



NEWSLETTER : FEBRUARY 2018

Programme

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

Location maps are now available on the website.

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

London

Tuesday,
6 February “Design co-ordination”
Speakers: Stuart Macdougald-Denton & Matthew Cousins
Chairman: 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

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

Friday,
9 February “The SCL Annual Lunch”
Speaker: Steph McGovern, BBC TV personality
Venue: Grosvenor House, A JW Marriott Hotel, Park Lane,
London W1K 7TN 12 noon for 1.00pm

Cost £99 per person (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,
6 March “Does good faith have any role in construction contracts?”
Speaker: Lord Justice Jackson
Chairman: Christopher Ennis
Venue: National Liberal Club, Whitehall Place, London SW1 6.30pm
Organisers: rchampion@championpearce.com, jonathan.cope@mcms.co.uk,
karen.gough@39essex.com, hlal@akingump.com &
rebecca.shorter@whitecase.com

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

Thursday,
8 March “SCL Astra Event - Careers in Construction Law”
International Women’s Day
Speakers: Chantal-Aimée Doerries QC, Atkin Chambers Maria Fisentzou, Driver Trett /
Diales, Mrs Justice Jefford DBE, Technology and Construction Court, Helen
Mason, Morgan Sindall Group plc, Caroline Pope, Berwin Leighton Paisner
LLP
Venue: White & Case LLP, 5 Old Broad Street,
London EC2N 1DW 6pm for 6:30pm
Organisers: ladams@atkinchambers.com, rebecca.shorter@whitecase.com &
swilliams@keatingchambers.com

Please note this event is open to SCL Members only.

Tuesday
17 April “Planes, Drones and Autopilots: Site Inspection Revisited”
Speakers: Musa Werry & May Winfield
Venue: National Liberal Club, Whitehall Place, London SW1 6.30pm
Organisers: rchampion@championpearce.com, jonathan.cope@mcms.co.uk,
karen.gough@39essex.com, hlal@akingump.com &
rebecca.shorter@whitecase.com
(Please note that bookings must be made online for this event, and SCL will not take bookings by email)

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

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

Tuesday,
8 May Venue: National Liberal Club, Whitehall Place, London SW1 6.30pm
Organisers: rchampion@championpearce.com, jonathan.cope@mcms.co.uk,
karen.gough@39essex.com, hlal@akingump.com &
rebecca.shorter@whitecase.com
(Please note that bookings must be made online for this event, and SCL will not take bookings by email)

Wednesday,
30 May “SCL Astra Breakfast Seminar”
Organisers: ladams@atkinchambers.com, rebecca.shorter@whitecase.com &
swilliams@keatingchambers.com
Please note this event is open to SCL Members only.

Tuesday,
5 June “Challenging a payment notice in the absence of a pay less notice”
Speaker: Justin Mort QC
Chairman: Mrs Justice Jefford
Venue: National Liberal Club, Whitehall Place, London SW1 6.30pm
Organisers: rchampion@championpearce.com, jonathan.cope@mcms.co.uk,
karen.gough@39essex.com, hlal@akingump.com &
rebecca.shorter@whitecase.com
(Please note that bookings must be made online for this event, and SCL will not take bookings by email)

Tuesday,
3 July Venue: National Liberal Club, Whitehall Place, London SW1 6.30pm
Organisers: rchampion@championpearce.com, jonathan.cope@mcms.co.uk,
karen.gough@39essex.com, hlal@akingump.com &
rebecca.shorter@whitecase.com
(Please note that bookings must be made online for this event, and SCL will not take bookings by email)

Thursday,
9 August “SCL Networking Evening”
Venue: The Oyster Shed (the Observation Deck) 5.00pm

East Anglia/Milton Keynes

Monday
26 February “NEC 4 - what's new?”
Speaker: Lindy Patterson QC, 39 Essex Chambers
Venue: Mills & Reeve, 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

Friday,
16 February “Construction 2020: (How well has it worked & what might follow?)”
SCL/SCL Astra Dublin Conference
Speaker: Rashda Rana S.C, Dr David-John Gibbs, Bruno Herbots, Ralph Montague,
Martin Cooney, Deirdre Ni Fhloinn B.L, Andrew Singer, Karim J. Nassif,
China Irwin, Stephen Dowling, Niav O’Higgins and Dr Tariq Mahmood
Venue: Royal Marine Hotel, Dun Laoghaire, Dublin 8.45 for 9.15am
Organiser: adhussey@lawlibrary.ie

Cost: €100 per person and includes a light breakfast and lunch.

Tuesday,
20 March “Multi-Party and Multi-Contract Arbitration in the Construction Industry”
41st CI Arb Ireland ADR Forum in association with Society of Construction Law
Speakers: Alan Brady Law Library Dublin; Dr Dimitar Kondev - White & Case LLP
Paris and Jamie Ritchie L K Shields Dublin
Venue: Merrion Hotel, Merrion Street Upper,
Dublin 2, Ireland 6 for 7.00pm
Organiser: adhussey@lawlibrary.ie

There has been very heavy demand for the talk above, on 'Multi-Party and Multi-Contract Arbitration in the Construction Industry' The event in association with CI Arb Ireland is already 3/4's full to book email adhussey@lawlibrary.ie

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

Leeds

Friday,
9 March “The Society of Construction Law Annual Conference 2018”
Speakers: The Honourable Mr Justice Fraser, HH Judge Mark Raeside QC,
Dennis Baldwin, Steven Walker QC, Frances Pigott, Mathias Cheung, Tom
Owen, Sean Brannigan QC & Paul Darling QC
Venue: The Royal Armouries, Leeds LS10 1LT 8.15 for 9.00am
Organiser: jhawkswell@hklegal.co.uk

Cost £144 per head including VAT.

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

Manchester

Thursday
15 February “Northern Powerhouse Winter Ball”
SCL Astra Manchester & SCL Astra Leeds
Venue: The Museum of Science and Industry Liverpool Road,
Manchester M3 4FP 6.30pm
Organisers: jennifer.laws@addleshawgoddard.com &
sarah.wilson@addleshawgoddard.com

Booking are open to SCL members and non members. Cost £51 pp including VAT. All places will be allocated on a first paid, first served basis.

Scotland

Thursday,
8 March “NEC 4”
Speaker: Lindy Patterson QC
Venue: RICS, 125 Princes Street, Edinburgh,
EH2 4AD 5.30 for 6.00pm
Organisers: louise.shiels@brodies.com & lhc@cdr.uk.com

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

Southern

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

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,

Just a short note this month to bring you up to date on attendance and remaining spaces for the bigger events in the immediate calendar.

The Dublin Astra conference to be held on 16 February 2018 now has up to 30 attending; there is still room for more. May I also draw attention to the free seminar on Tuesday 20 March at the Dublin Law Library – details above.

The Leeds Conference on 9 March now has 161 confirmed bookings; there is room for up to 250. This is always a popular conference which was at full capacity last year.

Please support the “NEC 4 – What’s New?” seminar in Cambridge on 26 February.

There are over 50 takers so far for the 15 February Northern Powerhouse Winter Ball.

1,420 bookings have been taken for the London lunch on 9 February. As stated last month, this is at the practical maximum that can be accommodated in the downstairs area. The balcony at the Grosvenor will be used as an additional extra area overlooking the entire proceedings, a great location and vantage point, but time is running out and we would need any last-minute bookings immediately you receive this Newsletter. Once again I urge individual members to consider taking part with the Society at this very grand occasion to meet and network with so many others in our corner of the construction industry.

Finally, a reminder of the Valedictory for our current President, Rupert Jackson, who is retiring from the Bench, on Wednesday 7 March 2018 at 4:30 pm in Court 4 of the RCJ = all welcome.

Christopher Ennis – Chairman
Chris@tgef.uk.com

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

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

SCL Astra London committee (formerly Junior SCL)

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

SCL Astra ‘Opting In’ to receive communications

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

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

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

SCL Astra (formerly Junior SCL)

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

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

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

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

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

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

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

NBS 2017 National Construction Contracts and Law Survey

In past years SCL members have contributed to the Bi-annual NBS National Construction Contracts and Law Survey. The results of past surveys, found online, offer a valuable source of data on usage of contract forms, procurement methods and project types. NBS would be grateful if members assisted again by completing the survey at: <http://surveys.ribaenterprises.com/wh/s.asp?k=150089688417>

SCL Australia Brooking Prize, 2018: entries now invited

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

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

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

Brooking Prize – A\$5,000

Brooking Student Prize – A\$1,500

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

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

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

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

2018 Queen Mary / International Arbitration Survey

The reports from the Queen Mary annual international arbitration survey provides useful insight for students and practitioners into aspects of international arbitration. This year the focus is on evolution and development of international arbitration. Members are asked to contribute to this year's survey, run by the Centre for Commercial Law Studies at Queen Mary University of London. The questionnaire takes about 20 minutes to complete and is available both in digital and in PDF format here<<http://www.arbitration.qmulac.uk/research/2018>>.

Papers

On 6th March, Sir Rupert Jackson will be giving a lecture he first gave in Hong Kong in November, Does Good Faith Have Any Role in Construction Contracts?

Copies will be handed out on the evening, and prior to that it will go on the website and hard copies will be sent to members who receive them. The paper considers the origins of 'good faith' in Roman and civil law, examines its more limited role in the common law jurisdictions, looks at what (if anything) a contractual obligation of good faith actually means, and concludes by focusing on the exiguous role of good faith in construction contracts.

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

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

We hope you will find these of use:

LinkedIn group 'Society of Construction Law UK'

Facebook page 'Society of Construction Law UK'

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

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

ESCL Book - Studies in European Construction Law

Editors: **Monika Chao-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

The Construction Industry Council Users Guide to Adjudication

The Construction Industry Council has recently published a new 'Users' Guide to Adjudication', which replaces the Construction Umbrella Bodies Adjudication Task Group "Users' Guide to Adjudication" produced in April 2003. The updated guide provides a general introduction to adjudication and takes readers through the essential steps in the adjudication and decision making process. Although many SCL members will already have a level of knowledge of the adjudication process beyond that set out in the guide, it will be useful to refer clients, trainees, etc., to the updated guide as an explanation of the adjudication process.

The Guide is available to download from the CIC website (www.cic.org.uk)

New Members

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

Sarah Alexander, Edinburgh	Poupak Anjomshoaa, London	Izabela Arnold, Gatwick
Sam Bamford, London	Katrina Bretten, Peterborough	Anna-Liisa Blanks-Walden, Bristol
Helen Collie, London	Alexander Creswick, London	Howard Crossman, Peterborough
Zara Din, London	Paul Ellis, South Korea	Matt Evans, London
Terry Fleet, London	Helen Forsey, London	Michelle Francis, Milton Keynes
Olivia Franklin, London	Michael Galvin, Ireland	Javier González Guimaraes da Silva, Spain
Joanna Grant, London	Philip Hancock, London	Thomas Harrison, London
Margaret Heavey, Ireland	Bartholomew Hickey, London	Peter Hirst, London
Abigail Holmes, Manchester	Gareth Hopkins, East Grinstead	Sarah Hudson, London
Jonathan Hyndman, London	Ali Kandemir, London	David Kaufman, Radlett
Kate Kennedy, Kent	Simon Kerry, London	Chloe Leandrou, London
Nigel Lewis, Manchester	Sarah Lidgett, Peterborough	Laura Lintott, London
Hannah McIrvine, London	Abdullah Medallah, Saudi Arabia	Muhammad Zahid Mahmood, UAE
Mikail Mirza, UAE	Ronan Monahan, London	Antonio Monteiro da Silva, Brazil
Martha Mordecai, London	Stuart Nash, London	Georgina Newman, Kent
Graham Nunns, London	Paul Nuttall, London	Mustafa Ozgoren, London
Melissa Pame, France	Owen Parry, Liverpool Pages	Sarath Piyadasa, Sri Lanka
Richard Quane, UAE	Edward Ryan, Liverpool	Isam Sahawneh, Lebanon
Cathryn Selby, Nottingham	Frederico Singarajah, London	Tom Smith, London
Lydia Stuart-Banks, Exeter	Hui Fang Tan, Singapore	Ben Taylor, London
Vanessa Thieffry, France	Simon Thompson, London	Matthew Watson, London
Oliver Williams, Exeter	Louis Zvesper, London	