

"A definitive must for those who want a better understanding of issues facing the construction industry both domestically and internationally."

(J Tresham, Blake Lapthorn)

IBC Legal's 15th annual residential

Construction Law Summer School 2015

Tuesday 8th – Friday 11th September 2015,
Cambridge University, Fitzwilliam College, Cambridge, UK

Comprehensive update in international construction law

- FIDIC
- NEC3
- EPC contracts
- Time & delay
- Claims & disputes
- Global claims
- Termination
- Insolvency

Plus! Benefit from the extensive networking opportunity at this residential event!



Adrian Hughes QC
39 Essex Street



Lindy A. Patterson QC
CMS Cameron McKenna



Svend Poulsen
Atkins



Jane Davies Evans
Crown Office Chambers



Ellis Baker
White & Case

Media partners:



"An incredible total immersion in the international construction law planet, guided not only by invaluable speakers but also a worthwhile panel of practical professionals"

(S Giraud, Egis International)

Construction Law Sum

Day one: Tuesday, 8th September 2015

International construction law: approach under civil and common law jurisdictions

12:00 Registration and networking buffet lunch

13:00 **Chair's opening remarks**



David Brown
Partner
Clyde & Co

13:10 **The differing legal systems – an overview**

- Where is construction law coming from?
- Which precedents and codes are used in which regions?
- Common law
- Napoleonic civil law
- Practical examples and challenges



Dr. Jan-Bertram Hillig
Solicitor (England & Wales), Berlin Rechtsanwalt
Börgerers

14:00 **Taking-over under different jurisdictions of law – a comparative approach**

- What is "Taking-over, Practical Completion, Abnahme, Réception..."?
- Taking-over in Civil law countries: Germany, Romania, France.
- Taking-over under Common law countries and major differences.
- Difference in consequences of Taking-over between Civil and Common law countries?



Dr. Wolfgang Breyer
Breyer Rechtsanwälte - Stuttgart

14:30 Afternoon coffee break

14:50 **International contracting: local practice and international norms**

- A practical guide to negotiating contracts for international construction projects
 - Key terms and conditions in international construction contracts
 - Local practice vs. international norms
 - Recent developments by industry sector
- The World Bank contract conditions for construction works in civil law countries
 - Why and where are they used? How do they compare with other international standard forms?
 - Key provisions: a truly civil law approach?
- Practical consequences of the duty to advise the employer and of decennial liability in Napoleonic civil law countries



Jane Davies Evans
Crown Office Chambers (International Arbitration, Energy & Natural Resources, Engineering & Construction)



Marc Filet
Partner
Filet – Société d'Avocats / GcILa

17:00 **Chair's closing remarks**

17:10 Close of day one

17:45 **Meet-up for punting on the River Cam**
(IBC registration desk in the auditorium)

18:00 **Punting on the River Cam**



19:15 **College cash bar opens**



20:00 **BBQ**



Day two: Wednesday, 9th September 2015

Contract forms, contract administration, and time & delay

08:00 Breakfast (dining hall)

09:00 **Chair's opening remarks**



Adrian Hughes QC
39 Essex Street

09:25 **FIDIC**

This session introduces the FIDIC suite and identifies some key characteristics.

- The FIDIC suite of contracts
- Key characteristics
- The role of the engineer
- Red, yellow and silver book risk allocation models – practical challenges
- Limitation of liability
- Pre-agreed damages for delay & non performance
- Substantive law / procedural law / local law
- Some recent developments and practical examples
- Main principles of employers' requirements



Svend Poulsen
Project Director, Project- and Construction Management
Atkins

10:15 Morning coffee break

10:45 **FIDIC and beyond – a comparison**

- FIDIC: latest developments (focus on main recent developments; what FIDIC is working on now)
- Practical examples: how does the FIDIC contract operate in different jurisdictions?
- EPC / turnkey projects and the FIDIC conditions
- The FIDIC Gold Book: design-build and operate
- NEC3:
 - Background and objective: introducing NEC3 and what it aims to achieve
 - The Engineering and Construction Contract: a review of the main features of the NEC form
- NEC3 and FIDIC: which to use?
- How does NEC3 compare with FIDIC?
- Some recent developments and practical examples



Jeremy Glover
Partner
Fenwick Elliott

"An excellent opportunity to learn about the key issues affecting those in the international construction arena!"

(A young, HBJ Gateley Wareing)

"Very fruitful programme of international experience. Add the opening and closing remarks of the chairman to the notes."

(A Al Jneibi, ENEC)

mer School 2015

12:00 EPC contracts

- What is an EPC contract and why are they used?
- The key features and risk allocation
- Negotiating EPC contracts – getting it right
- EPC v EPCM – Is there a difference?



Ben Mellors

Partner

Beale & Company Solicitors

12:50 Lunch

13:50 The role of the engineer

- The key role of the engineer in the FIDIC system
- Current trends towards the engineer's role
- How employers and contractors view the engineer
- The engineer's role in minimizing conflicts and disputes
- The future outlook for the role of the engineer



Simon R Worley

Chartered Civil Engineer, Adjudicator, Member of the FIDIC Sub-Contract Task Group,

FIDIC Accredited Trainer

14:40 Variations under the FIDIC contracts

- Issues that arise in determining whether work falls outside the contract scope and therefore qualifies as an extra
- What happens if an employer refuses to instruct a change that is required in order for the works to proceed?
- What limitations are there on the variations that an employer can instruct?
- Will other clauses under the FIDIC contracts entitle the contractor to money & time for a variation despite the lack of an instruction?
- Particular issues with variations arising under the design & build FIDIC forms



Michael Sergeant

Partner

Holman Fenwick Willan

15:20 Afternoon coffee break

15:40 Termination

- Why does it so often go wrong for the terminator?
- What to do with a non-performing counterparty?
 - Under the FIDIC contracts, and / or
 - Legal framework



Mark Roe

Head of International Arbitration

Pinsent Masons

16:40 Short refreshment break

Interactive session

16:50 Time & delay

Through presentation, debate and worked examples, this interactive session explores time-related issues from pre-contract programming to what the contract should say to help address and analyse delay.

- What is a construction programme?
- Achieving certainty as to timing in a contract
- Understanding delay and disruption
- Principles of practicality and causation
- Delay analysis in the context of disputes
- Concurrent delay issues



Dr David Aldridge

Director

ACUTUS

18:20 Chair's closing remarks

18:25 Close of day two

18:30 College cash bar opens



19:30 Dinner



20:30 Quiz night (college bar)



Day three: Thursday, 10th September 2015

Claims & disputes

08:00 Breakfast (dining hall)

09:05 Chair's opening remarks



Ellis Baker

Partner, Head of Construction and Engineering

White & Case

09:10 Contractual provisions for dispute resolution

- Range of possibilities and options
- The front-end lawyer's perspective: getting it right from the start of the project
- Choosing the appropriate contractual mechanisms
- Using institutions for arbitration – or not
- Appointments in dispute resolution – the right people in place



Ellis Baker

Partner, Head of Construction and Engineering

White & Case

10:30 Morning coffee break

11:00 Dispute boards - what and who

- Background and development of dispute boards
- Legal status and contract relationships
- Dispute Boards during construction
- Procedures



Peter H J Chapman

Chartered Civil Engineer, Barrister, Construction Dispute Arbitrator and Adjudicator

Somersby House Chambers

12:00 Lunch

"Great coverage of most polimic topics. Highly specialised speakers with practical experience."

(M M Andrade, Pinheiro Neto Advogados)

"Although the topics for discussion are relevant and must be addressed it was also nice to break up the days seminars with different social activities."

(L Luthuli, MDA Construction)

"This is by far the best course I have attended. Thoroughly enjoyable and the perfect combination between practical tips, intellectual stimulation and fun!"

(S Jones, Barlow Lyde & Gilbert)

Tuesday 8th – Friday 11th September 2015, Cambridge University, Fitzwilliam College, Cambridge, UK

Interactive session

13:00 **Claims and disputes in construction projects - key issues**

- Current trends including claims in infrastructure energy and process plants / civil engineering, e.g.:
 - Failure in design obligations
 - Ground conditions
 - Performance tests
 - "Pain / gain share" mechanisms
 - Fixed damages
 - Completion / latent defects
- Limitations / caps on liability - when they are effective
- Different types of claim- how they can be proved?
 - Labour losses; site and head office overheads; interest / financing; delay damages; consequential losses



Lindy A. Patterson QC

Partner

CMS Cameron McKenna

15:10 Afternoon coffee break

15:40 **Claims and disputes**

A practical guide to presenting or defending claims efficiently under an international construction contract

- How to bring claims under the construction contract?
- Dispute boards: a project-led process or mini-arbitration?
- International arbitration: how to project manage your arbitration?



Jane Davies Evans

Crown Office Chambers (International Arbitration, Energy & Natural Resources, Engineering & Construction)

16:45 **Short refreshment break**

16:55 **Global claims in practice**

- What is a global claim?
- What are the objections to global claims?
- What are the requirements of a successful global claim?
- How can a global claim be defeated?



Keith Strutt

Operations Director London

Driver Trett

18:10 **Chair's closing remarks**

18:25 Close of day three

18:30 **College cash bar opens**

19:00 **Drinks reception**



19:30 **Gala dinner**

Day four: Friday, 11th September 2015

Key international issues

08:00 Breakfast (dining hall)

09:15 **Chair's opening remarks**



Paul Darling QC

Keating Chambers

09:20 **EU public procurement law**

- The scope of European regulation
- Sources and methods
- Application in practice to construction
- Remedies and sanctions
- Unresolved issues



Sarah Hannaford QC

Keating Chambers

10:10 Morning refreshment break

10:40 **Bonds, advance payment bonds and guarantees**

- Contracts of surety
- The distinction between bonds and guarantees
- Performance bonds – on demand or default
- Advance payment bonds – approach to construction
- Practical challenges – invalidity, fraud and bad faith
- Selecting and drafting bonds and guarantees for construction projects



Finola O'Farrell QC

Keating Chambers

11:30 **Insurance law for the construction industry**

- Scope of international insurance cover
- Contract options
- Exclusions



Colin Read

Partner

Pinsent Masons

12:15 Lunch

13:15 **ADR**

- What is ADR?
- Types of ADR
- Pros and cons of ADR
- ADR in international construction contracts
- International trends and issues



Rupert Choat

Barrister, Arbitrator and Mediator

Atkin Chambers

14:15 Afternoon refreshments

Joint presentation

14:45 **Key developments in emerging markets**

- What are the hot developments in emerging markets?
 - Middle East
 - Singapore
 - China
 - South America
 - Africa
- How are tendering liabilities treated?
- Dispute activities
- What are the future trends and challenges?



Faisal Attia

Senior Associate – Construction Arbitration Team

Al Tamimi & Company

16:00 **Chair's closing remarks**

16:15 Close of summer school with refreshments

Construction Law Summer School 2015

"Undoubtedly an unforgettable, extremely enjoyable mixture of learning, networking and future peeking event."

(M Abu Hussein, Dolphin Energy)

Tuesday 8th – Friday 11th September 2015, Cambridge University, Fitzwilliam College, Cambridge, UK

The interactive 4-day residential Construction Law Summer School will provide an insightful review of key developments in international construction law and legal changes affecting the construction industry. Experts will discuss international initiatives, legal trend, contract forms and standards in best practice.

The event is tailored for the needs of professionals working as legal advisors in today's demanding construction climate.

Reviewing real cases from across the globe and practical examples, each day of the event will focus on particular topical issues to prepare you for future challenges in your everyday work.

Gain essential and comprehensive updates on the key legal developments including:

- FIDIC
- NEC3
- EPC contracts
- The role of the engineer
- Time & delay
- Claims & disputes
- Global claims
- Termination
- Insolvency
- Dispute boards
- EU public procurement
- Key developments in emerging markets
- Tendering liabilities
- Civil code
- Risks, challenges and liabilities

Speaker line-up:

Dr David Aldridge, Director, **ACUTUS**

Faisal Attia, Senior Associate – Construction Arbitration Team, **AL TAMIMI & COMPANY**

Ellis Baker, Partner, Head of Construction and Engineering, **WHITE & CASE**

David Brown, Partner, **CLYDE & CO**

Peter H J Chapman, Chartered Civil Engineer, Barrister, Construction Dispute Arbitrator and Adjudicator, **SOMERSBY HOUSE CHAMBERS**

Rupert Choat, Barrister, Arbitrator and Mediator, **ATKIN CHAMBERS**

Paul Darling QC, **KEATING CHAMBERS**

Jane Davies Evans, **CROWN OFFICE CHAMBERS (INTERNATIONAL ARBITRATION, ENERGY & NATURAL RESOURCES, ENGINEERING & CONSTRUCTION)**

Marc Frilet, Partner, **FRILET - SOCIETE D'AVOCATS / GCILA**

Jeremy Glover, Partner, **FENWICK ELLIOTT**

Sarah Hannaford QC, **KEATING CHAMBERS**

Adrian Hughes QC, **39 ESSEX STREET**

Ben Mellors, Partner, **BEALE & COMPANY SOLICITORS**

Finola O'Farrell QC, **KEATING CHAMBERS**

Lindy A. Patterson QC, Partner, **CMS CAMERON MCKENNA**

Svend Poulsen, Project Director, Project- and Construction Management, **ATKINS**

Colin Read, Partner, **PINSENT MASONS**

Mark Roe, Head of International Arbitration, **PINSENT MASONS**

Keith Strutt, Operations Director London, **DRIVER TRETT**

Michael Sergeant, Partner, **HOLMAN FENWICK WILLAN**

Simon R Worley, Chartered Civil Engineer, Adjudicator, Member of the **FIDIC SUB-CONTRACT TASK GROUP**, FIDIC Accredited Trainer

"I enjoyed very much the quality of speakers. The validity of topics addressed. The technical side of mind of delegates." (Claire Julhiet, EDF)

Why you can't afford to miss this invaluable event:

- Discuss the hottest topics in international construction law
- Prepare for problem areas, analyse the pitfalls and discuss practical solutions to numerous complex areas of law in international construction
- Review crucial implications of recent developments in the construction sector
- Keep up to date with the latest cases and their practical impact on your everyday work
- Full-board accommodation and meals for the duration of the conference

PLUS: Interact with other delegates and speakers at various networking events offered throughout the event, including punting, a drinks reception, a barbeque, a quiz night and a gala dinner



The Construction Law Summer School is tailored to the needs of:

- ✓ Lawyers specialising in construction and engineering
- ✓ In-house counsel
- ✓ Contract and project managers
- ✓ Project and civil engineers
- ✓ Dispute resolution lawyers
- ✓ Barristers
- ✓ Consultants
- ✓ Academics in the construction industry
- ✓ Commercial managers
- ✓ Quantity surveyors
- ✓ Arbitrators
- ✓ Adjudicators
- ✓ Mediators
- ✓ Lawyers in government and public bodies

How to get there

The closest airport to Cambridge is Stansted airport which is only a 30 minute bus or train journey away. Regular buses run from other UK airports (such as Luton or Heathrow) into Drummer Street in Cambridge. Express coaches also run regularly from other major UK cities to Cambridge. Trains and buses from London run regularly to Cambridge. The fastest way from London to Cambridge is by rail. Trains from London run every 15 minutes from both Liverpool Street and King's Cross stations, the journey taking from 45 to 90 minutes dependent on the train. Check the website <http://www.visitcambridge.org/visitor-information/how-to-get-here> for more information on how to travel to Cambridge.

SRA CPD: 16 hours; Bar Standards Board CPD hours will also be available

WHEN AND WHERE

FKW82552
8th – 11th September 2015

Venue: Fitzwilliam College
Storey's Way
Cambridge, CB3 0DG, UK
<http://www.fitz.cam.ac.uk/>

Price per delegate is inclusive of 3 nights' accommodation (from Tuesday to Thursday night), all meals* and evening networking activities. *Please note the conference fee does not include drinks at college bar or travel costs. Accommodation is provided by Fitzwilliam College and arranged for you through its disclosed agent IIR Ltd @ £72.25 + VAT per night per person, delegate to receive final invoice with breakdown of accommodation provided by college and all other components as provided by or arranged for you by IIR Ltd. For information on accommodation for extra nights please contact jana.schmolmann@informa.com

PERSONAL DETAILS

1st Delegate Mr/Mrs/Ms

Job title	Department
Telephone	Fax
Email	

Yes! I would like to receive information about upcoming events by email. By giving you my email address I am giving Informa companies the permission to contact me by email

2nd Delegate Mr/Mrs/Ms

Job title	Department
Telephone	Fax
Email	

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3rd Delegate Mr/Mrs/Ms

Job title	Department
Telephone	Fax
Email	

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Name of your Line Manager Mr/Mrs/Ms

Job title	Department
Telephone	Fax
Email	

Booking Contact Mr/Mrs/Ms

Job title	Department
Telephone	Fax
Email	

COMPANY DETAILS

Company Name

Postal Address

Telephone

Fax

Nature of Business

Billing Address (if different from above address)

Billing E-mail Address:

Unable to attend - event documentation

Nothing compares to being there - but you need not miss out! To order your online documentation please email professionalcustserv@informa.com.

Construction Law Summer School 2015 - £495 + VAT (20%)

Documentation orders can only be processed on receipt of credit card details. To ensure we provide the highest level of security for your credit card details we are unable to accept such payments via email or fax, which ensures that these details are never stored on our network. To make payment by credit card: To make your payment on-line, please enter your credit card details in our secure payments website that you will use when making your documentation purchase via the event website (the event web address is near the top of the booking form). Alternatively call our customer service team on +44 (0)20 7017 5503 or email your phone number with your documentation order to kmregistration@informa.com and we will call you.

FOUR EASY WAYS TO REGISTER

Telephone:
Tel: +44 (0)20 7017 5503
Please remember to quote FKW82552

Email:
professionalcustserv@informa.com

Fax:
Complete and send this registration form to:
Fax: +44 (0)20 7017 4746

Web:
www.ibclegal.com/constructionsschool

Scan with
smartphone
QR Reader App



Payment should be made within 14 days of registration.
All registrations must be paid in advance of the event.

HOW MUCH?

Price for 4-day conference inclusive of accommodation, all meals* and evening networking activities:

Register by 24th April 2015	Register by 31st July 2015	Standard Price
<input type="checkbox"/> £2,299 + VAT @ 20% (£2,758.80) SAVE £400	<input type="checkbox"/> £2,499 + VAT @ 20% (£2,998.80) SAVE £200	<input type="checkbox"/> £2,699 + VAT @ 20% (£3,238.80)

The VAT rate is subject to change and may differ from the advertised rate. The amount you are charged will be determined when your invoice is raised. Price per delegate is inclusive of 4 nights' accommodation (from Tuesday to Thursday night), all meals* and evening networking activities. *Please note the conference fee does not include drinks at college bar or travel costs. Accommodation is provided by Fitzwilliam College and arranged for you through its disclosed agent IIR Ltd @ £72.25 + VAT per night per person, delegate to receive final invoice with breakdown of accommodation provided by college and all other components as provided by or arranged for you by IIR Ltd. For information on accommodation for extra nights please contact jana.schmolmann@informa.com

Your stay at Fitzwilliam College is subject to their terms and conditions which can be found on the Delegate Helpdesk page <http://www.ibclegal.com/constructionsschool>. These cancellation terms have been incorporated into the charges listed above as part of IIR Ltd acting as Fitzwilliam College's disclosed agent.

£500 discount for 3rd and subsequent delegates. All discounts can only be claimed at the time of registration and multi-booking discounts cannot be combined with other discounts that may be available (apart from early booking discounts which are available to everyone). All discounts are subject to approval. We are happy to accept a replacement delegate for the whole event, however delegate passes cannot be split or shared between delegates under any circumstances.

TWO EASY WAYS TO PAY

- By Bank Transfer:** Full details of bank transfer options will be given with your invoice on registration.
- By Credit Card:** To ensure we provide the highest level of security for your credit card details we are unable to accept such payments via email or fax, which ensures that these details are never stored on our network. To make payment by credit card on-line, please enter your credit card details in our secure payments website that you will use when making your booking via the event website (the event web address is near the top of the booking form). Alternatively call our customer service team on +44 (0) 20 7017 5503.

Additional Requirements Please notify Informa at least one month before the conference date if you have any additional requirements e.g. wheelchair access, large print etc.

TERMS AND CONDITIONS

Attendance at this Event is subject to the IBC Legal Delegate Terms and Conditions at <http://www.ibclegal.com/page/termsandconditions>. Your attention is drawn in particular to clauses 6, 8 and 14 of the IBC Legal Delegate Terms and Conditions which have been set out below.

Cancellation Policy: If you cancel in accordance with this policy, you will receive a refund of your fees paid to IBC Legal (if any); (i) if you cancel your registration 28 days or more before the Event, subject to an administration charge equivalent to 10% of the total amount of your fees plus VAT; or (ii) if you cancel your registration less than 28 days, but more than 14 days before the Event, subject to an administration charge equivalent to 50% of the total amount of your fees plus VAT. IBC Legal regrets that the full amount of your fee remains payable in the event that your cancellation is 14 days or less before the Event or if you fail to attend the Event. All cancellations must be sent by email to professionalcustserv@informa.com marked for the attention of Customer Services and must be received by IBC Legal. You acknowledge that the refund of your fees in accordance with this policy is your sole remedy in respect of any cancellation of your registration by you and all other liability is expressly excluded.

Changes to the Conference: IBC Legal may (at its sole discretion) change the format, speakers, participants, content, venue location and programme or

any other aspect of the Event at any time and for any reason, whether or not due to a Force Majeure Event, in each case without liability.

Data protection: The personal information which you provide to us will be held by us on a database. You agree that IBC Legal may share this information with other companies in the Informa group. Occasionally your details may be made available to selected third parties who wish to communicate with you offers related to your business activities. If you do not wish to receive these offers please contact the database manager. For more information about how IBC Legal use the information you provide please see our privacy policy at <http://www.ibclegal.com/page/privacypolicy>. If you do not wish your details to be available to companies in the Informa Group, or selected third parties, please contact the Database Manager, Informa UK Ltd, Maple House, 149 Tottenham Court Road, London, W1T 7AD, UK. Tel: +44 (0)20 7017 7077, fax: +44 (0)20 7017 7828 or email integrity@irftd.co.uk

Incorrect Mailing: If you are receiving multiple mailings or you would like us to change any details, or remove your name from our database, please contact the Database Manager at the above address quoting the reference number printed on the mailing label.

By completing and submitting this registration form, you confirm that you have read and understood the IBC Legal Delegate Terms and Conditions and you agree to be bound by them.