



NEWSLETTER : SEPTEMBER 2009

Programme

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,
8 September “Careless welders?: Liability for independent contractors post Biffa”
Speaker: Ben Patten, 4 New Square
Chairman: David Turner QC
Venue: National Liberal Club, Whitehall Place, London SW1 6.30pm
- Thursday,
10 September ‘Nowt for being second? Not necessarily’: Developments in tender contracts
give hope to the disgruntled
Speaker: Professor Anthony Lavers
Chairman: Ronan Champion
Venue: EC Harris LLP, Portwall Place, Portwall Lane,
Bristol BS1 6NA 5.30 for 6.00pm
Organiser: simon.goss@iltsolicitors.com
- Tuesday,
15 September “Public law and statutory adjudication”
Speaker: Julian Bailey
Chairman: Jocelyn Taylor
Venue: Nottingham Gateway Hotel, Nuthall Road, Cinderhill,
Nottingham NG8 6AZ 6.00 for 6.15pm
Organiser: Jocelyn.Taylor@nelsonslaw.co.uk
- Thursday,
17 September *Joint Junior SCL/King's College London event*
“Introduction to the Basics Conference”
Speakers: Julie Stagg - Tendering and Procurement
Helen Garthwaite - PFI
Professor Phillip Capper - Standard Forms, old and new
Liam Holder - Claims
Nerys Jefford QC - Defects and their Legal Remedies
Nicholas Gould - Dispute Resolution
Venue: King's College London, Edmund J Safra Lecture Theatre,
Strand, London WC2R 2LS 2.00pm
Organiser: rbailey@fenwickelliott.co.uk
Special £95 rate for members – see booking form on website
- Wednesday,
23 September *Joint TECBAR/SCL Meeting*
“The Cost of Construction Disputes”, followed by a drinks reception
Speaker: Lord Justice Jackson
Chairman: Sir Anthony May
Venue: Parliament Chamber, Inner Temple, London EC4Y 7DA 5:30pm

Thursday,
24 September “PFI/Procurement”: the gain and the pain”
Speaker: Adrian Hughes QC
Chairman: David Richards 5.30pm for 6pm
Venue: Magdalen Centre, Conf Rm 2, Oxford Science Park, OX4 4GA
Organiser: richard.wade@bllaw.co.uk

Thursday,
1 October “Rights to light – what remedies?”
Speaker: Sarah Hannaford QC and Rachael O’Hagan
Chairman: Ronan Champion
Venue: Wragge & Co, 55 Colmore Row, Birmingham B3 2AS 5.45pm for 6pm
Organiser: selvaratnam@mail.com

Thursday,
1 October “Contractual, and practical aspects of managing time in complex construction projects – the Chartered Institute of Building research and what is to be done about it”
Speaker: Keith Pickavance
Chairman: David Richards
Venue: Jury’s Inn Hotel, Midsummer Boulevard, Central Milton Keynes, Milton Keynes, Buckinghamshire MK9 2HP 6.15pm
Organiser: michael@michael-gerard.co.uk

Friday,
2 October “Never mind the ashes...”
An informal event to celebrate the recent launch of SCL Australia
Speaker: Professor Ian Bailey SC and others
Chairman: Julian Bailey
Venue: Theodore Bullfrog (1st floor bar), John Adam St, Charing Cross, London, WC2N 6HL 6:00pm
Organiser: Julian.Bailey@cms-cmck.com

The SCL Australia (SoCLA) was recently launched, and to celebrate the SCL is jointly hosting with SoCLA an informal drinks event with short talks on SoCLA and current construction law issues in Australia. This is a great opportunity for SCL members and guests (many of whom hail from Australia) to meet their colleagues and SoCLA members, and possibly even discuss the cricket.

Tuesday,
6 October “Environmental Considerations in Construction Projects”
Speaker: Stephen Shergold
Chairman: Barry Milton
Venue: National Liberal Club, Whitehall Place, London SW1 6.30pm

Friday,
9 October *SCL Inaugural Lunch in Scotland*
Speaker: Rona Cant - Explorer and Adventurer
Venue: The Supper Club, 29 Royal Exchange Square, Glasgow G1 3AJ 12 noon for 12.30pm
Organiser: Lindy.Patterson@dundas-wilson.com

- Tuesday,
13 October *Joint SCL/King's College London event*
 "The Great Disruption Debate", followed by a drinks reception
 Speakers: Alastair Farr, Steve Briggs, Sean Brannigan QC, Kim Franklin & Jeremy Glover.
 Chairman: Dr Julian Critchlow
 Venue: The Great Hall, King's College, Strand, London 6:00pm for 6:30pm
 Organiser: skirby@fenwickelliott.co.uk
Charge £25 – book at www.scl.org.uk from 4 September.
- Thursday,
15 October "Technical Challenges to Adjudicator's Decisions"
 Speaker: Hamish Lal
 Chairman: Peter English
 Venue: Jury's Inn Hotel, Midsummer Boulevard, Central Milton Keynes, Milton Keynes, Buckinghamshire MK9 2HP 6.15pm
 Organiser: michael@michael-gerard.co.uk
- Tuesday,
3 November "The Use of Mediation in Construction Disputes"
 Speaker: Nicholas Gould
 Chairman: Liam Holder
 Venue: The Town Hall, Blagrove Street, Reading, RG1 6.00 for 6:15pm
 Organiser: mamas.stavrou@brewerconsulting.co.uk
- Wednesday,
4 November "Construction Act Reforms"
 Speaker: Professor Rudi Klein
 Chairman: Ronan Champion
 Venue: The Rose Bowl, Botley Road, West End, Southampton SO30 6.00pm
 Organiser: kathryn.gore@bllaw.co.uk
- Tuesday,
10 November "Public Procurement: Challenges to contract awards"
 Speaker: Colin Reese QC
 Venue: National Liberal Club, Whitehall Place, London SW1 6.30pm
- Thursday,
19 November "Complex Disruption Claims"
 Speakers: Wendy McLaughlin and Michael Stokes
 Chairman: Nerys Jefford QC
 Venue: Jury's Inn Hotel, Midsummer Boulevard, Central Milton Keynes, Milton Keynes, Buckinghamshire MK9 2HP 6.15pm
 Organiser: michael@michael-gerard.co.uk
- Monday,
23 November "The IChemE forms of contract for the UK"
 Speaker: Gordon Bateman
 Chairman: Simon Lewis
 Venue: Dickinson Dees LLP Camden House, Princes' Wharf, Teesdale TS17 6QY 6.00pm
 Organiser: Simon.Lewis@dickinson-dees.com
- Wednesday,
25 November "Net Contribution Clauses: Are they the Future?"
 Speaker: Lindy Patterson
 Venue: RICS, 9 Manor Place, Edinburgh EH3 7DN 6.00pm
 Organiser: Louise.shiels@dundas-wilson.com

Thursday, *Junior SCL Christmas Lecture*
26 November Speaker: Matthew Molloy, MCMS
Chairman: Richard Bailey
Venue: The White Swan, Farringdon Road, London EC4A 4AB
Organiser: rbailey@fenwickelliott.co.uk 6 for 6.30pm

Monday, *The University of Salford in association with the SCL*
30 November “Contract? What contract? Adjudicators and the amendments to the HGCRA 1996”
Speaker: Claire Packman, 4 Pump Court
Venue: CUBE, 113-115 Portland Street, Manchester M1 6FB 6.00pm - 7.00pm
Organiser: peter.fenn@umist.ac.uk
*This seminar is free to SCL Members. For further details please contact
w.b.mcadam@salford.ac.uk*

London Speaker Programme

Feedback and suggestions for speakers and topics continue to be gratefully received by:
julian.bailey@cms-cmck.com; rchampion@acutus.co.uk and 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

Only 12 places remaining

Two Great Debates

We are privileged that Lord Justice Jackson has agreed to speak, and our President Sir Anthony May has agreed to chair, a talk on “The cost of construction disputes”. Amongst the many events in our programme over the next two months, this talk on 23 September, to be held at Inner Temple’s Parliament Chamber (at the earlier time of 5:30pm) is likely to be very well attended. Our thanks go to Lord Justice Jackson and Sir Anthony May for their respective contributions and to TECBAR for organising this event.

Remember the Great Delay Analysis Debate? Whatever views one might have on its title, the debate held three years ago in which the relative merits of delay analysis techniques were debated was certainly popular, attracting over 500 attendees. King’s College London has arranged the sequel – the Great Disruption Debate. This debate involves the same contractor and employer, having previously argued over delays to construction of a concrete slab, will argue over the disruption costs arising from construction of a steel frame. The protagonists promise a spirited contest offering different views on causation, methods of assessment and legal principles. It promises to be another lively and entertaining session and is followed by a drinks reception.

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

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 contact SCL by 12 September 2009 at the (corrected) address experttraining@scl.org.uk

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

Good luck to all entrants.

Anthony Lavers - Chair of the Judging Panel

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 or navigate to: www.constructionlaw.org.uk.

SCL Ring Binders

On joining the Society each full member receives, free of charge, an SCL ring binder to hold the published papers and newsletters. The SCL ring binders are, however, expensive to produce and so if additional ring binders are required they must be purchased.

The binders cost £7 each (including p&p) for despatch to UK addresses, or £10 each (including p&p) for despatch to overseas addresses. Purchase them online via the new SCL website, or send a cheque made payable to SCL to the admin address below.

Papers

Enclosed is Finola O'Farrell QC's paper "Professional Negligence in the Construction Field" which she delivered to an SCL meeting in Manchester on 29th June. The paper examines the circumstances in which a duty of care in tort will arise between construction professionals and their clients or third parties, the basis on which damages are recoverable in the event of a breach of such duty, and the impact of recent developments in this area on construction claims.

New Members

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

Neil Winter, Bristol
Chad Legere, Surrey
Yigit Ozsayin, Dubai, UAE
Eddie Hume, North Yorkshire
Nicholas Gallier, Saudi Arabia
Paul Ascroft, Warsaw, Poland
B Ramesh Balakrishnan, Kuala Lumpur, Malaysia
John Ford, Chelmsford
Mike Coyle, Port Louis, Mauritius
Stephanie Britz, Johannesburg, South Africa
Dorothy Nguan, Singapore

Nicola Rose, Singapore
Rebecca Drake, London
Michael Delahunty, Doha, Qatar
Edwin Simpson Espinosa, Mexico
Michael Reynolds, Ireland
Harvey Williams, Bratislava, Slovakia
Paul Winfield, Halifax
Vinodhini Krisna, Melbourne, Australia
Duncan Sinclair, Johannesburg, South Africa
Rukshan Widyalandara, Sri Lanka