

ASK EXPERIENCED PRACTITIONERS

Association of Arbitrators (Southern Africa) NPC

Webinar, 17 September 2026



In collaboration with



PENALTIES, LIQUIDATED DAMAGES AND CERTIFICATION

Join the Association of Arbitrators (Southern Africa) NPC, in collaboration with the Society of Construction Arbitrators, for this webinar, presented by Adv Kevin Trisk SC, John Bishop, Marion Smith KC and Adv Andrew Russell, as part of the Association's ongoing mission to provide regular upskilling opportunities for its members and for everyone interested in alternative dispute resolution (ADR).

ABOUT THIS WEBINAR:

This session is a practical guide to the recovery of liquidated damages and penalties at all stages of the dispute resolution process. It will look at the challenges for the Parties, their advisers and the dispute resolvers such as arbitrators.

The Panel will discuss:

- ✓ What are the differences in approach under the main infrastructure contracts: FIDIC, NEC, JBCC and JCT?
- ✓ To what extent do the civil law and common law jurisdictions generally take different approaches?
- ✓ How important is the specific choice of the governing law?
- ✓ Does the role of the Certifier vary across contracts and jurisdictions?

The Panel will share insights and examples of success and failure from a variety of jurisdictions, including England, Wales and South Africa.

ABOUT OUR PRESENTERS:

Adv Kevin Trisk SC:



Kevin Trisk SC is an experienced legal professional specialising in arbitration and adjudication, with in excess of 41 years' in practice. He holds degrees in law from the University of Cape Town and has served as an Acting Judge in South Africa's High Court on several occasions. His expertise spans construction and engineering disputes, having presided over more than 100 arbitrations and dispute boards. Trisk is proficient in English, with working knowledge of Afrikaans and French, and is a member of several arbitration and legal societies. His career includes significant roles in law firms and contributions to legal education and workshops. Kevin is a Fellow (FAArb) member of the Association of Arbitrators (Southern Africa) NPC.

Mr John Bishop:



John Bishop has more than 50 years' experience as a construction lawyer and now practices full time as an Arbitrator, Dispute Board Member and Mediator. He has extensive experience of dispute resolution around the world including in many African countries. Chambers described him as one of the world's pre-eminent construction experts. Lexology rates him as a Global Elite Thought Leader.

Marion Smith KC:



Marion Smith KC is a barrister, adjudicator, arbitrator and mediator with over 25 years' experience in complex disputes across a wide range of industry sectors and international geographical regions. She is recognised in key legal directories as both counsel and arbitrator. Marion is an Honorary Professor in the Centre for Commercial Law Studies, Queen Mary University of London. She contributes to various texts on construction law and dispute resolution including Wilmot-Smith on Construction Contracts (OUP), Foskett on Compromise (Sweet & Maxwell) and Net Zero and Nature Positive, (LPP).

Adv Andrew Russell:



Andrew Russell is a dual-qualified legal and engineering professional, holding an LLB, LLM, and admission to the New York Bar, alongside a BSc in Electrical Engineering, and brings a unique interdisciplinary perspective to construction law. Andrew has experience in both front-end project and energy agreements, and back-end dispute resolution, including adjudications, arbitrations, and litigation.

Andrew is an [Associate](#) (AAArb) member and a Tutor for the [Specialisation in Construction Law Course](#) (Module 5) at the Association of Arbitrators (Southern Africa) NPC.

DATE: Thursday, 17 September 2026 **TIME:** 18:00 to 19:30 (SAST), 17:00 to 18:30 (BST)

LINK: The Zoom link will be emailed to you upon receipt of your completed [Registration Form](#).

COST (incl. VAT): No charge.

RSVP BY: Wednesday, 16 September 2026
Please send your completed [Registration Form](#) to our Financial Manager **Michelle Venter** at michelle@arbitrators.co.za.