



## NEWSLETTER

**MAY 2008**

**The Society's Annual Dinner  
Middle Temple Hall  
Wednesday, 14 May 2008**

**Members – if you have not already booked  
your place at the Annual Dinner,  
there is still time to do so!**

*Book online, or see the booking form  
attached to this newsletter*

### **Programme of Events**

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

Location maps are now always available on the website.

***All are welcome but for those meetings where the organiser's telephone or email is given,  
it would be helpful if you could please let them know of your intention to attend.***

Tuesday, 6 May	Presentation of the SCL Hudson prize winning paper, previously to have been given on this date has been moved to 3 June. There will not now be a meeting on 6 May.	
Tuesday, 13 May	<p>“Presenting cases in court: what a judge looks for”</p> <p>Speaker: His Honour Judge Grenfell</p> <p>Chairman: Martin Green</p> <p>Venue: Lecture Theatre 118, Civic Quarter, Leeds LS1</p> <p>Organiser: <a href="mailto:jhawkswell@thkp.co.uk">jhawkswell@thkp.co.uk</a></p>	6.15pm
Wednesday, 14 May	<p><i>The Society's AGM &amp; Annual Dinner</i></p> <p>Venue: Middle Temple Hall, Middle Temple Lane, London EC4Y</p> <p><i>This event is for SCL members only and any guests must also be SCL members. Cost £80. See separate item below.</i></p>	6.30pm

- Tuesday,  
3 June      *Presentation of the winning 2007 Hudson Prize Paper*  
"Public Law and Statutory Adjudication"  
Speaker:      Julian Bailey  
Chairman:      Professor Anthony Lavers  
Venue:      National Liberal Club, Whitehall Place, London SW1      6.15pm  
*See separate item below.*
- Monday,  
9 June      *"Panel event - discussing issues arising from architects' professional responsibilities during a building project."*  
David Murphy of Davis Langdon LLP  
Stuart Kennedy, barrister, of 3 Paper Buildings  
Alan Jenkins of Mansell Construction Ltd (also chairing the event)  
David Steele, architect, of TS Design Group  
Venue:      The Rose Bowl, Southampton SO30      6.00pm  
Organiser:      [marian.harris-deans@bllaw.co.uk](mailto:marian.harris-deans@bllaw.co.uk)
- Tuesday,  
10 June      *"Variations, time limits and unanticipated consequences"*  
Speaker:      Ronan Champion  
Chairman:      Jocelyn Taylor  
Venue:      DLA Piper UK LLP, 1 St Pauls Place, Sheffield S1 2JX      6.00 for  
Organiser:      [Jocelyn.Taylor@nelsonslaw.co.uk](mailto:Jocelyn.Taylor@nelsonslaw.co.uk)      6.15pm
- Tuesday,  
1 July      *Joint SCL/Society of Construction Arbitrators Meeting*  
"Is it all necessary? Who benefits? Provision for multi-tier dispute resolution in international construction contracts"  
Speaker:      Ellis Baker  
Chairman:      Nerys Jefford QC  
Venue:      National Liberal Club, Whitehall Place, London SW1      6.30pm
- Thursday  
3 July      "Proof of delay claims: London Underground v Citylink"  
Speaker:      Nerys Jefford QC  
Venue:      Jury's Inn Hotel, Midsummer Boulevard, Milton Keynes, Buckinghamshire MK9      6.15pm  
Organiser:      [Judith.Bird@kimbells.com](mailto:Judith.Bird@kimbells.com)
- Thursday,  
3 July      *The 4th Annual Junior SCL Boat Trip on the Thames*  
This year for the first time the event will be held in conjunction with Generation 4 Collaboration the junior part of Constructing Excellence.  
*See separate item below and booking form enclosed with this newsletter..*  
Organiser:      [rbailey@fenwickelliott.co.uk](mailto:rbailey@fenwickelliott.co.uk)
- Thursday,  
10 July      *King's College Annual Conference*  
Further details to follow.

## London Speaker Programme

Feedback and suggestions for speakers and topics continue to be gratefully received by the organising committee: [njefford@keatingchambers.com](mailto:njefford@keatingchambers.com) [ngould@fenwickelliott.co.uk](mailto:ngould@fenwickelliott.co.uk) and [PMcKinley@trowers.com](mailto:PMcKinley@trowers.com)

## **SCL Hudson Prize Lecture**

Members will wish to note that the annual SCL Hudson prize lecture has been moved to 3<sup>rd</sup> June and for the best possible reason! The winner, Julian Bailey, solicitor with CMS Cameron McKenna, is to be married in early May at precisely the time the annual presentation normally takes place.

The fixing of the wedding at this time shows remarkable modesty on Julian's part in not expecting to be involved in the presentation, particularly as he won first prize in the 2006 competition. SCL Council and the members of the judging panel send double congratulations to Julian and we look forward to strong support from Society members when he presents his paper on 3<sup>rd</sup> June. The topic of the prize winning entry which he will address is "Public Law and Statutory Adjudication" at the National Liberal Club. We look forward to seeing you there.

Please note that all attendees are invited to stay behind after the lecture so that the Society can buy them a drink with which to toast the new bridegroom and prize winner.

## **The AGM and Annual Dinner**

The AGM will take place at Middle Temple Hall at 6.30pm on Wednesday, 14<sup>th</sup> May. See separate item below on the Council Election.

After the AGM, a string quartet will play during pre-dinner drinks (to be served in the gardens, if fine) followed by dinner in the magnificent 16<sup>th</sup> century Middle Temple Hall. The London Welsh Brass Ensemble will give a short lively performance at dinner and will stay to play classical and jazz during post-dinner drinks.

The annual dinner is the one annual function reserved for SCL members only and we hope that as many of you as possible will be able to join us. We particularly urge those new to the Society, or those of you who have never been before, to come along to this very friendly function and meet your fellow members.

The price is £80 per member (to include pre-dinner drinks and wine). A flyer giving details of how to book is attached to this newsletter.

## **Council Election 2008**

This year there are nine candidates standing for six places on Council. The candidates are: Julian Bailey, Richard Bailey, Helena Brown, Shan Greer, Adrian Hughes QC, Shy Jackson, Barry Milton, Colin Reese QC and David J Richards. The ballot form and candidates' election statements have been emailed to all members and are available on the website.

Voting can be done online, by post, by fax or by email (full details on the ballot form). Alternatively, members may vote in person at the AGM at Middle Temple Hall at 6.30pm on 14<sup>th</sup> May.

If you have not received a copy of the ballot form, or cannot access it on the website, please contact Jackie Morris on 01235 770606 or [admin@scl.org.uk](mailto:admin@scl.org.uk)

## The Society Of Construction Law International Conference

Preparations for the Society of Construction Law International Conference 2008 are now well in hand. The flyer and web site [www.sclinternational.org](http://www.sclinternational.org) were launched at the Brewery Lunch in February and by now all members should have had time to review these. The full programme for the event will be launched at the AGM on 14<sup>th</sup> May 2008 although a draft programme is available on the web site.

The Conference is being held at the Grange City Hotel near Tower Bridge between the 5<sup>th</sup> and 7<sup>th</sup> October 2008.

A distinguished line up of speakers from around the world has been assembled to lead discussions and speak on a range of current topics. The conference days will be opened by Lord Justice Anthony May and Mr Justice Vivian Ramsey. Other distinguished judges involved in the conference proceedings include Sir Philip Otton, Mr Justice Robert Akenhead and His Honour Humphrey Lloyd.

Places are already being booked for the Conference, the Tower Bridge Cocktail Reception on the 5th and for the Gala Dinner on the 6th, so please book early for all these events to avoid disappointment.

**Please note:** The Gala Dinner to be held at The Brewery on 6<sup>th</sup> October and the President's Reception to be held at Ironmongers' Hall on 7<sup>th</sup> October are open to all members and guests, whether attending the Conference or not.

Bookings can be taken online at the above web site or by completing the registration form attached to this newsletter and returning with a cheque made payable to "Society of Construction Law (UK)" to Frances Whitehead at 114 Pettits Lane, Romford, Essex, RM1 4EJ.

Queries regarding registration may be addressed to Frances Whitehead on +44 (0) 1708 731476 or email [franceswhitehead@scl.org.uk](mailto:franceswhitehead@scl.org.uk)

There remains opportunities for businesses to sponsor the event. If you are interested in sponsorship please contact Keith Kirkwood by email at [alchemybs@aol.com](mailto:alchemybs@aol.com)

## Junior SCL: Fourth Annual Boat Trip on the Thames, 3 July 2008

The Junior Committee of the Society of Construction Law in association with MatRICS and Generation 4 Collaboration present the fourth joint Junior organisations' boat trip on the River Thames. The 'Golden Jubilee' travels from Temple Pier down river towards Docklands with refreshments and food provided. Tickets cost £25 each. A booking form is enclosed with this newsletter and is available on the website. If you need any further information please contact Frances Whitehead on 01708 731 476 or email [franceswhitehead@scl.org.uk](mailto:franceswhitehead@scl.org.uk)

**Booking preference for any of the organised Junior events is always given to those who are registered as Junior Members.** If you are new to the world of construction law, then you can register as a junior member, which is easy to do, as follows:

Log onto the SCL website [www.scl.org.uk](http://www.scl.org.uk) using your username and password (if you have forgotten what they are, Admin can help). Click on 'Members' and then click the 'Junior members' link on the left. You will find an explanation of Junior Membership, and a simple form to register. You do not need to enter your name/details – these are already recognised by the website after you logged in; you only need to confirm your eligibility by stating that you are junior in your area of expertise.

## Papers

Three more papers will be going on the website shortly. (If you would like copies of web only papers regularly emailed to you when they go on the website, just log into your contact details on the website and tick the relevant box – or ask Admin to do it for you).

First, "Global Claims in Common Law Jurisdictions" a paper given by John Lyden in Cork in November. The paper considers what is meant by a 'global claim' or a 'total cost claim'. How do courts and arbitrators deal with such claims? The author considers judicial approaches in a range of common law countries (England & Wales, Scotland, Ireland, the USA and Australia) and the details of proof which a claimant must provide for a claim to be acceptable and to lead to an award.

Secondly, Shy Jackson's commended Hudson Prize essay competition entry, "The Duty to Disclose: A Clash of Law and Morality". The author notes that English law seldom imposes a duty to disclose information and asks whether in construction cases duties to disclose should be imposed or recognised more widely. He considers the boundary between ethical and legal duties and the implications for construction of wider duties to disclose or inform.

Thirdly, Trevor Thomas' highly commended entry, "The Value is Whatever I Say It Is: Determinations by the principal under construction contracts". When a construction employer or his representative, is given power to make determinations affecting the rights of the other party to the contract to payment, under what circumstances will (or should) those determinations, in the form of certificates, definitively determine the rights of the parties? The author revisits that well-known debate from a perspective which contrasts the evolution of English law with recent case law developments in Australia.

## ESCL Conference 2008: Advance notice

It has been announced that the 2008 European Society of Construction Law Conference will be held in Athens on 25<sup>th</sup>, 26<sup>th</sup> and 27<sup>th</sup> September.

The focus of the conference will be "Construction Law and Environmental Protection" sub-divided into the following four sections:

- Environmental Infrastructure Projects (eg, water treatment plants) – drafting of contracts and financing issues
- Environmental licensing of (infrastructure) projects
- Urban Planning and building provisions and the protection of the environment
- Environmental aspects in the award of public contracts

Further details on the conference programme and venue will be announced to members in due course.

## Advocacy Course

The Society is pleased to announce that it will be holding another Advocacy Training Course again this autumn. It will be run at a location in central London over five evening sessions during November/December. The course is open only to SCL members who are solicitors and will entitle each advocate to claim 12.5 CPD hours. For further details, contact [vicky.lee@dundas-wilson.com](mailto:vicky.lee@dundas-wilson.com)

## How to register on the website as a member

In order to get members' access to the website you must register online as a member. Registration is easy.

Go to the website homepage [www.scl.org.uk](http://www.scl.org.uk) click Member Registration (listed below the Member Login box on the right hand side of the homepage) and enter your details and a username and password of your own choosing. Your membership number is also asked for (if you don't know it, then admin can tell you).

Thereafter, you can simply log onto the website using your username and password. When you log in you will see a navigation link to 'Members' which is where you can update your contact details, email subscriptions and data protection information – and where you can choose to have the newsletter emailed to you instead of (or as well as) receiving it by post. This is where you can also search for information about other SCL members who have agreed for their data to be accessible to other members on the website – the total of those who have given permission is now nearly 1,000 members.

## King's College, London, Centre of Construction Law & Dispute Resolution: Certificate in Construction Adjudication for Lawyers or Construction Professionals

- New eight-month (September-April) postgraduate Certificate programme for construction professionals or lawyers who are:
  - existing and would-be adjudicators and
  - advisers to parties to adjudication proceedings
- four taught modules, covering basic legal principles, construction law and adjudication procedure
- includes a mock adjudication and decision-drafting exercises
- tuition in London on ten full days each term
- academic staff led by Professor Phillip Capper
- unique specialist library; online facilities also available
- credits gained can later be used towards the MSc in Construction Law & Dispute Resolution
- intake September 2008 – applications should be received by 30 June 2008

*Applicants must have a degree and/or acceptable professional qualifications, plus significant relevant experience.*

For prospectus and application pack email the Centre at [ccldr@kcl.ac.uk](mailto:ccldr@kcl.ac.uk)

For further information phone Sue Hart on 020 7848 2643 or Linda Jones on 020 7848 2685

## Dispute Resolution Board Foundation

The DRBF 8<sup>th</sup> Annual International Conference will take place in Cape Town on 2-4 May 2008. The topic is 'Dispute Resolution in Africa'. DRB email: [home@drb.org](mailto:home@drb.org) DRB website: [www.drb.org](http://www.drb.org) Further details, including the programme and registration form can be found on the homepage of the SCL website.

## New Members

Finally, we are pleased to welcome the many new members who joined the Society in April:

Alkarimi Aarta, New York, USA  
Ross Altman, Chicago, USA  
Lucinda Baker, Cheltenham  
Jeffrey Barnes, Abu Dhabi, UAE  
Gunther Carrle, King of Prussia, USA  
Julie Dean, Sydney, Australia  
Simon Dunbar, Singapore, Singapore  
Michael Eden, Sydney, Australia  
Peter English, Leicester  
Huda Gamil, London  
Derek Godfrey, High Wycombe  
Denis Jenkinson, Abu Dhabi, UAE  
John Leathley, Ipswich, Suffolk  
H. Fielder Martin, Atlanta, USA  
Timothy Porter, Basingstoke, Hants  
Brendan Reilly, Willagee, Australia  
James Scott, Ballwin, USA  
Timothy Sheehan, Albuquerque, USA  
Aidan Steensma, London  
Kevin Taylaur, London  
Jeffrey Tribich, London  
Christi Underwood, Orlando, USA  
Mark Veitch, London  
Nick Vineall QC, London  
Pankaj Zala, Coventry

Johnny Adaime, Feltham, Middlesex  
Richard Arram, London  
Philip Baker, London  
Steven Beaumont, Retford, Nottinghamshire  
Kathryn Charles, Weybridge, Surrey  
Thomas Doyle, Erlangen, Germany  
Sarah Duncan, Liverpool  
Lorraine Elliott, London  
Edward Freeman, London  
Sean Gibbs, Al Ain, Afghanistan  
David Esseh Inyang, London  
Joanna Kern, London  
Mark Lloyd-Williams, London  
John Myers, Weybridge  
Nigel Quelch, London  
Michael Richardson, London  
Phil Seymour, Nailsworth  
Craig Sida, Johannesburg, South Africa  
Karol Subjally, Weybridge, Surrey  
Colin Tomlinson, Selby, North Yorkshire  
Katharine Tulloch, London  
Mark Van den Berg, London  
Nichola Vine, Birmingham  
Mohamed Zahmy, Dubai, UAE

# SCL & ACCL International Conference Registration

Name: .....

Name & Address of Organisation .....

.....

.....

Designation: .....

SCL Membership No.  ACCL  (Please tick)

Telephone No: .....

Email: .....

- |  |           |         |
|--|-----------|---------|
| 1. Full attendance at two day SCL conference 6 <sup>th</sup> & 7 <sup>th</sup> October | @£650     | _____   |
| 2. Confirm attendance at Cocktail Reception on 5 <sup>th</sup> October                 | Yes / No* | _____   |
| 3. Confirm attendance at Gala Dinner on 6 <sup>th</sup> October                        | Yes / No* | _____   |
| 4. Discount for early booking.   |           |         |
| Applies to all bookings made before 1 <sup>st</sup> June 2008                          | @ (£100)  | (.....) |
| 5. Discount for SCL and ACCL Members   | @ (£50)   | (.....) |
| 6. Attendance for Monday 6 <sup>th</sup> only  | @ £400    | _____   |
| 7. Attendance for Tuesday 7 <sup>th</sup> only   | @ £400    | _____   |
| 8. Additional guests at Cocktail Reception on 5 <sup>th</sup> October                  | @ £30     | _____   |
| 9. Additional places at Conference Gala Dinner on 6 <sup>th</sup> October              | @ £75     | _____   |
| 10. Attendance at President's Reception on 7 <sup>th</sup> October                     | @ £30     | _____   |
| 11. Additional guests at President's Reception on 7 <sup>th</sup> October              | @ £30     | _____   |
| 12. Attendance at the ACCL Conference on 5 <sup>th</sup> October                       | @ £35     | _____   |

**TOTAL PAYMENT** \_\_\_\_\_

\* Delete as appropriate

## PAYMENT

Bookings may be made online at [www.sclinternational.org](http://www.sclinternational.org) Alternatively, please return this form together with a cheque payable to "Society of Construction Law (UK)" to Frances Whitehead, Society of Construction Law (UK), 114 Pettits Lane, Romford, Essex RM1 3EJ. Queries regarding registration may be addressed to Frances Whitehead on telephone number 01708 731476 or email [franceswhitehead@scl.org.uk](mailto:franceswhitehead@scl.org.uk)