



NEWSLETTER : APRIL 2018

Programme

Unless marked otherwise, the following meetings are free to members and guests.

Location maps are now available on the website.

To register for an event, please go to the SCL website (www.scl.org.uk) (under the tab “Participate” – “Meeting and events”) and where online booking is not available please contact the organiser directly.

London

Tuesday
17 April “Planes, Drones and Autopilots: Site Inspection Revisited”
This is a Joint talk with CIOB
Speakers: Musa Werry & May Winfield
Venue: National Liberal Club, Whitehall Place, London SW1 6.30pm
Organisers: rchampion@championpearce.com, jonathan.cope@mcms.co.uk,
karen.gough@39essex.com, hlal@akingump.com &
rebecca.shorter@whitecase.com

(Please note that bookings must be made online for this event, and SCL will not take bookings by email)

Wednesday,
2 May “The Society’s AGM”
Venue: Middle Temple Hall, Middle Temple Lane, London EC4Y 6.30pm

Wednesday,
2 May “The Society’s Annual Dinner”
Venue: Middle Temple Hall, Middle Temple Lane, London EC4Y 7.30pm

Please note: Cost £120 including VAT per person to include pre-dinner drinks & wine with dinner. This event is open to SCL members and 1 guest per member only.

Tuesday,
8 May Three *Hudson prize-winning presentations*
Speakers: Matthew Bell, Ryan Turner & Ralph Goodchild

- How is that even possible? Raising construction regulation from the ashes of Grenfell Tower
- Hanging by a slender thread: design obligations in construction contracts following MT Højgaard v E.ON
- Proven by computer? System dynamics and disruption claims

Venue: National Liberal Club, Whitehall Place, London SW1 6.30pm
Organisers: rchampion@championpearce.com, jonathan.cope@mcms.co.uk,
karen.gough@39essex.com, hlal@akingump.com &
rebecca.shorter@whitecase.com

(Please note that bookings must be made online for this event, and SCL will not take bookings by email)

Wednesday,
30 May “SCL Astra Breakfast Seminar”
Organisers: ladams@atkinchambers.com, rebecca.shorter@whitecase.com &
swilliams@keatingchambers.com

Please note this event is open to SCL Members only.

Tuesday,
5 June “Challenging a payment notice in the absence of a pay less notice”
Speaker: Justin Mort QC
Chairman: Mrs Justice Jefford
Venue: National Liberal Club, Whitehall Place, London SW1 6.30pm
Organisers: rchampion@championpearce.com, jonathan.cope@mcms.co.uk,
karen.gough@39essex.com, hlal@akingump.com &
rebecca.shorter@whitecase.com

(Please note that bookings must be made online for this event, and SCL will not take bookings by email)

Tuesday,
3 July “Joint SCL/SCA lecture”
Venue: National Liberal Club, Whitehall Place, London SW1 6.30pm
Organisers: rchampion@championpearce.com, jonathan.cope@mcms.co.uk,
karen.gough@39essex.com, hlal@akingump.com &
rebecca.shorter@whitecase.com

(Please note that bookings must be made online for this event, and SCL will not take bookings by email)

Thursday,
9 August “SCL Networking Evening”
Venue: The Oyster Shed, The Observation Deck, Angel Lane,
London EC4R 3AB 5.00pm

Please note: The cost of the event is £12.50 plus £2.50 VAT = £15.00 per head, which will cover a light buffet.

(Please note that bookings must be made online for this event, and SCL will not take bookings by email)

Birmingham

Wednesday,
9 May “Riva Properties v Foster – what duties does an architect have?”
Speaker: Mark Wheeler, Driver Trett
Chairman: Michael O'Shea
Venue: Eversheds LLP, 115 Colmore Road, Birmingham,
West Midlands B3 3AL 5.30pm for 6pm
Organisers: Ian.Yule@shoosmiths.co.uk

For further enquiries please contact Grace.Sparkes@shoosmiths.co.uk

Ireland

Monday
30 April “Dispute Boards: An Overview”
Speakers: Dr Cyril Chern, Crown Office Chambers & Martin Cooney,
Byrne Wallace
Chairman: Brian Hutchinson, School of Law, UCD
Venue: Byrne Wallace, 8 Harcourt Street, Dublin 2, D02 DK18 6.00pm
Organiser: adhussey@lawlibrary.ie

Monday,
14 May “Fraud unravels everything? Dealing with questions of fraud within construction mediations and arbitrations”
Speakers: Matt Molloy, MCMS Limited & Joan O'Connor, Chartered Architect & Arbitrator (ex President RIAI)
Chairman: Paul Darling Q.C
Venue: Kennedys, Blood Stone Building, Blood Stoney Rd,
Sir John Rogerson's Quay, Dublin 2 6.00pm
Organiser: adhussey@lawlibrary.ie

Thursday,
7 June “Mega Projects - The Top Ten Legal Issues in International Construction”
Speaker: Hamish Lal
Chairman: Mr Justice David Barniville 6.00pm
Organiser: adhussey@lawlibrary.ie

Thursday,
27 September “Mediation vs Conciliation: which is better and why do they fail?”
Speakers: Rosemary Jackson QC & Orla Fitzgerald, Architect & Conciliator
Chairman: Eamonn Conlon, A & L Goodbody
Venue: A & L Goodbody, North Wall Quay N Wall Quay, North Wall, Dublin 1,
D01 H104 6.00pm
Organiser: adhussey@lawlibrary.ie

Friday,
30 November “SCL Lunch in Dublin”
Speaker: Charles Brower
Venue: Guinness Storehouse, The Arrol Suite, St James's Gate,
Dublin 8 12 noon for 1.00pm
Organiser: adhussey@lawlibrary.ie

Leeds

Friday,
7 September “The SCL Lunch in the North of England”
Speaker: Andrew Parker FRCS Consultant & ENT Surgeon
Venue: Leeds Marriott Hotel, 4 Trevelyan Square, Boar Lane,
Leeds LS1 6ET 12.15 for 1.00pm
Organiser: jhawkswell@hklegal.co.uk

Cost £75 per person. Block bookings by firms will be limited to 2 tables each. All places will be allocated on a first paid, first served basis.

Manchester

Friday,
13 July “The SCL Manchester Summer Lunch”
Speaker: Edwina Currie
Venue: The Lowry Hotel, 50 Dearmans Place, Chapel Wharf,
Salford, Manchester M3 5LH 12.30 for 1.00pm
Organisers: fraser.askham@cms-cmno.com & LOsborne@ridge.co.uk

Cost £75 per person. Block bookings by firms will be limited to 2 tables each. All places will be allocated on a first paid, first served basis.

Scotland

Thursday,
19 April “SCL Astra Scotland – Site Visit, University of Edinburgh Law School”
Venue: University of Edinburgh Law School, Old College, South
Bridge, Edinburgh EH8 9YL 4.15pm
Organiser: Erica.Dickson@burnesspaull.com

SCL Astra is delighted to invite members and non-members to a tour of Edinburgh University’s Old College Law Refurbishment Project. Graham Construction will provide some background into the project from the contractor’s point of view and will show attendees the key parts of the refurbishment of this iconic building.

Friday,
9 November “The SCL Lunch in Scotland”
Venue: The Supper Club, 29 Royal Exchange Square,
Glasgow G1 3AJ 12 noon for 1pm
Organisers: louise.shiels@brodies.com & lhc@cdr.uk.com

Southern

Friday,
8 June “The SCL Southern Lunch”
Organiser: Jessica.Tresham@blakemorgan.co.uk

Dubai

Astra SCL International Conference and Networking Event

Sunday 22 and Monday 23 April 2018

Conference hosted by the UK Society of Construction Law
and organised by the Society of Construction Law Astra, supported by Clyde & Co, Pinsent Masons and the
DIFC Dispute Resolution Authority and DIFC Courts.
For full details www.scl.org.uk/events/astra-dubai-conference-2018

This is open to SCL UK and Gulf members and up to four of their guests. The fee is £150.00 (incl VAT)

8th International Society of Construction Law Conference

“Construction Law: Local Issues- Global Perspectives.”

September 26th -28th 2018, Chicago, IL- The Palmer House

The conference program is finalised and registration is now open. Please click below to register for the conference. www.scl-na.org

Further events are listed at www.scl.org.uk

We are keen to receive suggestions for speakers and topics both for the London and the Regional programmes. If you have any suggestions please send your ideas to: Keith Kirkwood (keithkirkwood@benningtongreen.co.uk); Ronan Champion (rchampion@championpearce.com); Jonathan Cope (jonathan.cope@mcms.co.uk) or Hamish Lal (hlal@akingump.com)

From the Chairman

Dear SCL Members,

As we in the UK and Ireland emerge from the cold and gloom of the last few months, there is the usual mix of edifying and entertaining SCL events to raise your spirits as (let's hope) the Spring weather will do.

The Leeds Conference last month was acclaimed by those attending as a great success, as in previous years. The Leeds Armouries venue was filled to its full capacity.

Highlights of the programme over the next few months include the Hudson Prize-winners' presentations in London on 8 May, the talk on Riva Properties v. Foster in Birmingham on 9 May, and the talks in Dublin on 7 June and 27 September on problems in mega projects and mediation v. conciliation, respectively.

Bookings for the SCL Astra Dubai conference on 22 and 23 April 2018 currently stands at 48 – seven places remain.

The Annual Dinner following the AGM on 2 May has a capacity of 250, and currently there have been 109 bookings.

For other social events, the Manchester lunch on 13 July has 126 bookings against a capacity of 280, the Networking Evening on 9 August has 27 bookings, capacity 120, and the Leeds lunch on 7 September already has 61 bookings against a capacity of 280.

Finally, I note that we are preparing a General Data Protection Regulation policy. This will be finalised soon, and one outcome will be the positive requirement for opt-in from members at membership renewal or when registering for events. Further details will be posted on the Society's website in due course. Please be sure to opt in; this will be needed in particular at renewal stage in order to continue to receive notification of events and other communications that you are entitled to receive as part of your membership benefits.

Christopher Ennis – Chairman

Chris@tqef.uk.com

SCL Council Elections

SCL council elections will now take place up to and ending with the Society's AGM on 2 May 2018. There are 7 positions on council available, and 10 candidates for those positions. Details of the candidates and their election statements accompany this newsletter.

Government publishes consultations on the 2011 amendments to the Housing Grants, Construction and Regeneration Act 1996 and on retention practices

As many of you will be aware, at the end of October 2017 the Government published a consultation on the 2011 amendments to the Housing Grants, Construction and Regeneration Act 1996, as well as a consultation on retention practices. These consultations are obviously relevant to the work of many of our members, and we would encourage as many of you as possible to respond. Although many of the questions are directed at parties to construction contracts, the consultation document makes it clear that the consultation is also relevant to lawyers and adjudicators."

SCL Australia Brooking Prize, 2018: entries now invited

The Society offers the Brooking Prize annually for the best essay submitted in the field of construction law.

It is named after The Hon Robert Brooking AO QC in recognition of his Honour's pioneering contribution to the study and practice of construction law in Australia. Papers are now invited for the 2018 Brooking Prize

The Society is delighted to announce the following prize offering for 2018:

Brooking Prize – A\$5,000

Brooking Student Prize – A\$1,500

High Commendation – A\$1,000 (General), A\$500 (Student)

Commendation – A\$500 (General), A\$250 (Student)

All entrants awarded a prize or commendation will, in addition, be granted complimentary membership of the Society for one year. Entries must be submitted in Microsoft Word or .pdf format and received by 4.00pm Sydney time on Wednesday 13 June 2018

Further information can be found in the Rules. <https://www.scl.org.au/what-we-do/brooking-prize>

SCL Astra London committee (formerly Junior SCL)

The SCL Astra London committee are looking for non-lawyer committee members. We are looking for two committee members to diversify the committee to represent the membership fully. If you are interested in applying for one of these roles, Please email swilliams@keatingchambers.com; Rebecca.shorter@whitecase.com or ladams@atkinchambers.com.

SCL Astra 'Opting In' to receive communications

If you wish to receive communications regarding Astra events, you will need to opt in to receive them. The option to become an Astra member is in addition to all the other SCL benefits our membership offers. To become an Astra Member, you need to meet at least one of the following criteria:

1. Up to 10 years post-qualification
2. Recently moved to a new field within the construction legal industry
3. Young at heart

<https://www.scl.org.uk/participate/astra/register>

SCL Astra (formerly Junior SCL)

Two important qualities are required to succeed in the construction legal market (apart from avoiding hard hat hair):

1. Knowledge / an understanding of the wonderful world of construction law
2. A wide and varied network of contacts to assist in generating business and satisfying client demands

With that in mind, SCL Astra (formerly Junior SCL) was developed to provide tailored opportunities to develop these qualities for existing SCL members who fall within one of the following categories:

- Up to 10 years post-qualification
- Recently moved to a new field within the construction legal industry
- Young at heart

We organise a range of activities for our members, including social events, site visits, seminars and our bi-annual conference (planned for mid-2016). We adopt the mantra that there are no stupid questions and foster an environment of learning and development. We also maintain strong links with RICS Matrics and CIOB Novus which permits the sharing of insights into various aspects of the construction industry. There is no additional cost to be part of SCL Astra – once you are an SCL member and meet one of the above criteria; we welcome you to our ranks!

If you are interested in registering as an Astra member, please sign up on the Astra page of the SCL website. Otherwise, watch out for upcoming Astra events in the SCL newsletter and on the website.

SCL Astra Twitter handle (@SCLAstra). Finally, if you are interested in being part of the Astra committee in your region, we would love to hear from you. Please email swilliams@keatingchambers.com; Rebecca.shorter@whitecase.com or ladams@atkinchambers.com.

Papers

Printed and on line is Matthew Bell's first prize winning Hudson paper, 'How is that even possible?' Raising Construction Regulation from the Ashes of Grenfell Tower (208), to be presented in London on 8th May. The paper explores the challenge for construction law regulation identified in the wake of the Grenfell disaster, and similar residential building fires around the world. At its heart, the challenge is to devise effective legal means by which dwellings can be built, and maintained, so that they remain safe for their residents. Achievement of this ambition may appear straightforward; however, the complex interplay of commercial, technical and legal pressures involved in modern urban developments means that the regulatory regime needs to be carefully calibrated. Matthew Bell examines the approach taken to re-thinking the regulatory system for residential building by reviews which have been instigated as a result of these fires, in the UK and Australia. Prominent amongst these reviews is that of Dame Judith Hackitt in the UK, which published its Interim Report in December 2017. This Report shows a clear intention towards an holistic reassessment of measures and philosophies which underpin the current regulatory regime, including performance-based specification. As the paper notes, a similar willingness to reassess regulatory strategies has been shown in Australia, with significant reforms recently enacted or in prospect.

The paper by Ben Patten QC and Siân Mirchandani, Contribution Claims: Sharing pain after IMI v Delta (mentioned last month) will be available shortly.

SCL, Social Media, E-mail and Keeping You Informed

As the Society grows both here and around the world and as Social Media, in all its forms, becomes increasingly important the SCL Council is pleased to announce that the SCL now has a presence on Twitter, LinkedIn and Facebook where you can find information, news and event. The SCL will continue to send you e-mails, but, you can now keep up to date with the SCL through Social Media as well.

We hope you will find these of use:

LinkedIn group 'Society of Construction Law UK'

Facebook page 'Society of Construction Law UK'

Twitter name '@SCL_UK' SCL Astra Twitter handle (@SCLAstra)

We always welcome feedback and comments, now including via tweets and postings on how we can improve the service the SCL provides to its members. Contact details for all Council members can be found on the SCL's website. We would also take this opportunity to remind all members to update their online details and preferences to ensure you only receive the information you want from the SCL.

ESCL Book - Studies in European Construction Law

Editors: **Monika Chao-Duvis, Giovanni Iudica, Benoît Kohl, Anthony Lavers, Hugues Périnet-Marquet, Hubert Stöckli & Panagiotis Verveniotis**

International projects and other cross-border activity have become a common part of the European construction scene. As well as opportunities, this phenomenon brings challenges and risks. It has become vital for those working outside their own national boundaries to have some appreciation of the legal environment in which they are operating, not as a substitute for specialist legal advice, but as a basis for understanding.

This book, prepared under the auspices of the European Society of Construction Law, contains accounts of the law of twelve major European jurisdictions in relation to a range of construction matters. Some are general, such as standard form contracts and sub-contracting, and the respective obligations of employer and contractor. Others are specific aspects of contractual performance: the duty to warn, payment, subsoil conditions, delay and disruption and liquidated damages. Issues of liability and dispute resolution are also considered.

The work offers students and practitioners the opportunity to make comparisons between different approaches to common construction law issues in the jurisdictions represented. These are: Belgium, Denmark, France, Germany, Greece, Italy, The Netherlands, Romania, Slovak Republic, Sweden, Switzerland, United Kingdom. 766 pages.

£75 (excluding shipping) UK: £5 / overseas £10

Order via Society of Construction Law UK, 234 Ashby Road, Hinckley, Leicestershire LE10 1SW

<http://www.scl.org.uk/resources/shop/escl-book> E: admin@scl.org.uk T: 07730 474074

New Members

Finally, we are pleased to welcome the new members who recently joined the Society:

James Appleby, Manchester
Rick Bulaitis, London
Heewon Chung, South Korea
Philip Ebbatson, London
Stephanie Ho, Singapore
Damian James, South Africa
Nikhil Kulkarni, UAE
Mark Lucas, Birmingham
Justine Moxham, London
Roger Ribeiro, France
Graham Storrie, UAE
Jonathan Todd, UAE
Antoine West, London

Katsiaryna Blotskaya, UAE
Andrea Chao, Netherlands
Andrew Conway, London
Matthew Finn, London
Christopher Hollard, UAE
Celine Kanakri, UAE
Grahame Laird, East Grinstead
Carlos Martínez, Peru
Kirsten O'Connell, UAE
Thomas Shearn, Middlesbrough
Paul Stothard, UAE
Nirmal Tom, Qatar
Andrew Wood, Birmingham

Ricardo Barreiro-Deymonnaz, Argentina
Karen Cherrill, West Byfleet
Dan Cudlipp, London
James Hamson, London
Vanessa Ifill, London
Ruadhán Kenny, Ireland
Mary Lindsay, London
Neil Martini, Denmark
Sean O'Hanlon, Warrington
Michael Stewart, London
Simon Teasdale, London
William Tweed,