



NEWSLETTER

JANUARY 2009

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.

- | | | |
|--------------------------|---|---------------------|
| Thursday,
15 January | <p>“Rights against third parties”
Speaker: Steven Walker (Atkin Chambers)
Chairman: Simon Lewis
Venue: Dickinson Dees, St Ann’s Wharf, 112 Quayside,
Newcastle Upon Tyne, NE1
Organiser: simon.lewis@dickinson-dees.com</p> | 6.00pm |
| Tuesday,
27 January | <p>“Delay & Disruption: Global Claims, Concurrency and Apportionment”
Speaker: Hamish Lal
Chairman: Andrew McCuish
Venue: Lect. Theatre 118, Northern Terrace, Civic Quarter, Leeds LS1
Organiser: jhawkswell@thkp.co.uk</p> | 6.15pm |
| Tuesday,
3 February | <p>“Environmental Considerations in Construction Projects”
Speaker: Stephen Shergold, DWS
Chairman: Barry Milton
Venue: National Liberal Club, Whitehall Place, London SW1</p> | 6.15pm |
| Thursday,
12 February | <p>“25 Years of Deciding Disputes Lessons?”
Speaker: Tony Bingham
Chairman: Janey Milligan
Venue: Dundas & Wilson CS LLP, 20 Castle Terrace,
Edinburgh EH1
Organiser: Lindy.Patterson@dundas-wilson.com</p> | 5.45 pm for 6.00 pm |
| Friday,
13 February | <p>Lunch at the Brewery
Speaker: Gavin Esler – writer, broadcaster and presenter of BBC’s Newsnight
Cost: £70 per person. <i>See separate item below and booking form attached</i></p> | 12.30pm |
| March
(date tba) | <p>Junior Site visit
Further details will be announced in due course
Organiser: rbailey@fenwickelliott.co.uk</p> | |

Tuesday, 3 March	<p>“Take notice – the effect of notice provisions on rights and liabilities”</p> <p>Speaker: Mr Justice Ramsey</p> <p>Chairman: Ronan Champion</p> <p>Venue: National Liberal Club, Whitehall Place, London SW1</p>	6.15pm
Friday, 6 March	<p>SCL Annual Conference in partnership with RICS and Leeds Metropolitan University</p> <p>“Resolving disputes in construction through Adjudication”</p> <p>Speakers: The Hon Mr Justice Ramsey, The Hon Mr Justice Akenhead, Nerys Jefford QC, Franco Mastrandrea and Ronan Champion</p> <p>Chairman: Barry Milton</p> <p>Venue: The Royal Armouries, Leeds</p> <p>Organiser: jhawkswell@thkp.co.uk</p> <p>Cost: £92 per delegate (£80 + £12 vat).</p> <p>Please see booking form on the SCL website www.scl.org.uk</p>	8.15am
Thursday, 12 March	<p>Joint SCL/CIOB meeting</p> <p>“A construction law update”</p> <p>Speakers: James Bowling and Luke Wygas (4 Pump Court)</p> <p>Chairman: Julian Dobson</p> <p>Venue: The Rose Bowl, Southampton SO30</p> <p>Organiser: marian.harris-deans@bllaw.co.uk</p>	6.15pm
Monday, 30 March	<p>Joint SCL/Society of Chartered Surveyors meeting</p> <p>“Construction Insolvency in Ireland – Practical Issues”</p> <p>Speaker: Dennis O’Driscoll</p> <p>Chairman: John Lyden</p> <p>Venue: Rochestown Park Hotel, Rochestown Road, Douglas, Cork</p> <p>Organiser: johnlyden@eircom.net</p>	6.30pm
Tuesday, 7 April	<p>“English construction law concepts in the Gulf: local customs and local laws”</p> <p>Speaker: James Bremen</p> <p>Venue: National Liberal Club, Whitehall Place, London SW1</p>	6.15pm
Thursday, 23 April	<p>“Construction Act Reforms”</p> <p>Speaker: Professor Rudi Klein</p> <p>Organiser: richard.wade@bllaw.co.uk</p>	
Tuesday, 5 May	<p><i>Presentation of the winning Hudson Prize Essay</i></p> <p>Chairman: Professor Anthony Lavers</p> <p>Venue: National Liberal Club, Whitehall Place, London SW1</p>	6.15pm
Wednesday, 13 May	<p><i>The Society’s AGM & Annual Dinner</i></p> <p>Venue: Middle Temple Hall, Middle Temple Lane, London EC4Y</p> <p><i>This event is strictly for SCL members only. Booking details to be announced</i></p>	6.30pm

London Speaker Programme

Feedback and suggestions for speakers and topics continue to be gratefully received by the organising committee: njefford@keatingchambers.com PMcKinley@towers.com and julian.bailey@cms-cmck.com

Renewal of Membership – 10% reduction for payments made during January via the SCL website!

A reminder that membership subscriptions for 2009 are now due for renewal. For the sixth consecutive year, the subscription fee remains at £100 but there is a £10 reduction to £90 for payments made during January via the SCL website. There is no reduction for payments made by any other method.

The Renewal of Membership invoices were posted to all full members during December (with the exception of those members who joined the Society after the end of September 2008). If you did not receive your invoice then please request a copy from admin@scl.org.uk

Overseas e-members do not receive invoices but have instead received an email reminder giving instructions on how to pay their subscriptions online. The fee for overseas e-membership remains at £15.

Our thanks go to the many members who have already promptly renewed their subscriptions for 2009.

Lunch at the Brewery – tickets going fast!

As usual, the tickets for the Brewery lunch are going fast so if you intend to book but have not already done so please hurry to avoid disappointment. The speaker at this year's event will be writer, broadcaster and presenter of BBC's Newsnight, Gavin Esler. The talk will be short in order to leave plenty of time for socialising, and the King George III room has been booked for post dinner drinks. The ticket price is £70.

Please note that only paid up members can make bookings and that all places will be allocated on a first paid, first served basis. Block bookings by firms are limited to 2 tables each (tables can seat 10 people). The booking form is enclosed with this newsletter but bookings can also be made on the SCL website.

For further details, please contact Frances Whitehead franceswhitehead@scl.org.uk

Papers

Enclosed with this newsletter (for full members only) is a hard copy of the paper by Alexander Nissen entitled *The designer's duty - Time for review* (paper number 151): Alexander Nissen wrote about the extent of a designer's liability in an article published in the Construction Law Journal in 1997. In this paper, he re-examines and updates that article.

The paper is concerned with the extent of the duty to revisit or review an architect's (or other designer's) original design in the light of recent developments in case law (in particular *New Islington and Hackney Housing Association v Pollard Thomas and Edwards Ltd* and *Oxford Architects Partnership v Cheltenham Ladies College*).

This paper is also available to members as a free PDF download from the SCL website. Many other papers are also available to members as free PDF downloads. The full list of papers can be seen at www.scl.org.uk/publications.php

Hazards Forum evening meeting at King's College, London: 20 places available for SCL members!

The Hazards Forum, formed to allow discussion of issues relating to hazard or risk, particularly aimed at promoting rational, informed and effective attitudes to risk, will be holding an evening meeting in the Great Hall at King's College, London on 21 January.

The meeting is entitled 'Interpretation and Enforcement of Health & Safety Legislation - Have we got it right?' The chairman is Mr Justice Ramsey and the two speakers are Sir Bill Callaghan, former Chairman of the Health & Safety Commission, and Mike Appleby, a solicitor specialising in health & safety prosecutions. There will be an informal discussion over wine and refreshments afterwards.

In recognition of SCL's support for this meeting, 20 places have been made available for SCL members. If you are interested in attending, please contact franceswhitehead@scl.org.uk by 13 January.

For those who are unable to attend, there are plans to provide a write-up of the meeting to be made available to SCL members.

Junior SCL

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 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.

Advocacy

As reported in the last newsletter, we received excellent feedback on the recent very successful SCL Advocacy Course. This popular course gives solicitors (who are members of the SCL), the opportunity to practice and develop their budding advocacy skills during weekly evening sessions. Details of how to apply for the 2009 course will follow later in the year.

SCL International Conference: Bar CPD points

In case the announcement in the last newsletter was missed, we are pleased to confirm that, as anticipated, the SCL International Conference held on 6th and 7th October has been accredited for 12 Bar CPD points.

An offer of free books

John Turner, a retired member one the Society, has very kindly offered to give away the books listed below. All the books are in excellent condition. If you are interested in any or all of them please contact John directly at JohnTurnerFICE@aol.com

1. Civil Engineering Claims (2nd Edition) by Vincent Powell-Smith & Douglas Stephenson
2. Writing Engineering Specifications, by Jeremy Haslam
3. Spon's Construction Resource Handbook
4. Drafting Engineering Contracts, by Henry Henkin
5. Risk, Management and Procurement in Construction, by John Uff and Martin Odhams
6. The English Legal System (4th Edition) by Keith Eddey
7. Civil Engineering Contracts, by Stephen Wearne
8. Civil Engineering Contracts, Practice and Procedure (2nd Edition) by CK Haswell & DS de Silva
9. Civil Engineering Construction Contracts, by Michael O'Reilly
10. Construction Law (5th Edition) by John Uff
11. Civil Engineering Procedure (ICE Publication)
12. Project Cost Estimating, edited by Nigel Smith
13. The Expert Witness and His Evidence, by Michael Reynolds & Philip King
14. The Giving of Evidence before a Parliamentary Committee, in the High Court, and before an Arbitrator, by Lord Macmillan
15. Civil Engineering Insurance and Bonding, by Peter Madge
16. The CESMM2 Handbook (and Examples) by Martin Barnes
17. The Penguin Dictionary of Civil Engineering, by John Scott
18. Arbitration for Contractors, by Douglas Stephenson
19. Arbitration Practice in Construction Contracts, by Douglas Stephenson
20. An Introduction to English Law, by Graham Woodall

Carbon Accounting in the UK under the Climate Change Act

The Department of Energy and Climate Change (DECC) have launched a consultation is to seek views on the proposals for carbon accounting in the UK under the Climate Change Act. The Act requires the Secretary of State to make provision for a carbon accounting scheme by the introduction of new carbon accounting regulations. Carbon accounting will be used to determine compliance with the carbon budgets and targets established under the Act to reduce greenhouse gas emissions in the UK. Whilst the basic requirements of a carbon accounting system are established in the Act, secondary legislation will be required to establish the details. In particular, DECC are inviting stakeholder views on the proposals for:

- the types of carbon units to be used in calculating the net UK carbon account,
- the circumstances in which carbon units can be credited to and debited from the net UK carbon account, and how this will be done,
- ensuring that carbon units credited to the net UK carbon account cease to be available to offset other greenhouse gas emissions,
- how units will be tracked and accounted for accurately, and
- the administration of the scheme.

If you wish to participate in this consultation you will find a link on the CIC website at: <http://www.cic.org.uk/activities/consult.shtml>.

Alternatively the direct link to the DECC site is: <http://www.decc.gov.uk/consultations/index.htm>.

Consultation responses should be sent to: consultations@cic.org.uk by 19 January 2009.

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 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.

New Members

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

Girgis Abd El-Shahid, Cairo, Egypt
Caroline Buchan, Weybridge
Harry Caldecott, London
Claire Dawson-Pick, Marlow, Bucks
Tony Francis, London
Holly Gavaghan, London
Karim Hafez, Cairo, Egypt
Lana Haworth, Chelmsford
Jane Janney, London
Moneer Khalaf, Cairo, Egypt
Stephen Lumsdon, Stockton-on-Tees
Anita McConnell, London
Karen Murphy, Weybridge
Rebecca Powell, London
Robin Sanders, London
Michael Spencer, London
Zainab Taylor-Camara, London
Ahmed Waly, Mohandesseen, Egypt
Alan Woolston, London

Sasha Blacker, London
Nathaniel Thomas Buckingham, Peebles
David Cordery, London
Andrew Day, London
Simon Franklin, London
Richard Godsall, Doha, Qatar
Andrew Philip Harper, Cambridge
Steven Jackson, Crowborough
Ionescu Karin, Sandnes, Norway
Rory Kirrane, Dublin, Ireland
Pauric Marray, Dublin, Ireland
Jamie Morien, Murdoch, Australia
Praveen Naduvathazhathu, Abu Dhabi, UAE
Hannellie Neervoort, Alberton, South Africa
Lyndon Smith, London
Nia Stewart, London
Elizabeth Walton, London
Stuart Wilson, London
Balasubramaniam Mathivannan, Abu Dhabi, UAE