



NEWSLETTER : MAY 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

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

Wednesday, “The Society’s Annual Dinner”
2 May 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, "How is that even possible? Raising construction regulation from the ashes of
8 May Grenfell Tower"
Hudson prize-winning presentations
Speakers: Matthew Bell, Ryan Turner & Ralph Goodchild
Chairman: Professor Anthony Lavers
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, “An Introduction to the 2017 FIDIC Suite of contracts”
30 May *SCL Astra Breakfast Seminar*
Speakers: Ben Mellors (Partner HFW); Siobhan Fahey (mediator/arbitrator, and member of the FIDIC drafting committee); Riaz Hussain (Barrister, Atkin Chambers)
8.00 am - 8.30am – registration and breakfast
8.30am – 9.30am – talks
9.30am - 9.40am – questions and departure
Venue: HFW, 65 Crutched Friars, London EC3N 2AE 8.00am
Organisers: ladams@atkinchambers.com, rebecca.shorter@whitecase.com &
swilliams@keatingchambers.com

Please note this event is open to SCL Members only.

Tuesday, “Challenging a payment notice in the absence of a pay less notice”
5 June 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 “Privacy in arbitration - how far should we lift the curtain on what happens?”
A joint meeting of the SCL and the Society of Construction Arbitrators
Speaker: Lord Dyson
Chairman: Lord Justice Coulson
Venue: National Liberal Club, Whitehall Place, London SW1 6.30pm
Organisers: rchampion@championpearce.com, jonathan.cope@mcms.co.uk,
karen.gough@39essex.com, h1al@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,
19 July “Joint Organisations' Boat Trip”
Venue: Festival Pier, River Thames, London 6.30pm
Organisers: ladams@atkinchambers.com, rebecca.shorter@whitecase.com &
swilliams@keatingchambers.com

Please note: you must be a member of one of the organisations to sign up. The organisations included are, SCL Astra, CIOB Novus or RICS Matrics. Numbers are limited and places will be allocated to members and their guests on a first to pay basis. Cost £45 including VAT.

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.

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

Cardiff

Wednesday,
4 July “NEC 4 – What's New – Evolution Without Revolution?”
Speaker: Lindy Patterson QC
Chairman: Rachel Gwilliam
Venue: Blake Morgan, One Central Square,
Cardiff CF10 1FS 5.30 for 6.00pm
Organiser: Rachel.Gwilliam@blakemorgan.co.uk

Ireland

Monday,
14 May “Fraud unravels everything? Dealing with questions of fraud within adjudications,
construction mediations and arbitrations”
Speakers: Matt Molloy, MCMS Limited & Joan O'Connor, Chartered Architect &
Arbitrator (ex President RIAI)
Chairman: Paul Darling QC
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
Venue: TBC 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

Tuesday,
12 June “Contractor Insolvency in a post-Carillion landscape”
Speaker: Jonathan Lewis & Helen Dennis, 4 Pump Court
Venue: Leeds Beckett University, Lecture Theatre B, The Rose Bowl Building
Portland Way, off Portland Crescent Leeds LS1 3HB 6.15pm
Organiser: jhawkswell@hklegal.co.uk

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

Wednesday,
9 May “PFI - Interpretation, Performance Points and Termination”
SCL Astra Event
Speakers: Matthew Finn and Tom Coulson
Venue: Addleshaw Goddard LLP, One St Peter's Square,
Manchester M2 3DE 5.30 for 6.00pm
Organiser: sarah.wilson@addleshawgoddard.com

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

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

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,

A message slightly in haste this month as I write during a brief interlude in arbitration proceedings in the Middle East.

The calendar of events speaks for itself; some really interesting talks around the UK and Ireland. Please be sure to book as soon as you can for the Hudson Prize presentations on 8 May in London if you have not already done so, because this always-popular event is likely to be fully subscribed very soon.

The Annual Dinner following the AGM on 2 May has 15 places remaining at the time of writing.

For other social events at the time of writing, the Manchester lunch on 13 July has 190 bookings against a capacity of 280, the Networking Evening on 9 August has 40 bookings, capacity 120, and the Leeds lunch on 7 September already has around 100 bookings against a capacity of 280.

Booking for the Joint Organisations Boat Trip on 19 July is now open. Again, always a popular event that is invariably full – book now to avoid to avoid disappointment.

Please remember to vote in the SCL Council elections, which close at the AGM on 2 May.

Finally, I noted in the last Newsletter that we would be preparing a General Data Protection Regulation policy, and this has now been finalised. There is a positive requirement for opt-in from members at membership renewal or when registering for events. You should have received a communication on 27 April requesting that you log in to the website and opt in to ensure that you receive the communications that are part of your membership benefits. More is said about this below.

Christopher Ennis – Chairman

Chris@tqef.uk.com

Dave J Richards FRICS (1953 – 2018)

It is with extreme sadness that we announce the death of Dave J Richards in a motor accident on Thursday 5th April.

Many of you will remember Dave was a member of Council from 2008 – 2011. As a Quantity Surveyor, Dave contributed to the work of Council with professionalism, enthusiasm and humour. He will be particularly missed in his local area of Oxford. He is survived by his wife Lynn, 3 sons and their families.

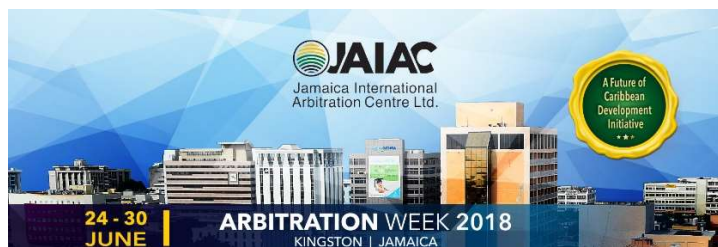
His funeral took place at St Edburges Church, Bicester, Oxfordshire, on Thursday 26th April. His long standing friend, Richard Bayfield, together with Richard Wade and Jonathan Lloyd Jones were SCL representatives amongst the 300+ mourners. Dave’s sense of justice, his support for the disadvantaged, his humour, his grace and his family’s living Christian faith were key aspects of this most moving and inspirational service.

All donations to “United Christian Broadcasters”. For further information contact Richard Bayfield, 07710 348395.

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.

SCL is pleased to support the following international event



**To include the Maurice Stoppie Lecture/
NYC 60TH Anniversary Conference: “Arbitration on the Move”**

For further details and registration go to <http://www.jaiac.org/>

General Data Protection Regulations (GDPR)

As many of our members will know, the GDPR comes 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: _____

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.”

ESCL Summer School 2018

Comparative European Construction Contract and Procurement Law

Monday 2nd July – Saturday 7th July The Hague, the Netherlands

Who is this for?

Master law students and others interested in construction law.

It will be taught by top lawyers and professors in construction and procurement law.

For more information go to – www.escl.org / www.ibr.nl

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.

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he 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>

ESCL Book - Studies in European Construction Law

Editors: **Monika Chao-Duivis, 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

ESCL THESIS PRIZE 2018

Did you finish your thesis with a construction law relevant topic and got it graded in the period from the 1st of June 2017 on to the 30th of May 2018? Then you might be eligible for the ESCL Thesis Prize!

In 2012 the European Society of Construction Law (ESCL) created the annually awarded ESCL Thesis Prize for theses on construction law written during a master level's study. In the past six years the ESCL Thesis Prize has been awarded to a number of high-quality theses written by participants of different nationalities and has developed into a prestigious international master thesis prize.

Which theses can be submitted?

The jury will consider only theses that concern construction law. This is a wide field of law, it includes for example the following topics:

- Architecture/civil engineering
- Construction and engineering contracts
- Professional liability of architects or engineers
- Contract administration - Procurement law
- Law on transfer of property
- PFI - Arbitration/mediation/dispute resolution/avoidance/litigation
- Tort law

Everyone who has written a thesis on one of these topics or another topic in the field of construction law is kindly invited to submit an entry for the ESCL Thesis Prize. (The regulations of the prize contain further requirements for admission and can be downloaded from the ESCL website: www.escl.org).

The Prize

The ESCL Thesis Prize consists of two prizes: a 1st prize and a 2nd prize. The 1st prize will be awarded with € 2.500,- en the 2nd prize with € 1.000,-. The awarding ceremony will take place during the annual conference of the ESCL on October 26 2018 in Bucharest, Romania. The winners may also be invited to submit a (modified) version of the thesis for publication to the editorial board of the International Construction Law Review.

Background information about the ESCL

The European Society of Construction Law is an European organisation that consists of 20 national construction law societies. The Society promotes the education, study and research in the field of construction law. Particular initiatives of the ESCL are, amongst other things:

- The organisation of an annual conference, where papers on a specific construction law topic are presented.
- The publication (in 2015) of the book Studies in European Construction Law, that contains accounts of the law of thirteen major European jurisdictions in relation to a range of construction matters.
- The ESCL Summer School on 'Comparative European construction and procurement law', July 2, 2018- July 7, 2018.

For more information about the ESCL in general or the ESCL Thesis Prize in particular (i.e. the Thesis Prize Regulations), please visit www.escl.org.

Members Directory 2018/19

The Members Directory will be going to print in the first week of May 2018 and it would be helpful if you could check that the personal information and preferences we hold for you on our website are accurate. Please review it thoroughly, make any changes you wish and save the form.

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.

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, 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.

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>

New Members

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

Syed Samar Abbas, London	Hiba Al Abiad, Lebanon	William Barrington, London
Eva Baumgart, Ireland	Philippa Beesley, London	Vandana Bhatt, India
Percival Billimoria, India	Paul Birch, Tring	Thomas Booth, Bristol
Kevin Bunten, London	Shelly Burke, UAE	Sean Callan, Newry
Steven Campbell, Wendover	Alan Carr, Ireland	Taylor Carson, London
Kok-Way Chan, Singapore	Anum Choudhry, Pakistan	David Clancy, London
Harvey Cooke, Peterborough	Steven Crampton, Canada	Michael Curtis, London
Peter Dallaway, Qatar	Michael Duffy, Cheshire	Monica Effio, UAE
Nicholas Egan, Australia	Karim Farghaly, Qatar	Sam Fury, London
Jawad Ghauri, Saudi Arabia	Catherine Gilbert, Bristol	Peter Girvan, Tonbridge
Andre Gondinho, Brazil	Catherine Gritt, Nottingham	Juan Diego Gushiken Doy, Peru
Martin Harper, UAE	Barry Haylett, London	Rhona Henry, Ireland
Ben Hill, London	Joe Ivatts, London	Karim Khalaf, Lebanon
William La Grange, South Africa	Anna Laney, London	Ghilas Lounis, London
Kimberley Masuda, Ireland	Kieran Mcloughlin, Preston	Denis O'Driscoll, Ireland
Dean O'Leary, UAE	Tayo Okunade, London	Alex Ottaway, London
Magdalena Prus, London	Ben Quiney, London	Clive Ramskill, Sheffield
Timothy Sampson, London	Freya Scott, London	Ian Seeley, Colchester
David Sharpe, Belfast	Natahsa Shoult, London	Harry Smith, London
Julian Smith, Philippines	Aamir Sohail, Oman	Umer Mushtaq Smore, Pakistan
Duncan Steel, Leeds	Michael Taylor, New Zealand	