

Society of Construction Law

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

Chairman's Report 17th May 2000

Well! We have been there, done that and bought the Millennium T shirt. The preparation and 'travel' into the new era was exiting and it's good to have arrived in reasonable shape. Of course, it does not stop there. New horizons have been created and commercial life continues at a fresh pace. The IT evolution has been growing for a number of years but it is probably fair to say that the last year has seen an extraordinary expansion in the communications market. Few aspects of modern life remain unaffected by the use and development of e-mail, websites and general Internet facilities.

The convenience and efficiency offered by such changes have been generally welcomed. However, alongside this welcome there is an understandable apprehension as to the attendant commercial risks and legal uncertainties. eConstructionlaw will need to be developed, both to clarify current law and to provide stepping stones for future.

'New Adjudication' and the CPR have transformed many aspects of life in the construction law arena. The testing of various aspects of Adjudication in the Courts has been followed with great interest. Cases reaching the Court of Appeal will doubtless maintain that interest, having regard for the widespread impact of the process. All that is ahead of us but what has happened during the last year within the Society and where are we now?

Last year's Chairman's Report outlined the need to address policy questions in terms of size, administration and activities. To this end, a further special 'Milestone Meeting' was during November 1999. Council's conclusion was that the Society should continue to be administered broadly in line with (then) current arrangements but with certain new measures adopted to improve the management of the Society's business. There is a strong feeling amongst Council that we do not wish to become 'semi-institutionalized'. A number of specific ideas concerning meetings and members' activities will be developed.

The Society's Mission Statement (above) remains very much in our mind as we reinforce the growing identity of construction law. The Society continues to be held in high regard both at home and abroad. Contacts with other national and international organisations have continued to expand. During February we arranged a special seminar for a senior Construction Delegation from China. At the request of Sir John Dyson, the Society organised and reported upon an open meeting to discuss the future need for the Construction Court service in Bristol. (*JR*). We will also be submitting views on Benchmark Costs. (*VR*)

We continue to enjoy the support of excellent speakers at our regular meetings. H H Judge Humphrey Lloyd's Advocacy classes for Solicitors remain very popular (though rumour has it that he gives delegates an appropriately 'hard time' during the course!). We remain extremely

fortunate to have the keen support of Sir Philip Otton as our President and look forward to the special Millennium President's Reception later this year. Finally, to Jackie Morris, our 'tower of strength' (and patience) in administering the Society, we extend our sincere thanks.

Membership

Some 120 new members joined during the year. The net increase of 80 brings current membership to 1040. The balance of members remains broadly similar as follows:

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| Solicitors 55% | Surveyors 18% | Engineers 10% | Barristers 8% |
| Architects 3% | Consultants 2% | Others 4% | |

Meetings

Thirty-three meetings were held during the year in 11 different locations. Approximately one third were in London (most as usual at the National Liberal Club), one quarter in Dublin and Cork and the balance in various other regional centres. H H Judge Humphrey Lloyd outlined his thoughts on the new "Vulpine TCC"; H H Judge Anthony Thornton examined the Human Rights Act and its implication for 'Hot Topic of the Year', Adjudication. This was the centre of attention at three further meetings including a panel discussion. Planning and development issues and aspects of partnering were reviewed at a number of meetings. Procurement routes and the impact of 'Egan' were also covered.. Other talks included Insolvency, Economic loss, Dispute Resolution, Public-Private Partnerships, Sub-Contracts, FIDIC, Damages, Insurance, Design Liability, Contracts (Rights of Third Parties) Act, Arbitration Costs, Project Management, Experts and Third Party Claims. Greatly assisted by the audience, the Chairman reviewed the 'Human Factor' in the construction law arena. (*JH, JR NJ & Regional Co-ordinators*)

An inaugural meeting in Oxford will take place later this month. This will be followed by our first meeting in Northern Ireland. We will be hosting a meeting with the American Bar Association during July. Finally, we look forward to our Joint Meeting with the Society of Construction Arbitrators in July, when Lord Woolf will address us on the Principle of Proportionality.

Website (www.scl.org.uk)

Under the guidance and input from Richard Bayfield, we now have an excellent website with a good deal of information regarding the organisation and activities of the Society. There are also many helpful links to other associated sites.

Hudson Prize

First Prize this year was won by Deborah Brown for her paper dealing with Partnering Agreements problems. Both Deborah and Second Prize winner Michael Barlow (paper on economic loss), addressed the April meeting in London. Those attending the meeting will confirm that the prizewinning papers were echoed by excellent presentations. (*AL*)

Social Functions

As ever, an excellent Annual Dinner was enjoyed following last years AGM. Our special thanks go to Helen Garthwaite for organising that event as well as the Annual Luncheon at the Brewery. This remained very popular with 200 attendees enjoying addresses by our President and Minister for the Dome, Lord Falconer.

Hong Kong

After further consultation, a proposal to arrange meetings in Hong Kong was abandoned in favour of support for a new organisation in the Territory. Under the Chairmanship of James Niehorster, an enthusiastic group of existing SCL members and others arranged a highly successful inaugural meeting held during March 2000. This meeting was attended by no less than 320 delegates from a variety of disciplines. Speakers included John Powell QC (a previous Chairman of the Society), Niels Kraunsoe and the (UK) Chairman. The Society of Construction Law, Hong Kong has been established with the intention of creating and maintaining very close links with our Society. There will be special arrangements for both transfer of membership from one organisation to the other and for the publication of papers. We wish the SCL HK every success.

Papers

Regretfully, we have not been able to publish as many papers arising from meetings as would normally be the case. Most, if not all, of the current backlog will be cleared as soon as possible but it is appreciated that some of the value of the papers will have been lost with the delay. As Chairman, I must and do accept responsibility for this and apologise accordingly.

The new Rapporteur arrangement for London meetings has been reasonably successful. The intention is to publish a resume of the speaker's address (c.1,000 words) within a few week's of the meeting. It is likely that this will be extended to other meetings.

Europe

The Society was represented at the annual meeting and International Seminar of the European Society of Construction Law in The Hague during October 1999. The Dutch SCL has continued to act in the 'secretarial' capacity in tentative arrangements to create a co-ordinating organisation. Plans for an ESCL newsletter and database will be developed at a forthcoming meeting in Italy..

University Grants

Jim Pragnell's annual invitation to apply for funding of books, website development or similar purpose has met with a little more success. Council remains surprised at the apparent reluctance of University organisations to request grant assistance.

Finances

As Treasurer, Chris Miers will report separately regarding the Society's finances. The Chairman wishes to suggest that the rapid growth in membership and associated administration implications will demand a proportionate growth of assets to fund prospective developments.

Finally, the foregoing represents little more than a flavour of the year's events and where we are going. None of it would be possible without the guidance and support of our President and a tremendous amount of work by the Officers and your Council supported by Jackie.

Members comments will always be welcomed.

John Burgess