



NEWSLETTER : MAY 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,
7 May “The implications of Brexit on UK construction procurement”
Speaker: Sarah Hannaford QC
Venue: National Liberal Club, Whitehall Place, London SW1 **6.00pm**
Organisers: london@scl.org.uk
Please note the earlier start time of 6pm for this meeting.

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

Tuesday,
4 June “Economic torts and construction disputes”
Speaker: Andrew Singer QC
Venue: National Liberal Club, Whitehall Place, London SW1 6.30pm
Organisers: london@scl.org.uk

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

Tuesday,
2 July Society of Construction Law and Society of Construction arbitrators joint talk
Speaker: Calum Lamont
Venue: National Liberal Club, Whitehall Place, London SW1 6.30pm
Organisers: london@scl.org.uk

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

Thursday,
25 July “Joint Organisations' Boat Trip”
Venue: Festival Pier, River Thames, London 6.30pm
Organisers: ladams@atkinchambers.com, rebecca.shorter@whitecase.com & swilliams@keatingchambers.com

SCL Astra, ICE London G&S & CIOB Novus present the joint organisations’ Summer Boat Trip on the River Thames. You must be a member of one of the organisations to sign up. Numbers are limited, and places will be allocated to members and their guests on a first to pay basis. Cost £40 including VAT.

Tuesday,
6 August “SCL Networking Event”
Venue: The Yacht London, Temple Pier, Victoria Embankment, London WC2R 2PN 5.00pm
Please note: Cost £18 incl VAT per person. Numbers are limited and tickets will be sold on a first paid, first served basis.

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

Thursday,
19 September

Speakers: “The Society of Construction Law London Conference”
Lord Justice Coulson, Dr. Franco Mastrandrea, HKA, David Barry, Blackrock Expert Services; Shy Jackson, Pinsent Masons; Christopher Miers, Probyn Miers; Mark Wheeler, Diales; Hannah Wennell, Morgan Sindall; Richard Wilmot-Smith QC, 39 Essex Chambers, Karen Gough, 39 Essex Chambers, Ellis Baker, White & Case; John Hughes D'aeth, Bryan Cave Leighton Paisner; Alistair McLean, Brodies; Victoria Peckett, CMS, Sir Rupert Jackson, 4 New Square Gwyn Owen, Chartered Arbitrator, Alexander Nissen QC, Keating Chambers Garry Borland QC, Axiom Associates, Katie Powell, Atkin Chambers Fiona Sinclair QC, 4 Pump Court Robert Stevenson, BLM, Paul Battrick, Diales, Craig Arnott, Managing Director Burford Capital; Nicholas Bacon QC, 4 New Square; Robert Hanna, Augusta Ventures Limited; Yasmin Mohammad, Head of International Arbitration Vannin Capital, Mrs Justice Cockerill DBE. Closing comments by Jonathan Cope, SCL Chair.

Chair: Hamish Lal, Akin Gump Strauss Hauer & Feld
Venue: IET, 2 Savoy Pl, London WC2R 0BL Registration 8.30am

Please note: Cost £195 including VAT and tickets will be sold on a first paid, first served basis.

Cardiff

Wednesday,
29 May

“21st Century Dispute Resolution for 21st Century Infrastructure - The role of Dispute Advisory Boards”

Speaker: Mark Wheeler, Driver Trett
Chair: Sean Gibbs/Rachel Gwilliam
Venue: Blake Morgan LLP, One Central Square,
Cardiff CF10 1FS 5.30 for 6.00pm

Organiser: rachel.gwilliam@blakemorgan.co.uk &
sean.gibbs@hanscombintercontinental.co.uk

Eastern

Wednesday,
22 May

“Mission Impossible? Dealing with witness and expert evidence”

Speakers: Marion Smith QC and Melissa Shipley, 39 Essex Chambers
Venue: Birketts LLP, Providence House, 141-145 Princes Street,
Ipswich IP1 1QJ 5.30 for 6.00pm

Organiser: hanna-mcnab@birketts.co.uk

Monday,
7 October

“Professional Advice and Administration in Construction Projects: Scope of Duty and Scope of Responsibility”

Speakers: Patrick Clarke and Marc Lixenberg, Atkin Chambers
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,
16 May “Why do large construction projects take too long and cost too much?”
Speaker: Dermot Flanagan SC, James Turner & Susan Bryson
Chair: Christopher Ennis
Venue: Mason Hayes & Curran, South Bank House, Barrow St,
Grand Canal Dock, Dublin 4 6.00pm
Organiser: adhussey@lawlibrary.ie
- Wednesday,
19 June “Economic torts and construction disputes”
Speaker: Andrew Singer QC, William Binchy Barrister
Chair: Martin Cooney
Venue: 88 Harcourt St, Saint Kevin's, Dublin, D02 DK18 6.00pm
Organiser: adhussey@lawlibrary.ie
- Tuesday,
2 July “Construction law: regulatory compliance Some thoughts on present data, health and
safety and building regulations”
Speakers: Robert Rooney & Charlotte Woolven-Brown
Venue: A & L Goodbody, North Wall Quay N Wall Quay, North Wall, Dublin 1,
D01 H104 6.00pm
Organiser: adhussey@lawlibrary.ie
- Thursday,
26 September “Public works contract users: ADR strategies and tactics”
Speaker: James O'Donoghue
Chair: Arran Dowling-Hussey
Venue: RIAI, 8 Merrion Square, Dublin 2, D02 YE68 6.00pm
Organiser: adhussey@lawlibrary.ie
- Friday,
29 November “SCL Lunch in Dublin”
Speaker: Marion Smith QC
Venue: Guinness Storehouse, The Arrol Suite, St James's Gate,
Dublin 8 12 noon for 1.00pm
Organiser: adhussey@lawlibrary.ie

Kent

- Tuesday
4 June “The Rise of the Machines”
Speaker: Richard Begbey, FTI Consulting
Chair: Nitej Davda
Venue: Cripps LLP, 22 Mount Ephraim, Tunbridge Wells.
Kent TN4 8AS 6.00 for 6.30pm
Organisers: jonathanbowcott@mbmconsult.com, nitej.davda@cripps.co.uk &
JaneRyland@brachers.co.uk

Leeds

- Friday,
6 September “The SCL Lunch in Leeds”
Speaker: Sir Rupert Jackson
Venue: Leeds Marriott Hotel, 4 Trevelyan Square, Boar Lane,
Leeds LS1 6ET 12.15 for 1.00pm
Organiser: jhawkswell@hklegal.co.uk

Please note: Cost £75 per person incl VAT. 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
21 June “The Society of Construction Law Manchester Summer Lunch”
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

Please note: Cost £75 per person incl VAT which includes a glass of prosecco. 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,
23 May SCL Astra Scotland – Site Visit, University of Glasgow
Venue: Multiplex Construction University of Glasgow Project Office,
10 Dumbarton Road, Glasgow G11 6PA 12 noon
Organiser: erica.dickson@burnesspaull.com

SCL Astra is delighted to invite members and non-members to a site visit of the Multiplex Construction, University of Glasgow’s James McCune Smith Learning Hub project.

Friday,
1 November “The SCL Lunch in Scotland”
Venue: The Supper Club, 29 Royal Exchange Square, Glasgow G1 3AJ 12 for 12.30pm
Organisers: louise.shiels@brodies.com & andrew.groom@brodies.com

Southern

Friday,
17 May “The SCL Southern Lunch”
Speaker: Amy Williams, *The winner of Team GB’s only Gold medal at the 2010 Winter Olympic games*
Venue: Southampton Harbour Hotel, 5 Maritime Walk, Ocean Village, Southampton, SO14 3QT 12 for 1.00pm
Organiser: Jessica.Tresham@blakemorgan.co.uk

Please note: Cost £81 pp including VAT. All places will be allocated on a first paid, first served basis.

South West

Tuesday,
7 May “Professional Advice and Administration in Construction Projects: Scope of Duty and Scope of Responsibility”
Speakers: Patrick Clarke and Marc Lixenberg, Atkin Chambers
Chair: Jonathan Spencer
Venue: The Bristol Hotel, Prince Street, Bristol BS1 4QF 6.15pm
Organiser: Jonathan.Spencer@simmons-simmons.com

Friday,
11 October “The SCL Lunch in Bristol”
Venue: Bristol Marriott Royal Hotel, College Green, Bristol BS1 5TA 12 for 1.00pm
Organiser: Jonathan.Spencer@simmons-simmons.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

I hope that members don't mind the slight delay to this month's edition of the newsletter, as I wanted to be able to include a report on the Society's AGM. The AGM and Annual Dinner at Drapers' Hall were undoubtedly the highlight of the past month, at which members and their guests enjoyed a veritable feast and Sir Vivian Ramsey gave an excellent address. Sir Vivian also paid tribute to Jane Lemon QC of Keating Chambers, who tragically died suddenly from a brain haemorrhage at the end of April 2019; our thoughts are with Jane's family, friends and colleagues. Jane's memorial service will be held at 5.30pm on 20th May 2019 in Temple Church, and all are welcome to come to the service to remember Jane and celebrate her life. It is also fitting that all proceeds from the upcoming [Law Rocks 10th Anniversary celebration](#) at Scala on 20th June 2019 will be donated to Jane's fund, and I would encourage members to support this event.

For those of you who missed the AGM, I thought that it would be of interest to repeat here my Chair's update on the activities of the Society over the past 12 months.

1. ***Astra:*** The SCL Astra breakfast lectures continue to be popular with London based members, with subjects over the past 12 months ranging from the new FIDIC contracts to insurance coverage and claims; the Society is indebted to those members who have hosted these breakfast lectures. The joint organisations boat trip was held in July 2018 and once again proved to be very successful. It will return in July 2019 and the joint organisations will be SCL Astra, CIOB Novus, ICE and BGA. Regionally, SCL Astra is expanding and a variety of events have been very well received, including the Northern Powerhouse Ball in Leeds in April 2019. Following the successful SCL Astra conference in Dubai in 2018, another conference is planned for April 2020, and further details will be released shortly.
2. ***Educational events – London:***
 - (i) ***Lectures:*** In the past year there has been a full complement of 10 lectures at the National Liberal Club in London. Highlights have included “*Privacy in Arbitration*” by Lord Dyson, “*Prevention or Cure? Delay Claims and the Rise of Concurrency Clauses*” by Lord Justice Coulson and “*Whose case is it anyway? Some thoughts on the presentation and assessment of evidence*” by Mrs Justice Jefford. All of the lectures have been exceptionally well attended, and indeed on a number of occasions they have been fully booked in advance;
 - (ii) ***Conference:*** No SCL conferences were held in London over the past 12 months, but the Society is pleased that a London Conference will be held at the IET in London on 19th September 2019;
 - (iii) ***Advocacy training:*** In November 2018 the Society held another successful Advocacy Training Course in London. This fully booked course, which focused on advocacy in adjudication, was open to all members of the Society who have no or little advocacy experience. No charge was made for members attending. A further Advocacy Training Course is planned to be held in London later in 2019.
3. ***Educational events – Regional:***
 - (i) ***Lectures:*** More than half the membership are based outside of London, and the regions are of vital importance to the Society. We have held over 50 lectures throughout the regions during the year. A new Surrey and Sussex Region has been established, and held their first lecture in January 2019 at which Sir Rupert Jackson spoke. After consulting members locally, it was also decided that lectures in the Eastern Region should take place in Ipswich as well as Cambridge, and that lecturers in the South West Region should take place in Exeter as well as Bristol;

- (ii) *Conferences*: The Irish Region and SCL Astra Ireland held a very successful conference in Powerscourt in February 2019 titled “*Effective Construction*”. It was very well attended, particularly by local practitioners. The always popular Spring Conference in Leeds took place in March 2019, where in excess of 200 people listened to an outstanding line-up of speakers;
 - (iii) *Advocacy training*: In January 2019 the Irish Region held their second Advocacy Training Course in Dublin which was very well attended. Like the London course, this was offered free-of-charge to junior practitioners wanting to test their adjudication advocacy skills.
4. ***Hudson Prize***: The Judging Panel of the SCL Hudson Prize awarded First Prize to Max Twivy, a Pupil Barrister at Atkin Chambers, for his paper titled “*The Prevention Principle After North Midland -v- Cyden Homes: Time for Change?*”. The other prizes included: Second Prize for “*Microwaving Jesus’s Burrito: The Problem of No Oral Modification Clauses*” by Anirudh Mandagere, a Legal Assistant at Keating Chambers; Highly Commended for “*A Stadium and its Defects: Liberty, Loss and the Limitation Period*” by Philip Britton, a former Professor of Law at King’s College London; and Highly Commended for “*Security of Payment for subcontractors – lessons for England from around the world*” by Louise Hall, a Commercial Manager at the Environment Agency.
 5. ***International – Europe***: I attended the European Society of Construction Law’s Annual Conference in Bucharest in October 2018 and jointly gave a presentation with Professor Anthony Lavers in accordance with the conference theme, “*European Construction Public Procurement, Current Issues and Perspectives*”. The Masters Thesis Prize was won by a student from Bocconi University in Milan, the first Italian Prize winner. Joint Second Prize was won by a Dutch student and a King’s College, London student (King’s has had the most winners of any university in Europe since the Prize was instituted in 2012). I represented the UK at the President’s Meeting, during which the ESCL Constitution was ratified. It was confirmed that sales of the ESCL Book (Studies in European Construction Law) had now enabled the re-payment of the national Societies, including the UK, who had advanced sums to fund the initial publication costs. Finally, Professor Monika Chao-Duivis was elected President of the ESCL and will host the 2019 Annual Conference in Delft on the 24th October 2019, the theme of which is “*The Legal Implications of Climate Change; the case for circularity*”.
 6. ***International – excluding Europe***: The 8th SCL International Conference took place in Chicago in September 2018. UK SCL members Keith Kirkwood and Paul Battrick were members of the organising committee that made the event an outstanding success. Over 275 delegates attended from countries including USA, Canada, South Africa, Brazil, France, Australia, New Zealand, Singapore, UK, Hong Kong, Dubai, Germany, Mexico and Mauritius. A number of UK SCL members participated in the panel sessions, including members of Council. The next SCL International Conference will be held between 4th and 6th November 2020 in Auckland, New Zealand. Throughout the year we have continued to provide assistance to groups in other countries wanting to set up new SCLs, and we are currently in discussion with groups in Turkey, Lebanon, China, Japan and the Philippines. Having undertaken the role for 18 years, Keith Kirkwood stood down as the International Liaison after the conference in Chicago. I must acknowledge Keith’s dedication and longevity in the role, and the vital part he has played in developing SCL’s internationally. So great was his involvement that we now have two International Liaisons, Sarah Williams and Paul Battrick.
 7. ***IT and Social Media***: We are addressing ways to improve the Society's IT capability in order to enable it to operate more efficiently, transform how the Society communicates with its members and to raise its profile. Statistics show that the website is accessed from across the globe, averaging over 6,500 hits per month in 2018/2019 with the most popular pages being papers and events. Recent developments include:
 - (i) Switching payment for events from Paypal to Worldpay to extinguish difficulties with processing foreign currency payments.

- (ii) Launching (in May 2019) a new LinkedIn page to improve communication to members and guests. The Society will also retain its Twitter profile but will no longer communicate via Facebook.
 - (iii) Planned upgrade to the website to improve functionality and appearance.
8. **Membership:** The UK Society currently **has 2,800 members from 75 different countries** (2,112 UK members and 688 overseas members).
 9. **Papers:** Since last year's AGM we have published 15 papers covering a wide range of topics. The production of papers is key to furthering the object of the Society, namely to "*...promote, for the public benefit, education, study and research (and publication of the useful results of such research) in the field of construction law and related subjects both in the United Kingdom and overseas*".
 10. **Social:** This has been another bumper year for the Society's social events, with regional lunches held in Manchester, Leeds, Bristol, Glasgow and Dublin, as well as other regional networking events. The London lunch is now firmly established at the Grosvenor House Hotel, and more than 1,500 people attended on 15th February 2019. The Annual Dinner has also moved to Drapers' Hall in the City of London for the first time in its history.
 11. **University Liaison and Grants:** The total grants awarded to UK universities was just over £11,300. There were 12 recipient institutions this year, spread across England, Wales, Scotland and Northern Ireland. The grants were for practitioner texts such as *Keating* and *Hudson*, for contract forms such as JCT and NEC, and for student prizes. The largest grants this year went to Wolverhampton, Loughborough, Ulster and Bath. The other main initiative was the setting up of the Frances Paterson Scholarship awards, which will fund 50% of the fees of a Ph.D student in construction law at a UK university. It is hoped that the first two awards will be made to students starting their doctoral studies in September 2019. This programme was set up as a result of discussions with the university academic staff representatives in May 2018 and is named in honour of the Society's former President, Chair and papers editor, Frances Paterson MBE. The Society has also donated £3,000 to BAILII; the Society considers that BAILII remains a very worthwhile cause given the invaluable free access to case law it provides.

My thanks go to all of the Society's members and the staff involved with the running of the Society, which would be unable to function without their hard work and dedication.

I look forward to seeing you at a Society event soon.

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

SCL Council Election results

Those elected to serve as members of council were Christopher Ennis, Anthony Lavers, Peter Phillippo, Rebecca Shorter and Jessica Tresham. The election result was announced by SCL Chair, Jonathan Cope, at the Annual Dinner on 1st May 2019. Congratulations were given to the winners and thanks were given to all who put their names forward for election.

Richard Bailey stepped down from Council, and will step down as Treasurer at the June Council meeting. Richard has committed an immense amount of time to the Society over the years and has served as Treasurer, Vice Chair and Chair; he previously led what was then Junior SCL, has chaired the IT subcommittee, and has been heavily involved with the European Society of Construction Law. The Society is indebted to Richard for his contribution.

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: _____

ESCL Thesis Prize 2019 - entries invited

The ESCL invites all students who submitted their construction law-related Master thesis in the period from the 1st of June 2017 on to the 30th of May 2019 to take part in a paper competition and win the "Master Thesis Prize 2019" of the ESCL.

The first prize will be awarded with € 2,500.00 plus the possibility to publish in the International Construction Law Review. The second prize will be awarded with € 1,000.00.

Submission deadline is 30th of May 2019 (before 17.00 h). If interested, please read all submission requirements in the attached PDF documents entitled "ESCL Master Thesis Prize - Regulations November 2018", "ESCL Master Thesis Prize 2019 - Announcement" and "ESCL Master Thesis Prize 2019 - General Information".

Please also note that the 2018 Jury Report is available for download on the ESCL website under the menu point "ESCL Prize 2018". We look forward to receiving interesting theses!

If you have any question, please contact dr. Evelien Bruggeman, secretary of the ESCL Master Thesis Prize: embruggeman@ibr.nl and info@ibr.nl.

SCL Astra London breakfast seminar host venues

SCL Astra's London breakfast seminar series is made possible by kind participation of members and their organisations. If your organisation would be interested in hosting SCL Astra for a breakfast seminar, or for more details of what hosting entails, please contact:- swilliams@keatingchambers.com, rebecca.shorter@whitecase.com and ladams@atkinchambers.com for further details.

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, the Society proposes to offer TWO full-time awards (or part-time equivalents) for doctorates commencing in 2019. In future years, ONE further full-time award (or part-time equivalents) is intended, subject to suitable applications being received.

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 and LinkedIn where you can find information, news and events:

LinkedIn group '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.

Papers

Max Twivy's first prize winning paper in the Hudson essay competition 2018 is available online and in print form. *The Prevention Principle After North Midland v Cyden Homes: Time for Change?* (215) was presented to the Society of Construction Law at a meeting in London on 2nd April 2019. The paper first summarises the current law on the prevention principle. It then addresses three issues thrown up by *Cyden Homes*: the juridical basis of the principle; the relationship between extension of time provisions and the exclusion of the principle; and the prevention principle in cases of concurrent delay. The paper concludes by suggesting that the effect of setting time at large is an antiquated consequence of applying the prevention principle. The author proposes a reform of the law which would enable the prevention principle to continue to give effect to its fundamental purpose whilst better respecting the doctrine of freedom of contract.

Microwaving Jesus's Burrito: The Problem of No Oral Modification Clauses (216) by **Anirudh Mandagere** was awarded the second prize in the Hudson essay competition 2018 and is also online and printed. The paper, which was presented to the Society of Construction Law at a meeting in London on 2nd April 2019, analyses the context and likely impact of the Supreme Court's judgment in *Rock Advertising*. After a brief history of how the English courts have approached formalities in contract law, the paper addresses how the Court of Appeal has analysed NOM clauses prior to the Supreme Court's decision, and analyses the Supreme Court's decision. The paper examines the use of NOM clauses in the construction industry, and the unresolved questions thrown up by the Supreme Court. Finally, the author draws all these strands together to examine the possible ways in which the courts will approach NOM clauses in the future.

To what Extent can the Contract Control its own Interpretative Method? (D218) by **Omar Jassam** was a commended entry in the Hudson essay competition 2018 and is available online. The paper poses the question: to what extent would the courts be willing to concede the pursuit of a reasonable outcome in favour of indications by the contract which suggest otherwise? To examine this the paper begins by looking at the origins of the two competing interpretative approaches before exploring the liberalisation of contract interpretation in England and Wales. The author reviews cases which illustrate a preference for certainty or flexibility to understand the reasons which underpin the courts' decisions and goes on to analyse the effect of contractual provisions, specifically entire agreement clauses, on the courts' interpretative approach.

Rachel Gwilliam's commended entry in the Hudson essay competition 2018, *Securing Payment and Adjudicating Under a 'Hybrid' Contract* (D219), is also available online. The paper considers the practical difficulties that may be encountered when seeking to adjudicate a dispute under a hybrid contract. It examines the concept of hybrid contracts, which comprise both included and excluded operations under the Housing Grants, Construction and Regeneration Act 1996. It explains how difficulties arise as the Act does not allow for adjudication in respect of those elements that are excluded operations such as in process industries. The paper analyses in detail a series of judgments involving Severfield (UK) Ltd and Duro Felguera UK Ltd, which highlighted the consequences facing users of hybrid contracts. The author suggests practical considerations to take into account prior to and during adjudication in respect of hybrid contracts and further argues that it may be time to extend the benefit of the Act to those excluded industries.

New Members

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

Fred Abbott, USA	Rika Akimoto, London	Rebecca Ardagh, London
Nicola Atkins, London	David Barnes, London	Pascale Bayle, France
Nikki Baynes, London	Jim Bourke, London	Eric Britton, Panama
Stephen Burke, UAE	Jess Chong, London	Jamie Corcoran, Netherlands
Russell Cowie, London	Paul Cullinan, France	Maria Daly, UAE
Chris Dean, London	Karen Elliott, Ireland	Patrick Ellis, South Africa
Hannah Evans, Milton Keynes	Susan Evans, London	Matthew Fedigan, Liverpool
Helen Forsey, London	Tony Francis, London	Robert Frankish, London
Nina Gaston, Ireland	Mark Giles, Southampton	Arthur Graham-Dixon, London
Ben Guest, London	Louise Hall, Ipswich	Eddie Henley, London
Richard Hill, London	Andrew Hornsey, Cheadle	Terence Hueston, Bournemouth
Mohammad Itani, Saudi Arabia	Alan James, India	Maria Jelinek, London
Oliver Johnson, London	Pamanjit Kahlon, London	Amit Kathpalia, India
Karim Khalaf, Lebanon	Joseph Kikiowo, Nigeria	Tim Kinney, Belfast
Nicholas Lane, London	Say Khoon Lim, Malaysia	Rachel Lobleby, Bristol
Mark Lucas, Birmingham	Steve Lynch, London	Pauline Makonese, Walsall
Barry Manie, St Ives	James Mannion, UAE	Thea Sarina Manuel, Qatar
Ross Marvin, Beaconsfield	Callum McDonald, Indonesia	Hayette Miles, Leigh-On-Sea
Francis Nelson, London	Jessica Neuberger, London	Joseph Ngulube, Zambia
Basil Odigie, USA	Amael Olivier, Spain	Michaela Patterson, London
Martin Payne, Qatar	Nick Pinder, London	Pedro Ribeiro de Oliveira, Brazil
Derek Russell, Germany	Fiona Rutherford, London	Niels Schiersing, Hong Kong
John Shenton, UAE	Clarissa Smith, London	Jessica Smith, London
David Spires, Newcastle Upon Tyne	Marie Sparkes, London	Juliet Stevens, London
Michael Stewart, London	Jonathan Stone, London	Primrose Tay, London
Matthew Thomas, Horsham	Gavin Thomson, Edinburgh	Anthony Yates, London
Shane Timony, Oxfordshire	David Wallace, UAE	Heinrich van Niekerk, South Africa
Timothy Watkins, West Yorkshire	Matthew Wheeler, Herts	Andrew White, Birmingham
Gareth Williams, Leatherhead	Ben Willis, Guildford	John Wilson, Cambridge
Mark Winterburn, Irthlingborough	Saamon Zohhadi, Surrey	Venktaramana V Vijayaragavan Singapore