



NEWSLETTER : MARCH 2010

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,
2 March **** Note - Change to Programme ****
"The Year of the Tiger – China's emergence in the International Construction Industry"
Speakers: Adrian Hughes QC & Yuan Jing
Chairman: Phillip Capper
Venue: National Liberal Club, Whitehall Place, London SW1 6.15pm

This talk will aim to cover: The construction industry in China; the work of Chinese contractors abroad; Construction law in China; Forms of contract commonly used; dispute resolution; procurement/tendering; ways of doing business/cultural tips; and opportunities for UK professionals

Friday,
5 March *SCL Annual Conference in partnership with The RICS & Leeds Metropolitan University*
"Resolving Disputes in Construction"
Speakers: Mr Justice Ramsey, Simon Hargreaves QC, Mr Justice Coulson,
 Brian Eggleston & Chris Ennis
Chairman: Mr Justice Ramsey
Venue: Hilton Leeds City Hotel, Neville Street, Leeds LS1 4BX 8.15am
Organiser: jhawkswell@thkp.co.uk
Please note there is a charge for this event

Thursday,
11 March "Changes to the Construction Act: A damp squib?"
Speaker: Professor Rudi Klein
Chairman: Simon Lewis
Venue: University of Northumbria, Built Environment Research Hub
 Second Floor, Wynne Jones Building, Ellison Place
 Newcastle upon Tyne NE1 8ST 6.00pm
Organiser: Simon.Lewis@dickinson-dees.com

Wednesday,
17 March "Insolvency & Construction Disputes - What You Need to Know"
Speakers: James Bowling & Luke Wygas
Venue: The Rose Bowl, Botley Road, West End,
 Southampton SO30 3XH 6.00pm
Organiser: kathryn.gore@bllaw.co.uk

Tuesday,
23 March "It started out so well; letters of intent - convenient or chaotic"
Speaker: James Bowling
Chairman: Jocelyn Taylor
Venue: Hallmark Hotel, Midland Road, Derby DE1 2SG 6 for 6.15pm
Organiser: Jocelyn.Taylor@nelsonslaw.co.uk

Tuesday,
23 March “Technical Challenges to Adjudicator’s Decisions”
In association with the Adjudication Society
Speaker: Hamish Lal
Chairman: David Rintoul
Venue: The Town Hall, Blagrove Street, Reading RG1 1QH 6 for 6.15pm
Organiser: Mamas.Stavrou@FTIConsulting.com

Please note this meeting was originally scheduled to take place on 12th January 2010.

Wednesday,
24 March “Construction Adjudication: Preparing For Those Difficult Teenage Years”
SBCC Ltd together with Society of Construction Law Annual Lecture
Speaker: The Honourable Mr Justice Coulson
Venue: Signet Library, Parliament Square, Edinburgh EH1 1RF 5.30 for 6pm
Organiser: Lindy.Patterson@dundas-wilson.com

Thursday,
25 March “Adjudication Update”
Speaker: Sean Brannigan QC
Chairman: James Turner
Venue: Law Society of Northern Ireland, 96 Victoria Street,
Belfast, BT1 3GN 6 for 6.15pm
Organiser: James.Turner@oreillystewart.com

Tuesday,
13 April “Early Contractor Procurement”
Speaker: Dr David Mosey
Chairman: Tony Bingham
Venue: National Liberal Club, Whitehall Place, London SW1 6:30pm

Thursday,
15 April “Environmental Considerations in Construction Projects”
Speaker: Stephen Shergold
Chairman: Doug Masson
Venue: Denton Wilde Sapte LLP, The Pinnacle, 170 Midsummer Boulevard,
Milton Keynes MK9 1FE 6 for 6.15pm
Organiser: michael@michael-gerard.co.uk

Monday,
26 April “Change: What is it, how is it valued and who should resolve the dispute?”
Speaker: Simon Lofthouse QC
Chairman: Brodie McAdam
Venue: CUBE, 113- 115 Portland Street, Manchester, M1 6FB 6.00pm
Organiser: W.B.McAdam@salford.ac.uk

Thursday,
29 April *Junior SCL Site Visit*
Venue: Heron Tower, 110 Bishopsgate, London EC2
Organiser: Julian.Bailey@cms-cmck.com

A Junior SCL site visit will take place at the Heron Tower which, when complete, will stand more than 200m tall. Skanska have very kindly agreed to host the visit. Numbers are limited to 24 people, visiting as 2 groups of 12 at 10am and 2pm so please hurry to avoid disappointment.

Thursday,
6 May “Time in NEC3 Contracts”
Speaker: Adam Constable, Keating Chambers
Chairman: John Redmond,
Venue: Osborne Clarke, 2 Temple Back East, Temple Quay, Bristol, BS1 6EG

- Tuesday,
11 May “The Perfect Adjudicator's Decision”
Speaker: The Honourable Mr Justice Coulson
Chairman: Paul Darling QC
Venue: National Liberal Club, Whitehall Place, London SW1 6:15pm
- Wednesday,
12 May *The Society's AGM and Annual Dinner*
Venue: Middle Temple Hall, London EC4 6.30pm
Bookings: see attached flyer
- Thursday,
13 May “Adjudication – Hearings, do we need them and how to deal with them?”
Speaker: John Riches
Chairman: Chris Mackay, Burness LLP
Venue: Burness LLP, 120 Bothwell Street, Glasgow G2 7JL 5.45pm for 6.00pm
Organiser: Louise.Shiels@dundas-wilson.com
- Tuesday,
18 May *Presentation of the Hudson prize*
Chairman: Professor Anthony Lavers
Venue: National Liberal Club, Whitehall Place, London SW1 6.15pm
- Thursday,
20 May “The new Construction Act”
Speaker: Doug Masson
Chairman: Michael Gerard
Venue: Denton Wilde Sapte LLP, The Pinnacle, 170 Midsummer Boulevard,
Milton Keynes MK9 1FE 6 for 6.15pm
Organiser: michael@michael-gerard.co.uk

Summer 2010 Further events are listed at www.scl.org.uk/events

For the London Speaker Programme, feedback and suggestions for speakers and topics continue to be gratefully received by: julian.bailey@cms-cmck.com; [Ronan Champion \(rchampion@acutus.co.uk\)](mailto:Ronan.Champion@acutus.co.uk) and helena.riches@mcms.co.uk

Leeds Conference

We are fortunate to have secured two TCC judges and three other leading speakers for the Leeds annual conference. This event, run jointly with the RICS, is one of the biggest events in the Society's calendar, attracting an audience of 150 or more, with some attendees travelling from London, Bristol and Scotland to attend. Papers are provided to attendees.

This year's programme includes:

- Opening Address (The Honourable Mr Justice Ramsey);
- Construction Law Update (Simon Hargreaves QC, Keating Chambers);
- NEC Contracts – some of the problems explained (Brian Eggleston);
- Financial Claims under NEC 3 Contracts – an Overview (Christopher Ennis, Davis Langdon LLP)
- Adjudication – the Judge's perspective (The Honourable Mr Justice Coulson)

Our thanks go to organisers Jonathan Hawkswell, Martin Green and Andrew McCuish for their efforts in bringing this to fruition as part of a comprehensive series of talks being run in Leeds this Spring. Further details of times and booking arrangements are available on the SCL website.

Talk by Sir Vivian Ramsey

On Tuesday 23 March 2010 the Worshipful Company of Arbitrators' Master's Lecture will be held at The Great Hall at King's College London. The talk "Open Secrets: the concept of confidentiality in dispute resolution" will be delivered by Sir Vivian Ramsey. The event will be chaired by the Master Chris Dancaster and will be followed by a drinks reception. There is no charge for this event but booking is required. For further details, please see the enclosed flyer.

SCL Hudson Prize 2009

Following marking by the five judges during January, the judging panel met on 1 February 2010 and has announced the following awards:

Joint 1st Prize: Aidan Steensma, CMS Cameron McKenna, London: 'Implied obligations of non-hindrance and co-operation in construction contracts'

Mathew Stulic, Clayton Utz, Sydney: 'Prevention and the allocation of the risk of project delays: evolution or revolution?'

Highly Commended: Trevor Thomas, Clayton Utz, Sydney: 'Contract: what contract?'

Commended: Rachel Gwilliam, Morgan Cole, Cardiff: 'Open season for ambush? How 'disputes' have changed from *Nuttall v Carter* to *Cantillon v Urvasco*'

Eur Ing Dr Phebe Mann, University of Reading: 'What can UK's construction law learn from US copyright law in the protection of intellectual property rights of architects and engineers?'

The Judging Panel, which marks the essays without identification, was pleased to learn that entries had been received from 5 countries and from non-lawyers as well as lawyers, following trends in previous years.

Congratulations to all those achieving success in the 2009 competition. We hope that those who have not been successful this time will be willing to submit entries in future; several of the most distinguished past winners won at the second or even third attempt. The Joint Winners of the First Prize 2009 will give presentations on their papers to the Society on 18 May 2010 at the National Liberal Club.

**Anthony Lavers, Professor of Law
Chair, SCL Hudson Prize Judging Panel.**

SCL University Prizes.

One of SCL's areas of activity is supporting the teaching of construction law in UK universities. Members of academic staff who teach the subject can apply for grants to support the purchase of text books, forms of contract and other materials. The applications are considered and administered by Council's University Liaison Sub-Committee, Professor Anthony Lavers, Dr Hamish Lal and Peter Phillipppo. SCL has worked hard at fostering relationships with the universities and the lecturers who lead the courses; several SCL members deliver occasional lectures to the students. As part of the process, SCL offers prizes for exceptional performance in construction law at a number of Institutions. The winners are selected by the academic staff on the basis of internal examinations and other assessments on the courses. Although the sums involved are comparatively modest (£150-£200 is typical), the institutions are pleased to receive them, because it enables them to identify and reward publicly those who produce work of very high quality in construction law and related areas. Where possible, members of the Sub-committee or other Council members attend prize-giving ceremonies to 'show the flag' and to affirm our support for the work of the universities. It is intended to report on these occasions from time to time, so that members are kept informed of this aspect of our activities.

At the end of January 2010, Anthony Lavers attended the Prize Ceremony at Cambridge University's Department of Engineering, presided over by Head of Department Professor Dame Ann Dowling FRS. He presented the SCL Prize to Siobhan Smith of Selwyn College. Siobhan also carried off a Shell 3rd Year European Project Prize. A German speaker, she is from Devon, where she attended 6th Form College before going up to Cambridge and intends to join an international consultancy upon graduation. The Society adds its congratulations to Siobhan and other recent winners of SCL prizes.

King's College final report on Mediation

On Wednesday 16 February 2010 the Final Report "*Mediating Construction Disputes: an Evaluation of Existing Practice*" was launched. The report, produced by King's College London, is the result of a four-year research project carried out by Nicholas Gould for the Centre of Construction Law at Kings utilising and analysing data from the Technology and Construction Court in London, Birmingham and Bristol. It combines hard – and sometimes surprising - detail about its practice, from questionnaires completed by those actually involved in TCC litigation, with a summary of the existing knowledge about mediation in the common law world and about its relation to other formal and informal methods of dealing with construction disputes.

The report was a collaborative project involving several contributors with support throughout from the Society of Construction Law. Some of the findings have recently been quoted by Lord Justice Jackson in his Review of Civil Litigation Costs. In the Foreword to this Final Report Lord Justice Jackson notes that "Empirical data are far more valuable than the anecdotal evidence about litigant behaviour which sometimes informs decisions". A full copy of the report together with the supporting data is available free of charge at www.scl.org.uk.

Entries invited for SCL Australia Essay Prize

The Society of Construction Law Australia is inviting entries for its inaugural construction law essay prize. Based upon the Hudson Prize, the prize is named for the Hon Robert Brooking QC in recognition of his Honour's pioneering contribution to the study and practice of construction law in Australia.

First prize is A\$4,000, second is A\$2,000 and there is a student prize of A\$1,000. Commendations may also be awarded and all entrants awarded a prize or commendation will be granted complimentary membership of SCL Australia for one year. Entries close on 31 March 2010.

For full details, please refer to <http://www.scl.org.au/the-2010-brooking-prize/>

Renewal of Membership 2010

Thanks to the many members who have already renewed their subscription for 2010.

If you intend to renew your subscription but have not yet done so, please make your payment as soon as possible. Membership renewal for 2010 will not be available after 31 March. All non- paid members will be marked as lapsed and will need to reapply for membership.

The Renewal of Membership invoices were posted to all full members during December (with the exception of those members who joined the Society after the end of September 2009). If you did not receive your invoice then please request a copy from admin@scl.org.uk

If you have paid via bank transfer and are continuing to receive reminders, please contact Admin as some payments have been received with insufficient details for us to reconcile them with the bank statements.

Overseas e-members do not receive invoices but have instead received an email reminder giving instructions on how to pay their subscriptions online. The fee for overseas e-membership remains at £15. Our thanks go to the many members who have already promptly renewed their subscriptions for 2010.

New Members

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

Kathryn Leighton, London	Ben Patton, London	James Plant, London
Rebecca Shorter, Kent	David Barry, Surrey	Jennifer Drever, Birmingham
David Dellar, London	David Pliener, London	Paul Benjamin, Japan
William Watson McMurray, Stirling	Paul Kearns, Luxembourg	Ken Sadler, Nottinghamshire
Christopher Hoar, Exeter	Damien Young, Ireland	Richard Stowe, Ireland
Emma Joyce, London	Andrea Smethurst, Bristol	Carl Thompson, Bristol
Sarah Mather, London	Laura Smith, London	Tom O'Donnell, Cheshire
Richard Tysler, London	Kailash Dabeesingh Mauritius	Siobhan Morris, Suffolk
Martin Ewen, Kent	Sarah Richards, London	Wil Morris, Wales
John Henderson, London	Dionne Kleinman, Ireland	James Stewart, Ireland
Carl O'Donnell, Warrington	Sarah McCann, London	Tony Pilgrim, Cheshire
Emma Knight, London	Chris Duncan, London	Edward Kelly, Ireland
David Barnes, London	Alexandra Reid, London	Eleanor Kilminster, London
James Sneddon Dow, Romania	Jeremie Witt, UAE	Neil Bayley, Kuwait
Ian Lacon, Halesowen	Sean Hollywood, Ireland	