

Society of Construction Law - International Committee

TERMS OF REFERENCE

Original Issuance: December 2014

These are the terms of reference for the Committee of Society of Construction Law - International, the body of representatives of national or regional Society of Construction Law organisations that comprise the world-wide federation or alliance known as Society of Construction Law - International.

1. Title

- 1.1. These terms shall be cited as the Society of Construction Law - International Committee Terms of Reference.

2. Interpretation

- 2.1. In this Terms of Reference --

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|---------------------------|---------------|---|
| (a) "SCL" (as an acronym) | ... refers to | "Society of Construction Law". |
| (b) "SCL" (as a noun) | ... refers to | a national or regional organisation constituted (whether as a society, association or otherwise) in line with the SCL Model Constitution. |
| (c) "SCL - International" | ... refers to | the worldwide federation or alliance of SCLs, sharing common interests and objects in construction law. |
| (d) SCL Area | ... refers to | a co-operation of multiple SCLs within a geographical area. |
| (e) SCL Group or Chapter | ... refers to | a group or chapter of members of an SCL defined by a local place (such as a geographical zone, state, municipality, or city). |
| (f) "Committee" | ... refers to | the "Society of Construction Law - International Committee", the body of representatives of SCLs that comprise Society of Construction Law - International. |

- (g) SCL Model Constitution . . . refers to the Model Constitution provided on the SCL - International Website (essentially derived from the SCL-United Kingdom constitution, on which most other SCLs' constitutions are in some way based) which reflects the SCLs' common interests and objects in construction law.
- (h) SCL - International Website . . . refers to the website of domain name "sclinternational.org" as hosted and managed by SCL-United Kingdom.

3. Objects of the Committee

- 3.1. The objects of the Committee comprise:
- (a) To establish and maintain the existence and identity of SCL-International (the world-wide federation or alliance of SCLs).
 - (b) To manage the on-going and developing co-operation and co-ordination between SCLs in pursuit of the advancement of construction law (in line with the SCLs' mutual objects).
 - (c) To establish and maintain an SCL-International website, as a vehicle to co-operation and co-ordination between SCLs, as well as to publicly present the SCL-International image and identity.
 - (d) To establish and maintain a 'Model Constitution' to reflect the common interests and objects of SCLs throughout the world.
 - (e) To oversee the regular organisation of an international construction law conference.

4. Composition of the Committee and International Liaison Sub-Committee

- 4.1. The Committee shall be composed of representatives of each SCL, namely;
- (a) The incumbent Chairperson of the SCL.
 - (b) An "International Liaison" of the SCL.
- 4.2. The collective of SCLs' International Liaisons will comprise an International Liaison Sub-Committee which will examine ways to achieve closer ties between the various SCLs internationally. The role of International Liaison

is therefore intended to be a long standing appointment so as to promote consistency and continuity within the sub-committee.

5. Meetings of the Committee

- 5.1. The Committee will hold a Biennial General Meeting (BGM) during the biennial SCL - International Conference.
- 5.2. The BGM will be called, arranged, chaired, and minuted by (or on behalf of) the incumbent Chairperson of the SCL hosting the SCL - International Conference.
- 5.3. The Agenda for the BGM will be:
- (a) Acknowledgement of existing and newly formed SCLs comprising SCL-International, and mutual greetings amongst those representatives present.
 - (b) Confirmation of the on-going hosting and management of the SCL-International website by SCL-United Kingdom.
 - (c) Confirmation of the "SCL-International Coordinator" to be named in the SCL-International website as the party for prospective SCLs to contact in regard to establishing a new SCL.
 - (d) Revisions to the Terms of Reference (if any).
 - (e) Selection of the host SCL for the next SCL-International biennial conference, and the establishment of a steering committee to oversee preparations for the conference.
 - (f) Any other matters arising.
- 5.4. The Committee will also arrange for ad hoc general and special meetings as and when the need arises, which may be conducted by any means agreed unanimously to be appropriate, such as:
- (a) in person,
 - (b) via video/telephone conferencing or the like,
 - (c) via electronic mail/communications.
- 5.5. Each SCL may be represented at meetings of the Committee by either their Current Chairperson, or their International Liaison, or both. Where the SCL Chairperson and International Liaison cannot attend the meeting, they may inform the other SCLs in writing of their proxy representative.

5.6. The participants in any ad hoc general and special meetings shall agree as to whom the meeting will be chaired and minuted by.

5.7. *Rules of Decisions of the Committee*

Any decision not agreed unanimously shall be put to the vote under majority rule, and each SCL shall have one vote – although no decision shall be made unless every SCL has been given reasonable notice as to the decision being taken and the opportunity to vote.

5.8. *Amendment of Terms*

This Terms of Reference may be amended by the Committee under the *Rules of Decisions* as set out in sub-section 5.7.

6. Biennial SCL - International Conference

6.1. At each Biennial General Meeting the SCL-International Committee shall make selection of the host SCL and venue for the next SCL-International biennial conference, and establish a steering committee to oversee the host SCL's preparations for the conference.

6.2. The selection of the host SCL and venue for the next SCL-International biennial conference will take into account the following factors (but not exclusively):

- (a) That the proposed host is an established SCL, or otherwise an appropriate organisation (considering the intents and purposes of the conference to advance construction law).
- (b) The resource and capability of the SCL to successfully run the conference.
- (c) Appropriate safety and security of the host city.
- (d) Appropriate domestic accommodation and transport facilities of the host city.
- (e) That the host country is unlikely to have problems in immigration controls (eg entry visas) for the various nationals of the SCL international community.
- (f) That the venue provides a platform of outreach to the SCL community in that global area.
- (g) That the conference will promote growth & development of the SCL community in the host country.
- (h) That the host SCL provides basis for securing substantive conference content (eg (i) a different perspective, such as 'civil

law' versus 'common law' issues, and (ii) underpinned by developments and novelty in construction and construction law in the country).

- (i) The proposed venue gives potential for business-development-benefits to the participating SCL members.
- (j) The proposed venue's environment is conducive to a pleasantly and effectively successful conference, including ancillary networking activities.
- (k) Whether or not the host has hosted an international conference before.
- (l) Any other relevant factors considering the intents and purposes of the conference to advance construction law from an international perspective.

7. SCL - International Website

7.1. The Committee shall oversee the maintaining of the SCL-International website of domain name "sclinternational.org" (as hosted and managed by SCL-United Kingdom).

7.2. The SCL-International website shall serve as a vehicle to co-operation and co-ordination between SCLs, as well as to publicly present the SCL-International image and identity. The SCL-International website will therefore address and provide for the following:

PUBLIC DOMAIN

- (a) - statement about SCL-International
- (b) - links to all SCLs' websites
- (c) - international calendar of events (with link to event webpage)
- (d) - 'model constitution' and/or 'checklist' for SCLs
- (e) - 'terms of reference' for the Committee of SCL-International
- (f) - contact details for International Committee representatives, ie the "SCL-International Coordinator" to be named in the SCL-International website as the party for prospective SCLs to contact in regard to establishing a new SCL.
- (g) - forum / wiki / interactive discussion function
- (h) - international newsletter
- (i) - links to SCL newsletters

MEMBERS-ONLY AREA

- (j) - repository of papers (studies / research. talks / seminars, etc)

- (k) - branding standards for SCL-International (eg logo/graphics and naming conventions)

TEMPORARY FUNCTION

- (l) - wiki / forum for participants of SCL-International conferences and events. .

COMMITTEE AREA

- (m) - repository of SCL-International Committee (minutes/records, documents, etc)
- (n) - contact list of the Int'l Committee (ie Liaisons and Chairpersons)

8. Establishment and recognition of new SCLs

- 8.1. The website will provide the contact details of an “SCL-International Coordinator”, as the party for prospective SCLs to contact in regard to establishing a new SCL.
- 8.2. The SCL-International Coordinator will notify all SCL Chairpersons of any requests for a new SCL to be established, and will recommend whether the requester should be recognised as an SCL.
- 8.3. The body of SCL Chairpersons shall decide upon whether to accept and recognise the requester as an SCL, taking the following eligibility criteria into account:
 - (a) Formal declaration of constitution in line with the ‘Model Constitution’.
 - (b) An undertaking to abide by the requirements of SCL-International.
 - (c) A minimum membership of 10 individuals who are ordinarily resident in the country of the proposed SCL.
 - (d) The legality of such an organisation in the requester’s country, and status of registration / incorporation in the requester’s country (or otherwise formally and legally organised within the context of that country, or otherwise organised in a mode and manner acceptable to the SCL-International Committee).
 - (e) The creation of a website for the proposed SCL.
 - (f) Any other matter, being cognisant of the good standing, reputation and image of SCL-International.
- 8.4. Upon recognition of a new SCL, the SCL-International Coordinator will:

- (a) arrange for the new SCL to be given login/password access to the 'members-only area' of the website so as to use the SCL graphics/logo and naming conventions.
- (b) notify the website manager of (i) the new SCL and (ii) the particulars of their Chairperson and International Liaison so that the website can be updated accordingly.

8.5. Without prejudice to any agreement by the SCL-International Committee to deal with such matter in another way: The SCL-International Committee shall revoke the recognition of an established SCL if, after 2 months written warning, the SCL fails to comply with all eligibility criteria.

9. Seeding Funds

9.1. The Committee will communicate as-and-when the matter of the establishment of a new SCL arises, to discuss the need for any support by 'seeding funds', and to discuss the participation and mode of financial contribution by respective SCLs.

10. Image & Identity: Branding standards (ie logo/graphics and naming conventions)

10.1. The Committee shall decide upon the branding standards, ie logo/graphics and naming conventions, for SCL-International, SCL Areas, the respective SCLs, and any SCL Chapters.

10.2. Any modifications and deviations from the branding standards shall be subject to approval by the Committee.

10.3. The branding standards shall be maintained on the SCL-International website.

11. Co-operation and understandings with other organisations

11.1. The Committee will deliberate as-and-when necessary on possible formalised relationships of co-operation or understanding with other organisations at an international level.

12. Research and publications

- 12.1. The Committee will deliberate as-and-when necessary on possible inter-SCL research or publication ventures (for the advancement construction law), and may form work groups or taskforces to undertake such ventures.

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