



NEWSLETTER : SEPTEMBER 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?"
Speakers: Professor Rudi Klein & Carole Malinvaud
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"
Speakers: Andrew Hemsley, Helen Garthwaite, Professor Phillip
Capper, Liam Holder, Philip Britton & Nicholas Gould
Chairman: [Nicholas Gould](#)
Venue: Strand Campus, King's College, London 2.00 pm
- At 6.30pm: The Seventh Michael Brown public lecture: 'Proportionate Liability – Reform or Regression?' Speaker: Doug Jones AM, South Range Lecture Theatre, King's College London. The lecture will be followed by a drinks reception.
- Thursday,
7th September "Principles and Policies in Delay Analysis (How Delay Analysis Works)"
Speaker: Keith Pickavance
Chairman: Denis Wiles
Venue: Dickinson Dees, St. Ann's Wharf, Newcastle Upon Tyne, NE1 6.15pm
Organiser: deniswiles@scl.org.uk
- Thursday,
14th September "Time risk management - putting the Protocol into effect"
Speaker: Keith Pickavance
Chairman: Simon Goss
Venue: Bristol University, Woodland Road, Bristol, BS8 6.00pm
Organiser: simongoss@scl.org.uk
- Thursday,
21st September "The Great Delay Analysis Debate"
Speakers: Geoff Bewsey, Steve Briggs, Alastair Farr & John Hammond
Chairman: Dr Julian Critchlow
Venue: The Royal Society of Edinburgh, 22-26 George Street,
Edinburgh, EH2 2PQ 6.00pm
Organiser: DavidAnderson@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: Lecture Theatre 118, The Northern Terrace, Civic Quarter, Leeds LS1 3HE 6.15pm
Organiser: jonathanhawkswell@scl.org.uk
- 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
- Monday,
9th October *Joint SCL/SCS Meeting*
“Formation of contract: offer and acceptance and letters of intent”
Speaker: Dudley Solan
Chairman: John Lyden
Venue: Rochestown Park Hotel, Rochestown Road, Douglas, Cork 6.30pm
Organiser: johnlyden@scl.org.uk
- 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: Hambledon Suite 1, The Rose Bowl, Southampton SO30 6.00pm
Organiser: marianharris-deans@scl.org.uk
- Tuesday,
17th October “The President’s Reception”
Presentation of the SCL’s President’s Medal
Venue: Ironmonger's Hall, Shaftesbury Place, Barbican, London EC2Y 6.00pm
See separate item below and attached flyer/booking form
- Wednesday,
18th October (title of talk to be announced)
Speakers: Michael Craik and Catherine Burke
Venue: HBJ Gateley Wareing, 111 Edmund Street, Birmingham B3 6.00pm
- Wednesday,
25th October Speaker: Mr Justice Ramsey
Chairman and title of talk to be announced
Venue: Middle Temple Hall, London EC4
- Thursday,
26th October “Temporary Disconformity in Construction and Engineering Contracts Revisited”
Speaker: Professor Anthony Lavers
Chairman: Simon Goss
Venue: Bristol University, Woodland Road, Bristol, BS8 6.00pm
Organiser: simongoss@scl.org.uk
- Thursday,
2nd November “Jurisdictional Challenges and how to deal with them”
Speaker: John Riches
Venue: Dundas & Wilson, 191 West George Street, Glasgow G2
Organiser: LindyPatterson@scl.org.uk

Please note the change of date for this event (previously arranged for 9th November)

- Tuesday,
7th November "Pre-Action Protocol for Arbitrations and Adjudications"
Speaker: John Tackaberry QC
Chairman: Jocelyn Taylor
Venue: Nottingham Gateway Hotel, Nuthall Road, Nottingham NG8 6.15pm
Organiser: JocelynTaylor@scl.org.uk
- Tuesday,
7th November Title of talk to be announced
Speakers: Michael Craik & Ben Patten
Venue: National Liberal Club, Whitehall Place, London SW1A 6.15pm
- Thursday,
9th November *Generation for Collaboration (g4C) Event*
Venue: London, to be announced
Organiser: [Nicholas Gould](mailto:NicholasGould@scl.org.uk)
- Monday,
13th November *Joint SCL/SCS Meeting*
"Legal aspects of tenders and public procurement"
Speaker: Finola McCarthy
Chairman: John Lyden
Venue: Rochestown Park Hotel, Rochestown Road, Douglas, Cork 6.30pm
Organiser: johnlyden@scl.org.uk
- Tuesday,
14th November "Developments from a Judge's perspective"
Speaker: HHJ Frances Kirkham
Chairman: Martin Green
Venue: Lecture Theatre 118, The Northern Terrace, Leeds LS1 6.15pm
Organiser: jonathanhawkswell@scl.org.uk
- Wednesday,
22nd November *Joint Junior SCL/King's College London event*
"The Job of Judging"
Speakers: Her Honour Judge Frances Kirkham and Baroness Usha Prashar
Chairman: Nicholas Gould
Venue: The Great Hall, Strand Campus, King's College London 6.00pm
- Tuesday,
5th December Joint Tecbar/SCL meeting. *Talk to be followed by free drinks*
Speaker and Chairman to be announced
Venue: National Liberal Club, Whitehall Place, London SW1A 6.15pm

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. A flyer and booking form is attached to this newsletter.

Two social 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.

Attention all budding solicitor advocates!

With the kind agreement of His Honour Humphrey LLOYD QC and others the Society is pleased to announce that it will be holding its Advocacy Training Course again this Autumn. The course will be run at a location in London over five evening sessions on 12th 19th 26th October and 2nd 9th November 2006 between 5.30pm and 8.00pm.

The course will give each advocate opportunities to present or to oppose interim applications in a construction dispute, including applications in relation to adjudication, as in court, and also to receive appraisals of their skills.

Attendance at all sessions of the course will entitle each advocate to 12.5 CPD hours

Please note that this course is open only to SCL members who are solicitors. Early registration is advisable as places are limited. To register your interest please contact Charlene Linneman on clinneman@fenwickelliott.co.uk

Acceptance of the Delay and Disruption Protocol

The Protocol, now nearly four years old, has been referred to, used or, quite probably, misused in many claims and disputes that have arisen on delay related issues since its publication. What has not appeared to happen, however, is any significant take-up of the Protocol's pro-active dispute avoidance principles or procedures. News has now reached us of support for taking up these principles on the international scene.

The Romanian equivalent of the UK's Highways Agency, RNCMNR – Romanian National Company of Motorways and National Roads, manages the implementation of the national road network development plan and the obtaining and expenditure of aid funds related to that plan. RNCMNR has suffered a number of adverse decisions in disputes relating to delay to projects due to changes. RNCMNR apparently considers that the delay events could have been managed better and that the disputes could have been avoided. It is this reason that has encouraged the RNCMNR to direct its consultants and contractors that they must implement the procedures of the Protocol on all existing and new projects. Further, RNCMNR has given quite a bit of thought to the matters and has introduced refinements to the processes set out in the Protocol to ensure that the process is tailored to the nature of work in which RNCMNR is involved and will be executed efficiently.

RAFU, the Ugandan equivalent of the Highways Agency, is also reviewing the RNCMNR directive and the Protocol to ascertain whether any assistance may be gained in RAFU's endeavours to ensure that aid received is expended as effectively as possible.

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 annual summer Boat Trip on the Thames.

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

New Course at Leeds Metropolitan University

Leeds Metropolitan University has launched a new MSc course in Construction Law and Dispute Resolution aimed at professional Engineers, Architects, Surveyors and Lawyers. This replaces a similar long standing course to take account of current trends in the construction industry. The course intake is limited to twenty such that it has a high interactive content, and excellent opportunities for networking. It is part-time and extends over 2 or 3 years to cover not only construction law but also arbitration, adjudication, mediation and, very importantly, claims.

Course leader Martin Green said:

“It is a dynamic, high-powered course where all visiting lecturers are experienced practitioners in their own right. It is an excellent career development opportunity and will satisfy the CPD requirements for most professionals. Our aim is to make it both instructive and enjoyable”

A student of the previous course said:

“This is a valuable course which will give you a wide, knowledge based approach to contractual issues affecting the construction industry today. The information and back up provided easily equates to over 10 years of actual hands on experience”

Applications are being considered now for a September start and Martin Green on 0113 283 2600 ext 7647, or via e-mail at M.B.Green@leedsmet.ac.uk can give you more information.

New Certificate in Construction Adjudication at King’s College, London

King’s College, London has launched a new eight-month Certificate programme for existing and would-be adjudicators and advisers to parties to adjudications – qualified lawyers and construction professions. A separate flyer giving further details is attached to this newsletter, and the contact at King’s College is Sue Hart on 020 7848 2643 or susan.hart@kcl.ac.uk

New Conference

A conference entitled “Contract Management for Dredging and Maritime Construction” will be held on 12-13 October at Docklands, London. The event is being organised by the Institution of Civil Engineers, on behalf of the Central Dredging Association and the International Association of Dredging Companies, and should be of interest to many construction lawyers.

The conference brochure is available on the SCL website but enquiries should be made directly with ICE Conferences on 020 7665 2318. Booking can be done online at www.iceconferences.com

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

Professor Ian Duncan Wallace QC

It is with deep regret that we announce the death of Professor Ian Duncan Wallace QC. Professor Wallace was an Honorary Member of the Society and was awarded the Society's President's Medal in 2002 for his outstanding services to construction law. A full obituary will appear in the next newsletter.

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

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.

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-Tyremen, email aaron.hudsonTyremen@ntlworld.com

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.

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. To register, go to the website homepage www.scl.org.uk click Member Registration 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). That's all there is to it.

Thereafter, you simply log onto the website using your username and password to get free access to the list of published papers, access your own contact details, or search for the contact details of 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.

New Members

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

Sarah Allen, Reading
Graham Ceadel, London
John Hanlon, Surrey
Mark Kennor, Kent
Nelson Ogunshakin, London
Ryan Krishna Ramrekha, Mauritius

Edward Carolan, St Albans
Thomas Douglas, Ipswich
David Keane, County Mayo, Ireland
Michael McIver, Kuala Lumpur
Vince Orlando, London
Timothy Sampson, London



YOU ARE INVITED TO THE:

PRESIDENT'S RECEPTION

TO BE HELD AT

THE IRONMONGERS' HALL, BARBICAN, LONDON EC2
ON
TUESDAY, 17th OCTOBER 2006
FROM 6.30 TO 9.00pm

Drinks and Canapés

Lounge Suits

✂

To: The Society of Construction Law, 114 Pettits Lane, Romford, Essex RM1 4EJ

I wish to attend the President's Reception on Tuesday, 17th October 2006, together with
_____ guest(s)

Member's name(s) _____

Company name _____

Email or phone _____

Guest(s) names _____

Cheque enclosed _____ **place(s) @ £30.00 = £** _____

(Please make cheques payable to: Society of Construction Law)

Invitation cards will be issued. Receipts will not be issued