



Public CPD Points: 1.5



Developments in Singapore Arbitration

Thursday, 18 February 2021, 5.30pm – 7.30pm

About this Webinar:

Despite the COVID 19 pandemic, the international arbitration scene pulsated unabated with incessant heightened activity. In October 2020, the SIAC announced that it had for the first time passed the threshold of more than 1000 new cases filed in a year under its rules (<https://www.siac.org.sg/69-siac-news/684-siac-opens-office-in-new-york-and-announces-new-record-caseload>). The Supreme Court saw more arbitration-related cases than ever, and released close to 30 written decisions, of which 6 were decisions by the Court of Appeal. Several of these decisions appear to be indicators that the Singapore judiciary intends to play a key role in developing international jurisprudence in the international arbitration arena.

The speaker will firstly cast an overview of the decisions made and will then identify some specific cases where lessons could be learnt, or where new approaches or principles are being developed. These will include *China Machine New Energy Corp v Jaguar Energy Guatemala LLC and another* [2020] SGCA 12, where the Court of Appeal suggested that it would adopt a 'fact-sensitive inquiry' when considering whether a tribunal had given the complaining party in a setting-aside application, a 'full opportunity to be heard'. He will also consider the Court of Appeal's decision in *PUBG Corp v Garena International I Pte Ltd and others* [2020] SGCA 51, where the Court had to consider granting a stay of court proceedings (exercising its case management power) arising in the context of a dispute which one of the parties claimed was settled by way of a settlement agreement which contained an arbitration clause. The decision in *BRS v BRQ and another and another appeal* [2020] SGCA 108, where the Court ruled that the filing of a request for correction under Art 34(3) of UNCITRAL Model Law would only be effective to extend time for any application to set aside if the request for correction was, in substance, a request for correction within the terms of the provision will also be discussed and its implication examined. The Court's decision in *BBA and others v BAZ* [2020] SGCA 53 upholding an award based on a tortious claim of fraudulent misrepresentation despite criticisms by the respondents of the tribunal's quantification methodology and failure to apportion liability amongst the respondents will also be critically examined.

Some High Court decisions, such as the case of *Republic of India v Vedanta Resources plc* [2020] SGHC 208 which dealt with the issue of whether the International Arbitration Act (and UNCITRAL Model Law adopted therein) extends to "investor-state disputes" and whether a court should make declarations that could have the consequence of altering the effect of an arbitral tribunal's orders in pending arbitrations, will also be examined.

The webinar promises to be interesting and attendees will be provided with a digest of all the reported decisions made in 2020.

Webinar Programme:

Webinar participants will be able to watch and listen to (via computer audio or telephone line) the video presentation and Q&A discussion on their screens, receive a PDF copy of the presentation slides, as well as participate in the Q&A discussion by sending in their questions to the moderator via text using the built-in Q&A function.

5.30 – 5.45pm	Opening Remarks by Chairperson <i>Mr. Francis Goh – Partner, Harry Elias Partnership LLP; Honorary Secretary, Singapore Institute of Arbitrators</i>
5.45 – 7.15pm	Developments in Singapore Arbitration <i>Prof. Lawrence Boo - Resident, The Arbitration Chambers</i>
7.15 – 7.30pm	Q&A Session

About the Speaker:



Professor Lawrence Boo is the author of "Halsbury's Laws of Singapore Volume 1(2) - Arbitration" (Lexis-Nexis 2017 Re-issue) and the regular contributor to the "Annual Review of Singapore" chapter on "Arbitration" since 2001. His papers have also been published in various international journals including the Journal of International Arbitration, Asian International Arbitration Journal, Asia Business Law Review, Chinese Yearbook of Private International and Comparative Law (Peking University Press), Dispute Resolution Journal (London) and the Asian Business Lawyer (Korea University). He is on the editorial board of the Oxford International Arbitration Series, (Oxford University Press). He has been teaching international commercial arbitration at NUS Law since 1993 and also at Bond University School of Law.

About the Chairperson:



Mr Francis Goh is an equity partner of Harry Elias Partnership LLP. He is the head of the firm's International Arbitration Practice and he also leads the firm's Private Client practice. He graduated from the National University of Singapore in 1990 and has since been in active legal practice for nearly 30 years. Francis is a fellow of the SI Arb and currently serves on the SI Arb Council as the Hon-Sec. Francis is also a Principal Mediator with the Singapore Mediation Centre, as well as ambassador and Specialist Mediator with the Singapore International Mediation Centre. His background in litigation and commercial disputes resolution gives Francis a distinct advantage in negotiations, advising on commercial contracts and corporate governance. Francis is well placed to guide companies and business owners to manage their risk, processes as well as business succession issues.



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REGISTRATION CLOSING DATE: <u>11th February 2021</u>	FEES
Membership	Regular Rate
SI Arb Members	S\$ 40.00
Members of: Marine Offshore Oil & Gas Association (MOOGAS); Regional Arbitral Institute Forum (RAIF); Singapore Institute of Architects (SIA); Society of Construction Law Singapore (SCL (S)); Singapore Chamber of Maritime Arbitration (SCMA)	S\$ 60.00
Others	S\$ 90.00

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Practice Area: **Alternative Dispute Resolution**
Training Level: **General**
Public CPD Points: **1.5**

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