

Construction Law Update Seminar 12, 17, 19 and 24 March and 14 and 19 May 2020

Who are you in contract with? • Contract Amendments • Insolvency Economic Duress • Notices • Non-reliance Clauses • Payment • Adjudication Update

With the ever-changing complex environment of the construction industry, having a comprehensive and up to date understanding of contractual and commercial issues is imperative. The past 12 months have seen significant changes to a number of key and fundamental issues, such as developments in payment, insolvency and economic duress. Keep up to date with the latest legal issues and risks so that your business is not tripped up by a lack of knowledge. Hawkswell Kilvington are presenting a series of half-day seminars to update you on the key issues you should be aware of. Book your place today to learn about these important developments in construction law.

The seminar will cover:

Who are you in contract with?

- What is in a name? *Ferns & another v West & others*
- Can a decision be enforced even if it's against the wrong company name? *MG Scaffolding v Palmloch*

Contract Amendments

- Can a contract be amended if it was agreed at the outset that no amendments can be made? *Rock Advertising Ltd v MWB Business Exchange Centres Ltd*
- *Globe Motors Inc v TRW Lucas Varity Electric Steering Ltd*

Insolvency

- Can a company in liquidation commence an adjudication? *Michael J Lonsdale (Electrical) Ltd v Bresco Electrical Services Ltd* – the appeal
- *Meadowside Building Developments Ltd (in liquidation) v 12-18 Hill Street Management Company Ltd*
- Can company directors be pursued personally if a company cannot pay its debts?

Economic duress

- What is economic duress and when does it apply? *Times Travel (UK) Ltd v Pakistan International Airlines Corporation*

Notices

- Do your notices comply with the contract requirements? Ignore the contract at your peril!
- In recent cases the courts have provided a reminder on the consequences of a failure to comply strictly with contractual notice provisions. We look at the decisions in *Stobart Group Ltd & Anor v William Stobart & Anor* and *Maeda Corporation v Bauer Hong Kong Ltd* and the lessons to be learnt.

Non-reliance Clauses

- How enforceable are clauses deeming a party to have made their own enquiries?
- In *First Tower Trustees Limited v CDS (Superstores International) Ltd* the court looked at the enforceability of a non-reliance clause and the need for such a clause to satisfy the test of reasonableness. We explore the significance of this case, particularly with regard to clauses relating to ground conditions.

Payment

- Milestone payments and the Construction Act: Court of Appeal guidance in *Bennett (Construction) Limited v CIMC MBS Limited (formerly Verbus Systems Ltd)*
- NEC3 form of contract with Option C – the allocation of pain/gain share – the implications arising out of *Doosan Enpure Ltd v Interserve Construction Ltd*
- Can a party commence an adjudication about the true value of a final account before the contractual due date? *Barry M Cosmetics Ltd v Merit Holdings Ltd*
- Payment notices reviewed - *C Spencer Ltd v MW High Tech Projects UK Ltd*

Adjudication Update

- Fraudulent misrepresentation; should the Adjudicator's decision still be enforced? *PBS Energo A.S v Bester Generacion UK Limited*
- NEC3 and time bars - *Sitol UK Ltd v Finegold and another*
- Should an adjudication decision still be enforced even if the referring party has entered into a CVA? *Indigo Projects London Ltd v Razin and other*
- When does an Adjudicator's error amount to a breach of natural justice? *JJ Rhatigan & Co (UK) Limited v Rosemary Lodge Developments Limited*
- Should an Adjudicator be able to add interest and reverse liability for his fees? *Axis M&E UK Ltd v Multiplex Construction Europe Ltd*
- Scottish court guidance on the severability of an adjudication decision *Dickie & Moore v Lauren McLeish Trust*
- Is the supply of concrete a 'construction operation'? *Universal Sealants (UK) Ltd v Sanders Plant and Waste Management Ltd*

Venues and Seminar Programme

Savoy Place, 2 Savoy Place, London, WC2R 0BL, 12 March 2020 (AM/PM)

Worsley Park Marriott Hotel & Country Club, Worsley, Manchester, M28 2QT (Jct 13 M60), 17 March 2020 (AM)

Holywell Park Conference Centre, Loughborough, LE11 3GR (Jct 23 M1), 19 March 2020 (AM)

Thorpe Park Hotel & Spa, Leeds, LS15 8ZB (Jct 46 M1), 24 March 2020 (AM)

Savoy Place, 2 Savoy Place, London, WC2R 0BL, 14 May 2020 (AM)

The Bristol Golf Club, Bristol, BS10 7TP (Jct 17 M5) 19 May 2020 (AM)

Seminar Programme	Morning (except London)	London Morning	London Afternoon
Registration	7.30-8.00	8.30-9.00	13.00-13.30
<ul style="list-style-type: none">Who are you in contract with?Contract amendmentsInsolvencyEconomic duress	8.00-9.15	9.00-10.15	13.30-14.45
Coffee Break	9.15	10.15	15.00
<ul style="list-style-type: none">NoticesNon-reliance ClausesPaymentAdjudication Update	9.30-11.00	10.30-12.00	15.00-16.30
Questions/Open Forum	11.00	12.00	16.30

Who Attends?

Contractors, sub-contractors, developers, project managers, house builders, funders, public bodies, modular builders, local authorities, airports, schools, health trusts, trade associations, architects, quantity surveyors, engineers, insurers, brokers, finance directors, commercial directors, construction directors, chemical and oil companies and utility network operators.

How to Book

There is a non-refundable charge of £125.00 plus VAT (£150) per delegate, including refreshments on arrival. Please complete the booking form below and return it to: Louise Tankard, Hawkswell Kilvington Limited, 17 Navigation Court, Calder Park, Wakefield, WF2 7BJ (ltankard@hklegal.co.uk).

Payment can be made by:

- Sending a cheque for the appropriate amount made payable to "Hawkswell Kilvington Limited".
- BACS upon your receipt of our VAT invoice.
- Credit card – please email your booking form to ltankard@hklegal.co.uk and we will call you back to take payment.

Payment must be made within 14 days of receipt of invoice or your reservation may be cancelled.

If you cannot make the date and want the seminar in house or should you have any queries about the seminars, please contact Louise Tankard on 01924 258719.

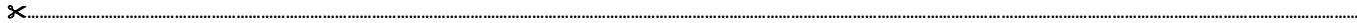
About Us

Hawkswell Kilvington Limited, a specialist law firm dedicated to addressing and resolving construction and engineering industry issues.

According to Chambers & Partners legal directory, Hawkswell Kilvington is "a respected construction and engineering boutique with a fine industry reputation...and...Represents an impressive client base of contractors, developers, utility providers and public bodies in large-scale projects across the country".

Jonathan Hawkswell is credited as being someone who "is a well-established construction disputes lawyer whose impressive reputation extends well beyond the region". David Kilvington is "recommended for his extensive experience in drafting contracts, warranties and other construction documentation". Daniel Silberstein is praised by clients for being "very strong on contractor and subcontractor money disputes,". Thomas Salter is renowned for dealing "with contentious matters, including disputes relating to variations, time extensions, non-payment and breach of contract".

Please return this section to Louise Tankard at Hawkswell Kilvington Limited, 17 Navigation Court, Calder Park, Wakefield WF2 7BJ



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CONSTRUCTION & ENGINEERING SOLICITORS

Construction Law Update Seminar - Booking Form

- Who are you in contract with?
- Contract Amendments
- Insolvency
- Economic Duress
- Notices
- Non-reliance Clauses
- Payment
- Adjudication Update

Please reserve me () places

- | | |
|--|---|
| <input type="checkbox"/> Savoy Place, London – 12 March 2020 (AM) | <input type="checkbox"/> Savoy Place, London – 12 March 2020 (PM) |
| <input type="checkbox"/> Worsley Park, Manchester – 17 March 2020 (AM) | <input type="checkbox"/> Holywell Park Conference Centre, Loughborough 19 March 2020 (AM) |
| <input type="checkbox"/> Thorpe Park Hotel, Leeds – 24 March 2020 (AM) | <input type="checkbox"/> Savoy Place, London – 14 May 2020 (AM) |
| <input type="checkbox"/> The Bristol Golf Club, Bristol – 19 May 2020 (AM) | |

Delegate

Name

Position

Organisation

Address

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Post code

Telephone

Email

Additional Delegates

Name:

Position:

Email:

Name:

Position:

Email:

Name:

Position:

Email:

- I enclose a cheque for £150 per delegate payable to Hawkswell Kilvington Limited
- Please issue an invoice for payment by BACS
- Please call me back on tel: to take credit card details

The seminar contains information of general interest about current legal issues, but does not provide legal advice. It is prepared for the general information of those attending. Anything stated during the seminar should not be relied upon in any specific situation without appropriate legal advice. If you require legal advice on any of the issues raised during the seminar, please contact one of our specialist construction solicitors.