



Minutes of Meeting of Council of The Society of Construction Law

Wednesday, 14 January 2026, 5.00pm – 6.30pm

at Fenwick Elliott, Aldwych House, 71-91 Aldwych, London WC2B 4HN

1 Attendance

In person: Rebecca Shorter, Chris Sunderland, David Falkenstern, Andrea Stauber, Louise Forster, Matt Taylor, Khaleda Wheeler, Katherine Butler, Anna Laney, Michael Levenstein, Jessica Neuberger, Murray Armes

Remote: Arran Dowling Hussey, Sean Gibbs

Apologies: Amy Armitage, Lizzie Barry, Lucy Pearson, Sue Kim

2 Approval of Minutes of Last Meeting

The Minutes of the 10 December 2025 Council Meeting were approved.

3 Officer Reports

3.1 Chair (Rebecca Shorter)

Rebecca reported that there has been an enquiry about a further joint event with TECSA. Council had agreed to contribute to certain costs for the last event, but we were never invoiced. Rebecca suggested that instead, we could propose to cover the full costs of all refreshment at the upcoming event, which approximately covers the amount we committed to contribute last time. Council agreed this was acceptable.

Rebecca has been approached by Jonathan Cope about having a mock appeal for BDW v Ardmore. The proposed organisers are checking with the parties whether they would be OK with the event. Coulson J would attend and judge it; potentially with an interactive element where attendees could vote. Anna will look into a potential venue (bigger than the Liberal Club).

3.2 Vice-Chair (Chris Sunderland)

Chris has a few updates, to be addressed under several items later in the agenda.

3.3 Treasurer (David Falkenstern)

David circulated the Monthly Treasurer's Report in advance of the meeting. He noted:

- The Dublin lunch made a profit, but about £30k less than usual – likely due to the costs of the speaker and photographer. Council discussed and agreed that it needs to be conveyed to the Dublin Committee that they need to develop an accurate budget and stick to it, as this is not the first time they've exceeded it substantially. They should also look into using a local photographer to avoid flight and accommodation costs.

- We are well behind on Memberships for the year; usually we generally a third of our revenue in January. He has arranged to put a reminder in the Newsletter, and Jill/Edward will arrange reminder emails in Jan, Feb and March and a LinkedIn campaign. Bulk renewals will also be processed this month (approx. 340 people).

David noted that we still need to close the SCL Gulf account, which currently has around £900 in it that needs to be accounted for. David to check with Jill. In the meantime, that can be transferred into the main account so that the Gulf account can be closed.

3.4 Secretary (Andrea Stauber)

Andrea gave a quick update on the Mentoring Scheme. The 2026 programme has ended and we received a few very positive emails from mentors, who found it to be a very worthwhile experience and have agreed to stay in touch with their mentees. Everyone is keen to participate again and take on another mentee, which is great.

4 Items for Discussion

4.1 Delay & Disruption Protocol 3.0 - ToR (David)

David reported that there has been a lot of interest about the Protocol and things are moving forward. There have been a few meetings with robust discussion and the drafting committee is very motivated and involved. The Delay team is slightly ahead of the Quantum team, in part because the scope of the changes/additions on the Quantum side will be more substantial (whereas for Delay it will be more discrete).

David circulated the draft Terms of Reference for the Protocol 3.0 in advance of the meeting for Council's review and approval, and Council approved. He emphasised that he wants Council to be fully apprised and feel involved in what is going on, so if anyone has any questions at any time, to please let him know.

Sean raised the point that the Protocol drafting committee is comprised of very senior experts and lawyers who mostly deal with high-value, complex international disputes, but that we need to ensure that the Protocol is also suitable for use on smaller/domestic projects and lower value disputes. David and Katherine confirmed that this is being fully considered and kept in mind. That said, Council agreed that much of the Protocol is concerned with points of principle which apply equally.

4.2 SCLI (Rebecca)

Rebecca circulated an update ahead of the Council meeting about recent communications and meetings with SCL International, regarding the ongoing discussions about formalising SCLI and revising the Terms of Reference. She and Andrea are waiting to hear back since the latest call, on which it was decided that a survey would be sent out to seek out views from member SCLs on some of these issues. Rebecca also mentioned that she would ask about the Expert Protocol, which is apparently being developed in collaboration with other organisations.

Jess raised that we also need to consider how a more formal SCLI would fit in with our Society's plans to potentially incorporate. Rebecca confirmed that this will be considered, but ultimately, SCL UK needs to proceed to do what's best for SCL UK. On that, it was clarified that a proposed change to the Constitution requires 21 days' notice before the AGM (Clause 12).

5 Other Updates & Reports

5.1 Social Committee (Katherine)

Everything on track for the London Lunch. Chasers have been sent to any VIPs who have not yet RSVP'd; we are still waiting to hear back from 3 or 4. The briefing call with Rory Bremner had also gone well.

Rebecca confirmed that Coulson J will announce his retirement at the Lunch, and we will then announce the new President at the President's Dinner (which is to be kept confidential until then). The Social Committee will start planning the Dinner as soon as the Lunch is out of the way.

5.2 Regions (Jess)

Bristol have set a date for their Lunch; Scotland has sent their proposal for their Lunch in early May (at a much bigger venue, in Glasgow).

There has also been an enquiry from Mike Bennett in Birmingham about getting a Court of Appeal judge to Birmingham for an event in Q1 or Q2 of this year. Council suggested that he give further consideration to a potential topic for the event, and we can then consider further.

5.3 Astra (Lucy/Andrea/Michael)

Andrea briefly reported that there are a few Astra regional events taking place in the coming months, and that the Astra Committee has also been deliberating about potential venues for the SCL Astra Conference later this year – with Serbia being the current front-runner due to Milan's enthusiastic support.

5.4 Council Funds Strategy Paper (Chris)

Chris reported that there is a draft paper, but that it is being "parked" until the changes to the SCL constitution / incorporation have been resolved.

6 AOB

- **Hudson Prize:** Michael reported that ahead of close of submissions this coming Friday, seven papers have been received. However, he noted that he is not concerned, as there is always an influx of a dozen or two papers right before the deadline.

Next Council Meeting: Wednesday, 18 February 2026 at Gatehouse Chambers

Andrea Stauber