



NEWSLETTER : JULY 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.

- Tuesday,
4th 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
- Thursday,
6th July King's College Olympic Conference
"London 2012, one year on: Legal Issues for Construction"
Speakers: Peter Rout, Kobina Hughes, Michael Bowsher, Alain Bourdeaux,
James Allen, Graham Matthews and Peter Chapman
Chairman: Phillip Capper
Venue: South Range Lecture Theatre, Strand Campus 3.00pm
- Tuesday,
11th July "A discussion on the draft statement of ethical principles"
Speaker: Peter Higgins
Chairman: Jocelyn Taylor
Venue: Renaissance Derby/Nottingham Hotel, South Normanton,
Derbyshire DE55 2EH 6.15pm
Organiser: JocelynTaylor@scl.org.uk
- Thursday,
13th July Junior SCL event
Boat Trip on the Thames. Cost £25 per person 6.15pm
Booking form/flyer on web and see separate SCL Junior items below.

The following are autumn dates for your diary –

- Tuesday,
5th September The French Connection
"How payment for French subcontractors is secured, any lessons to be learnt?"
Speaker: Professor Rudi Klein
Chairman: Robert Stevenson
Venue: National Liberal Club, Whitehall Place, London SW1A 6.15pm
- Thursday,
7th September Joint Junior SCL/King's College London event
"Fourth Introduction to the Basics Conference"
Further details of this event will be announced shortly.

- Thursday, 14th September 'Time related talk'
 Speaker: Keith Pickavance
 Chairman: Simon Goss
 Venue: Bristol University, Woodland Road, Bristol, BS8 6.00pm
 Organiser: simongoss@scl.org.uk
- Tuesday, 26th September "Adjudication – Is it working for Specialist Contractors? What does the future hold?"
 Speaker: Professor Rudi Klein
 Chairman: Jonathan Hawkswell
 Venue: Brunswick Lecture Theatre, Leeds Metropolitan University 6.15pm
 Organiser: jonathanhawkswell@scl.org.uk
- Tuesday, 17th October The President's Reception
 Venue: Ironmongers' Hall, Shaftesbury Place, Barbican, London 6.30pm
See separate item below

Two events for next year's diary

Lunch at the Brewery: Friday, 16th February 2007
 AGM & Annual Dinner: Wednesday, 16th May 2007

Further details on how to book for these events will be given in due course.

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 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 Chairman, is responsible for the Junior members and he can be emailed on nicholasgould@scl.org.uk

SCL New Officers

At the meeting of Council held on Monday, 5th June, the following were elected as Officers of the Society:

Chairman: Nicholas Gould	Vice Chairman: Nerys Jefford
Secretary: Colin Reese QC	Treasurer: Ronan Champion

A short note from the new Chairman; Nicholas Gould

My aim as SCL's Chairman is to focus on three main areas: international, education and junior members. The educational aspects of SCL are crucial to the aims of SCL, and I aim to continue the strong emphasis on lectures, conferences and papers of a high quality.

SCL is becoming more international, with links to Europe, the Middle and the Far East. I hope to continue to develop and strengthen those links. Finally, the number of junior members within the Society continues to grow. It is important that we provide events and information tailored to their needs in order that they can get the most from SCL, and of course they can help to develop and expand the Society.

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

The President's Reception 2006

The President's Reception will be held at Ironmongers' Hall, Barbican, London on the evening of Tuesday, 17th October (6.30pm – 9pm). For those of you who have not attended the President's Reception before, it is a biennial event to which the Society always invites many senior members of the construction industry and also the senior members of the Judiciary. In recent years our guests at the President's reception have included the Right Honourable Lord Woolf and Sir John Egan. Further details on how to book for this event will be sent to all members in due course.

The President's Reception is also an occasion when the President's medal is awarded to someone who has made a significant contribution to furthering the Society's aim of promoting the study and understanding of construction law amongst all those involved in the construction industry. Past winners of the medal are Professor John Uff QC, Professor Ian Duncan Wallace QC and His Honour Humphrey LLOYD QC.

If you wish to suggest someone you think should be considered for this prestigious award, please send his or her name to Jackie Morris (by email, fax or post) *by Friday, 7th July please*. The final decision will be taken by the Society's President, Lord Justice May, in consultation with Council.

King's College - TCC Mediation Survey

King's College is carrying out research into the use of mediation in construction disputes. The survey is being conducted with the permission and assistance of the Technology and Construction Court. Essentially, all parties to litigation in the TCC will receive a questionnaire survey relating to mediation. The survey commenced on 1st June this year, and will continue for two years. Any person or organisation that becomes involved in TCC litigation as a party will receive a questionnaire from the court. Questionnaires are returned to King's College for analysis.

The purpose of the research is to consider:

1. In what circumstances mediation is an efficacious alternative to litigation?
2. To assist the court to determine whether, and at what stage, it should encourage mediation; and
3. identify which mediation techniques are particularly successful.

The Honourable Mr Justice Jackson QC and Nicholas Gould (SCL's Chairman) instigated the research. Nicholas Gould is co-ordinating it. However, a dedicated researcher has been employed at King's College. He is Aaron Hudson-Tyreman and can be contacted by email: aaron.hudson@ntlworld.com

News from King's College London

An afternoon conference: "London 2012, one year on: Legal issues for construction" to be held on Thursday 6 July 2006 at 3pm to 6.30pm at South Range Lecture Theatre, Strand Campus. The keynote speaker will be Peter Rout, Interim Head of Legal at the Olympic Delivery Authority, and other speakers will be Kobina Hughes, Michael Bowsher, Alain Bourdeaux, James Allen, Graham Matthews and Peter Chapman. Tickets cost £125 (discounts available) and, at time of going to press, there are still places available. Please book directly with King's College using booking form on the homepage of the SCL website www.scl.org.uk Queries to Sue Hart: 020 7848 2643 or susan.hart@kcl.ac.uk

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.

SCL International Conference 2006: Singapore, October 2006

Following discussions between the respective Societies, the Singapore Society of Construction Law has offered to host the first SCL International Conference on 16th and 17th October 2006 in Singapore. The intention is to bring together the Societies of the Asia Pacific region, which now include Singapore, Malaysia, Hong Kong and New Zealand, together with other SCLs from the UK and the United Arab Emirates. The members of the European Society of Construction Law have also been invited to participate and other experts have been invited from Australia, China and India. The themes of the Conference are to be Oil and Gas, Mega Projects, FIDIC Contracts, Professional Negligence and Insurance, with special features on China, India and the Middle East.

SCL UK is an organising partner for this Conference and it is intended that the new Chairman and Vice Chairman will attend. Any SCL members wishing to register for attendance at the Conference should contact June Tan at june@intellitrain.biz. The Conference fee is 975 Singapore dollars (SGD) which is approximately £335.

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. Please note that 10th July is the last day to register for this event.

International Expert Conference: Call for papers

A call for papers has been received for the fourth Annual International Expert Conference which will take place in Prague on 6th and 7th November 2006. The title of the conference is "Construction and real estate: expertise and appraisal". If you are interested in submitting a paper, please contact Sergey Zaharov, Vice-President of the Russian Chamber of Construction Expert Witnesses, on zaharov@expertise.ru

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.

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.

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 June:

Richard Anderson, Leeds	Akua Serwaa Basoah, London
Steven Bate, Leeds	Christopher Battersby, Hatfield, Herts
Charlotte Fox, London	Belden Rajadurai, Kuala Lumpur, Malaysia
Alison Karran-Smith, London	Peter Lock, Surrey
Stephen Lowsley, Surrey	Anthony Mellor, London
Michael Nee, London	Jemma Regan-Cummins, London
Justin Wilson, London	Paul Sanderson, Doncaster, Yorkshire
Frank M O'Flynn, Ireland	Thomas Young, London
Alexander Buchan, Australia	Robert Dunnett, Scotland