



NEWSLETTER : JANUARY 2019

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,
5 February “Prevention or Cure? Delay Claims and the Rise of Concurrency Clauses”
Speaker: Lord Justice Coulson
Chair: Paul Darling OBE QC
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 & Sunderland@crownofficechambers.com
(Please note that bookings must be made online for this event, and SCL will not take bookings by email)

Friday,
15 February “The SCL Annual London Lunch”
Speaker: Cathy Newman, Journalist and presenter of Channel 4 News
Venue: Grosvenor House, A JW Marriott Hotel, Park Lane,
London W1K 7TN 12 noon for 1.00pm

PLEASE NOTE: We have now reached the maximum capacity in the Great Room and further bookings will now be placed on the Great Room Balcony overlooking the entire proceedings.

Cost per person £99.00 (including VAT). Block bookings by firms will be limited to 3 tables each. All places will be allocated on a first paid, first served basis. Each table will seat 10 people.

Tuesday,
5 March “Whose case is it anyway? Some thoughts on the presentation and assessment of evidence”
Speaker: The Honourable Mrs Justice Jefford DBE
Chair: Fiona Sinclair QC
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 & Sunderland@crownofficechambers.com
(Please note that bookings must be made online for this event, and SCL will not take bookings by email)

Wednesday,
1 May “The Society’s AGM”
Venue: The Drapers’ Company, Drapers’ Hall, Throgmorton Street,
London EC2N 2AN 6.30pm

Wednesday,
1 May “The Society’s Annual Dinner”
Venue: The Drapers’ Company, Drapers’ Hall, Throgmorton Street,
London EC2N 2AN 7.30pm

Belfast

Thursday,
24 January 'Adjudication: what does 2019 hold?'
Joint SCL Belfast/SCL Dublin Event
Speaker: James O'Donoghue, Bluett & O'Donoghue
Chair: Charles Brown, Adjudicator & Arbitrator
Organiser: James.Turner@oreillystewart.com & adhussey@lawlibrary.ie

Birmingham

Wednesday,
6 February "Prevention Principle – now Cured?"
Speaker: Lindy Patterson QC, 39 Essex Chambers
Chair: Michael O'Shea
Venue: Mills and Reeve LLP, 78-84 Colmore Row,
Birmingham B3 2AB 5.30 for 6 pm
Organiser: Ian.Yule@shoosmiths.co.uk

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

Cardiff

Wednesday,
30 January "The impact of delay for employer's and contractors...."Don't look back in anger!"
Speaker: Ian Gunton, CNS Consult
Chairs: Sean Gibbs and Rachel Gwilliam
Venue: Blake Morgan, One Central Square,
Cardiff CF10 1FS 5.30 for 6.00pm
Organisers: rachel.gwilliam@blakemorgan.co.uk or
sean.gibbs@hanscombintercontinental.co.uk

Eastern

Tuesday,
15 January "A reflection of construction dispute resolution over the past 30 years"
Speaker: Paul Darling OBE QC, 39 Essex Chambers
Chair: Jonathan Cope, SCL Chair
Venue: Birketts LLP, Providence House, 141-145 Princes Street,
Ipswich IP1 1HZ 6.00pm
Organiser: hanna-mcnab@birketts.co.uk

Monday
4 March "Insolvency"
Speaker: TBC
Venue: Mills & Reeve LLP, Botanic House, 100 Hills Road
Cambridge CB2 1PH 6.00pm
Organisers: alison.garrett@mills-reeve.com, colinjones@hewitsons.com or
alistair.cull@drivertrett.com

Ireland

Thursday
31 January "SCL Advocacy Course - Dublin"
Joint SCL/Adjudication Society Event
Venue: Arthur Cox, Earlsfort Centre, Earlsfort Terrace,
Dublin 2, Ireland 10.00am
Organiser: adhussey@lawlibrary.ie

Friday,
28 February SCL/SCL Astra Ireland Conference - "Effective Construction"
Speakers: Peter Rees QC, James Corbett QC, Dermot Durack, Henry Hathaway, Dr. Joseph Mante, Martin Cooney, Mary-Liz Mahony, Deirdre Ni Fhloinn, John Gordon S.C, James O'Donoghue, Gavan Carty, Jonathan Cope & Anthony Lavers
Venue: Powerscourt Hotel Powerscourt Co. Wicklow
A98 DR12 Ireland 8.45 for 9.15am
Organiser: adhussey@lawlibrary.ie

Please note: Cost €100 per person. All places will be allocated on a first paid, first served basis.

Kent

Tuesday,
5 February "Adjudication of construction professional negligence claims"
Speaker: Ebony Alleyne, Hardwicke
Chair : Jane Ryland
Venue: Cripps LLP, 22 Mount Ephraim,
Tunbridge Wells TN4 8AS 6 for 6.30pm
Organisers: jonathanbowcott@mbmconsult.com, nitej.davda@cripps.co.uk & JaneRyland@brachers.co.uk

Leeds

Friday,
8 March "The Society of Construction Law Annual Spring Conference"
Speakers: The Honourable Mrs Justice Jefford DBE, Technology and Construction Court London; HH Judge Mark Raeside QC; James Howells QC, Atkin Chambers; David Pliener, Hardwicke; William Webb, Keating Chambers; Glenn Hide, GMH Planning & Crispin Winser, Crown Office Chambers
Venue: The Royal Armouries, Leeds LS10 1LT 8.15 for 9.00am
Organiser: jhawkswell@hklegal.co.uk

Manchester

Wednesday,
16 January "When insolvency trumps rough justice: injunctions and stays of execution of adjudication proceedings"
Speakers: David Sears QC and Crispin Winser, Crown Office Chambers
Venue: Friends Meeting House, Room F13, 6 Mount Street,
Manchester M2 5NS 5.30 for 6.00pm
Organisers: fraser.askham@cms-cmno.com & LOsborne@ridge.co.uk

Surrey/Sussex

Tuesday,
8 January "The Jackson reforms and their sequel"
Speaker: Sir Rupert Jackson
Chair: David Savage, Charles Russell Speechlys LLP
Venue: The Glass Room, G Live, London Road,
Guildford GU1 2AA 5.30 for 6.00pm
Organiser: Andrew.Keeley@crsblaw.com

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 Chair

Dear SCL Members

Happy New Year to you all!

I am very enthusiastic about what the Society has in store for its members in 2019. January gets off with a bang with Sir Rupert Jackson talking at the inaugural meeting of the newly formed Surrey and Sussex Region in Guildford on 8th January 2019, and Paul Darling OBE QC giving a talk for the Eastern Region in Ipswich on 15th January 2019. To the best of my knowledge this will be the first time that SCL talks have been held in these locations, and I would urge all local members to attend and support these meetings if they can make it. What better way to blow away the January blues than being entertained by Sir Rupert or Paul!

Although the Kent Region has been well established for some years, it's recently been reinvigorated and we have a talk in February in Tunbridge Wells by with Ebony Alleyne of Hardwicke Chambers on that thorny topic of adjudication of professional negligence claims. Those of you in London are in for a real treat, with our President Lord Justice Coulson talking to us about concurrency clauses in February, and then one of our former Chairs, Mrs Justice Jefford, on the presentation and assessment of evidence in March.

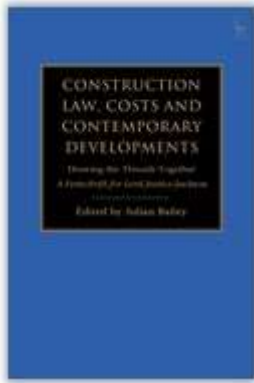
We will also have three SCL conferences this year, a record for the Society:

- The first is a joint conference with Astra in Wicklow, Ireland, on 28th February 2019, and has an excellent array of speakers from Ireland, as well as from the UK;
- Next we have the SCL Annual Spring Conference in Leeds on 8th March 2019. This is a regular fixture in the Society's calendar, and once again has excellent support from the judiciary and the Bar;
- Finally, we will be holding the first SCL Autumn Conference at the IET in London on 19th September 2019. The speakers are yet to be confirmed, but they will all be leaders in their field, and this promises to be one of the highlights of the year.

Socially, the next event on the calendar is the Annual Lunch on 15th February 2019 at the Grosvenor House Hotel. We will have the pleasure of hearing from Cathy Newman, journalist and presenter of Channel 4 News, and, although tickets have been selling like hot cakes as usual, a limited number of places are still available for tables on the balcony overlooking the proceedings. We also hope to hold the second southern lunch in Southampton this year, as well as our other regular regional lunches in Manchester, Leeds, Bristol, Glasgow and Dublin.

I hope to see you in Guildford or Ipswich, or at another SCL event soon.

Jonathan Cope – Chair
jonathan.cope@mcms.co.uk



Construction Law, Costs and Contemporary Developments: Drawing the Threads Together

A Festschrift for Lord Justice Jackson
Edited by Julian Bailey

Lord Justice Jackson's retirement in March 2018 concluded a career of almost 20 years on the bench. His judicial career has seen a remarkable transformation of construction law, construction law litigation and the litigation landscape more generally. *Drawing the Threads Together* is a Festschrift which considers many of the important developments in these areas during the Jackson era.

The Festschrift discusses most of the leading construction cases decided by Lord Justice Jackson, with subject matter including statutory adjudication, fitness for purpose obligations, consideration, delays and extensions of time, liquidated damages, time bar provisions, the prevention principle, neighbour rights, limitation clauses, negligence, good faith, bonds and guarantees and concurrent duties of care. It also includes a discussion of the background to the Jackson Review of Civil Litigation Costs (2009–2010) and its impact on litigation, as well as considering the development of the Technology and Construction Court during and subsequent to Mr Justice Jackson's tenure as judge in charge of that court.

November 2018 | 9781509919949 | 416pp | Hardback | RSP: £80

The recommended sale price is £80, but SCL members are entitled to a 20% discount
Order online [here](#) – use the code CV7 at the checkout to get 20% off your order and pay only £64

General Data Protection Regulations (GDPR)

As many of our members will know, the GDPR came into effect on 25 May 2018 and are aimed at improving data protection for individuals. The SCL takes data protection seriously and we refer you to the SCL Privacy Policy which can be found at <https://www.scl.org.uk/privacy-policy>.

In order to ensure that we can still keep in touch with members and let you have information about the SCL including details of events and published papers, we require members' consent for SCL to process their data. We would therefore be grateful if you would log on to your account and confirm agreement to being contacted. To do this, visit your Profile page (Profile tab on your user account page), tick the 'Data consent' box in the 'Region, mailing & data preferences' section near the bottom of the form, and save the form." If you prefer to provide confirmation by post, please fill in the details below and post it to SCL. If you fail to do so we may not be able to contact you.

Data Consent – In confirm that the SCL can manage my data and contact me in accordance with the SCL Privacy Policy

Name (please print): _____ Signature: _____

Address: _____ Date: _____

FRANCES PATERSON SCHOLARSHIPS

<https://www.scl.org.uk/resources/news/frances-paterson-scholarships>

SCL awards for Ph.D candidates in Construction Law

As a tribute to her distinguished contribution to construction law, and to the work of SCL, the Society has decided to offer a scholarship bearing Frances Paterson's name. The purpose of the scholarship is to support doctoral research in the field of construction law at a UK university.

1. The Scholarship is intended to assist with the payment of university fees for the duration of a Doctorate and has therefore been set at 50% of the annual course fee, up to a maximum of £2,500 per year (£1,250 for a part-time candidate).
2. Applicants must be registered for a Doctorate, or for a Master's leading to transfer to a Doctorate, at a university in Great Britain or Northern Ireland, undertaking research in construction law, within the broad definition given in the SCL Hudson Prize guidance.
3. The intention is that the award will be renewed annually, based on confirmation of satisfactory progress being provided by the holder's supervisor. Subject to this, it is intended that the award will be for 3 years for a full-time candidate and for 4 years for a part-time candidate.
4. No extension of the duration of the award is envisaged. An application for an extension would only be considered if the candidate's supervisor could demonstrate exceptional circumstances which the University Liaison and Grants Sub-Committee regarded as justifying an extension.
5. Applications for award (and renewal of an existing award) must be made at least eight working weeks before the start of the term of the year of the award.
6. Applications must be on the pro-forma available on the SCL web-site, or from the SCL Administrators, Jill Ward and Frances Whitehead. Applications must be accompanied by a reference from the university supervisor, or prospective supervisor of the candidate as to: a) the academic record and quality of the candidate; b) the value of the research, including prospects for publication; and c) the prospects of completion within 3 years (full-time) and 4 years (part-time).
7. All decisions on awards, and renewal of awards, will be at the absolute discretion of SCL Council, on the recommendation of the University Liaison and Grants Sub-Committee. An independent academic reviewer may be used in the initial award process. The Society cannot enter into communication with applicants regarding the merits of decisions on applications and/or renewals.
8. On successful completion of the Doctorate, the holder of the award may be invited to make a presentation to a meeting of SCL and will be required to provide a written summary of the results within the format of a SCL paper.

To mark the launch of the scholarships in the year of Frances's death, the Society proposes to offer TWO full-time awards (or part-time equivalents) for Doctorates commencing in Autumn 2018 (commencement in January 2019 will also be accepted). In future years, starting in September 2019, ONE further full-time award (or part-time equivalent) per year is intended, subject to suitable applications being received.

ESCL Master Thesis Prize 2019

In 2012 the ESCL created the annually awarded ESCL Master Thesis Prize for theses on construction law written during a master level's study. At the conference in Delft on October 25 2019 in Delft, the Prize will be awarded for the seventh time.

Please note that for the ESCL Master Thesis Prize 2019 theses can be admitted that are graded in the period from the 1st of June 2017 on to the 30th of May 2019!

In order to get more entries from different countries, I would like to ask you to give publicity to the ESCL Prize in your country. You could help us by sharing the attached information with people that might be interested in the ESCL Prize, such as master students who would like to participate in this competition or lecturers who could bring the ESCL Prize to the attention of their (former) master students. For more information you can refer to the ESCL website: <https://www.escl.org/escl-thesis-prize-2019-entries-invited>.

You can also help to promote the ESCL Master Thesis Prize 2019 by sharing our post on LinkedIn:

<https://www.linkedin.com/feed/update/urn:li:activity:6476112458363781120>

Papers

Entitlement to Time-Related Costs in Prolongation Claims – What Needs to be Considered? by Christopher Ennis (D216) is available online. The paper was presented at the African Society of Construction Law conference in Johannesburg on 20th November 2018. In this paper Christopher Ennis outlines the main principles that claims analysts should bear in mind when ascertaining prolongation costs. He explains that although evaluation of prolongation costs can be a simple proposition, there often appear to be fundamental misconceptions in calculating entitlement. The paper looks at when prolongation costs are recoverable, and which costs are eligible and which costs are not. The author suggests areas of debate where detailed examination is required and goes on to examine the issues of concurrency and of timing – from what point should costs be measured? Finally, the paper assesses further complications that may arise, such as in a case of multiple sub-projects.

SCL Astra

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 established to provide tailored opportunities to develop these qualities for SCL members who fall within one of the following categories:

- Up to 10 years post-qualification experience
- Recently moved or returned to the construction legal industry
- Young at heart

We organise a range of activities for our members, including seminars, social events, site visits and our bi-annual international conference. Previous conferences have taken place in Paris, Madrid and Dubai; the next is planned for mid-2020. 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 (note that you need to opt-in to receive communications regarding Astra events). Otherwise, watch out for upcoming Astra events in the SCL newsletter, on the website or 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.

Social Media, E-mail and Keeping You Informed

In addition to keeping up to date via email, the newsletter and the website, the SCL has a presence on Twitter, LinkedIn and Facebook where you can find information, news and events:

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, 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.

New Members

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

Nelida Abi Saab, London
Lena Barnes, Cambridge
Avril Carter, London
Matthew Coleman, London
Susannah Davis, London
Christopher Edwards, Bristol
Jeremy Farr, London
Scott Gazley, London
Roger Gough, Ireland
Gavin Hughes, London
Daryll Jones, Newport
Charles Lockwood, London
Lora Moutafova, Leicester
Charles Oliver, London
Madeleine Pope, London
Conor Quigley, London
Elen Roberts, London
Robert Skinner, Botswana
Anika Zahid, Nottingham

Rae Ahmed, Plymouth
Alessandro Bianco, Italy
Nick Case, Bolton
Alexandre Dansette, London
Esther Dawe, London
Brian Egan, Ireland
James Flanagan, Belfast
Rigard Geysler, South Africa
Alex Hirom, London
Jane Janney, London
Samantha Kelsey, London
Angela Lopes, London
James O'Donoghue, Ireland
Matthew Olorenshaw, London
Dominic Price, UAE
Humera Rashid, Leeds
Jon Roberts, Nottingham
Oliver Tobin, London

Richard Anderson, Leeds
Melanie Blake, London
Reema Chugh, Bedford
George Crofton-Martin, Canterbury
Andrew Doherty, London
Mohamed El Ghandour, London
Simon Franklin, Cambridge
Nick Goddard, Australia
Amy Hodge, Southampton
Brian Jenkins, Bridgend
Katarzyna Kozłowska, London
Paul McMahon, Enfield
Fiona O'Neill, Ireland
Mark Pieri, London
Nick Pye, London
Emma Rospin, Norwich
Carys Sherwood, Cardiff
Christine Worthington, Glasgow