



NEWSLETTER : OCTOBER 2017

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,
3 October “Mega projects - national prestige or bottomless well?”
A joint meeting of the SCL and the London Branch of the CI Arb
Speakers: Fiona Parkin QC, Sophie Nappert and Joanne Prior
Chairman: Marion Smith 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)

Thursday,
5 October “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

Tuesday,
7 November “Contribution claims: sharing the pain after IMI v Delta”
Speakers: Ben Patten QC & Sian Mirchandani
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 December “Kaleidoscope: all change in domestic and international standard forms”
Speakers: Ellis Baker and Professor Anthony Lavers
Chairman: Rachel Ansell 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)

Tuesday,
6 February 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

Please note the booking system for this event will open on **Tuesday 3rd October 2017 at 10.00am**

Cost £99.00 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
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

Belfast

Thursday, 12 October “Gamekeeper turned Poacher or vice versa”
Speaker: Sir Robert Akenhead
Chairman: James Turner
Venue: Law Society House, 96 Victoria St, Belfast BT1 3GN 5.00pm
Organiser: jamesturner@oreillystewart.com

Birmingham

Tuesday, 10 October “Is the Construction Act fit for purpose?”
The Annual SCL West Midlands Debate
Speakers: Steven Walker QC & Riaz Hussain QC, Atkin Chambers
Chairman: His Honour Judge Grant
Venue: KPMG LLP offices, One Snow Hill, Snow Hill Queensway
Birmingham B4 6GH 5 for 5.30pm
Organisers: Ian.Yule@shoosmiths.co.uk & michael.o'shea@gowlingwlg.com

This event is free to members of the Society of Construction Law. For non-members, there is a charge of £15. For further enquiries please contact Grace.Sparkes@shoosmiths.co.uk

Wednesday, 8 November “An Introduction to Building with Concrete - and the things that can go wrong with it”
Speaker: Professor Peter Robery
Chairman: Michael O’Shea 5.30 for 6 pm
Venue: Anthony Collins LLP, 134 Edmund Street, Birmingham B3 2ES
Organisers: Ian.Yule@shoosmiths.co.uk & michael.o'shea@gowlingwlg.com
For further enquiries please contact Grace.Sparkes@shoosmiths.co.uk

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, 9 October "Proof by Sampling after Amey LG v Cumbria County Council"
Speaker: Frances Pigott
Chairman: Colin Jones
Venue: Mills & Reeve, Botanic House, 100 Hills Road, Cambridge, CB2 1PH 6.00pm
Organisers: Alison.Garrett@Mills-Reeve.com, ColinJones@hewitsons.com & alistair.cull@driver-group.com

Ireland

Friday, 20 October "SCL Advocacy Course - Dublin"
Speaker: Dr Nael Bunni, James Bridgeman S.C, Hamish Lal, Matt Molloy, Jarleth Heneghan, Gerard Monaghan, James O'Donoghue, Tony Bingham & Bernard Gogarty
Venue: William Fry, 2 Grand Canal Square, Grand Canal Dock, Dublin 2, Ireland 10.00am
Organiser: adhussey@lawlibrary.ie

Cost: €125 per person. Bookings can only be made online and this event must be paid for in euros, via Paypal.

Thursday, 30 November "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
Venue: McCannFitzgerald, Riverside One, 37 - 42 Sir John Rogerson's Quay, Grand Canal Dock, Dublin 2 6.00pm
Organiser: adhussey@lawlibrary.ie

Friday, 1 December "SCL Lunch in Dublin"
Speaker: Jim O'Callaghan SC TD
Venue: Guinness Storehouse, The Arrol Suite, St James's Gate, Dublin 8 12 noon for 1.00pm
Organiser: adhussey@lawlibrary.ie

Please note: Cost €100 per person (including Irish VAT). Block bookings by firms will be limited to 2 tables each. All places will be allocated on a first paid, first served basis. Each table will seat 10 people. Bookings can only be made online and this event must be paid for in euros, via Paypal.

Thursday, 18 January Expert determination in construction law"
Joint SCL Dublin/ Belfast lecture
Speakers: John Madden, Madden Mediation & Arbitration, Dublin & 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 “SCL/SCL Astra Dublin Conference”
Speaker: Deirdre Ní Fhloinn Barrister, Bruno Herbots (Herbots, Dublin),
Andrew Singer (Bar Library, Belfast), Rashda Rana S.C, Dr David-John
Gibbs (HKA, London), Katie Lee (Hardwicke Chambers, London) and
Martin Cooney (Smyth & Son)
Venue: Royal Marine Hotel, Dun Laoghaire, Dublin 9.30am
Organiser: adhussey@lawlibrary.ie
Cost: €100 per person and includes a light breakfast and lunch.

Leeds

Tuesday,
17 October “Termination in Light of Recent Cases on Repudiatory Breach”
Speakers: Serena Cheng QC and Christopher Reid
Venue: Leeds Beckett University, Lecture Theatre D,
The Rose Bowl Building, Portland Way
off Portland Crescent, Leeds LS1 3HB 6.00pm
Organiser: jhawkswell@hklegal.co.uk

Friday,
9 March The Society of Construction Law Annual Conference 2018
Venue: The Royal Armouries, Leeds LS10 1LT 8.15 for 9.00am
Organiser: jhawkswell@hklegal.co.uk

Manchester

Thursday,
12 October “NEC4 - What you need to know about avoiding and resolving disputes”
SCL Astra Breakfast Seminar
Speaker: Patrick Waterhouse, Bowden Consulting
Venue: DLA Piper UK LLP, 1 St Peter's Square,
Manchester M2 3DE 6 for 6.30pm
Organisers: sarah.wilson@addleshawgoddard.com

Please note this talk will be followed by drinks and nibbles.

Monday,
4 December “Gamekeeper turned Poacher or vice versa” – followed by Mulled Wine and Mince
Pies
Speaker: Sir Robert Akenhead
Venue: Manchester Hall, 36 Bridge Street, Manchester M3 3BT
17:30 – 18:00 Tea/coffee before the talk
18:00 – 19:00 Akenhead talk
19:00 – 21:00 Mulled wine and mince pies
Organisers: f.askham@nabarro.com & LOsborne@ridge.co.uk
Cost £15 per head and bookings can be made online.

Oxford

Thursday,
14 December “Gamekeeper turning Poacher - the life of an ex-judge in the arbitral trenches”
Speaker: Sir Robert Akenhead
Venue: Said Business School, Park End Street,
Oxford OX1 1HP 5.30 for 6pm
Chairman: Richard Wade
Organiser: richard.wade@bllaw.co.uk

Reading

Thursday,
19 October “Gamekeeper turned Poacher or vice versa”
Joint SCL/CI Arb Thames Valley Branch event
Speaker: Sir Robert Akenhead
Chairman: Mark Thomas
Venue: Clarkslegal, One Forbury Square, The Forbury,
Reading RG1 3EB 6 for 6.15pm
Organisers: mamas.stavrou@navigant.com & rwilkinson@clarkslegal.com

Scotland

Friday, "SCL Lunch in Scotland"
3 November Speaker: Jamie Andrew, Amputee Mountaineer
Venue: The Supper Club, 29 Royal Exchange Square,
Glasgow G1 3AJ 12noon for 12.30pm
Organisers: louise.shiels@brodies.com & lhc@cdr.uk.com
Cost £75 per head. All places will be allocated on a first paid, first served basis.

Sheffield/Derby/Nottingham

Monday, "Gamekeeper turned Poacher or vice versa"
6 November Speaker: Sir Robert Akenhead
Chairman: Andrew Essam
Venue: DLA Piper UK LLP, 1 St Pauls Place,
Sheffield S1 2JX 6 for 6.15pm
Organiser: andrew@constructioncontractresolutions.co.uk

South West

Thursday, "Is the Construction Act fit for purpose?"
12 October, Speakers: Steven Walker QC and Riaz Hussain QC, Atkin Chambers
Chairman: Jonathan Spencer
Venue: The Bristol Hotel, Prince Street BS1 4QF 6 for 6.30pm
Organiser: jonathan.spencer@simmons-simmons.com

This talk will discuss issues relating to the scope of the Construction Act, the operation of its payment provisions and adjudication.

Friday, "The SCL Lunch In Bristol"
10 November, Speaker: Geoff Holt, Yachtsman, Disability Business & Sports Ambassador
Venue: Bristol Marriott Royal Hotel, College Green,
Bristol BS1 5TA 12 for 1.00pm
Organiser: jonathan.spencer@simmons-simmons.com
andrew.evans@gregglatchams.com

Cost £75 per head. 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 (hllal@akingump.com)

ESCL Annual Conference 2017

University of Fribourg, Switzerland

2nd – 4th November 2017 - For more details please go to www.escl.org

SCL Chile Conference

University of the Andes (Chile), Avenida Monseñor Álvaro del Portillo 12.455, Las Condes, Santiago.

9th and 10th November 2017

For more details go to <http://congreso.uandes.cl/#programa>

SCL India - 7th International SCL Conference

India International Centre, 40 Max Mueller Marg, New Delhi - 110003, India

10th – 12th November 2017

For more details please go to www.scl2017.com

From the Chairman

Dear SCL Members,

Some particularly interesting and informative SCL seminars and talks are advertised above. I would like to draw particular attention to Frances Pigott's talk on sampling in Cambridge on 9th October, and Robert Akenhead's "Gamekeeper turning Poacher" talks in Belfast on 12th and in Reading on 19th October. Please support these regional events outside London – they are there to benefit our members who practice in the regions, but they need to be well-supported in order to attract the best speakers, and we are anxious to continue these events, particularly in response to communications from members who have commented on the difficulty of attending events in London.

A further particular mention is in order for the SCL/SCL Astra Conference to be held in Dublin in February next year.

On our social calendar, the Leeds lunch on 8 September was well attended and very successful, I understand. Around 120 have booked so far for the lunch in Glasgow on 3 November, 45 for Bristol, and 125 so far for Dublin; again, these are popular events for which early booking is recommended. I hope to meet new and old members at one or more of these events.

Our current membership is nearing 2,800.

A reminder that tickets for the 9 February 2018 London SCL lunch at the Grosvenor House become available for sale via the website from 10:00 am on Tuesday, 3 October. As I suggested last month, because the website suffered problems in previous years due to instant high demand, perhaps leave it a day or so to avoid problems: with the size of the venue there should be much less of a need to book immediately.

Christopher Ennis – Chairman
Chris@tgef.uk.com

SCL Hudson Prize Competition 2017

Entries are now invited for the 2017 Competition from all entrants with an interest in construction law and an idea which they wish to share. The judging panel places emphasis on originality of thought and approach. The length of essay is a maximum of 5000 words. (While footnoting or other methods of referencing sources does not count towards this total and is encouraged, some recent entrants appear to have tried to avoid the word limit by loading footnotes with matters of substance, sometimes running to several paragraphs, in a disproportionate and inappropriate way. This is almost always counter-productive).

Eligible subjects can be drawn from any part of construction law widely defined, including (but not restricted to) construction and engineering contracts, contract administration, claims, arbitration, adjudication and dispute resolution, construction litigation, the law of torts, company law, property law, procurement, professional negligence, taxation (although this must be related to construction) and any other aspect of law or procedure relevant to the construction industry. **First prize is £2,500 and Second prize is £1,250.** Entrants can also be Highly Commended or Commended. The award of prizes or commendations, or the decision not to award them, is in the absolute discretion of the Society through its judging panel. All who are awarded prizes or commendations receive a year's free membership of the Society. The Society may decide, at its discretion, to publish the successful papers, in hard copy and/or electronic format.

Past winners have included members of almost all the disciplines relating to construction law including barristers (including pupils), solicitors (including a trainee), quantity surveyors, engineers, academics, architects, and several hybrids qualified in more than one discipline.

Further information and entry details can be found on the website www.scl.org.uk or obtained from Jill Ward admin@scl.org.uk. The closing date for essay submission is Tuesday 2nd January 2018. Any queries can be referred to the panel via Jill Ward in the first instance

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

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.

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 / SoCLA Mentoring Programme

SCL Astra is excited to announce an initiative between the United Kingdom and Australia offering international mentoring for professionals moving between the two jurisdictions. We welcome expressions of interest from members of SCL Astra or the SoCLA Young Constructors who are looking to relocate jurisdictions and would like to be mentored by a practitioner in the new jurisdiction. We also welcome expressions of interest from SCL members who would be willing to act as mentors (though we ask that they have at least five years' post-graduate experience). Further details of the programme can be found at www.scl.org.uk

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)

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.

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>

New Members

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

Abiola Aderibigbe, Gatwick
Emmanuelle Becker Paul, France
Christopher Coubrough, UAE
Wijitha Fernando, Sri Lanka
MThirunelakanden Mohanadas, UAE
Michael Hadjigiovanni, Cyprus
Henry Hathaway, London
George Ioannou, Cyprus
Panayiotis Katsaprokis, Cyprus
Jorge Montoya, Barbados
Kwadwo Osei-Asante, Ghana

Raj Bajwa, London
Katrina Beitina, Salford
Giovanni Di Folco, Romania
Howard Gendler, London
William McGee, West Midlands
Matthew Piper, Haywards Heath
Christopher Hewitt, St Albans
Karolina Grzegorek, Manchester
Ian Kempe, South Africa
Gareth Morris-Hale, London

David Barden, London
Natalie Burton, London
Angus Faulkner, London
Sean Geoghegan, London
Laughlan Steer, London
Natasha Hama, London
Laura Hussey, London
Shrinivas Kale, Dominica
Prosper Magaya, Redhill
Amit Pekam, Oman

Ryan Turner, London
Alex Themis, Cyprus
Lisa Melvin, London
Fleur Irvine, France
Neil Tait, UAE
Dalton Hale, London
Nick Grant, London
Alexander Wicht, UAE
Tony Panayides, Herts
Andy Gordon, Oman