



- Thursday,  
24 September      “PFI/PPP contracts”  
Speaker:      Adrian Hughes QC  
Chairman:      David Richards  
Venue:      Oxford - tbc  
Organiser:      [richard.wade@bllaw.co.uk](mailto:richard.wade@bllaw.co.uk)
- Thursday,  
1 October      “Rights to light – what remedies?”  
Speaker:      Sarah Hannaford QC, Rachael O’Hagan  
Chairman:      Ronan Champion  
Venue:      Birmingham - tbc  
Organiser:      [selvaratnam@mail.com](mailto:selvaratnam@mail.com)
- Thursday,  
1 October      Speaker:      Keith Pickavance  
Venue:      Jury’s Inn Hotel, Midsummer Boulevard, Central, Milton Keynes  
Organiser:      [michael@michael-gerard.co.uk](mailto:michael@michael-gerard.co.uk)      6:15pm
- Friday,  
2 October      Joint SCL/SCL Australia informal talk  
“Developments in Construction Law in Australia”  
Chairman:      Julian Bailey  
Venue:      London - tbc      6:30pm  
Organiser:      [Julian.Bailey@cms-cmck.com](mailto:Julian.Bailey@cms-cmck.com)
- Tuesday,  
6 October      “Environmental Consideration in Construction Projects”  
Speaker:      Stephen Shergold  
Chairman:      Barry Milton  
Venue:      National Liberal Club, Whitehall Place, London, SW1      6:30pm
- Thursday,  
15 October      “Technical Challenges to Adjudicator’s Decisions”  
Speaker:      Hamish Lal  
Chairman:      Tony Bingham  
Venue:      Jury’s Inn Hotel, Midsummer Boulevard, Central, Milton Keynes, Bucks  
Organiser:      [michael@michael-gerard.co.uk](mailto:michael@michael-gerard.co.uk)      6:15pm
- Tuesday,  
3 November      “The Use of Mediation in Construction Disputes”  
Speaker:      Nicholas Gould  
Chairman:      Liam Holder  
Venue:      The Town Hall, Blagrove Street, Reading, RG1  
Organiser:      [mamas.stavrou@brewerconsulting.co.uk](mailto:mamas.stavrou@brewerconsulting.co.uk)      6:00 for 6:15pm
- Tuesday,  
4 November      “Construction Act Reforms”  
Speaker:      Professor Rudi Klein  
Chairman:      Ronan Champion  
Venue:      The Rose Bowl, Southampton, SO30  
Organiser:      [Kathryn.gore@bllaw.co.uk](mailto:Kathryn.gore@bllaw.co.uk)      6:00pm
- Tuesday,  
10 November      “Public Procurement: Challenges to contract awards”  
Speaker:      Colin Reese QC  
Chairman:      tbc  
Venue:      National Liberal Club, Whitehall Place, London, SW1

Thursday, “Complex Disruption Claims”  
19 November Speaker: Wendy McLaughlin and Michael Stokes  
Chairman: Nerys Jefford QC  
Venue: Jury’s Inn Hotel, Midsummer Boulevard, Central, Milton Keynes, Bucks  
Organiser: [michael@michael-gerard.co.uk](mailto:michael@michael-gerard.co.uk) 6:15pm  
*Please note that this meeting was originally scheduled to take place on 25<sup>th</sup> June*

## 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) [rchampion@acutus.co.uk](mailto:rchampion@acutus.co.uk) and [helena.riches@mcms.co.uk](mailto:helena.riches@mcms.co.uk)

## SCL Inaugural Lunch in Scotland

The Supper Club, 29 Royal Exchange Square, Glasgow  
Friday, 9 October, 2009 12 noon for 12.30pm: Cost £50 per person

For further information contact organisers: Robert Burt; Janey Milligan; Lindy Patterson; Kenny Valentine; and Simona Williamson. Bookings can be made via SCL’s website

*Note: 70% of the places for this event are now sold*

## Honorary Doctorate

Congratulations go to Humphrey LLOYD QC who has been awarded an Honorary Doctorate by Leeds Metropolitan University. Humphrey LLOYD is a founder member of the Society of Construction Law, former TCC Judge and now practices as Arbitrator and Mediator. He is currently a visiting Professor in Construction Law and Arbitration at Leeds Metropolitan University where he has lectured since 2002.

“Good evening Bulgaria”? Finola O’Farrell QC’s opening words at her talk in Manchester (Professional Negligence in Construction) came as a surprise to her audience. Finola’s talk was broadcast to two audiences simultaneously: one to the 50-odd audience at CUBE in Manchester; the other via a live audio weblink to students on Salford’s new MSc Course in Construction Law. As the course is entirely web-based, Students are scattered across Europe, middle-East and Asia and attend all live web-based lectures with instant messaging interaction with Lectures. Thanks to Finola for agreeing to participate and to Brodie McAdam and Peter Fenn for organising this well-attended event.

Ronan Champion  
Chairman

## Advocacy Training

The Society is pleased to announce that it will be holding another Advocacy Training Course again this autumn. It will be run at a location in central London over five evening sessions during November and December 5:30 – 8:00pm . The Course will give each advocate the opportunity to present and oppose interim applications in a construction dispute. The course is open only to SCL members who are solicitors and will entitle each advocate to claim 12.5 CPD hours. For further details, contact [Vicky.lee@dundas-wilson.com](mailto:Vicky.lee@dundas-wilson.com)

## Cross-Examination Training for Advocates and Experts

The SCL is considering running a free members course for junior advocates (barristers under 5 years' call and Solicitor Advocates with higher rights of audience and a similar level of PQE) and for experts who have been appointed but who have never been cross-examined. The current intention is that the course will be run on one evening per week for five consecutive weeks, and will be based on fictional scenarios. Each expert will be required to produce a report for the course and will be cross examined on that report and each advocate will be required to prepare a cross examination during the 5 week course. The participants are required to attend every session to observe and participate in feedback even if they are not actively taking part in that particular session.

Preparation will be required by the participants. At this stage the Council is interested in establishing the level of interest within the membership. If you would be interested in attending and participating in such a course, or have any other comments on the proposed entry criteria or course content please could you email the sub-committee on [experttraining@scl.org](mailto:experttraining@scl.org). The closing date for expressions of interest or comments will be 30 August 2009.

### Expert Training Sub-Committee

## SCL Hudson Prize 2009 – win £2,000!

Entries are invited for the 2009 Competition from all entrants with an interest in construction law and an idea which they wish to share. The judging panel places emphasis on originality of thought and approach. The length of essay is a maximum of 5000 words. (While footnoting or other method of referencing sources does not count towards this total and is encouraged, some recent entrants appear to have tried to avoid the word limit by loading footnotes with matters of substance, sometimes running to several paragraphs, in a disproportionate and inappropriate way. This is almost always counter-productive).

Eligible subjects can be drawn from any part of construction law widely defined, including (but not restricted to) construction and engineering contracts, contract administration, claims, arbitration and dispute resolution, construction litigation, the law of torts, company law, property law, taxation (although this must be related to construction) and any other aspect of law or procedure relevant to the construction industry. **First prize is £2,000.** Entrants can also be highly commended or commended. All who are awarded prizes or commendations receive a year's free membership of the Society.

Past winners have included members of almost all the disciplines relating to construction law including barristers, solicitors (including a trainee) quantity surveyors, engineers, academics, architects, and several hybrids qualified in more than one discipline. Further details of the competition, the closing date for which is Monday, 4 January 2010, can be obtained from the website. Any queries can be referred to me via Jackie Morris in the first instance at [admin@scl.org.uk](mailto:admin@scl.org.uk)

Good luck to all entrants.

**Anthony Lavers** - Chair of the Judging Panel

## Papers

Last month, mention was made of Howard Ashcraft's paper on Building Information Modeling. Another paper on the legal aspects of BIM is now on the website: "**Contract Issues in the Use of Construction Building Information Modeling**", by **Kimberly Hurtado and Patrick O'Connor** (paper number D102), also presented at the International Conference in London last October.

The authors look at the legal issues raised and some recently published contract documentation used in the United States. They explain that the legal community is struggling to assist in developing meaningful contract terms relating to the use of BIM technology. They consider the issues to be considered when preparing contract provisions, including the purposes for which the model will be used; the schedule for deliverable from the model; how data from one model will be transferred or incorporated into other models; how the modelling process is to be managed; the level of reliance that can be placed on modelled information; and how the model is to be used after construction is completed.

Secondly, **Patricia Hill's paper "Contractors' Claims: Onerous Pre-conditions in the Irish Public Works Contract"** (paper number D103), presented in Cork last November, is also now available on the website.

The new suite of lump sum public sector construction standard forms introduced in Ireland in 2007 follows a general trend: the forms attempt to limit claims by the contractor for extra time, money or both by imposing strict time-limits and notice requirements on the contractor, as well as by defining delay events and compensation events limitatively and narrowly. In this paper, Patricia Hill analyses these developments. She explains how these aims are reflected in the drafting of the clauses; how the provisions may be expected to work in practice, including before the courts; and what contractors need to do in order to be ready to comply with the time-bars and information requirements, if they are to have success in making claims under the new contracts. The paper includes the text of key provisions of the Irish standard forms.

## **Special issue of the International Journal of Law in the Built Environment**

The CIB World Congress is taking place in Salford between Monday 10 May and Thursday 13 May 2010. Selected papers presented at the CIB World Congress 2010 in the area of Construction Law and Dispute Resolution will be published in a special issue of the International Journal of Law in the Built Environment. In addition, a prize of £1,500 is to be awarded for the best construction law paper. The prize has been kindly donated by the Society of Construction Law.

For further details contact Brodie McAdam, Guest Editor [w.b.mcadam@salford.ac.uk](mailto:w.b.mcadam@salford.ac.uk) or navigate to: [www.constructionlaw.org.uk](http://www.constructionlaw.org.uk).

## **New Members**

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

|   |  |
|---|--|
| Roger Nutland, London                         | Stuart Thwaites, Warwickshire                    |
| James Stacey, London                          | Malcolm Wright, Nottinghamshire                  |
| Matthew Phipps, Warwickshire                  | Stephen Sykes, London                            |
| Geoff Boulton, Houston, USA                   | Tim Waterson, Hampshire                          |
| Robert Jessep, London                         | Richard Hill, London                             |
| Sheena Bryson, Manchester                     | Katherine Doran, London                          |
| Mahadeva Gopinath, Melrose Arch, South Africa | Lesley McWhirter, North Ayrshire                 |
| Paul Giles, Manchester                        | Keith Pickavance, Providenciales, Turks & Caicos |
| Mark Roach, London,                           | Christian Heuft, Frankfurt, Germany              |
| Graham Atherton, Dubai, UAE                   | Thomas Handley, Liverpool                        |
| Frank Newbery, London                         | Laura Brunasso, Brea, USA                        |
| Shannon Elliott, Chicago, USA                 | Peter Brogden, London                            |
| Tony Seymour, Gloucestershire                 | Luke Longcroft, Surrey                           |
| Micheal O'Sullivan, London                    | Tim McQue, Berkshire                             |