
**SOCIETY OF CONSTRUCTION LAW
CHAIRMAN'S UPDATE
FOR AGM 8th MAY 2013**

The Society of Construction Law is tonight celebrating another extremely successful year and I am delighted to bring you this update.

1. ***Our President:*** At our Presidents Reception last October Sir Anthony May stood down as President of the Society after 7 successful years. I pass on my thanks and those of the whole of Council for his excellent guidance over his tenure as our President. His support has been very much appreciated.

I was delighted on behalf of all of our members to welcome The Right Honourable Lord Justice Jackson as the Societies new President. I thank him for taking on the role and for the support he has already given to the Society.

2. ***Membership:*** Our membership continues to increase and currently stands at 2,232. We now have SCL UK members in 73 countries worldwide and there are over 20 new members joining each month. These statistics are for the UK Society only. The other societies around the world now have a membership of over 3,000. This would give a worldwide membership of over 5,000.
3. ***Papers:*** Since last year's AGM we have published 33 papers a full list of which is included at the end of this update. This is an excellent feat and the quality seems to keep on improving. Our thanks go out to all of you that have taken the time to write these papers and to our editing team for ensuring we always maintain the highest standards. We are also now integrating our website with

our sister Societies around the world. This will bring our members access to all of the papers produced by the other Societies around the world.

4. **London:** In the past year there has been a full complement of 12 meetings. The team behind the London seminars program has made a continuing effort to ensure that SCL members are offered a good variety of topics from top-quality speakers. Topics on which lectures have been given in the past year include public sector procurement, bonds, unforeseen ground conditions and contractual remedies. In December last year, we hosted what was almost certainly our most popular seminar to date, with John Marrin QC speaking on concurrent delay.

5. **Regions:** Our regions have moved from strength to strength over the last year with some excellent talks. Every region has seen a rise in membership. We have held over 50 talks throughout the regions during the year together with another successful conference in Leeds. The new regions in East Anglia and Kent have both established themselves with a full programme of events and Cork, Belfast and Milton Keynes have re-established successful talks. We will shortly be holding our first evening talk in Dublin. My thanks go to all of the regional coordinators.

6. **Europe:** The European Society of Construction Law's Annual Conference was hosted by the University of Liege on the 11th through 13th of October 2012. The President, Benoit Kohl of Belgium, chaired the conference. Presentations were given by representatives from Germany, Belgium, the Netherlands and the UK.

The European Society also introduced its own version of the successful Hudson Prize. I was delighted that the two winners were graduates of the M.Sc Construction Law at King's College, London.

The European Society AGM was attended by representatives from the UK, France, Belgium, Netherlands, Germany, Italy, Austria, Switzerland, Czech Republic and Greece. Professor Périnet-Marquet of France was elected as the new President and the 2013 Annual Conference will be held in Paris later this year.

The UK SCL is currently working with the ESCL on drafting and publishing a document comparing and contrasting construction law throughout the different European jurisdictions. We hope to publish this later this year.

7. ***International:*** The Society of Construction Law's International links have been significantly strengthened over the last year and we are now working closely with our sister societies around the world including those in Hong Kong, Singapore, Malaysia, Australia, New Zealand, the Gulf and Mauritius, Caribbean. I visited the Singapore Society on their 10th Anniversary and met representatives from the Malaysian Society in KL. I was also delighted to meet representatives from Brazil, Peru Argentina and Africa who have all established SCL's over the last year. Good progress is being made on establishing SCL's in India, China, and Egypt. Our association with both the American College of Construction Litigators (ACCL) and the Canadian College of Construction Litigators (CCCL) has also strengthened and they both attended our International conference in London last October. The next International Conference will be hosted in Malaysia in September 2014 and a bumper attendance is expected.

8. ***The Junior SCL:*** The Junior SCL is going from strength to strength with our first Christmas Event and a new event, a Cocktail Master class both attracting

over 100 people, the boat trip is happening again this year and we have growing Junior sections in the regions including most notably Bristol and Southampton both of which have held a number of regional events.

9. ***Social:*** The last year was also a bumper year for SCL social events. We had the largest turnout ever for the Brewery Lunch with over 750 guests. Other events included a dinner at the RCJ with 335 in attendance; the cocktail party at the New Rolls Building 304 in attendance; the Scottish Lunch, 139; the Leeds Lunch, 241; the Dublin Lunch, 137 and the Bristol Lunch, 102.

10. ***Advocacy Training:*** In the past 12 months the SCL advocacy team run another successful Advocacy Course, a one-day, exercise with guest speakers and workshops, with a heavy focus on adjudication advocacy, both written and oral. This will now be a permanent feature of the SCL calendar.

We have also now established good links with the Academy of Experts, as a result of which we are running for the first time a joint SCL - AoE Advocacy Expert Training Course in a few weeks time.

We are also establishing a new Court Advocacy Course (previously the SCL Solicitors' Advocacy Course), and in particular we are looking to expand that course so that it is available to junior barrister members of SCL as well as newly qualified solicitors. Again this will be run later this year.

11. ***Hudson Prize:*** The 2012 SCL Hudson Prize attracted a good standard of entries and the following result was announced: First Prize was won by Matthew Cocklin (Mott McDonald – now Devonshires) for his essay on ‘International approaches to the legal analysis of concurrent delay’ Second Prize was won by

Adrian Bell (CMS Cameron McKenna) for 'Role of privilege in adjudication' Highly Commended awards were made to Roberta Downey (Hogan Lovells) for 'Managing interface risks in offshore wind projects' and Rachel Gwilliam (Morgan Cole, Cardiff) for 'Recoverability of adjudication costs under the Pre-Action Protocol'. A Commendation was awarded to Philip Britton (a previous winner) for 'Making the developer get the job right'. The First and Second Prize winners gave their presentations to a well attended meeting at the National Liberal Club on Tues April 9.

The success of the Hudson prize is now being replicated around the globe, with a new "ESCL Prize", a Malaysian "Vincent Powell Smith Prize", as well as the Prize's in Australia and Hong Kong all run along the same lines as the Hudson Prize.

12. ***University Liaison and Grants:*** The Sub-Committee receives and decides upon grants towards text books, journals, contract forms and other resources to support teaching of construction law in universities. It also awards prizes of approx. £250 in value for outstanding student performance. During 2011-2012, grants were awarded to Cambridge, Cardiff, Central Lancashire, King's College London, Loughborough, Reading and Salford. The total awarded in 2012-2013 to King's London, Loughborough, Portsmouth and Wolverhampton is £10,761 at an average of £2615 per grant. We attended prize awards at Central Lancashire and Salford. Other universities visited by members of the Sub-Committee include Bath, Cambridge, King's London, Portsmouth and Oxford Brookes. In addition, grants of £2000 and £5000 over 2 years were made to support the work of Bailii in making legal resources freely available on the internet.

13. ***Review of Expert Evidence Best Practice:*** Over the last year the Society has formed a committee of members to look into Expert Evidence best practice. We devised a set of 65 questions covering all aspects of expert evidence and have consulted widely on members views. We are in the process of finalising our initial draft report which will be published later this year. Her Honour Frances Kirkham CBE has kindly agreed to draft the report on our behalf.
14. ***The Delay and Disruption Protocol:*** 2013 was the 10th Anniversary of the SCL Protocol on Delay and Disruption. This document has been used and reported in cases around the world and translated into at least 4 different languages. We held a debate in London in April to commemorate the 10th anniversary of the Protocol which has resulted in the formation of a new group to look into the possibility of reviewing or updating this protocol.
15. ***International Conference:*** SCL Council worked alongside TECBAR, TeCSA the TCC and ACCL & CCCL to organise an international conference in London on 23rd and 24th September 2012 to commemorate the opening of the new Rolls Building. The Conference was attended by over 250 delegates from around the globe looked at “Unlocking Disputes: Challenges in Construction Litigation and Arbitration”.
16. ***IT:*** Our IT sub-committee has been busy bringing SCL into the 21st century. We now have a new Society of Construction Law LinkedIn group, Facebook page and are now on Twitter. In addition we have been modernising the IT system in the background and have now introduced a mobile version of the website and a more sophisticated booking system for events which hopefully should assist members used to working on their phones.

17. **Relationships** – Members of Council have worked hard over the last year to strengthen the Societies relationships with a number of other bodies involved in Construction Law within our industry. These include: The ESCL, Our sister Societies around the world, TeCSA, TECBAR, TCC, ACCL, CCCL, RICS, CIArb, CInstCES, CIC, The Worshipful Company of Arbitrators, The Adjudication Society, The Academy of Experts, DRBF and the ICC. We look forward to strengthening these and building more relationships in the future.

18. **30th Anniversary** – 2013 is the 30th anniversary since the founding of the Society. Council have arranged a party to celebrate the occasion for late September to commemorate this event. In a break from the traditional venues this will be held at the top of Centre Point with fabulous views over the London. To commemorate the anniversary we are also publishing a review of the early history of SCL and have launched an SCL lapel pin.

19. **Finances** – I am delighted that in achieving all of the above we have also managed to push forward our VAT registration both in the UK and in Eire and have improve the financial stability of the Society. Richard will give full details of our finances in his report.

20. **Finally** – I shall be standing down as your Chairman at the next Council Meeting. I would like to thank all members of Council for the tremendous support they have given me over the last two years and to all of the members of the Society for helping to make the Society so successful both in the UK and throughout the world and for all the kind comments and encouragement I have received throughout my time as Chairman. I believe I am leaving the Society in in a strong and healthy position with a good team to take them forward into the future.

Statistics
MEMBERSHIP

Current members: 2232 (1826 full members and 422 overseas members)

Members from the following countries:

Australia, Austria, Bahrain, Barbados, Bermuda, Botswana, Brazil, Brunei, Bulgaria, Canada, Chile, China, Cyprus, Denmark, Dominica, Egypt, Ethiopia, Finland, France, Georgia, Germany, Ghana, Gibraltar, Greece, Hong Kong, Hungary, India, Indonesia, Ireland, Italy, Jamaica, Japan, Kazakstan, Kenya, Kuwait, Lebanon, Luxembourg, Malaysia, Malta, Mauritius, Netherlands, New Caledonia, New Zealand, Nigeria, Norway, Oman, Pakistan, Peru, Philippines, Poland, Portugal, Qatar, Romania, Saudi Arabia, Singapore, South Africa, South Korea, Spain, Sri Lanka, St Vincent, Sweden, Switzerland, Thailand, Trinidad and Tobago, Tunisia, Turkey, United Arab Emirates, United States, Vietnam,

REGIONS

The numbers of members from each region are as follows(last years in brackets):

Birmingham: 175 (158)	Leeds: 137 (119)
Bristol: 159 (133)	London: 1136 (1032)
Cardiff: 68 (55)	Manchester: 182 (157)
East Anglia: 44 (7)	Milton Keynes: 54 (38)
Edinburgh: 103 (84)	Newcastle: 61 (54)
Eire: 104 (92)	Oxford-Reading: 143 (117)
Glasgow: 107 (87)	Sheff-Derby-Notts: 73 (58)
Kent: 23 (2)	Southern: 238 (203)

PROFESSIONS

The numbers of members from each profession are as follows:

Academic: 23	Lawyer: 1	Subcontractor: 8
Accountant: 4	Lecturer: 2	Surveyor: 337
Adjudicator: 41	Manager: 3	
Arbitrator: 33	Mediator: 12	
Architect: 54	Not Selected: 46	
Barrister: 256	Other: 232	
Chartered Surveyor: 3	Other construction consultant: 176	
Civil Engineer: 7	Other lawyer: 121	
Claims consultant: 401	Other construction consultant: 153	
Construction client: 39	Planner: 5	
Consultant: 4	Project manager: 79	
Contractor: 116	QC: 1	
Director: 1	Quantity Surveyor: 15	
Engineer: 169	Solicitor: 1214	
Judge: 1	Student: 10	

Papers

183	The Role of Privilege in Adjudication	Adrian Bell
182	International Approaches to the Legal Analysis of Concurrent Delay: Is there a solution for English law?	Matthew Cocklin
D158	Offshore Wind Projects: Managing the Interface Risks	Roberta Downey
D157	Protocoligorically Correct? Recovering adjudication costs under the Pre-Action Protocol	Rachel Gwilliam
181	The Underlying Problem: Negotiating the Ground Conditions Issue	Ellis Baker and Michael Turrini
D156	Implied Terms in Construction Contracts	John ME Lyden
180	How much are you asking for? Judge-created methods of controlling damages recoverable by employers under construction contracts	Roger ter Haar QC and Rebecca Taylor
D155	Resistance is futile? Performance bonds and how payments under them can be stopped	Thomas Crangle
179	Concurrent Delay Revisited	John Marrin QC
D154	'Make the Developer Get the Job Right': Remedies for defects in	Philip Britton

	residential construction	
178	Duties of Care in Construction Projects: 'Other Property' and 'Complex Structure Theory'	James Cross QC
D153	Preparing for the Unexpected: Force Majeure and Hardship Clauses in Practice	Ewan McKendrick
D152	The State, The Courts and Construction Standards: Prevention or Cure?	Philip Britton
D151	Can't Pay? Won't Pay!	Mark Klimt
D150	Abnormally Low Tenders in Public Sector Procurement	James Golden
D149	Public Procurement Challenges in Northern Ireland	The Hon Mr Justice McCloskey
D148	Extensions of Time and Damages for Delay - Recent Developments	Seb Oram
D147	Expansion of Discovery in International Construction Arbitration	W Stephen Dale
D146	Recognising Your Tribunal: Dealing with Evidence in International Construction Arbitrations	Sean Brannigan QC
D145	Can Safety be Found in Numbers?	John Barber
D144	Procedural Orders and Preliminary Meetings in International Construction Arbitration	Richard Harding QC
D143	East Meets West: Delay Analysis - A View from Australia	Robert Fenwick Elliott
D142	The Costs Management Pilot Research Project	Nicholas Gould and Christina Lockwood
D141	Arbitration as a Means of Resolving Construction Disputes: Still Fit for Purpose?	Nicholas Fletcher
D140	Design Risk Allocation Under a Traditional Build Contract	Kim Rosenberg
D139	International Commercial Arbitration: Could Do Better	Richard Fernyhough QC
D138	Claiming and Determining Prolongation Costs under German Law	Dr Wolfgang Breyer
D137	Construction Law: The First 25 Years	John Uff CBE QC FREng
177	The Expert Witness in International Disputes	Christopher Ennis
D136	How ICC Operates - and Selects and Appoints Arbitrators	John Rushton
176	An Introduction to Good Faith	Sarah Williams
175	Project Bank Accounts	Richard Davis
174	The EU Procurement Regime and s106 Agreements Providing for Affordable Housing	Antonio Rotolo