



## NEWSLETTER

JUNE 2009

### 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.***

- |                       |   |              |
|-----------------------|---|--------------|
| Tuesday,<br>2 June    | “International Process Plant Contracts: the IChemE forms”<br>Speaker: Gordon Bateman<br>Chairman: Paul Buckingham<br>Venue: National Liberal Club, Whitehall Place, London SW1  | 6.15pm       |
| Wednesday,<br>3 June  | <i>A joint event between SCL, CI Arb and 3PB</i><br>“Litigation v ADR - a heavyweight contest over four rounds”<br>Speakers: Stuart Kennedy - Arbitration, Gavin Hamilton - Litigation,<br>Peter Aeberli - Adjudication & Graeme Sampson – Mediation<br>Chairman: HHJ Timothy Lamb QC, former Head of Chambers<br>Venue: The Rose Bowl, Southampton SO30<br>Organiser: <a href="mailto:kathryn.gore@bllaw.co.uk">kathryn.gore@bllaw.co.uk</a> | 6.00pm       |
| Wednesday,<br>10 June | “The ADR Debate”<br>Speakers: Stuart Kennedy – litigation, Peter Aeberli - Arbitration,<br>Tony Bingham - Adjudication & Graeme Sampson – Mediation<br>Chairman: HHJ Grant<br>Venue: Clarke Willmott, 138 Edmund Street, Birmingham B3<br>Organiser: <a href="mailto:selvaratnam@mail.com">selvaratnam@mail.com</a>   | 6 for 6.15pm |
| Tuesday,<br>16 June   | “Constructing Construction Contracts: principles, policies and practices<br>ten years after ICS and West Bromwich”<br>Speaker: Nicholas Baatz QC<br>Chairman: Jocelyn Taylor<br>Venue: DLA Piper LLP, 1 St Paul's Place, Sheffield S1<br>Organiser: <a href="mailto:Jocelyn.Taylor@nelsonslaw.co.uk">Jocelyn.Taylor@nelsonslaw.co.uk</a>  | 6.15pm       |
| Wednesday,<br>17 June | “25 years of deciding disputes...and lessons?”<br>Speaker: Tony Bingham<br>Chairman: Simon Goss<br>Venue: TLT Solicitors, One Redcliff Street, Bristol BS1 6TP<br>Organiser: <a href="mailto:simon.goss@tltsolicitors.com">simon.goss@tltsolicitors.com</a>   | 6.00pm       |

- Tuesday,  
23 June      “25 years of deciding disputes...lessons?”  
Speaker:      Tony Bingham  
Chairman:     David Rintoul  
Venue:        The Town Hall, Blagrove Street, Reading, RG1 1QH      6 for 6:15pm  
Organiser:    [mamas.stavrou@brewerconsulting.co.uk](mailto:mamas.stavrou@brewerconsulting.co.uk)
- Thursday,  
25 June      “Complex Disruption Claims”  
Speakers:     Wendy McLaughlin and Michael Stokes  
Chairman:     Nerys Jefford QC  
Venue:        Jury's Inn Hotel, Midsummer Boulevard, Central Milton Keynes,  
Buckinghamshire MK9 2HP      6.15pm  
Organiser:    [michael@michael-gerard.co.uk](mailto:michael@michael-gerard.co.uk)
- Tuesday,  
7 July        *Joint SCL/Society of Construction Arbitrators Meeting*  
“Dispute resolution under FIDIC - Snakes and Ladders on an International Board”  
Speaker:      Karen Gough  
Chairman:     John Tackaberry QC  
Venue:        National Liberal Club, Whitehall Place, London SW1      6.30pm
- Thursday,  
9 July        *Junior SCL Boat Trip*  
Venue:        Temple Pier, Thames, London  
Organiser:    [rbailey@fenwickelliott.co.uk](mailto:rbailey@fenwickelliott.co.uk)  
*The annual junior boat trip will be held again in conjunction with  
RICS matric and Generation 4 Collaboration the junior part of the  
RICS and Constructing Excellence respectively. Numbers are limited  
and places will be allocated on a first pay basis.  
See booking form attached*      6.15pm - 10.30pm
- Thursday,  
9 July        *Joint SCL/Newcastle Law Society/HMCS event*  
“Resolving Technology and Construction Disputes in times of Economic Uncertainty”  
Speaker:      His Honour Judge Ramsey QC  
Chairman:     District Judge Ian Atherton  
Venue:        Grand Jury Room, Moot Hall, Castle Garth,  
Newcastle upon Tyne NE1 1RQ      5 for 5.30 pm  
Organiser:    [Simon.Lewis@dickinson-dees.com](mailto:Simon.Lewis@dickinson-dees.com)

There is a charge of £20 for this event (levied by the Newcastle Law Society). It would be helpful if those wishing to attend send their booking fee to Mrs Kate Goodings at Newcastle Law Society – see full details on the booking form on the website.

## London Speaker Programme

Feedback and suggestions for speakers and topics continue to be gratefully received by:  
[julian.bailey@cms-cmck.com](mailto:julian.bailey@cms-cmck.com)

**Members and their guests are invited to the  
SCL Inaugural Lunch in Scotland**

Friday, 9 October, 2009

The Supper Club, 29 Royal Exchange Square, Glasgow

12 noon for 12.30pm

Motivational speaker with time afterwards to network

Organisers: Robert Burt; Janey Milligan; Lindy Patterson; Kenny Valentine; Simona Williamson

Cost £50 per person

Further details and a booking form will be issued shortly

## **Junior SCL**

The annual Junior SCL Boat Trip on the Thames will take place on Thursday, 9 July. Again this year it will be held in conjunction with RICsMatrix and Generation 4 Collaboration, the junior part of the RICS and Constructing Excellence respectively. Please note that this is a popular event. Numbers are limited and places will be allocated on a first pay basis so please book as soon as possible in order to avoid disappointment! See booking form attached – or you may make your booking online.

## **New SCL website**

The new SCL website was launched at the beginning of April, and if you have not already done so you may like to visit it at [www.scl.org.uk](http://www.scl.org.uk). You will notice that the homepage carries helpful information about next events, latest papers, and so on. The structure of the site is similar to the old one, but once you log in you will notice some differences. It would be helpful if you could check that the personal information we hold for you is accurate by going to your 'member profile'. Instructions on how to do that, and an introduction to other features of the site, follow.

You can log in using your old SCL username and password via the log in block in the left column of each page of the site. Once logged in you will see a block at the top of the left column identifying you, and with links to 'My account' and to log out of the site.

Below this you will see a 'Member Menu' block with several links:

- My membership – gives you the status of your membership and your membership number
- Update member profile – this is where you keep your personal information and preferences up to date. Please review it thoroughly, make any changes you wish, and save the form.
- Search for members – here you can find out how to contact other members who have agreed to be in the online database (which is only available to members)
- Member discounts / Junior members
- My bookings – if you book for an event such as the AGM, you can review your bookings here and make changes as needed
- Help – a page with further information about how to use the site, including how to use the 'My account' section

Among the most obvious changes elsewhere on the website are:

- The papers section has been completely redesigned. One of your privileges as a member is to be able to download published papers from the website. The link to the file is displayed on the page for each paper, provided you are logged in.
- There is now a full search engine which you can use to find anything you need on the website. The search box is in the top right hand side of the screen.
- You can subscribe to receive 'Web updates' if you would like to be informed when new content is added to the site. This subscription is quite different from the monthly SCL members newsletter.
- The online shop has been completely redesigned.

If you have any questions at all, please do not hesitate to contact our webmaster, Edward Peters, at [webmaster@scl.org.uk](mailto:webmaster@scl.org.uk)

## Papers

With this Newsletter, members will receive a copy of a paper derived from the talk given in Birmingham on 7th April by **Philip Britton** and **Mark Fairweather**, entitled '**The Walk to Paradise Gardens: Flat-owners and Building Defects**' (paper number 156).

When owners of flats in a multi-unit development realise that their flats and 'the common parts' of their development may be suffering from construction defects, what rights do they have in law, on what legal basis, and against whom?

The authors analyse a scenario drawn from real life, which illustrates the potential complexity of both the facts and the law. It includes pointers to the tactical and practical issues involved in mobilising residents and the flat management company towards making a claim, then pursuing that claim in the TCC if necessary.

The paper also considers why English law in this area appears so unsatisfactory for flat-owners; and how other legal systems may do better.

## Legal Resources

Looking for authorities in Australia, Canada or Singapore? Members will doubtless be familiar with the British and Irish Legal Information Institute (BAILII) website [www.bailii.org](http://www.bailii.org), the central internet location from which it is possible to search - for free - case law and other legal materials from England & Wales, Scotland and Ireland. A number of similar sites are accessible via BAILII, and in particular the Commonwealth Legal Information Institute (CommonLII) provides a similar service for core legal information from Commonwealth and common law countries at [www.commonlii.org](http://www.commonlii.org).

Some European material is available via BAILII. Also for EU/EC legislation and the Official Journal, as well as case law from the ECJ (Court of Justice of the European Communities), go to [www.eur-lex.europa.eu](http://www.eur-lex.europa.eu); for the European Convention texts and Court of Human Rights case law, go to [www.echr.coe.int](http://www.echr.coe.int).

Confused by the abbreviations used for law reports? Try going to [www.legalabbrevs.cardiff.ac.uk](http://www.legalabbrevs.cardiff.ac.uk). You can search, by title or abbreviation, English language legal publications from the British Isles, Commonwealth and United States, including those covering international and comparative law. This includes law reports and law periodicals, and some legislative publications and major textbooks.

## Construction Industry Council

The CIC website contains various Government consultation documents on subjects such as “Carbon Emissions Reduction Target” and the “Community Energy Saving Programme (CESP)”. Members who wish to participate should visit the CIC website at [www.cic.org.uk/home/index.shtml](http://www.cic.org.uk/home/index.shtml)

## New Members

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

Edward Heine, London  
Adele Farrar, London  
Amanda Henton, London  
Dr Susanne Kratzsch, Stuttgart, Germany  
Seamus O'Doherty, Dublin  
David Inyang, London  
Susannah Jones, London  
Giorgiana Tecuci, Bucharest, Romania  
Michelle Metz, London  
David Slocombe, Bristol  
Michael Killeavy, Mississauga, Canada  
Kathryn Parkes, Birmingham  
Barry Hembling, London

Rob Cowup, London  
Simon Gore, Suffolk  
Gráinne Ni Dhubhghaill, Dublin  
Peter Warnham, Faversham, Kent  
Shirley Christopher, Dubai UAE  
Simon Olimi-Kabuzi, London  
Jane Davies-Evans, Paris  
Edward Farren, London  
Sandra Cassels, Edinburgh  
Peter Stuckey, London  
Conor M Daly, Dublin  
Alexander Goold, London  
Keith Burns, Essex