

## Welcome - from the man on the Hill

Welcome to the second edition of our E-Newsletter. This is a little later than hoped, but the reasons will be clear as you explore the articles! As you will read, the Traprain business continues to expand internationally, while still finding time to support the arts and other causes at home.

In future Newsletters we hope to cover other projects carried out for our clients, and to introduce you to other consultant available as part of the Traprain Network. If you have a commercial or business problem, and need an experienced consultant, please contact us—our range is wider than you may think.

**Peter Foreman** Chief Executive



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Canto Vivo: See Page 3



### Traprain provides Senior Director for Social Housing Company

Traprain Chief Executive, Peter Foreman, has been appointed as Vice Chairman of Link Group, one of Scotland's leading providers of social housing, with around 7,000 properties.

Peter has been a non-executive director of the Group for several years, and was also chairman of its Inverlink subsidiary.

In another development, Peter has also been appointed Chairman of the East Lothian Educational Trust, a local grant-awarding body created by Act of Parliament.

### Training Capability Growing at Traprain

Traprain's training expertise and client base continues to grow.

Working with Dubai based partners Euromatech, Traprain continues to design and deliver in-house training courses for clients in the Middle East and beyond.

Recent successes, include repeat business from ZADCO, a part of ADNOC, the state oil company of Abu Dhabi, and Kuwait Petroleum subsidiary KNPC, together with new clients Qatar Petroleum; German company VEBA's Libyan subsidiary; PDO Oman; BP Pakistan; and ESNAAD (also part of Abu Dhabi's ADNOC Group).

In a further development, training is also planned for existing consultancy client Aker Kvaerner's Norwegian operations.

Traprain is also expanding the number of trainers who are deployed on projects in the Middle East, with consultants Helen Payne and Dennis Brand now becoming regulars on this circuit.

## Liquidated Damages—One Client's Story

**Some leasing agreements are not only burdensome, they are also unenforceable in law, as demonstrated in this case.**

Traprain recently assisted a client in resisting a Liquidated Damages claim on a vehicle hire agreement.

The client approached Traprain when faced with a substantial penalty claim from one of its vehicle leasing suppliers. The leasing arrangements included provisions which were stated to be liquidated damages, but which, we believed, amounted to an unenforceable penalty. They required the customer to pay all outstanding sums for the whole period of the lease, less a modest discount for early payment.

Traprain argued that this agreement, which was written under English Law, did not meet the tests for a liquidated damages clause and was an unenforceable penalty. Our client's main target was to reach a quick solution without recourse to the courts. With Traprain's assistance in negotiations, a settlement was reached whereby the client paid what amounted to less than 5% of the original claim, producing a saving to the client of in excess of £200,000.

## Red Sea FPSO Project for Aker Kvaerner

Traprain has been assisting Norwegian client Aker Kvaerner in the take over of operations and maintenance of Gempetco's Al Zaafarana Floating, Production, Storage & Offloading (FPSO) operation in the Red Sea off Egypt. The work involves supporting commercial negotiations in Egypt and managing Egyptian lawyers, together with conducting detailed negotiations with crew supply contractors based in Greece.

This operation illustrates the international spread of Traprain's business, and the ability to take whatever role the client requires in supporting a major project.

Aker Kvaerner counsel Ole Henrik Brown said: "Traprain has been assisting Aker Kvaerner companies for many years, and the consultancy's work on Al Zaafarana was of its usual high standard – quick, responsive and commercial, while also ensuring the major legal issues were properly protected."

The Al Zaafarana FPSO



## Government Publishes Response to Offshore Decommissioning Consultation

The UK Government has published its response to a consultation process suggesting a number of changes to the regime for decommissioning offshore oil and gas platforms, and also how this should apply to renewable energy developments offshore.

Traprain was one of 42 organisations which took part in the consultation, and was the only consultancy to be involved. The consultation raised issues including provision of security for decommissioning liabilities; the right to obtain information from operators; and how to ensure that a regime that protected public funds against the risk of a contingent claim for decommissioning expenses could avoid stifling new developments with excess costs. Other factors included the need to ensure that the United Kingdom complied with international treaty obligations, including those under the OSPAR (Oslo-Paris) arrangements.

Traprain consultants have had direct experience in complex legal and commercial issues arising from decommissioning and continue to be involved in the development of the law in this area.

If you require further information on this consultation exercise, please email [peter.foreman@traprain.com](mailto:peter.foreman@traprain.com)

## Music at Paxton Strikes a Chord

Traprain's first foray into arts sponsorship was a successful one, not only bringing benefit to the Music at Paxton Festival and to Traprain, but also to the communities in the Scottish Borders and around Berwick on Tweed.

A small group of friends and colleagues joined the audience attending Canto Vivo's excellent performance in historic Paxton House in July, where the guitar and voice duo delighted the audience with works from European composers ranging across the 16<sup>th</sup> to the 20<sup>th</sup> centuries. Claire Debono (soprano) and Simon Thacker (guitar) were on outstanding form and lived up to the reviews they regularly receive.

Traprain's sponsorship allowed the organisers of the festival to unlock match funding from the Scottish Executive's New Arts Sponsorship Award, enabling Canto Vivo to give concerts in three residential homes in the area on the days leading up to the concerts. This was organised in association with Yehudi Menuhin's Trust 'Live Music Now!'.

## Traprain Expands to "Kingdom of Fife"

Traprain is pleased to have opened its first branch office at Energy Park Fife in Methil, eastern Scotland. The opening of this office follows the decision by existing client Aker Kvaerner to outsource to Traprain the administration of personal injury and related insurance claims. As part of these new arrangements, Fiona Adamson joins Traprain as Claims Administrator, and will run the Methil Office.

Traprain is now able to offer a cost-effective claims management service for major engineering and construction clients, taking away much of the routine activities of collecting information, liaising with insurers and lawyers, and preparing reports on claims. Fees are charged only for hours worked, and the client's own staff can be redeployed on current projects, without risk that claims are not being administered promptly and efficiently. While these types of claims are covered by insurance, levels of claims need to be controlled and genuine claims must be dealt with quickly in order to maintain good employee relations.

Aker Kvaerner had an urgent need to outsource its claims administration activities, when a previous arrangement came to end. Traprain responded quickly and provided a robust solution at very short notice, thus ensuring a seamless handover, without risk to Aker Kvaerner.

The contact details for the new Methil Office are:

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## Meet a Member of the Traprain Network: Eileen Prior

Eileen Prior has spent her entire working life in communications, working primarily in PR consultancy. Initially with Harrison Cowley, she went on to work with PR Consultants Scotland, at that time the largest independent PR consultancy north of the border.

Her time with PR Consultants Scotland (which went on to become part of the Weber Shandwick company) was, says Eileen, where she gained the breadth and depth of experience which has served her well throughout her career.

"Not only did I work with businesses in every imaginable sector, I also learned the business of successful consultancy," says Eileen. "I worked my way through the ranks, so gained hands on experience at every level, finally leaving to set up my own consultancy after spending some time as a director of the business."

Since 1994 Eileen has worked independently, providing hands-on consultancy at a senior level. "I work primarily in business-to-business communication and have developed particular expertise in organising large consultation programmes, for instance of planned construction projects. Of course, my work can involve an incredible range of tasks: media relations across news and specialist media; writing for print and the web; managing sponsorships and project managing events."

Working independently gives Eileen the opportunity to work flexibly, which ties in with her various other interests. Last year she stood down after a number of years as the Chair of a Scottish charity, and she is currently a ministerial nominee on the General Teaching Council of Scotland. She has a particular interest in education and in her spare time enjoys the great outdoors and going to the gym.