



## NEWSLETTER : MARCH 2007

### 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.*

- |                      |   |              |
|----------------------|---|--------------|
| Thursday,<br>1 March | <p>“Delay in Major Construction Projects”<br/>Speaker: Hamish Lal<br/>Chairman: David Anderson<br/>Venue: RICS, Manor Place, Edinburgh<br/>Organiser: <a href="mailto:lindy.patterson@scl.org.uk">lindy.patterson@scl.org.uk</a></p>  | 6.00pm       |
| Tuesday,<br>6 March  | <p>“The case of John Doyle v Laing Management - is it good English law?<br/>Is it good English practice?”<br/>Speaker: Jeremy Winter<br/>Venue: National Liberal Club, Whitehall Place, London SW1</p>  | 6.15pm       |
| Tuesday,<br>6 March  | <p><i>Junior SCL site visit at Imperial College Southside Development Project</i><br/>Venue: Imperial College, Linstead Hall, Princes Gardens,<br/>London SW7<br/>Organisers: <i>Nicholas Gould and Harendran Abhimandran</i><br/>Contact: <a href="mailto:franceswhitehead@scl.org.uk">franceswhitehead@scl.org.uk</a><br/><i>This event is fully booked – waiting list only</i></p> | 2.30pm       |
| Thursday,<br>8 March | <p>“Construction Act Review”<br/>Speaker: Professor Rudi Klein<br/>Chairman: Deborah Ritchie<br/>Venue: DLA Piper UK LLP, Victoria Square House, Victoria<br/>Square, Birmingham B2<br/>Organiser: <a href="mailto:arul.selvaratnam@scl.org.uk">arul.selvaratnam@scl.org.uk</a></p>   | 6.00pm       |
| Friday,<br>9 March   | <p>“Society of Construction Law Annual Conference”<br/>Speakers: The Hon Mr Justice Jackson, Nerys Jefford, Brian Eggleston,<br/>Chris Ennis &amp; Professor Anthony Lavers<br/>Chairman: The Hon Mr Justice Jackson<br/>Venue: The Royal Armouries, Leeds<br/>Organiser: <a href="mailto:jonathan.hawkswell@scl.org.uk">jonathan.hawkswell@scl.org.uk</a></p>                        | 8.30am - 1pm |
| Tuesday,<br>20 March | <p>“Mediation”<br/>Speaker: Robert Sliwinski<br/>Chairman: Jocelyn Taylor<br/>Venue: DLA Piper UK LLP, 1 St Pauls Place, Sheffield S1<br/>Organiser: <a href="mailto:jocelyn.taylor@scl.org.uk">jocelyn.taylor@scl.org.uk</a></p>   | 6.15pm       |

- Thursday,  
22 March      *Joint SCL/CIOB Meeting*  
Speaker: Peter Fraser (title of talk and Chairman tba)  
Venue: Hambledon Suite 1, The Rose Bowl, Southampton SO30      6.00pm  
Organiser: [marian.harris-deans@scl.org.uk](mailto:marian.harris-deans@scl.org.uk)
- Thursday,  
22 March      ***Please note change of date for this meeting***  
"The use of advance forensic animations in the resolution of complex  
disruption claims"  
Speaker: Keith Pickavance  
Chairman: Ian Pennicott QC  
Venue: Jury's Inn Hotel, Midsummer Boulevard, Central Milton  
Keynes, Buckinghamshire MK9      6.15pm  
Organisers: [judith.bird@scl.org.uk](mailto:judith.bird@scl.org.uk) or [michael.gerard@scl.org.uk](mailto:michael.gerard@scl.org.uk)
- Monday,  
2 April      ***Please note change of date for this meeting***  
"Turnkey Contracting: what do owners want and what do they get?  
(A comparison of treatments under the FIDIC Silver Book and the new  
ICC Turnkey Conditions of Contract)"  
Speaker: Jonathan Hosie  
Venue: National Liberal Club, Whitehall Place, London SW1      6.15pm
- Tuesday,  
1 May      SCL Hudson Prize 2006: Presentation by the authors of their first and  
second prize winning papers.  
1<sup>st</sup> "What Lies Beneath" by Julian Bailey  
2<sup>nd</sup> "Variations, Time Limits and Unanticipated Consequences" by Ronan Champion  
Chairman: Professor Anthony Lavers  
Venue: National Liberal Club, Whitehall Place, London SW1      6.30pm  
(see full results announced in separate item below)
- Tuesday,  
15 May      "Time at large: calculating a reasonable time to complete in the absence  
of a completion date"  
Speaker: Keith Pickavance  
Chairman: Andrew Maccuish  
Venue: Lecture Theatre 118, Civic Quarter, Leeds LS1      6.15pm  
Organiser: [jonathan.hawkswell@scl.org.uk](mailto:jonathan.hawkswell@scl.org.uk)
- Wednesday,  
16 May      AGM & Annual Dinner at Middle Temple Hall  
(Booking details will be sent to members in due course)      6.30pm
- Tuesday,  
5 June      *Joint SCL/Society of Construction Arbitrators Meeting*  
"The Rise and Rise of 'Time-Bar' Clauses: the 'Real Issue' for  
Construction Arbitrators"  
Speaker: Hamish Lal  
Venue: National Liberal Club, Whitehall Place, London SW1      6.30pm
- Wednesday,  
6 June      *Joint SCL/King's College event*  
"The Great Partnering Debate"  
Venue: The Great Hall, King's College, London      6.00pm  
Cost: £25 per person (to include drinks reception)  
*See flyer and booking form attached to this newsletter*

## SCL Hudson Prize 2006

The SCL Hudson Prize Judging Panel is pleased to announce the following results in the 2006 competition:

**1st Prize: Julian Bailey, [B Com LLB \(Hons\)](#), Solicitor, CMS Cameron McKenna**  
*“What Lies Beneath”*

**2nd Prize: Ronan Champion, BSc, LLB, PhD, FRICS, FCIQB, Partner, EC Harris LLP, London**  
*“Variations, Time Limits and Unanticipated Consequences”*

**Highly Commended: Scott Adams, BEng, LLB, CEng, MICE, FCIArb, MAPM, MAE, Chartered Civil Engineer, Scott Adams Consultants Ltd, Hong Kong**  
*“Better Ways than the ‘Best Way’? Improving the Society of Construction Law Delay and Disruption Protocol”*

**Commended: Anders Axelson, BE(Civil), LLB(Hons), MCIArb, MIEAust, Senior Consultant, Neilsen-Wurster, Melbourne, Australia**  
*“The Discretion of the Certifier: A Drafting Tool Best Left in the Toolshed?”*

The First and Second Prize winners will present their papers to the Society meeting on Tuesday, 1<sup>st</sup> May at the National Liberal Club.

The members of the Judging Panel express thanks to all who entered and congratulations to the recipients of Prizes and Commendations.

**Anthony Lavers,**  
Professor of Law, Chair of Judging Panel

## SCL Policy Document – comments invited

Below is a draft policy document concerning the relationship between the Society of Construction Law and similar societies in other countries.

As you may know the Society of Construction Law has and is becoming more international. We now have affiliated societies not just in Europe but also in the Far East. We are currently in the process of forming other societies in other jurisdictions, and Council felt that it was appropriate now to have a policy document setting out the Society of Construction Law's broad policy in respect of these new affiliated societies.

The Council's intention is to adopt this policy at the AGM on 16 May. If you have any observational comments, then we should be grateful if you could provide them to Frances Whitehead at: [franceswhitehead@scl.org.uk](mailto:franceswhitehead@scl.org.uk) on or before the 16 April 2007.

**Nicholas Gould**  
Chairman

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**DRAFT POLICY DOCUMENT CONCERNING THE RELATIONSHIP  
BETWEEN THE SOCIETY OF CONSTRUCTION LAW (“THE SCL”)  
AND SIMILAR SOCIETIES IN OTHER COUNTRIES**

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**Introduction**

1. Clause 4(d) of the Constitution of the SCL provides that, in furthering the objects of the SCL (namely to promote for the public benefit, education, study and research in the field of construction law and related subjects), the SCL may engage in:

*“(d) Establishing relationships, associations and liaison with other persons and other bodies both within the United Kingdom and overseas with similar or related objects and exchanging information and studies and results concerning all matters relating thereto”.*

2. Since its own foundation in 1983, the SCL recognises that a number of similarly named societies<sup>1</sup>, the majority adopting a logo similar to that of the SCL, have come into existence.

**The SCL’s basic position**

3. In furtherance of the discretion conferred by Clause 4(d) of the Constitution, in principle, the SCL wishes to encourage closer ties and co-operation between itself and other similar societies<sup>2</sup>. The SCL hopes that the existing similar societies (and other similar societies that may be formed in the future) will adopt the same view.
4. However, in order to safeguard its object and to ensure that its reputation for independence from commercial interests is not harmed, the SCL believes that it is necessary to identify certain criteria which must be satisfied by the similar societies if closer ties and co-operation is to be promoted.

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<sup>1</sup> The societies of which the SCL is aware are: Society of Construction Law Hong Kong, Society of Construction Law (Kuala Lumpur and Selangor), Society of Construction New Zealand Inc., Society of Construction Law (United Arab Emirates) and Society of Construction Law (Singapore).

<sup>2</sup> This draft does not suggest that there should be a formal affiliation process by which similar societies, upon application and approval, become “affiliates” of the SCL. The reason for this is threefold: (i) arguably the current Constitution does not provide any mechanism for an “affiliate” procedure although it is accepted that a very broad interpretation of Clause 4(d) might achieve a contrary conclusion; (ii) if there is to be a move towards a “federation” of societies then presumably all societies involved will wish to be “equals” rather than “affiliates” of the SCL; and (iii) irrespective of (ii), it is possible that making future co-operation conditional upon affiliation will send out the wrong message to the similar societies.

## **Relevant Criteria**

5. Prior to the encouragement of closer ties and co-operation the SCL, acting by its Council, must be satisfied that, subject to any express requirements of the law of the jurisdiction where the society is based, each similar society concerned fulfils the following criteria namely that:

- (i) Its object is substantially the same as set out in the SCL's Constitution;
- (ii) Its object is formally recorded in a written constitution;
- (iii) It is independent from commercial interests and non-profit making;
- (iv) It is governed by a Council, Committee or similar body whose principal members are elected periodically by the general membership and who are unpaid;
- (v) Its Council, Committee or similar body is required to act at all times in the best interests of the general membership; and
- (vi) Its logo is submitted to and approved by the SCL.

6. If the principle of mutual co-operation is established then this will be appropriately recognised on the SCL website and a "link" to the similar society's website will be formally established.

**End**

## Subscriptions

We are grateful to the many members who have already paid their 2007 subscriptions.

A reminder that the Renewal of Membership invoices were posted in December (overseas e-members received an emailed invitation to renew). **If you did not receive your invoice, or it has been mislaid, please email [admin@scl.org.uk](mailto:admin@scl.org.uk) and ask for a replacement copy.**

As stated in the timetable below, **all unpaid members will be lapsed on 1<sup>st</sup> April** and so, if you wish to remain a member of the Society but have not yet paid your subscription, please do so as soon as possible.

Payments can be made online – just go to [www.scl.org.uk](http://www.scl.org.uk) and click ‘shop’ (top of homepage) and then ‘Membership payments’ – or send a cheque for £100 (payable to the Society) to the Admin office at the address below. When you are logged paid, a receipt will automatically be generated and sent to the email address we have for you on the database.

## A reminder of the timetable for subscriptions payments

As the Society continues to grow there is an increased need to keep administrative costs to a minimum. Council has therefore decided to introduce a strict timetable for reminding those members who forget to pay their subscriptions. The Constitution of the Society states that all subscription fees should be paid by the end of March and so the 2007 timetable for reminding members is as follows:

1. Mid December: Invoices are posted to full members (and emails sent to overseas e-members).
2. Early January: An email will be sent to all unrenewed members reminding of 31 January discount.
3. Late January: A second email reminder to unrenewed members of 31 January discount.  
*Payments we receive from 1 February onwards must be paid at the full rate of £100.*
4. Mid February: Email to all unrenewed members reminding of the need to pay by 31 March.
5. Mid March: A second email reminder to all unrenewed members of the need to pay by 31 March.
6. 24 March: Final notification that membership will cease if payment is not received by 31 March.
7. 1 April: All unpaid members will be lapsed. If lapsed members subsequently wish to re-join the Society, they will be treated as new members.

**Please note:** It is extremely important that the contact details we have for you on the database are up to date so that the reminders go to the correct email address. You can update your own contact details at any time, or email and ask admin to do it for you.

## 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.

**Booking preference for any of the organised Junior events is always given to those who are registered as Junior Members.** To register as a Junior Member is easy. Simply log in to the SCL website ([www.scl.org.uk](http://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 – 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 [nicholas.gould@scl.org.uk](mailto:nicholas.gould@scl.org.uk)

## New Members

Finally, we are pleased to welcome the many new members who joined the Society during January and February.

Robert Akenhead QC, London	Richard Allan, Liverpool	Stephanie Barwise QC, London
Stephen Bayley, London	Andrew Boccoli, Edinburgh	Matthew Bool, London
Julian Booth, Milton Keynes	Martin Bowdery QC, London	Lucie Briggs, London
Andrew Burr, London	Serena Cheng, London	Mark Chennells, London
Patrick Clarke, London	Robert Clay, London	Anthony Clifford, Macroom, Ireland
Nicholas Collings, London	Alistair Cowling, London	Victoria Crabtree, London
Simon Crawshaw, London	Christopher Cross, London	Henry Curran, Whangarei, NZ
Stephen Dennison QC, London	Nicholas Dennys QC, London	Leon Dicker, Pretoria, South Africa
Peter Fraser, London	Daniel Garton, London	Howard Gillions, Milton Keynes
Andrew Goodard QC, London	Jim Gorrod, Exeter	David Hartley, London
Sarah Hayes, London	Christopher Healy, London	James Howells, London
Riaz Hussain, London	Paul Johnson, Dubai, UAE	Jennifer Jones, London
Tim Kernutt, London	Mignonne Khazaka, Edinburgh	Jennifer Kirkhope, Manchester
Peter Kitson, London	Dale Langley, Surbiton	Carolyn Lee, London
Eileen Leonard, London	Christopher Lewis, London	Simon Lofthouse QC, London
Aine McCartney, London	Sheree McKay, London	Richard McElfatrick, Barnsley Yorks
Manus McMullan, London	Clive Mills, Bracknell, Berks	Sarah Melbourne, Milton Keynes
Theresa Mohammed, London	Amy Munro, Dubai, UAE	Maria Papas, London
Fiona Parkin, London	Caroline Perry, London	Alan Pugh, Liverpool
Mark Raeside QC, London	Toby Randle, London	Dominique Rawley, London
Brian Raybould, Cardiff	David Savage, Guildford	Jenny Savage, London
Nikolai Shepherd, London	Simon Slattery, London	Camille Slow, London
Roy Swinger, Larchamp	Steven James, Bristol	Steven Walker, London
Brindusa Tataru-Marinescu, London	Chelsea Walters, London	David Wallace, Abu Dhabi, UAE
Stuart Wallace, Teignmouth	Nick Warrington, Manchester	Elizabeth Weeks, London
Andrew White, London	Laura Wood, London	Geza Banfai, Toronto, Canada
Michael Adie, Lincoln	Adriano Amorese, London	Adrian Booth, The Netherlands
Tina Beck, London	Alexandra Bohm, London	Rebecca Conrad, London
Julio Bueno, Sao Paulo, Brazil	Stuart Catchpole QC, London	Simon Fletcher, Peterborough
James Fielden, London	Victoria Fitzpatrick, London	Jill Heaton, London
Stewart Gibbs, London	Peter Hastings, Norwich	Abigail Lange, London
Bartholomew Hickey, London	Peter Kasanda, London	Robert Wheeler, Chelmsford
James Lalumiere, Dunedin, USA	James Lyall, London	Nicholas Marsh, London
Alan McArthur, Ratingen, Germany	Lynne McCafferty, London	Michelle Metham, London
Emily Monastiriotis, London	Ben Mullard, London	Peter Morris, Port of Spain, Trinidad
Amr Moustafa Kekry, Dubai, UAE	Michael O'Reilly, Lincoln	Maurice Stoppi, Kingston, Jamaica
David Streatfeild-James QC, London	Ashok Kumar Panda, Kuwait	Martin Pearse, Truro
James Perry, Liverpool	Daniel Preston, Surrey	Kate Reynolds, Lincoln
Tonia Starey, London	Laura Waterhouse, London	Michael Wheeler, London
Saud Bin Premaratne Bin Vidanapathirana, Sharjah, UAE		
Stephanie Jacobs, Nürnberg, Germany	Mary Anne Roff, Newcastle Upon Tyne	