



NEWSLETTER : AUGUST 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,
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"
Chairman: Nicholas Gould
Venue: Lecture Theatre 2C, Strand Campus, King's College, London
<i>See separate item below.</i> | 2.00pm |
| Thursday,
14th September | "Time risk management - putting the Protocol into effect"
Speaker: Keith Pickavance
Chairman: Simon Goss
Venue: Bristol University, Woodland Road, Bristol, BS8
Organiser: simongoss@scl.org.uk | 6.00pm |
| 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
Organiser: jonathanhawkswell@scl.org.uk | 6.15pm |
| Tuesday,
3rd October | "CIC Consultant's Contract"
Speakers: John Hughes D'aeth & Tony Broomhead
Chairman: Frances Paterson
Venue: National Liberal Club, Whitehall Place, London SW1A | 6.15pm |
| Tuesday
17th October | "A little of time at large: proof of a reasonable time to complete in the
absence of a completion date"
Speaker: Keith Pickavance
Venue: Hambleton Suite 1, The Rose Bowl, Southampton SO30
Organiser: marianharris-deans@scl.org.uk | 6.00pm |

Enclosed with this newsletter are the following:

- Your copy of 'Liabilities of Public Authorities in Tort' the paper given by Lord Justice Dyson last December.
- Your copy of the 2006/2007 Members Directory. Please note that this directory contains members' details as they appeared on the database on 17th July; any updates made to the database beyond this date are not included.
- Your copy of the 2006 Autumn/Winter Diary of Events.

Two further papers: 'Insuring the Integrated team' by Steve Bamforth, and Gillian Birkby's paper on the revised CDM Regulations will very shortly be published on the website, and further papers are in the pipeline. A reminder that if you would like to receive notification by email when new papers are put on the website, you can log this yourself, or ask admin to do it for you (see How to Register item below).

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. It is also the occasion of the presentation of the President's Medal. Further details on how to book for this event will be sent to all members in due course.

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

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, email aaron.hudson tyreman@ntlworld.com

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 hat the new Chairman and Vice Chairman are speakers. 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.

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

News for Barristers

SCL is now accredited by the Bar Council as a course provider and will endeavour to secure Bar CPD points for future events.

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.

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

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. You can update your own details on the web or, if you prefer, ask admin to do it for you. We don't need a formal letter of notification – an email to Jackie Morris at admin@scl.org.uk giving your new postal address, telephone, fax and email is all that's needed.

New Members

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

Paul Bastuba, Newport, Gwent
Shannon Dickson, Edinburgh
Clare Nevin, Belfast
John Wenborn, Kyrenia, Cyprus

Gary Berman, Woodbury, USA
Daniel Leduc, Ottawa, Canada
Caroline Russell, Edinburgh
John Whitenstall, Maidstone, Kent