

**CITY OF LONDON LAW SOCIETY
CONSTRUCTION LAW COMMITTEE**

Held on Monday 20 June 2005 at 13.00

At Clifford Chance, 4 Coleman Street, London

- Present:**
- | | |
|---|---|
| Alan Elias, Clifford Chance (Chairman) | Jake Davies, Jones Day |
| John Rushton, Mayer Brown Rowe & Maw | Marc Hanson, Cameron McKenna |
| Farzer Chan, Nabarro (on behalf of Terry Fleet) | Victoria Peckett, Cameron McKenna
(invited guest for item 3) |
| Marshall Levine, Field Fisher Waterhouse | Nazir Dewji, Berwin Leighton Paisner
(on behalf of John Hughes D'Aeth) |
| Peter Brinley-Codd, Sir Alfred MacAlpine | David Johnson, Kendall Freeman |
- Apologies:**
- | | |
|---|---------------------------------|
| Lynne Freeman, Richards Butler | Paul Cowan, White & Case |
| John Hughes-D'Aeth, Berwin Leighton Paisner | Anthony Bowles, Druces & Attlee |
| Matthew Jones, Travers Smith | Jane Jenkins, Freshfields |
| Carl Asser, Ashurst | David Metzger, Clifford Chance |
| Terry Fleet, Nabarro | Michael Blacker, Amec |
| Jenny Baster, Arup | |
| Cecily Davis, Shadbolts | |

1. Chairman's Report - Alan Elias

Alan informed the Committee of the new regulatory and complaints body being set up by the National Law Society and the need in the future for funding to be found to support the National Law Society representative body activities. The CLLS is considering extending its scope by taking over some services from the National Law Society in order to bridge the gap in service that is likely to arise in the City. However, funding is an issue for the CLLS also and a corporate subscription is being considered.

2. Standard Form Letter of Intent

Jake Davies, Deputy Chair of the UK Development Group, informed the Committee that the draft Guidance Notes had been circulated week commencing 13 June. A sub-group will meet soon to finalise the Standard Form Letter of Intent and Guidance Notes. Product to be ready by end of July for CLLS Website.

3. Construction Act Review

Alan informed the Committee that the last day for submission responses to the DTI was the next day, 21 June 2005.

The ad hoc Working Group's Submission had been circulated to all Committee members with minimal response received. [Note: the CLLS formal response to the DTI was agreed later that day and submitted to the DTI before the expiry of the deadline and has been circulated.]

4. **A.O.B**

(a) **International Projects**

David Courtney-Hatcher, Chair of the International Projects Working Group, has resigned due to his relocation to Dubai. The International Projects Working Group has never formally met and interest has waned. General consensus was to wait until some important issue came up, such as a worthwhile product. General agreement to adopt a more flexible approach by communicating via email if a Working Group meeting could not be arranged. This applied to all standing and ad hoc Working Groups.

(b) **New Product**

(i) **PFI**

Marc Hanson suggested drawing together the experience of all City Firms involved in the CLLS to pool/review standard provisions in payment mechanisms in PFI sub-contracts circumvent the Construction Act.

(ii) **Electronic tendering:** Marshall Levine suggested producing some guidance as some as a complex area sees this.

(iii) **JCT:** new forms are imminent, such as the JCT form of warranty (based on the BPF form of warranty)

(iv) **Health & Safety**

Consultation has been issued for the new CDM Regulations. Consultation process is open for at least another month. [Note: Alan has requested volunteers.]

(v) **RICS**

John Rushdon informed the Group that RICS are currently interviewing adjudicators. Questioned whether the group should put forward any recommendations as to what questions to ask during the interview process. It was also suggested that the CLLS might offer generalised feedback on its experience with adjudicators

Alan agreed to canvass views of the views of the Committee.

Alan Elias
Chairman