



Adjudication Society

**Minutes of the AGM
Held on**

12 November 2009

Chaired by Nicholas Gould (Chairman, Adjudication Society)

1 Notice, Reports and Papers

1.1 Notice of the AGM having been given by email to all members on a number of occasions during the year, and by ongoing notice on the website, the following Reports and papers were issued by email to all Adjudication Society Members on 10 and 11 November 2009:

- 1.1.1 Chairman's Report and agenda for the AGM;
- 1.1.2 Newsletter article: appointment of Professor Phillip Capper as Honorary President;
- 1.1.3 Chairman's note on the Adjudication Society Member's survey;
- 1.1.4 Report on the Member's survey (Liam Holder and Stephen Clarke);
- 1.1.5 Returning Officer's Election Certificate dated 7 October 2009;
- 1.1.6 Treasurer's Report;
- 1.1.7 Annual Report and Accounts 2009;
- 1.1.8 Report on the Regions November 2009 (with Appendix 1 and 2); and
- 1.1.9 Honorary Secretary's Report.

1.2 Hard copies of all of these documents were provided at the AGM.

1.3 A substantial number of Members were in attendance, and the AGM was quorate.

2 Apologies

2.1 Apologies were received from:

- 2.1.1 Stephen Clarke (Honorary Secretary);
- 2.1.2 Ben Beaumont (Junior Vice Chairman);
- 2.1.3 Bob Davis; and

2.1.4 Liam Holder.

3 Introduction to the AGM

3.1 The Chairman introduced the AGM, by referring to the bundle of papers issued by email, and available in hard copy at the opening of and throughout the conference.

3.2 In the absence of the Hon Treasurer and Hon Secretary Nicholas Gould introduced their Reports.

4 Chairman's Report

4.1 The Chairman referred to and summarised the Chairman's report and outlined the agenda.

4.2 Over 165 delegates were registered for the conference which was a record. This included 63 students from King's College London, so supporting the Society's main objective of education and training, not just for its Members but for the wider public.

4.3 Several key issues were debated with the members. These are set out below.

4.4 *Should the Adjudication Society become an ANB?*

4.5 There was a debate as to whether the Society should become an ANB. One member spoke for the motion, focusing on how difficult it was to get appointments from the existing ANBs and considering appointments would then come from the Society.

4.6 The Chairman said the key to being appointed was being either appointed direct from the parties or being on an ANB list, with the greatest chance of appointment coming from those ANBs that were listed as the default appointing bodies in the standard form contracts. His view was that the Society should remain independent and remain focused on education and training.

4.7 The Senior Vice Chairman, John Riches agreed.

4.8 Several Members spoke against the Society becoming an ANB, agreeing with the Chairman and Senior Vice Chairman, also adding that there would be a need for a paid secretariat, which would be a new cost to the Society.

4.9 The Members were asked to vote, and the vast majority were against the Society becoming an ANB.

4.10 The Chairman confirmed that the Society would not become an ANB nor would the Society make appointments.

4.11 *International*

4.12 The member's survey showed that Members thought that the Society should have closer links with UK institutions. The Society already has close links with academic and industry organisations. However, development in this area would continue.

4.13 Links with international organisations would also continue to be developed in order to keep up to date with developments in other countries and in respect of dispute boards, given their close relationship with adjudication.

4.14 *IT*

4.15 The Society had just launched its new Website. The webmaster, Edward Peters was on hand at the conference to answer questions and display the website.

4.16 Very positive comments were made by the Members about the new website.

4.17 The Chairman confirmed that further money would be invested in the website over the next year to expand the educational information available. It was hoped that the Society may be able to offer video lectures or webcasts on the law and practice relating to adjudication at some point.

4.18 *Annual prizes*

4.19 A budget had been set aside for prizes for learned papers and also to support universities. Further information was available on the website.

4.20 *Guidance papers*

4.21 It was hoped that the Society could produce concise guidance notes on the law and practice relating to adjudication.

4.22 The members were asked to propose, at any time, guidance or standards on a particular theme, but only on the basis that they were willing to assist. Guidance and standards would then be drafted by willing members together with the executive committee.

5 Appointment of Professor Phillip Capper as Honorary President

5.1 The Chairman was extremely pleased to confirm the appointment of Professor Phillip Capper as the Adjudication Society's Honorary President. His term would start for a period of three years from the date of the AGM on 12 November 2009.

5.2 Phillip would not be attending the executive meetings, but instead the purpose of his appointment was to provide the Society with a well known and highly experienced President that could inform the general public in the UK and internationally about the Society from time to time. He would also provide guidance and assistance in taking the Society forward with particular reference its educational and training needs.

6 Members Survey

6.1 The Chairman introduced his summary of the member's survey and the more detailed review by Liam Holder and Stephen Clarke. Both papers were published in the November 2009 Newsletter.

6.2 The Chairman reviewed briefly the papers and referred to some of the results of the Member's survey. In particular, the Chairman thanked Liam Holder and Stephen

Clarke (who were unable to attend today) for all of their hard work in preparing and then dealing with the questionnaire. Hamish Lal was also thanked for his involvement in assisting with the electronic questionnaire.

6.3 Results of the survey, in particular the comments in the two attached papers were already being used to formulate the Society's three to five year plans. In that respect new sub-committee's had already been formed in order to focus on the particular objectives. Sub-committees therefore now comprised:

6.3.1 Awards (Universities and prizes) - Bob Davis and Edward Quigg

6.3.2 Communications (IT and web congress) - Nicholas Gould, Glenn Godfrey and Edward Quigg

6.3.3 Training - Liam Holder, Ben Beaumont and Hamish Lal

6.3.4 Guidance and standards - a chair or chairs to be selected from the executive committee from time to time in order to develop particular guidance and papers.

6.3.5 Legislative - Tim Willis

6.3.6 Conference - Martin Potter and Nicholas Gould

6.3.7 Mock Adjudication - Hamish Lal

7 Elections

7.1 The Chairman referred to the Certificate dated 7 October 2009 of the Returning Officers (Richard Bayfield and Martin Potter) in respect of the nominations for the Honorary Officers and Ordinary Members for the Executive Committee.

7.2 Under paragraph 9.2 of the Constitution the following were recommended to serve for a second year as Honorary Officers of the Executive Committee:

7.2.1 Nicholas Gould (Chairman);

7.2.2 John Riches (Senior Vice chairman);

7.2.3 Ben Beaumont (Junior Vice Chairman);

7.2.4 Stephen Clarke (Secretary);

7.2.5 Edward Quigg (Treasurer); and

7.2.6 Tim Willis (Regional Co-ordinator).

7.3 The following were proposed as Ordinary Members:

7.3.1 Bob David;

7.3.2 Glenn Godfrey;

7.3.3 Liam Holder;

- 7.3.4 Hamish Lal;
- 7.3.5 Andrew Milner; and
- 7.3.6 Martin Potter.

7.4 As 8 places were available, with only the 6 above standing, no elections were necessary.

7.5 The Honorary Officers and Ordinary Members were proposed as making up the Executive Committee by Richard Morris and seconded by Philip Fidler.

8 Treasurer's Report

8.1 The Report showed that the Adjudication Society was in a healthy financial position. The virtual nature of the Society and the lack of any paid secretariat meant that the costs were extremely minimal. However the burden of running the Society fell to the Executive Committee, with support and assistance from the webmaster, Edward Peters and the postmaster, Simon Hogg. Support was also obtained from those producing the newsletter including the editor, William Webb of Keating Chambers.

8.2 The Society holds some funds in reserve. These have now been distributed across a number of banks given the current financial position.

8.3 The Chairman then considered with the members the budget for the forthcoming year, identifying some potential increased costs in the running of the website in order to continue to improve the website and to improve educational needs, in particular the possibility of gathering published papers and also encouraging members to produce learned papers. There was provision for a further surplus in order to avoid the Society running at a loss.

8.4 The Chairman asked the Members present whether there were any questions. A limited number of comments were received, all of which were positive. In particular the Members thought the surplus funds should be retained for educational purposes and should be distributed across a number of banks given the current concerns.

8.5 The Report was proposed by Martin Potter and seconded by Helena Riches

8.6 The chairman then proposed that subscriptions remained at £50.00.

8.7 This was proposed by Matthew Bathurst and seconded by John Riches.

9 Regional Co-ordinator's Report

9.1 The Chairman thanked Tim Willis, the regional coordinator for all of his work during the past year. The Report showed that there were an increasing number of talks throughout the country. The member's survey indicated that more were required, and the Chairman appealed to anyone that may be willing to assist Tim with this and the regions in their endeavours.

9.2 The Chairman explained how funds were distributed to the region and that each region ran with its own constitution that mirrored the Adjudication Society's, as well as a committee that helped to develop and expand the work in the region.

9.3 The Report was proposed by John Riches and seconded by Victoria Russell.

10 AOB

10.1 The chairman reminded Members that the Mock Adjudication would take place at King's college London on Friday, 11 December in the afternoon. It will be a free event followed by drinks. Hamish Lal was the co-ordinator for the event.

10.2 No further items were raised.

10.3 There being no further business the AGM closed at 11.10am, with a vote of thanks for

10.3.1 Martin Potter, Winifred Potter, John Dunlop and Hamish Lal for the conference;

10.3.2 The Executive Committee for its report;

10.3.3 Members for completing the survey; and

10.3.4 Professor Phillip Capper for taking up the post as Honorary President.

Nicholas Gould

Chairman, Adjudication Society

Minutes prepared by Nicholas Gould, taking account of observations, comments and corrections from the Executive Committee.