranda Terry, Colchester, Essex	Jessica Westwood, London
Caroline Woo, Perth, Australia	

SCL & ACCL International Conference Registration

Name:

Name & Address of Organisation

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Designation:

SCL Membership No. ACCL (Please tick)

Telephone No:

Email:

- | | | |
|--|-----------|---------|
| 1. Full attendance at two day SCL conference 6 th & 7 th October | @£650 | _____ |
| 2. Confirm attendance at Cocktail Reception on 5 th October | Yes / No* | _____ |
| 3. Confirm attendance at Gala Dinner on 6 th October | Yes / No* | _____ |
| 4. Discount for early booking (<i>no longer available</i>) | ----- | |
| 5. Discount for SCL and ACCL Members | @ (£50) | (.....) |
| 6. Attendance for Monday 6 th only | @ £400 | _____ |
| 7. Attendance for Tuesday 7 th only | @ £400 | _____ |
| 8. Additional guests at Cocktail Reception on 5 th October | @ £30 | _____ |
| 9. Additional places at Conference Gala Dinner on 6 th October | @ £75 | _____ |
| 10. Attendance at President's Reception on 7 th October | @ £30 | _____ |
| 11. Additional guests at President's Reception on 7 th October | @ £30 | _____ |
| 12. Attendance at the ACCL Conference on 5 th October | @ £35 | _____ |

TOTAL PAYMENT _____

* Delete as appropriate

PAYMENT

Bookings may be made online at www.sclinternational.org Alternatively, please return this form together with a cheque payable to "Society of Construction Law (UK)" to Frances Whitehead, Society of Construction Law (UK), 114 Pettits Lane, Romford, Essex RM1 3EJ. Queries regarding registration may be addressed to Frances Whitehead on telephone number 01708 731476 or email franceswhitehead@scl.org.uk



ATTENTION ALL BUDDING SOLICITOR ADVOCATES!

With the kind agreement of Mr Justice Ramsey & His Honour Judge Wilcox the SCL is pleased to announce that it will be holding its Advocacy Training Course again this Autumn

The course will be run at a location in central London over five evening sessions

on

**9 October 2008, 16 October 2008, 23 October 2008,
30 October 2008 and 6 November 2008
between 5.30pm and 8.00pm**

The course will give each advocate opportunities to present or to oppose interim applications in a construction dispute, including applications in relation to adjudication, as in court, and also to receive appraisals of their skills.

Attendance at all sessions of the course will entitle each advocate to 12.5 CPD hours

Please note that this course is open only to SCL members who are solicitors and is aimed at those solicitors with little or no advocacy experience. Early registration is advisable as places are limited.

To register your interest please contact:

Society of Construction Law
Advocacy Course
c/o Vicky Lee
Dundas & Wilson LLP
Northwest Wing, Bush House, Aldwych, WC2B 4EZ
(vicky.lee@dundas-wilson.com)

on behalf of Hamish Lal, Dundas & Wilson LLP – SCL
executive in charge of the advocacy course