



NEWSLETTER : JANUARY 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

Thursday,
25 January “An introduction to quantity surveying”
SCL Astra Breakfast Seminar
Speaker: Gary Kitt
Venue: Vinson & Elkins RLLP, 20 Fenchurch Street, London EC3M 3BY 8.15 for 8.45am
Organisers: ladams@atkinchambers.com, rebecca.shorter@whitecase.com & swilliams@keatingchambers.com

Please note this event is open to SCL Members only and photo ID is required if you are attending this seminar.

Tuesday,
6 February “Design co-ordination”
Speakers: Stuart Macdougald-Denton & Matthew Cousins
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 “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 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
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 & President’s Reception”
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)

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)

Birmingham

Wednesday, 10 January ““Who is my neighbour?” The circumstances in which a professional can assume responsibility in tort without any contractual responsibility”
Speaker: David Sears QC, Crown Office Chambers
Chairman: Michael O’Shea
Venue: Mills & Reeve, 78-84 Colmore Row, Birmingham, B3 2AB 5.30 for 6 pm
Organisers: Ian.Yule@shoosmiths.co.uk & michael.o'shea@gowlingwlg.com

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

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

Thursday, 18 January “Expert determination in construction law”
Joint SCL Dublin/ Belfast lecture
Speakers: James O'Donoghue of Bluett & O'Donoghue Architects & Michael Humphreys Q.C, Bar Library, Dublin.
Chairman: John Tackaberry QC, 39 Essex Chambers,
Venue: Royal Institute of Architects, 8 Merrion Square, Dublin 2 6.00pm
Organiser: adhussey@lawlibrary.ie

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, Ralph Montague, Katie Lee, Deirdre Ni Fhloinn B.L, Andrew Singer, Dermot Flanagan S.C, Karim J. Nassif, China Irwin, Stephen Dowling, Charlotte Woolven-Brown & Dr Tariq Mahmood
Venue: Royal Marine Hotel, Dun Laoghaire, Dublin 9.30am
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

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.

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,

When you receive this I trust that you will all have had some sort of restful break, wherever you are, but that you will be pleased to be back in familiar surroundings at your offices!

The New Year promises the usual rich agenda of talks, conferences and seminars and I would once again urge you to make efforts to support those outside London to honour our guest speakers with a good turnout.

Please note particularly and support the Dublin Astra conference to be held on 16 February 2018.

On the social front, the London lunch on 9 February now has over 1,300 places booked. This is at or near the practical maximum that can be accommodated in the downstairs area. I mentioned last month that the Grosvenor House can accommodate many more by using the gallery area if demand is there, provided sufficient notice can be given. It would therefore be appreciated if we could receive any further booking enquiries as early as possible, before (say) the middle of January. I would add that there will be many “mixed” tables – that is to say, tables to accommodate those who are not part of block bookings of tables by single organisations, and it would be good to see more individuals attending on this basis to widen the SCL networking on the day.

Numbers are rising for various other key events next year – the 9 March Leeds Conference at around 60, and the 15 February Northern Powerhouse Winter Ball around 20 so far.

Finally, I note that our current President, Rupert Jackson, is retiring from the Bench on 7 March 2018. I express thanks on behalf of SCL for all he has done for us, and congratulate him on his distinguished period of tenure in the judiciary. There will be a Valedictory on that day – Wednesday 7 March 2018 – at 4:30 pm in Court 4 of the RCJ, and Rupert would be delighted for as many SCL members as possible to attend “so that he does not have an empty court room”. I suggested that this was unlikely, especially if I mentioned it in the Newsletter. I am sure that many of us will want to attend what is likely to be an entertaining occasion and an opportunity to participate in an appreciation of his contribution to the development of jurisprudence in general, and his efforts relating to construction law and on behalf of the SCL in particular.

Happy New Year to all members.

Christopher Ennis – Chairman
Chris@tqef.uk.com

8th International Society of Construction Law Conference Chicago, Sept 2018: Call for Sponsors!

SCL North America

The SCL North America is excited to announce we are now ready to accept sponsors for the 8th International SCL Conference. <https://www.scl-na.org/events/call-sponsors-8th-international-society-construction-law-conference>

SCL North America has also extended the call for speakers for the 8th International SCL Conference to be held in Chicago, IL in September 2018 until February 2nd, 2018. To submit an abstract please register at <https://www.scl-na.org/news/call-speakers>

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>

ESCL Annual Conference

The Annual Conference of the European Society of Construction Law (ESCL) was held on Friday 2 November at the University of Fribourg, hosted by Professor Hubert Stoeckli, ESCL President for 2018, and his colleagues of the Swiss Society of Construction Law. The subject of the Conference was Building Information Modelling (BIM). In addition to speakers from Switzerland, Germany, Rumania, Belgium and Denmark, Murray Armes gave a presentation on BIM developments in the UK, with observations from Professor Anthony Lavers on the recent BIM decision of O'Farrell J in the Technology and Construction Court in *Trant Engineering Ltd v Mott McDonald Ltd* [2017] EWHC 2061(TCC) and on standard form contract BIM provision in the UK. The Conference was attended by representatives from 15 countries, including a visiting academic from the A&M University in Texas. On the morning of Saturday 3 November, the Annual General Meeting of ESCL (the Presidents' Meeting) received reports from Chairman Richard Bailey on the new ESCL bye-laws, and from Secretary Professor Monika Chao-Duivis (Netherlands) on the sales of 'Studies in European Construction Law'. Following discussion, it was decided that a Summer School on comparative construction law will be held at Delft Technical University in July 2018. UK SCL was represented by its Secretary and Council Member, Jonathan Pawlowski.

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."

RIBA Adjudication Panel

'The RIBA is currently seeking expressions of interest from suitably qualified individuals who wish to apply to join the RIBA panel of Adjudicators. If you would like more information or if you would like to express your interest, please email carys.rowlands@riba.org'

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>

Papers

An error has been found in the paper by **James Pickavance** and **James Bowling**, *Exclusions from Immunity: Gross Negligence and Wilful Misconduct* (D207) dated October 2017, and a corrected version is now published on the SCL website.

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.

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.qmul.ac.uk/research/2018>](http://www.arbitration.qmul.ac.uk/research/2018).

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	Izabela Arnold, Gatwick	Jenny Barnett, London
Katrina Bretten, Peterborough	Gary Bushell, Windermere	Lorna Carter, Cambridge
Hugh Clohessy, Ireland	Uzoma Correia, France	Howard Crossman, Peterborough
Wendy de Ruiten, London	Jack Deung, London	Nadine Emsley, London
Matt Evans, London	Martin Ewen, London	Terry Fleet, London
Helen Forsey, London	Edward Foyle, London	John Garland, London
Javier González Guimaraes da Silva, Spain	Mino Han, South Korea	Thomas Harrison, London
Craig Holland, London	David Hopkins, London	Gareth Hopkins, West Sussex
Charles Humphries, Dartford	Antony Johnson, Liverpool	David Kaufman, Radlett
Joshua Kemp, London	Simon Kerry, London	David-Alexandre Krief, France
Nigel Lewis, Manchester	Sarah Lidgett, Peterborough	Laura Lintott, London
Hannah McIrvine, London	Abdullah Medallah, Saudi Arabia	Antonio Monteiro da Silva, Brazil
Michael Mulcare, East Sussex	Stuart Nash, London	Paul Nuttall, London
Sang Joon Park, London	Owen Parry, Liverpool	Sarath Piyadasa, Sri Lanka
Frederico Singarajah, London	Tom Smith, London	Rhiann Storey, Woodstock
Hui Fang Tan, Singapore	Corinne Tay, London	Simon Thompson, London
John Walmsley, Kent	Matthew Watson, London	Garry Winter, Pewsey
Billy Wong, Livingston	Daniel Yeung, London	Louis Zvesper, London