



## LATEST DEVELOPMENTS IN CONSTRUCTION LAW

Wednesday, 26 January 2011, 5.00-7.15pm

STI Auditorium, Level 9, Capital Tower, 168 Robinson Road

### About this Seminar:-

The speakers will be discussing the principal Singapore and other Commonwealth construction and engineering law cases during 2010, and their likely impact on the construction and engineering industry. Issues that will be discussed include:

1. Can a Payment Claim be properly and validly served on a respondent (who is an individual) by leaving the same at his last known residential address?
2. Is there a "limitation period" for service of Payment Claims?
3. To what extent does *Sungdo Engineering & Construction (S) Pte Ltd v Italcor Pte Ltd* [2010] SGHC 105 change the complexion and nature of Payment Claims?
4. In light of recent case law, where there is no Payment Response, is an adjudicator entitled to assess and adjust the claim before him or should he award "default judgment"?
5. The scope of the court's powers to set aside an adjudication determination under section 27 of the SOP Act.
6. The jurisdiction of an adjudicator to hear arguments which have not been included in any Payment Response.
7. What are the "hidden" jurisdictional challenges that may be raised in opposition to an adjudication review application?
8. Illustrations of the application of the unconscionability principle in applications to restrain calls on demand bonds.
9. Sand ban and the frustration principle.
10. *B Sky B Limited v HP Enterprise Services Limited* - the impact of precontract representations as to capabilities in construction contracts
11. City Inn Case - apportionment of extensions of time and delay costs for concurrent delay.

### Seminar Programme:-

5.00-5.30pm	Registrations & Networking for Delegates
5.30-5.45pm	Opening Remarks by Seminar Chairman: <i>Mr. Gordon Smith – Partner, Kennedys</i>
5.45-6.45pm	<b>Developments in Singapore Building &amp; Construction Law 2010:</b> <ul style="list-style-type: none"> <li>• <i>Mr. Ian de Vaz – Partner, WongPartnership LLP</i></li> <li>• <i>Mr. Ho Chien Mien – Partner, Allen &amp; Gledhill LLP</i></li> </ul> <b>Recent UK Cases:</b> <ul style="list-style-type: none"> <li>• <i>Mr. Emerson Holmes – Partner, Nabarro</i></li> </ul>
6.45-7.15pm	Q&A Session

### About the Speakers:-

#### **Mr. Ian de Vaz – Partner, WongPartnership LLP**

Ian de Vaz is a Partner in WongPartnership LLP's Infrastructure, Construction & Engineering and the Energy & Projects practice groups. He has an active practice in both contentious and non-contentious/front-end construction work. Ian has appeared as lead counsel in the Court of Appeal, High Court trials and many institutional arbitrations. In the area of projects and energy, Ian has been involved in a wide spectrum of headline-making deals, including Public Private Partnership projects for sporting facilities and education institutions, development of large petrochemical complexes, power plant, solar and clean energy work and water facilities infrastructure projects.

Ian graduated from the National University of Singapore and obtained his Master of Laws degree from University College London. He is admitted to the Singapore Bar and to the Roll of Solicitors of the Supreme Court of the Supreme Court of England & Wales. He is also an accredited Adjudicator appointed under the Building and Construction Industry Security of Payment Act (Cap 30B). Outside of professional practice, Ian is an Adjunct Assistant Professor in the Faculty of Law at the National University of Singapore, where he teaches Construction Law. He was the Firm's lead contributor to the Construction section in *Singapore Precedents of Pleadings (2006 edition)*.

#### **Mr. Ho Chien Mien – Partner, Allen & Gledhill LLP**

Ho Chien Mien is a Partner in Litigation & Dispute Resolution and Energy & Infrastructure Practice Group. Chien Mien's areas of practice encompass a wide range of contentious and non-contentious work in the areas of construction, engineering and infrastructure projects. *Chambers Asia (2009)* commends Chien Mien as being "(t)he obvious choice for building and construction work" and for being "really savvy from a commercial and legal point of view". According to *Who's Who Legal Singapore (2008)*, Chien Mien "is known for his 'formidable' litigation, arbitration and mediation experience, both at home and abroad". *The Asia Pacific Legal 500 (2007/2008)* notes that "construction specialist Ho Chien Mien has a solid reputation" and that he "continues to be a leading light in construction disputes". He is also listed as a key practitioner for Project Finance, Infrastructure and Energy in *Asia Law Profiles (2007)* and as a leading individual for Projects and Energy in *Chambers Asia (2010)*.

Chien Mien graduated from Bristol University with an LLB (Hons) degree in 1989. He qualified as a Barrister-at-Law at Gray's Inn in 1990 and was called to the Singapore Bar in 1991, when he joined Allen & Gledhill. He became a Partner in Litigation & Dispute Resolution in 1997. He is an Accredited Adjudicator with the Singapore Mediation Centre. He is also a Fellow of the Singapore Institute of Arbitrators and the first Arbitrator appointed under the Law Society Arbitration Scheme.

#### **Mr. Emerson Holmes – Partner, Nabarro**

Emerson has been a Partner in Nabarro's Construction and Engineering team since 2008. He is an expert on construction dispute resolution and has been involved in many high-profile leading cases across the globe. Emerson's focus areas include advising on various international and domestic infrastructure project disputes. He also has experience of mediation, expert determination, adjudication and arbitrations. His clients include international and domestic contractors, developers, consultants, sub-contractors, suppliers and governmental organisations.

Emerson is leading Nabarro's new Singapore office, which will initially focus on construction and engineering arbitration. Having spent three years based in Hong Kong, Emerson has significant experience acting for international companies in arbitration and litigation globally, including specifically in Asia. Emerson regularly features in legal directories. He was ranked as "up and coming" in Chambers 2008 and was ranked as a leading individual by Chambers 2009. In Chambers 2010, he was described as being a "strong asset" to Nabarro LLP's Construction and



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Engineering Practice. Chambers 2011 noted that Emerson drew praise from clients for his "ability to reflect on the facts, and come up with alternative approaches," particularly on infrastructure-related disputes.

**About the Chairperson:-**

**Mr. Gordon Smith – Partner, Kennedys**

Gordon is a Partner of Kennedys' law firm in Singapore, and is responsible for Kennedys' Asian construction and engineering practice. Gordon's principal area of practice is the conduct of complex international arbitrations principally relating to engineering, infrastructure, oil and gas projects, and related insurance issues. He has conducted arbitrations in London, Hong Kong, Singapore, Tokyo, Kuala Lumpur, Bangkok, and Jakarta under institutional rules ICC, SIAC, TAI, Bani, KLRCA, and ad-hoc arbitrations (UNCITRAL). He has also conducted an investor-state arbitration under the auspices of ICSID. Gordon is a Fellow of the Institution of Engineers, Australia, and an Australian Chartered Professional Engineer. He is also a Fellow and Chartered Arbitrator of the Chartered Institute of Arbitrators, United Kingdom, a Fellow of the Singapore Institute of Arbitrators, and is an arbitrator on the Singapore International Arbitration Centre Panel of Arbitrators and the Chartered Institute of Arbitrators Panel of Arbitrators.

<b>REGISTRATION CLOSING DATE: <u>19 January 2011</u></b>	<b>FEES</b> (includes refreshments & materials, if any)
<b>SCL (Singapore) Members</b>	<b>S\$35.00</b>
<b>Guests of SCL Members, Members of SCL (Australia), SCL (HK), SCL (Malaysia), SCL (UK), Chartered Institute of Building (CIOB), Singapore Contractors Association Ltd (SCAL), Singapore Institute of Architects (SIA), Singapore Institute of Arbitrators (SIArb), Singapore Institute of Surveyors and Valuers (SISV), Full Time Students of NUS Faculty of Law</b>	<b>S\$70.00</b>
<b>Others</b>	<b>S\$90.00</b>

Please return the registration form below, together with your cheque, if applicable, made payable to "Society of Construction Law (Singapore)", 3 Raffles Place #07-01 Bharat Building S048617" or Fax to (65) 63299699.

**REGISTRATION, REFUND & CANCELLATION POLICY**

1. Places are limited and can only be allocated in order of priority upon receipt of registration and any payment due.
2. We regret that we generally do not issue invoices or accept payments at the event.
3. Refunds for cancellation are not possible after the registration closing date.
4. We reserve the right to refuse to register or admit any participant, and to cancel or postpone the event.

**For further enquiries, please contact the SCL SECRETARIAT:**

Tel: 31273797 (no 6 prefix required) Fax: (65) 63299699 E-mail: [secretariat@scl.org.sg](mailto:secretariat@scl.org.sg)

You may also [register online](http://www.scl.org.sg) for this event on our website at [www.scl.org.sg](http://www.scl.org.sg)

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I will be attending and I enclose my payment of \$35.00. *(A valid email address is required for confirmation of registration.)*

Please reserve \_\_\_\_\_ seats for my guests and I enclose payment of \$70.00 per guest. My guest(s) are:

Name(s)	Organisation	Email

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**REGISTRATION FOR NON-SCL (SINGAPORE) MEMBERS** *(Please use 1 form per registrant.)*

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Position in Organisation: \_\_\_\_\_ NRIC/Passport No.: \_\_\_\_\_

Membership No: \_\_\_\_\_ *(Mandatory to process registration. Please check with your respective membership body.)*

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