



NEWSLETTER : JUNE 2006

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.

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|------------------------------------|---|--------|
| Tuesday,
6 th June | “Olympic Projects. International Dispute Resolution – from Beijing to London”
Speaker: Adrian Hughes
Chairman: Jonathan Hosie
Venue: National Liberal Club, Whitehall Place, London SW1 | 6.15pm |
| Wednesday,
7 th June | “Looking forward to not looking back. Avoiding differences and disputes”
Speaker: John Burgess
Chairman: Jonathan Lloyd-Jones
Venue: The Rosebowl, Southampton SO30
Organiser: marianharris-deans@scl.org.uk | 6.00pm |
| Thursday,
8 th June | “Global Claims: The Current Position”
Speaker: Ian Pennicott QC
Chairman: Denis Wiles
Venue: Watson Burton, 1 St James' Gate, Newcastle Upon Tyne NE99
Organiser: denis.wiles@wilesandpartners.com | 6.15pm |
| Monday,
19 th June | “Neighbour Risk and Construction Project”
Speaker: Philip Britton
Chairman: Deborah Ritchie
Venue: Mills & Reeve, 78-84 Colmore Row, Birmingham, B3
Organiser: arulsevaratnam@scl.org.uk | 6.15pm |
| Tuesday,
27 th June | <i>SCL Junior Group Construction Law Seminar</i>
“JCT 2005”
Speaker: Maggie Kinnes
Chairman: Louise Shiels
Venue: Dundas & Wilson CS LLP, 20 Castle Terrace, Edinburgh EH1
Organiser: lindypatterson@scl.org.uk | 6.00pm |
| Tuesday,
4 th July | Joint SCA/SCL meeting "Dangers and Benefits of Evaluative Mediation - Arbitrators as Mediators - an Oxymoron?"
Speaker: Colin Wall
Chairman: John Uff QC
Venue: National Liberal Club, Whitehall Place, London SW1 | 6.15pm |

Tuesday,
11th July "A discussion on the draft statement of ethical principles"
Speaker: Peter Higgins
Chairman: Jocelyn Taylor
Venue: Renaissance Hotel, South Normanton, Derbyshire DE55 6.15pm
Organiser: JocelynTaylor@scl.org.uk

Thursday,
13th July SCL Junior event
Boat Trip on the Thames. Cost £25 per person
Booking form/flyer on web and see separate SCL Junior items below.

SCL Junior Members

If you are under 40 or new to the world of construction law, then you can register as a junior member. The junior committee arranges site visits, conferences with King's College London and social events such as the summer Boat Trip on the Thames. This year's Boat Trip will be on Thursday, 13th July – cost £25. A flyer giving full details (and booking form) is on the website, or send cheque for £25, payable to SCL, to Frances Whitehead at the address on the booking form.

To register as a Junior Member, log in to the SCL website (www.scl.org.uk) using your username and password. Click on 'Members' and then and then the 'Junior members' link on the left. You will find an explanation of Junior Membership, and a simple form to register. You do not need to enter your name/details, as these are already recognised by the website after you logged in; you only need to confirm your eligibility by giving either your date of birth, or stating that you are junior in your area of expertise. Nicholas Gould, SCL's Vice chairman, is responsible for the Junior members and he can be emailed on nicholasgould@scl.org.uk

SCL Junior “Behind the Scenes” Site Visit – Palestra, London

The Palestra site visit was indeed an informative and insightful experience. SCL junior members were shown around the 287 000 sq foot site by Project Director John Crawley of Skanska and his team who shared their experiences working on the site. Their comments and views helped facilitate the junior members understanding of the building process in so far as the Palestra site office was concerned.

The view from the terrace of the £67 million Palestra site was breathtaking offering an uninterrupted view of the city of London. The combination of steel and glass has culminated in a building which is truly visually enriching to the environment. The internal orientation and the services within the building allow occupants to inhabit it with ease.

The project is ahead of schedule which is a rarity in the industry and physical progress has been moving along with little or no hindrances. All credit to Skanska and the team for a job well done!

Nicholas Gould and Harendran Abhimandran, Abhi

AGM and Council Election 2006

Approximately 70 members attended the AGM which was held on Wednesday, 17th May at Middle Temple Hall, London. SCL Chairman Anthony Lavers gave his Chairman's report (a copy of which is attached to this newsletter), and the Financial Report was presented to the meeting. The candidates standing for Council who were present gave brief election statements. The final ballot papers were handed in and the results of the election were announced at the annual dinner. The five successful candidates were: Ronan Champain, Hamish Lal, Nerys Jefford, Peter Phillippo and David M Richards.

SCL Members Directory 2006/2007

The Members Directory will go to print very shortly. Please check online if the address, telephone, fax and email we currently have for you on the database are correct, and update where necessary. Alternatively, ask admin to confirm and/or update your details. Please note: If you do not want your name and contact details to be printed in the hard copy directory, you can either log this online yourself, or let admin know so that your name can be omitted.

And a reminder: please let us know when you change any of your contact details. If you move firms, then you take your membership with you, providing we know where to contact you! If we lose touch and your name is removed from the membership list then – although you don't have to go through the application process again – you will be required to pay the full joining fee (currently £165) to be reinstated to the membership list. We don't need a formal letter of notification from you – an email to Jackie Morris at admin@scl.org.uk giving your new postal address, telephone, fax and email is all that's needed.

SCL Hudson Prize 2006

Council of the Society of Construction Law announce the 2006 SCL Hudson Prize competition, and invite entrants from all with an interest in construction law and an idea which they wish to share. The length of essay is a maximum of 5,000 words and the judging panel places emphasis upon originality of thought and approach.

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 £1,500, second prize is £750. Entrants can also be highly commended or commended. All who are awarded prizes or commendations receive a year's free membership of the Society.

Philip Britton of King's College has enjoyed considerable success in recent years in the competition but has indicated that he is leaving the field open this time round. The Society hopes that a strong field will compete for the right to succeed this distinguished past winner. Other 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 5th January 2007, can be obtained from the website. Any queries can be referred to me via Jackie Morris in the first instance. Good luck to all entrants.

Anthony Lavers

Chair of the Judging Panel

News from King's College London

The Centre of Construction Law is changing the way it organises its part-time *MSc in Construction Law & Dispute Resolution*. Until now, classes have been held at the Strand Campus on weekday evenings in alternate weeks in termtime. From September 2006, each first-year module will be taught over nine full days each term – a weekday and three pairs of Fridays and Saturdays at King's for each. Second-year modules will follow a similar pattern from September 2007 onwards.

The Centre is also developing plans for a new *Certificate in Construction Adjudication*, a part-time programme over one academic year (September-April). Many of the Certificate topics and teaching will be shared with the MSc, so credits gained in the Certificate would be able to be used towards an MSc.

King's has also produced outline plans for collaboration with the British University in Dubai (BuiD) on an *MSc in Construction Law and Dispute Resolution*, patterned on the London MSc programme. The Centre is also working with the Dubai International Arbitration Centre (DIAC) in developing an international commercial arbitration training programme, planned for a launch in 2006.

The contact point for course details at the Centre is Sue Hart: 020 7848 2643 or susan.hart@kcl.ac.uk
For details of SCL members' discount on fees, see the Discounts page of the website.

Alumni and friends of the Centre will be interested to learn that it is planning to leave the Old Watch House after almost 20 years to obtain more space within the Strand campus. This will involve at least two weeks closure of the Centre's library, which SCL members also use, while the move takes place. More details of this, including dates, will be given in a subsequent newsletter.

ESCL Annual Conference: August 2006

The European Society of Construction Law Annual conference will be held on 25th August 2006 in Stockholm, hosted by the Swedish Society. The programme includes sessions on large infrastructure projects in the public sector and risk allocation in such projects, design and build projects in Denmark and under FIDIC, allocation of geotechnical risks, insurance on large projects and ethical issues in construction law. Speakers are from SKANSKA, Chalmers University of Technology, Gothenburg, White & Case, Mannheimer Swartling, Malmö and NCC Construction, Malmö.

If any SCL members wish to attend this conference, you can register online at www.svefek.se The Conference fee is 1875 Swedish Krona (SEK), which is approximately £137.

The Norman Royce Prize Paper

The Society of Construction Arbitrators has announced that they are to institute an annual prize in memory of the late Norman Royce. A prize of £2,000 will be awarded to the author of the best paper on a topic relevant to or touching on domestic or international construction disputes, including, but not limited to, their resolution and avoidance; and the lessons to be learnt from them. The closing date for entries is 1st July 2006. Further details can be found on the SCA's website at www.arbitrators-society.org

Ethics

The ethics group have prepared a draft statement of ethical principles, set out below. Further details are on the ethics page of the web site. Comments are invited on these principles; can you write to Jackie Morris at the admin postal address, or email your comments directly to ethics@scl.org.uk

Statement of Ethical Principles

Ethical conduct is the compliance with the following ethical principles.

1. **Honesty** - act with honesty and avoid conduct likely to result, directly or indirectly, in the deception of others.
2. **Fairness** - do not seek to obtain a benefit which arises directly or indirectly from the unfair treatment of other people.
3. **Fair reward** - avoid acts which are likely to result in another party being deprived of a fair reward for their work.
4. **Reliability** - maintain up to date skills and provide services only within your area of competence.
5. **Integrity** - have regard for the interests of the public, particularly people who will make use of or obtain an interest in the project in the future.
6. **Objectivity** - identify any potential conflicts of interest and disclose the conflict to any person who would be adversely affected by it.
7. **Accountability** - provide information and warning of matters within your knowledge which are of potential detriment to others who may be adversely affected by them. Warning must be given in sufficient time to allow the taking of effective action to avoid detriment.

These principles apply to the work of all professionals working in the construction industry, whatever their original qualification or affiliation.

Anti-Corruption Action Statement

UK businesses and associations with interests in the domestic and international infrastructure, construction and engineering sectors have agreed a comprehensive *Anti-Corruption Action Statement* as part of a programme to promote industry-led actions which can help eliminate corruption.

The *Action Statement* has been developed and endorsed by the Anti-Corruption Forum, which comprises the Association for Consultancy and Engineering (ACE), British Consultants and Construction Bureau (BCCB), Institution of Civil Engineers (ICE), Institution of Structural Engineers (IStructE), Transparency International (UK) (TI(UK)), and representatives of the business community.

The *Action Statement* calls on all those with interests in the infrastructure, construction and engineering sectors to take effective and co-ordinated action to reduce corruption, on both a domestic and international basis, and on both the supply and demand sides. It identifies the various categories of participant in the sectors, including governments, project owners, banks, export credit agencies, companies providing the equipment and services for a project, business associations and professional institutions. It recommends preventive and enforcement actions which could be taken by those participants. A copy of the *Anti-Corruption Action Statement* is available on the Ethics page of SCL's website.

How to register on the website as a member

In order to get members' access to the website you must register online as a member. Registration is easy.

Go to the website homepage www.scl.org.uk click Member Registration (listed below the Member Login box on the right hand side of the homepage) and enter your details and a username and password of your own choosing. Your membership number is also asked for (if you don't know it, then admin can tell you).

Thereafter, you can simply log onto the website using your username and password. When you log in you will see a navigation link to 'Members' which is where you can update your contact details, email subscriptions and data protection information – and where you can choose to have the newsletter emailed to you instead of (or as well as) receiving it by post. This is where you can also search for information about other SCL members who have agreed for their data to be accessible to other members on the website – the total of those who have given permission is now nearly 1,000 members.

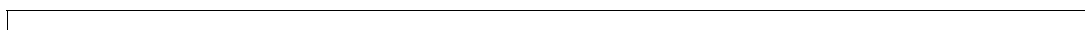
Website Search Engine

SCL's website has a useful search facility. In the right column of the homepage you will see 'Quick Search'. Enter your word(s) and choose which of three sections to search - 'About Us', SCL newsletters, and summaries of papers. We hope that this facility will make it easier for members to find what they are looking for on the site. The website is constantly being improved. If you have any questions, problems or suggestions, please contact our webmaster, Edward Peters, at webmaster@scl.org.uk

New Members

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

Fred Abbott, Cypress, USA	Jean-Pierre Anquetil, Urrugne, France
Jonathan Armstrong, London	Nick Asple, Dublin
David Barnes, London	HHJ Peter Bowsher QC, London
Robert Buggy, Perth, Australia	Viswanath Chamarthy, Dubai, UAE
Keith Bush, Cardiff	Anthony Clarke, Great Dunmow, Essex
Timothy Elliott, London	Patrick Ellis, Pretoria, SA
Richard Farndale, Edinburgh	Kieran Fisher, Jebel Ali Village, UAE
Clive Greenwood, London	Alan Fulford, St Peter Port, Guernsey
Gurbinder Grewal, Birmingham	Julie Hamilton, Edinburgh
Sarah Hynes, Leicester	Clive Holloway, Godalming, Surrey
Helen Jones, Bristol	Craig Kelly, Birmingham
Doug Masson, Milton Keynes	Benjamin McCarthy, Surrey
Tobias McMurray, Belfast	Antonio Mello Marcondes, Sao Paulo, Brazil
David Milne, Dubai, UAE	Vincent Moran, London
Adrian Otsa, Chester	Stefan Mueller, Eggolsheim, Germany
John Porter, London	Gideon Scott Holland, London
Ian Scrimshaw, Boston, Lincs	Julie Stagg, London
Tim Tapper, London	Spencer Thompson, Chipping Norton, Oxon
Mark Tiggeman, London	Melanie Tomlin, London
Samuel Townend, London	Suzanne Weight, Southampton



CHAIRMAN'S REPORT 2006

Introduction

This is the text of the Report by the Chairman to the AGM on 17th May, being his final report as Chairman before sanding down at the end of his term of office on 5th June 2006.

Please note that the Chairman's Report for **SCL Hong Kong** has also been received and is available on the SCL website.

Overall

The Society has over 1800 members and is active in 13 regions across the UK and Ireland. It continues to expand its international links. Core activities have been maintained and expanded in the lecture programme, publication of papers, the Ethics group, the SCL Hudson Prize, University support (although we want to do more here) and Social activities. The Society's financial position is sound, with an excess of income over expenditure, albeit a reduced excess from 2004, and a slightly increased reserve.

Events and publications

The Society held a remarkable 45 lectures and other events in the past year. 17 of the events were in London and 28 in the regions. John Burgess is now assisting Jonathan Hosie with the London programme. There are now 12 active regions; during the last year, activity has re-commenced in Belfast and Newcastle. I have visited events at all 12 during my 2 years in office and congratulate the Regional Organisers and speakers on the standard of provision achieved.

During 2005-2006 20 papers have been published and are available in hard copy or on-line or both. Frances Patterson has done an excellent job and has been assisted with editing by Phillip Britton, in producing the second highest total ever.

Thanks to Vice-Chairman Nick Gould Young SCL continues to develop, with visits to the Palestra Project, a joint seminar with King's College and a boat trip with Junior RICS and CI Arb members.

Another notable collaboration with King's College was the Great Delay Analysis Debate which played twice to full houses in the Great Hall.

On the social calendar, the highlight was undoubtedly the Olympic Brewery Lunch, the biggest SCL event ever held, addressed by ODA Chairman Jack Lemley and international athlete Dalton Grant. Thanks are due to the Social Events Sub-Committee for organising this, and the Annual Dinner.

Other activities

International collaborations are growing, with newly-established Societies in New Zealand and the United Arab Emirates. Further developments are in progress in South Africa and Australia. Keith Kirkwood has been active in leading the International Sub-Committee. The Singapore SCL is hosting the first International Society of Construction Law Conference in Singapore in October, which will be attended by my successor. I have been carrying out a comparative exercise on ethical questions for the European Society of Construction Law and will give a presentation in Stockholm at the end of August on behalf of the Society.

Under the leadership of Peter Higgins, the Ethics group has continued to work productively. Its Statement of Ethical Principles and Guidance on Ethical Principles have been recently added to the web-site.

University liaison has continued, although we still want to do more to help support the teaching of Construction Law in institutions of higher education.

The SCL Hudson Essay Prize was won by Philip Britton, with 2nd Prize going to Julian Bailey and commendations for Ronan Champion and Wendy McLaughlin.

Administration and IT

The growth of membership and the range of activities has meant that we have offered Jackie Morris the assistance of Frances Whitehead. The Society continues to owe a huge debt of gratitude to Jackie Morris for the skill and sensitivity with which she deals with the Society's administration. I should like to add my personal thanks to her, to Edward Peters and Simon Hogg who assist on IT matters and to all Officers and Members of Council for their support during my two years of office.

Anthony Lavers
Chairman