





Spring/Summer 2010 Further events are listed at [www.scl.org.uk/events](http://www.scl.org.uk/events)

## **Non-SCL UK Events**

Full details of these two events can be found on the SCL website.

## **Renewal of Membership – 10% reduction for early online payments!**

Membership subscriptions for 2010 are due for renewal on 1 January and we are delighted to report that, for the seventh consecutive year, the fee will remain at £100.

Payment online is the most cost effective method of payment for the Society and so, to encourage early online payments, there will be a reduction of £10 for online payments only made before the end of January. *Please note that payments made by cheque or directly to the SCL bank account must be paid at the full £100 rate because these payment methods involve costly administrative time.*

The Renewal of Membership invoices will be posted to full members during December (with the exception of those members who have joined the Society since 1 October).

Overseas e-members will receive an email reminder giving instructions on how to pay their subscriptions online. The renewal fee for overseas e-membership will remain at £15.

## **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 Jill Ward 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

You will find a number of new papers on the website. The first is **Ben Patten's** paper *Extra-hazardous acts - where do we go after Biffa Waste?* given in London on 8th September (number D104). Very few construction activities give rise to as many property damage claims as welding. Often, the careless welder is insolvent and uninsured. The owner of the damaged property may attempt to recover its losses from those who engaged the welder and/or directed him. In *Biffa Waste* the Court of Appeal emphasised the very narrow limits within which it will be possible to contend that a party who 'borrows' an employee will be vicariously liable for the torts of that employee. When, if ever, will someone who uses labour employed by others be liable for the torts of those borrowed employees? Does it make a difference if the employee's work was 'extra hazardous'? Ben Patten looks at the case law prior to *Biffa Waste*, and the effect of that decision.

The second is an updated version of a paper that **His Honour Judge David Grant** gave in Derby earlier this year entitled **Presenting Cases in Court - What a judge looks for** (number D105). What expectations do TCC judges have of parties and their representatives during litigation? Judge Grant, a TCC judge in Birmingham, gives the judicial perspective, stressing the duties on parties to co-operate with each other and with the court, with special reference to cost- and time-saving, the tools of case management and preparation for trial.

The third is a paper by Keith Pickavance, **Managing the Risk of Delayed Completion in the 21st Century: The CIOB Research** (number D106), which was presented to a meeting in Milton Keynes on 1st October 2009. Keith looks at the way that the message of the SCL Delay and Disruption Protocol (published in 2002) has not been taken to heart by the industry, before going on to consider the research undertaken by the Chartered Institute of Building (CIOB) in 2007/8, and the conclusions of their report. After considering further the historical perspective on time management, he looks at the draft CIOB *Guide to Good Practice in the Management of Time in Complex Projects*, which has been published as a working draft for review and commentary.

## New Members

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

Stewart Murrell, Northumberland	Angus Pearson, Scotland	Nicos Elia, Cyprus
Jason Beech, Japan	Emma Day, Hertfordshire	Colin Marden, London
Kieran Murphy, UAE	Shona Ferguson, London	Peter Steinhagen, Germany
James Clarke, Ireland	Rachel Griffiths, Wiltshire	Mark Curties, London
Neil Price, Worcester	Sam Amod, South Africa	Tim Batten, Wales
David Tyerman, Nth Lincolnshire	Daniel Miles, Surrey	Steve Brown, Leicestershire
Jeyamala Jaya, Malaysia	HeeChai Tan, UAE	Colin Marden, London
Josephine Chan, London	Russell Galer, Herefordshire	
Angela Fletcher, London	Ross Humphries, Middlesex	
Steven Hayward, Middlesex	Paul Brampton, Middlesex	
David Kozack, London	Michael Provan, Lanarkshire	
Iain Craig, UAE	Maszamani Mohamad, Qatar	
Craig Kennedy, South Africa	Richard Senior, London	
Jonathan Shaw, Leeds	George Oxley, London	
Shane Nash, Ireland	Ilke Sahin, London,	
Philip Davis, Whitstable	Liam Boylan, Ireland	
Ian Lemmin-Woolfrey, UAE	Gavan Carty, Ireland	
Stephen Malley, London	Jim Bourke, London	
Jason Weller, Surrey	N Zarina Jamaludin, Malaysia	
Ian Greenhough, UAE	Andrew Harbourne, London	