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FIDIC Asia-Pacific Contract Users' Conference

The essential guide for successfully utilising the FIDIC suite of contracts and effectively resolving disputes in Asia-Pacific

Dates: 20th & 21st June 2012, Pre-Conference Workshops: 19th June 2012

Venue: Novotel Singapore Clarke Quay

Don't miss this unique opportunity to gain expert advice on how you can:

- Get the latest updates on the **FIDIC Procurement Procedure and Claims Under FIDIC Contracts**
- **Examine the roles of the parties in FIDIC contracts:** Engineers, Employers and Contractors
- Keep abreast of the latest **litigation, arbitration and dispute resolution** techniques specific to the Asia-Pacific region
- Analyse the differences between the **MDB Harmonised Construction Contract, the Construction and Design-Build Contracts** and the **EPC/Turnkey Contracts** and their application in the Asia-Pacific region

Also benefit from **3 fully interactive workshop** sessions:

- **Workshop A** - Introduction to the FIDIC Suite of Contracts
- **Workshop B** - Contract Risk Management for FIDIC Projects in Asia
- **Workshop C** - Resolving APAC & International FIDIC Disputes

Your registration includes copies of:

- FIDIC DBO Contract Guide, 1st Edition 2011
- FIDIC Construction Subcontract, 1st Edition 2011

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Your Speaker Faculty 2012:

- **PHILIP JENKINSON**, *Principal Consultant, Atkins; Chair, FIDIC Contracts Committee* (UK)
- **SIOBHAN FAHEY**, *Chartered Engineer & Chartered Arbitrator; Member, FIDIC Subcontract Task Group* (Ireland)
- **RICHARD KELL**, *Past President, FIDIC* (Australia)
- **RONNIE THOMSON**, *Regional Director, URS Scott Wilson* (Hong Kong)
- **PETER WONG**, *Civil Engineer, Arup* (Hong Kong)
- **ELLIS BAKER**, *Head of Construction & Engineering Practice Group, White & Case* (London) and *Lead Author of FIDIC Contracts Law and Practice* (Informa, 2009)
- **VOLKER MANKHEN**, *Head of Project Litigation, CL LIT, Siemens AG* (Germany)
- **WILLIAM GODWIN**, *Barrister; Member, CIETAC Foreign Arbitrators' Panel* (UK)
- **RUSLI BIN IDRUS**, *Director, RBI Consultants* (Malaysia)
- **DR. DONALD CHARRETT**, *Barrister, Arbitrator, Mediator, MTECC* (Australia)
- **DR. SEBASTIAN HÖK**, *Partner, Hök, Steiglmeier & Kollegen* (Germany)
- **ANDREW BRICKELL**, *Director of Project Management, MWH New Zealand Ltd* (New Zealand)
- **TAKASHI ITO**, *Director, JICA (Japanese International Cooperation Agency)* (Japan)
- **DR. SARWONO HARDJOMULJADI**, *Special Adviser, Ministry of Public Works* (Indonesia)
- **YUKINOBU HAYASHI**, *Vice-Chairman, AJCE (Association of Japanese Consulting Engineers)* (Japan)
- **SALVADOR P. CASTRO JR.**, *Chairman, SP Castro & Associates Inc.* (Philippines)
- **ALASTAIR HENDERSON**, *Partner, Dispute Resolution, Herbert Smith* (Singapore/Bangkok)

FIDIC Asia-Pacific Con

CONFERENCE DAY ONE: Wednesday 20th June 2012

09:00 Registration & Coffee

09:30 Opening Remarks from the Chairman

Philip Jenkinson, *Principal Consultant, ATKINS; Chair, FIDIC CONTRACTS COMMITTEE (UK)*

09:45 FIDIC Contracts – From Global to Local: The Latest Experiences

In this panel session international FIDIC experts and advanced users come together to share experiences and make an assessment of how FIDIC contracts are being used internationally and in Asia-Pacific. The latest implementation challenges will be discussed and delegates will be able to take away important learning points from the discussion.

NEW

- How FIDIC Construction Contracts are being used - implementation challenges and “war stories”
- Regional specificities in the use of FIDIC
- How FIDIC Contracts have been supporting successful projects
- Comparative advantages of FIDIC in relation to other forms of contract
- Suggested updates to match regional expectations

Ronnie Thomson, *Regional Director, URS SCOTT WILSON (Hong Kong)*

Siobhan Fahey, *Chartered Engineer & Chartered Arbitrator; Member, FIDIC SUBCONTRACT TASK GROUP (Ireland)*

William Godwin, *Barrister; Member, CIETAC FOREIGN ARBITRATORS' PANEL (UK)*

Richard Kell, *Past President, FIDIC (Australia)*

10:45 Updates to the FIDIC Suite of Contracts

This session will bring you up to speed with the latest developments to the FIDIC suite of major contracts introduced since last year and planned for 2012

- Contracts Committee review of major developments since 2011
- Future developments in the FIDIC suite of Contracts
- The new Yellow book
- Why a new procurement guide?

Philip Jenkinson, *Principal Consultant, Atkins; Chair, FIDIC CONTRACTS COMMITTEE (UK)*

11:15 Morning Coffee Break

11:35 The New FIDIC Construction Subcontract

This session will focus on everything you need to know regarding the final version of the new FIDIC Construction Subcontract that has been published for use with the FIDIC Construction Contract, both the 1999 Edition and the MDB Harmonised Edition. Special attention will be given to the recent changes added to the final version on this form and what they mean for all parties. Attention will then focus on the important dispute resolution provisions of the new FIDIC Subcontract.

- Purpose and scope of the new Subcontract
- User experiences – One year on
- Improvements in relation to the test edition
- Successfully using the Subcontract and the FIDIC Construction Contracts together
- Applying the new Subcontract to the Rainbow collection

Siobhan Fahey, *Chartered Engineer & Chartered Arbitrator; Member, FIDIC SUBCONTRACT TASK GROUP (Ireland)*

12:20 Networking Lunch

13:35 Plant & Design Build Contract – Recent Users' Experience

Building upon the Construction Contract session, this session will review users' experiences with particular conditions to the FIDIC plant and Design-Build Contract for key issues such as:

- Why choose the Plant & Design Build Contract?
- Regional challenges using the Contract
- Keeping the balance of the contract when drafting particular conditions

Rusli bin Idrus, *Director, RBI CONSULTANTS (Malaysia)*

14:20 Pursuing Claims under FIDIC Contracts in Asia Pacific & Internationally

This session will explore developments in presenting and pursuing claims under a FIDIC contract. Aspects to be explored by the panellists include:

- Notices and claims procedures
- Extension of time
- Force majeure
- Claims for additional payments
- Failure to notify
- Philosophy of risk allocation

Dr. Donald Charrett, *Barrister, Arbitrator, Mediator, MTECC (Australia)*

Salvador P. Castro Jr., *Chairman, SP CASTRO & ASSOCIATES INC. (Philippines)*

Alastair Henderson, *Partner, Dispute Resolution, HERBERT SMITH (Singapore/Bangkok)*

15:05 Networking Break & Refreshments

15:25 Successfully Utilising the New FIDIC Procurement Guide

This new guide was published in late 2011, and it covers the procurement of engineering and building works for projects of all sizes and complexities. It emphasises the importance of preliminary investigation and studies before a construction or other engineering project is undertaken, and the development of a realistic project strategy for its realisation. After giving essential guidance on the underlying concepts and philosophy of procurement, and the planning necessary to form a sound basis for the forthcoming project, the Guide explains how the project strategy should be developed, as this will govern all subsequent stages of the process. This session will focus particularly on:

- New standards for tendering procedures
- Using the procurement guide for the purpose of consultants selection

tract Users' Conference

- Step by step guide for tendering
- Hands on advice for implementing projects

Dr. Sebastian Hök, Partner, HÖK, STEIGLMEIER & KOLLEGEN (Germany)

Philip Jenkinson, Principal Consultant, ATKINS; Chair, FIDIC CONTRACTS COMMITTEE (UK)

16:10

FIDIC General Conditions of Contract Use in the Emerging Green Industries

FIDIC forms of contract have been shaping the construction industry for decades, leading to today's solidly referenced tool in the market place. With projects increasingly going green, you can benefit from the accumulated experience of FIDIC in relation to the new conditions and challenges of the project. Listen to this session and consider:

NEW

- How FIDIC can respond to the requirements of the emerging sectors
- How Using FIDIC can give green projects a competitive edge - Examples from the green economy
- Benefits of an established document to anticipate the life-cycle challenges of a project in a new sector
- Taking advantage of the DAB

Richard Kell, Past President, FIDIC (Australia)

16:45

End of Day 1

CONFERENCE DAY TWO: Thursday 21st June 2012

09:00

Morning Coffee

09:30

Introduction to Day 2

09:45

The FIDIC DBO Contract (Gold Book) – Salient Features, Experiences and Further Development

A review of the main provisions of the FIDIC Design-Build-Operate Contract that combine design, construction and long-term operation and maintenance of a facility into a single contract awarded to a single contractor, with a focus on:

- Effectively using the new DBO guide
- Latest developments concerning Brown-Field requirements
- Specific DAB rules within the DBO Contract
- Review of recent case studies using the DBO Contract

Andrew Brickell, Director of Project Management, MWH NEW ZEALAND LTD (New Zealand)

Dr. SEBASTIAN HÖK, Partner, HÖK, STEIGLMEIER & KOLLEGEN (Germany)

10:30

Special Focus on FIDIC EPC/Turnkey Contract

Be in a better position to assess the relative risks and benefits of using a Silver book-based contract for Design Build. Discuss how possibilities for additional payment and additional time are limited to a greater degree than under traditional contracts. Analyse examples of adapting the contract through appropriate particular conditions.

- Why choose the EPC/Turnkey Contract?
- Multiple contracting – practical issues
- Front-end engineering design

- Managing unforeseeable difficulties
- Meaning and effect of force majeure events
- Allocation for specific risks
- Comparison with Plant & Design Build

William Godwin, Barrister; Member, CIETAC FOREIGN ARBITRATORS' PANEL (UK)

11:15

Morning Coffee Break

11:30

Cost Management in FIDIC Conditions of Contract

Cost and payment management are a large part of the balanced reputation of a FIDIC contract. Find out how best to use these financial tools to enhance and maintain the relationship between parties.

NEW

- Cost model through the FIDIC contracts
- Correct use of bank guarantees
- How can changes in legislation impact cost
- Adjustments for changes in cost
- Payment issues in claims and DAB
- Loan agreement and MDB procurements

Takashi Ito, Director, JICA (JAPANESE INTERNATIONAL COOPERATION AGENCY) (Japan)

Dr. Sarwono Hardjomuljadi, Special Adviser, MINISTRY OF PUBLIC WORKS (Indonesia)

12:00

Using the FIDIC Construction Contract in the Transport Sector

Within the transportation sector, conditions, parties, finance, and regulation requirements can be a real issue if you don't choose the right contract. Learn why and how FIDIC contracts can help running a successful transportation project through its entire life cycle:

NEW

- Communication and coordination using FIDIC
- Working under a tight construction time frame
- Working in a congested zone
- Handling legal queries, contracts and claims
- Airport and railways case studies

Peter Wong, Civil Engineer, ARUP (Hong Kong)

Volker Mankhen, Head of Project Litigation, CL LIT, SIEMENS AG (Germany)

12:45

Networking Lunch

14:00

The Role of the Engineer

The engineer should play the central role in the administration of a FIDIC Contract. This session will look at the way the Engineer's role has evolved over the years with particular emphasis on how it is envisaged to be in the 1999 FIDIC "Red" and "Yellow" Books, how that role has developed in practice and what the future may hold for the role of the engineer. As employers increasingly look to limit the authority of the engineers' role, what does this mean for the engineer and for the contractor?

- Overview of the consulting Industry in Asia Pacific
- The key role of the Engineer in FIDIC Contracts
- Balanced decisions for successful projects
- Emerging powers of Engineers and DABs

Bookings Hotline: +44 (0)20 7017 5503

“A comprehensive and thought provoking conference”

(M Olive, Davis Langdon & Seah)

Ronnie Thomson, Regional Director, **URS SCOTT WILSON** (Hong Kong)

Rusli bin Idrus, Director, **RBI CONSULTANTS** (Malaysia)

14:45 Networking Break & Refreshments

15:00 **Successfully Using DABs in Asia Pacific & Internationally**

Dispute Adjudication Boards (DAB) have been introduced as FIDIC's method for primary dispute resolution and have been made mandatory for the MDB harmonised Construction Contract. Hear about the latest understanding of the role and function of the dispute resolution mechanisms in FIDIC contracts. Review recent developments on how dispute resolution mechanisms are set up and managed. Special attention will be given to recent development of DABs promoted by the Asian Development Bank in the region.

- Support and feedback from multilateral development banks
- Ongoing DAB projects at the Asian Development Bank
- Promoting engineers to DAB

Yukinobu Hayashi, Vice-Chairman, **AJCE (ASSOCIATION OF JAPANESE CONSULTING ENGINEERS)** (Japan)

Volker Mankhen, Head of Project Litigation, **CL LIT, SIEMENS AG** (Germany)

15:45 **Arbitration & Alternative Dispute Resolution in Asia**

This session considers the opportunities for avoidance and early resolution of disputes under the FIDIC contract provisions. This is intended to equip the representatives and advisors of the Parties and the Engineer to make good choices in moving towards effective and cost effective dispute resolution.

- The Dispute Phenomenon: How Disputes Arise and What Constitutes a Dispute
- What can parties do under FIDIC Sub-Clause 20.5 to get a dispute settled?
- Effective alternative methods of dispute resolution
- Obtaining Assistance from the Local Courts in Resolution of Disputes and Enforcement of Awards: the PT Perusahaan case in the Singapore Court of Appeal
- Making international arbitration work

Ellis Baker, Head of Construction & Engineering Practice Group, **WHITE & CASE** (London) and Lead Author of *FIDIC Contracts Law and Practice* (Informa, 2009)

Peter Wong, Civil Engineer, **ARUP** (Hong Kong)

Dr. Donald Charrett, Barrister, Arbitrator, Mediator, **MTECC** (Australia)

Siobhan Fahey, Chartered Engineer & Chartered Arbitrator; Member, **FIDIC SUBCONTRACT TASK GROUP** (Ireland)

16:45 Close of Conference

Gain up to 17 SRA hours!

17 hours (both conference days and all 3 workshops)

15 hours (both conference days & 2 workshops)

13 hours (both conference days & 1 workshop)

11 hours (both conference days)

Rave Review's for Last Year's FIDIC Asia-Pacific Contract Users' Conference!

“It is more than just a conference. Here you can experience and also share how the FIDIC contracts' suite is practised in many jurisdictions and also gain insightful views of future development against current issues and problems”

E Sundoro, PT Indo Tambangraya Megah

“Diversified but comprehensive programme”

C Fung, Aecom Asia Co Ltd

“Well done to the organising and all participants! This conference provided a balanced flavour of FIDIC contract application from a user's perspective, a legal framework and ultimately the implications toward the project as a whole!”

QW Kee, RTS Technology

“An excellent spread of relevant topics that are applicable to projects in not only the South-East Asian region but globally”

M Bradbury, McCullough Robertson Lawyers

Join a wide range of companies at the leading FIDIC Contract Users' forum for the Asia-Pacific region

Companies sending one or more attendees to previous FIDIC Asia-Pacific events include:

- | | |
|--|--|
| • Bombardier Singapore Pte Ltd | • Brunei Economic Development Board |
| • Davis Langdon and Seah Vietnam | • National Water Co |
| • Tsinghua University | • Construction Industry Development Board Malaysia |
| • PT Bismark Solusi Konsultan | • Hudigm Architects & Engineers |
| • Atkins China Ltd | • Schulz Noack Barwinkel |
| • Aedas Ltd | • KC Engineering Consultant |
| • Manila Water Company Inc | • Aecom |
| • Hong Kong Jockey Club | • Kumpulan Sepakat Konsult |
| • Haji Adinin & Sons | • Manila Water Company Inc |
| • DLS Contract Advisory Management | • Shanghai SIP Engineering Consulting |
| • Invensys Plc | • Audex Pte Ltd |
| • PowerPoint Consultant Ltd | • VSL Intrafor Hong Kong Ltd |
| • Tenaga Nasional Berhad | • Grha LPJKN |
| • Nippon Koei Co Ltd | • Siemens Ltd |
| • Hamzah Hassan Consultant | • Hong Kong Highways Department |
| • Al Khaleej Sugar Co LLC | • Novo Nordisk China |
| • Abu Dhabi City Municipality Department | • Pharmaceuticals Co Ltd |
| • Inventys Rail Group | |
| • CLP Power Hong Kong Ltd | |
| • ALSTOM Power SA | and many more! |

FIDIC Asia-Pacific Contract Users' Conference

Novotel Singapore Clarke Quay • 20th & 21st June 2012

What delegates at FIDIC Contract Users' events have been saying:

"I appreciate the "local flavour" of the event and the openness of the contract committee to explain the changes envisaged and listening to suggestions from the audience"

(O Valentina, AB Resolution)

"An interesting and eye opening conference with regards to the recent developments of FIDIC forms of contract, and delegate experiences"

(R Hussain, EWAAN)

"Well done! The event should be followed by everyone who needs the essential review of the latest developments in FIDIC contracts delivered by international FIDIC experts"

(VZakiyya, PT Petarmina)

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WHITE & CASE

White & Case is a leading global law firm with lawyers in 37 offices across 25 countries. The White & Case Construction & Engineering group assists clients

around the world on all their construction-related needs, from drafting of tender and project documentation to the resolution of disputes which may arise out of a construction project.

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Herbert Smith is a leading international law firm. During our 16 years in South-East Asia, we have established a reputation for

effective, innovative work, operating from our bases in Singapore, Bangkok and in Jakarta, alongside our associated firm Hiswara Bunjamin & Tandjung. Our South-East Asian construction and engineering practice is highly respected for its expertise in regional contracts, projects and disputes. The team has advised and supported the construction sector in Asia for more than 25 years and, with experience of major national and international construction and civil engineering projects, has an in-depth understanding of industry practices, methods of procurement and forms of contract. We operate together seamlessly as an integrated construction and engineering practice worldwide, and team members are recognised internationally as experts in their field.

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FIDIC: Enabling International Dialogue

- FIDIC is the international federation of national associations of consulting engineers. The members of each national association comply with FIDIC's code of ethics which calls for impartial advice, competence and fair competition
- Today FIDIC membership numbers 84 member associations from all parts of the globe and represents most of the independent practising engineers in the world
- FIDIC acts as a forum for the exchange of views and information and actively encourages the discussion of matters of mutual concern among member associations. FIDIC publishes best-practice guides as well as widely used and internationally recognised services agreements and works contracts
- FIDIC can be contacted by telephone on +41 (22) 799 4900, or visit the website at www.fidic.org.

Pre-Conference Workshops: Tuesday 19th June 2012

Workshop A (09:00 - 11:30 - Registration & Coffee from 08:30)

Introduction to the FIDIC Suite of Contracts

Attend this pre-conference workshop to refresh your knowledge of the rainbow suite of FIDIC contracts. FIDIC contract experts will take you through the entire rainbow book collection and explain in detail the specificities and purposes of each form. Hear a summary of how FIDIC's works contracts have become widely used industry standards. Receive an update on the use, sale, translation, licensing, and recent developments of FIDIC contracts, worldwide. Discuss work in progress and future developments. Participate in exercises exploring key concepts embodied in the FIDIC contracts

Coverage Includes

- Different contract strategies addressed by the FIDIC suite
- Detailed analysis of the FIDIC rainbow collection of forms of contract:
 - Green Book
 - Red Book
 - Yellow Book
 - Silver Book
- Risk allocation and business processes for the FIDIC suite
- The growing influence of FIDIC's suite of contracts in establishing world-class industry standards
- How FIDIC's major works contracts are being used worldwide
- Comparative advantages of FIDIC in relation to other forms of contract
- Emerging FIDIC users regions and hot spots

Workshop Leader:

Andrew Brickell, Director of Project Management, MWH LTD (New Zealand)

Workshop B (11:30 - 14:00 - Working lunch served at 13:00)

Contract Risk Management for FIDIC Projects in Asia-Pacific

Given their multifaceted nature, involving several interacting activities, each with their own danger of something going wrong, construction projects are sensitive to an extremely wide range of hazards and risks. From a contractual perspective, the risk management strategy translates into the allocation of those risks both during and after the completion of the project. This workshop will explore the range of tools available within the FIDIC suite of contracts to help you manage your project risks effectively. Several risk elements will be discussed including: design, payment, programme/delay, change in law, Force Majeure and Dispute Resolution.

Check www.ibclegal.com/fidicasia for speaker updates and the latest agenda

Workshop C (14:00 - 17:30)

Resolving APAC & International FIDIC Disputes

This interactive workshop is designed to focus on the key issues commonly faced by owners and contractors who are involved in major development, infrastructure and oil and gas projects in South East Asia and who wish to employ sound strategies for avoiding, managing and resolving disputes in an effective manner. Particular areas of focus include:

- Commercial setting for projects in South East Asia
- Dispute avoidance strategies
- Common areas giving rise to disputes
- Effective claims strategy and management
- DAB process and enforcement of DAB decisions
- ADR options: including early neutral evaluation, mediation and other processes
- Arbitration: choice of seat and procedural rules - what are the available and preferred options
- Arbitration: fast track arbitration and options for controlling time and costs in an arbitration
- Arbitration: domestic and international enforcement of arbitral awards
- Investment treaty protection for major projects

To register or for the latest programme: www.ibclegal.com/fidicasia

FIDIC Asia Pacific Contract Users' Conference

Dates: 20th & 21st June 2012, Pre-Conference Workshops on 19th June 2012
Venue: Novotel Singapore Clarke Quay

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WHEN AND WHERE

FKW82272 **Venue:** Novotel Singapore Clarke Quay
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Conference:
20th & 21st June 2012

Workshops:
19th June 2012

Delegates are responsible for the arrangement and payment of their own travel and accommodation. IBC Legal has arranged a special room rate at a number of hotels. If you wish to book a room, please call Venue Search on +44 (0) 20 8546 6166 stating that you are an IBC Legal delegate.

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- FIDIC Asia-Pacific Contract Users' Conference (Singapore, June 2012) - £295 + VAT @ 20%**
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HOW MUCH?

	Book by 5th April	Book by 18th May	Standard Price
Full Event - Conference + 3 Workshops	SAVE USD 700 <input type="checkbox"/> USD 2796	SAVE USD 500 <input type="checkbox"/> USD 2996	SAVE USD 300 <input type="checkbox"/> USD 3196
Conference + 2 Workshops - <i>specify 2 workshops below</i>	SAVE USD 600 <input type="checkbox"/> USD 2397	SAVE USD 400 <input type="checkbox"/> USD 2597	SAVE USD 200 <input type="checkbox"/> USD 2797
Conference + 1 Workshop - <i>specify 1 workshop below</i>	SAVE USD 500 <input type="checkbox"/> USD 1998	SAVE USD 300 <input type="checkbox"/> USD 2198	SAVE USD 100 <input type="checkbox"/> USD 2398
Conference Only:	SAVE USD 400 <input type="checkbox"/> USD 1599	SAVE USD 200 <input type="checkbox"/> USD 1799	<input type="checkbox"/> USD 1999 each
Workshops Only - <i>specify workshop(s) below</i>	<input type="checkbox"/> USD 499 each	<input type="checkbox"/> USD 499 each	<input type="checkbox"/> USD 499 each

Please select which workshops you wish to attend:

- Workshop A: 9:00-11:30: Introduction to the FIDIC Suite of Contracts**
 Workshop B: 12:00-14:30: Contract Risk Management for FIDIC Projects in Asia-Pacific
 Workshop C: 15:00-17:30: Resolving APAC & International FIDIC Disputes

USD 300 discount for 3rd and subsequent delegates. Please note the conference fee does not include accommodation or travel costs. 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.

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Please ensure that the Reference Code FKW82272 is written on the back of the cheque

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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.

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