

## **Society of Construction Law**

*To promote the study and understanding of construction law amongst those involved in the Construction industry*

### **Chairman's Report**

**23 May 2001**

I am glad to report that the Society is continuing to go from strength to strength.

We currently have over 1,100 members from all sectors of the construction industry and have enjoyed a particularly busy year with a wide variety of activities.

#### Meetings

Meetings were held throughout the United Kingdom and the Republic of Ireland, with the titles of talks including The Contracts (Rights of Third Parties) Act 1999, Resolving Complex Delay Claims, Australian Registration Insurance and Liability Reforms in the Building Industry, Value Management, The Enforcement of Adjudicators' Decisions in the Light of *Bouygues*, Principles and Policies in Delay Analysis, Construction Act Scams, Aspects of CIMAR, Current Issues in the Resolution of Construction Disputes, Standard Forms of Construction Contract in the United States, Expert Negotiation for Construction Professionals, Professional Negligence, Human Rights and the CPR, ADR, PPC 2000, Practical Implications of Public Private Partnerships and Adjudication.

The annual joint meeting with the Society of Construction Arbitrators was held last July, when we were privileged to hear Lord Woolf address us on "The Principle of Proportionality".

Our first meeting in Northern Ireland was held in Belfast last October and was followed by another meeting in February; several meetings have taken place during the course of the year in Dublin and Cork.

My thanks go to Jonathan Hosie for organizing the London programme of talks, held monthly at the National Liberal Club, and to the Regional Co-ordinators for organizing the events outside London. The Society is very keen to develop and strengthen its regional activities and I will be holding a meeting with all the Regional Co-ordinators before the AGM to discuss with them their plans for the year ahead.

#### Papers

We are virtually up to date with publishing speakers' papers; the remaining ones will be sent out very shortly. Editing and co-ordinating the publication of papers is a time consuming and often thankless job and I am enormously grateful to Professor Anthony

Lavers for all he has done in this respect. Frances Paterson will be assisting the Society in this role in the future, with the aim of speakers' papers being circulated four to six weeks after the relevant talk, so – speakers, watch out!

### Policy Group

Following the Milestone Review Meeting held by Council last January, which was attended by nearly all the Founder Members, Council has set up a Policy Group, to be chaired by Sir Philip Otton, the Society's President, with a view to contributing to Government policy and legislation affecting the construction industry and construction law. The Policy Group will be making a submission to the DETR in response to their consultation document on adjudication; members' views on this consultation document should be sent to Chris Miers, by e-mail in Word, by 25 May ([mail@probyn-miers.com](mailto:mail@probyn-miers.com)).

The Policy Group will be meeting on 4 June.

### SCL Hong Kong

The Society in Hong Kong now has over 300 members and has just celebrated its first anniversary. We will in future be including a paragraph on the activities of the Society in Hong Kong in our regular newsletters so that our members visiting Hong Kong can go to talks, etc. Professor John Uff QC recently addressed the Society in Hong Kong and it is hoped that Sir Philip Otton will be able to do so within the next year.

The Society in Hong Kong is autonomous, rather than a branch of the Society in the UK; there is now great interest in Singapore, Kuala Lumpur and Australia in setting up similar, autonomous Societies, each with strong links to the other and, we hope, reciprocal membership arrangements. Details to follow!

### European Society of Construction Law

The European SCL has asked us to co-ordinate a European SCL website; the structure is now in place at <http://www.escl.org> although we are still waiting for detailed information to be put on it. It is hoped that the website will, amongst other material, contain the bibliography produced by His Honour Judge Humphrey Lloyd QC which has information on construction law organizations, publications, etc in the member states. The website will also contain full contact information for each member state, with links to the individual Societies' own websites.

The European SCL is hoping to produce its first publication during the course of this year, with information not just about the individual member societies but also information on procurement and the implementation of EU directives in each member state. Future publications may include a review of the different national standard forms of construction contract, methods of dispute resolution, etc.

Unsurprisingly, some countries are more efficient at producing this type of information than others but it is hoped that there is now sufficient momentum for this to be dealt with soon.

The annual conference of the European SCL , and the annual meeting of the National Chairmen of the member Societies, will be held in Vienna on Friday 5 October. Details of the conference programme will be in the SCL Newsletter once they have been confirmed; the current plan is for the morning session of the conference to deal with procurement issues and the afternoon session to deal with various aspects of dispute resolution.

I will become President of the European SCL at the end of October, so next year's conference will be in the United Kingdom.

### Social Functions

We had an excellent annual dinner following last year's AGM; the after dinner speaker was Doug Weston of the Millennium Commission.

In October Sir Philip Otton hosted the SCL President's Reception, which takes place every two years. Following nominations made by SCL members, Sir Philip presented the SCL President's Medal to Professor John Uff QC, reflecting the enormous contribution made by Professor Uff to the development of construction law during the course of his career. Professor Uff was the first recipient of the SCL President's Medal and no doubt a number of other highly distinguished construction law specialists will follow in the years ahead.

In January we held our annual lunch at the Brewery in Chiswell Street, where we were addressed by Paula Hay-Plumb, Chief Executive of English Partnerships.

Over 200 people attended each of these three events and I am most grateful to Jackie Morris, Helen Garthwaite and Elaine Corne for organizing such successful occasions.

### SCL Delay Analysis Forum

A challenge made at the June 2000 London talk given by Jeremy Winter and Peter Johnson on "Delay Claim Analysis" prompted the Society to co-ordinate a forum on delay analysis. The considerable interest in this subject was self evident from the fact that approximately 200 people attended the meeting. As a result a group of over 40 individuals representing all sides of the Construction Industry has been meeting regularly with the objective of producing a delay protocol. Meetings have been held in person and also via a dedicated internet bulletin board. The delay group anticipates being able to present its protocol to Council later this year.

### e-SCL

We continue to identify opportunities for using new technology and always welcome feedback from members. Our web site (<http://www.scl.org.uk>) is a constant source of both new and historic information. We always update the “events” page as soon as details of a proposed talk or other event are agreed. The stop press on the home page currently has a direct link to the DETR consultation document on Adjudication. You will also find contact details for university book grants and the Hudson prize.

Over the last year we have made more use of emails to Members, for example reminders of events in the regions are now sent out 1 week ahead of the event itself. We are also using email to co-ordinate a swift response to the DETR consultation document on Adjudication. As mentioned above the delay group has been conducting virtual discussions via a dedicated bulletin board and we hope to expand such features for further projects of this nature.

#### Universities: Book Grants and Other Donations

The Society agreed to donate over £17,000 to institutions of construction law teaching in the years 1999 and 2000.

About a third went to King’s College, London, including a one off payment of £2,750 to purchase and install a workstation in the library. The library is available free of charge to SCL members. The Society has agreed to increase its support to King’s in 2001, by paying the subscriptions for additional journals and paying for expert technical support to develop the workstation.

£2,000 was donated in 2000 to UMIST in Manchester to help them develop a database of construction law theses and dissertations for launching on a website. It is the aim of UMIST and the Society to link the website in 2001 to other centres of construction law learning. £500 was donated in 1999 to Leeds Metropolitan University to help them develop a regional website. The site contains information on construction law courses and CPD events and it has links to other universities and professional bodies. It will be linked in 2001 to SCL’s website and information on undergraduate dissertation topics will be included.

£2,880 was given to the University of Wolverhampton in 2000 for the purchase of books and journals. The Society has agreed to donate another £2,600 for this purpose in 2001. The University is used by SCL for regional seminars.

£2,000 was donated in 2000 to UCE in Birmingham to sponsor a lecturer in its MA Law course. The lecturer will be giving a talk to the SCL in the Midlands this year. The Society has agreed to continue the sponsorship and another £2,000 will be donated to UCE in 2001.

The Universities of Leeds and Strathclyde and Oxford Brookes University were given about £2,500 between them in 1999 for the purchase of construction law books and journals. Leeds runs a CPD course for the Institution of Civil Engineers in Civil

Engineering Law and Contract Procedure and says that its students find the books and journals particularly useful.

#### Hudson Prize

The winner of the SCL Millennium Hudson Prize was Philip Eyre for his paper entitled “*Panatown -v- McAlpine – Has the Fog Cleared Yet?*”.

The second prize winner was Philip Britton, for his paper entitled “Construction, Public Bodies and Liability in Negligence: Fair, Just and Reasonable?”

The two prize winners addressed the May meeting at the National Liberal Club in London.

#### Advocacy Classes

We are all very grateful to His Honour Judge Humphrey Lloyd QC for his continued involvement in the advocacy classes run by SCL for solicitors. A further course of classes is planned for the autumn.

So, as you can see, we have been busy! I would like to thank all the Council members for the work they have carried out on behalf of the Society during the last year and the great support they have given me as Chairman. In particular, though, I would of course like to give heartfelt thanks to SCL’s President, Sir Philip Otton, for his guidance, inspiration and support and to our administrator, Jackie Morris, without whom the Society would simply not be able to function.

**Victoria Russell**  
**23 May 2001**