



Singapore Institute
of Building Limited

Continuing Professional Development Program



Latest Developments in Construction Law

29 July 2016, Friday, 2pm to 5.30pm

Carlton Hall, Level 2, York Hotel
21 Mount Elizabeth Singapore 228516

Chairman



Lee Keng Seng
Singapore Institute of
Surveyors and Valuers



Speakers:



Philip Jeyaretnam, SC
CEO & Global Vice-Chair
Dentons Rodyk &
Davidson LLP



Edwin Lee
Partner
Eldan Law LLP



Kirindeep Singh
Senior Partner
Dentons Rodyk &
Davidson LLP

CPD Accreditation

SISV, QS Division & AIQS = 4 CPD Points

Every SISV, QS Division Member (Honorary Fellows, Fellows, Members, Probationers and Technical Members) must complete at least 20 CPD points each year.

BOA-SIA = 4 CPD Points

Qualified for 3 PDUs by PEB



Practise Area: Construction
Training Level: General
CPD Points = 2 Public CPD
Points **

Program

- 1.30pm** Registration
- 2.00pm** **Opening Remarks by Chairman**
- **Lee Keng Seng**, CPD Committee Member
Singapore Institute of Surveyors and Valuers
- 2.10pm** Opening Speech
- **Philip Jeyaretnam, SC**, CEO & Global Vice-Chair
Dentons Rodyk & Davidson LLP
- 2.30pm** (Session 1) Latest Developments in Construction Law
- **Edwin Lee**, Partner, Eldan Law LLP
- 3.30pm** Tea Break cum Networking
- 4.00pm** (Session 2) Latest Developments in Construction Law
- **Kirindeep Singh**, Senior Partner,
Dentons Rodyk & Davidson LLP
- 5.00pm** Questions & Answers Session
Panelist: Lee Keng Seng
Edwin Lee
Kirindeep Singh
- 5.30pm** End

Synopsis

This seminar will provide an overview of some of the latest cases decided in the courts in 2015/2016 which affect the construction industry. Participants will be able to update themselves on the law that would be applicable to them.

These would include the latest cases on performance bonds and how payment may be stopped, the effectiveness of architect's certificates – both payment certificates and completion certificates, the new approach to liquidated damages being construed as penalties, and more developments on the law relating to adjudications under the Security of Payment Act.

Some of the specific issues that will be discussed include:

- i) Are all performance bonds the same? The difference between on-demand bonds and indemnity bonds.
- ii) How may payments under the bonds be stopped? We will focus the discussion on unconscionability, and how it may be proven.
- iii) Under what situations may architect's certificates – whether payment certificates or completion certificates -- be considered invalid?
- iv) Under what situations may liquidated damages be considered too much and hence not claimable?
- v) After a final claim has been submitted, can any further claim be submitted for adjudication under the Security of Payment Act?

Speaker— Session 1



Practising for more than 20 years, **Edwin** has argued both major courtroom disputes and arbitrations. He is one of the founding partners of Eldan Law LLP. He is recommended for Infrastructure and energy (AsiaLaw Profiles (2007)) and is cited as a leading Singapore Construction law practitioner in Euromoney's *Guide to the World's Leading Construction Lawyers* (2013 & 2015).

Edwin is an accredited adjudicator with the Singapore Mediation Centre, and a member of the Construction Adjudication Accreditation Committee, which oversees the selection and assessment of adjudicators. He is extremely familiar with the adjudication regime, having acted as Counsel in numerous adjudications. He has also acted as Adjudicator and Review Adjudicator, hearing adjudications and adjudication reviews. He successfully argued the landmark Court of Appeal case of *Lee Wee Lick Terence v Chua Say Eng*.

Apart from his active legal practice, Edwin is also an Adjunct Assistant Professor with the National University of Singapore and is a trainer for the Singapore Building & Construction Authority, on Construction Law.

Edwin is the author of *Building Contract Law in Singapore*, 2nd Edition (2003), a co-author of *Law & Practice of Injunctions in Singapore* (2004), co-author of *Confidentiality in Arbitration* (2007), and one of the general editors of the annual *Singapore Construction Adjudication Review*.

****Participants who wish to claim CPD Points are reminded that they must comply strictly with the Attendance Policy set out in the CPD Guidelines. This includes signing in on arrival and signing out at the conclusion of the activity in the manner required by the organiser, and not being absent from the entire activity for more than 15 minutes. Participants who do not comply with the Attendance Policy will not be able to obtain CPD Points for attending the activity. Please refer to <http://www.sileCPDcentre.sg> for more information.**

Speaker— Session 2



Kirindeep Singh is a partner in Rodyk & Davidson LLP's Litigation & Arbitration Practice Group. Kirin graduated with LLB (Hons) from the University of Leeds in 1995 and with a BCL from Oxford University in 1997.

Kirin's primary practice areas are construction and engineering, energy, arbitration and general civil and commercial litigation. In construction and engineering, Kirin has been involved in numerous disputes in adjudication, arbitration and litigation. He represents owners, developers, consultants, and contractors in construction and engineering disputes under standard form and bespoke contracts. He has acted for parties in various energy disputes in the region and major infrastructure, building and redevelopment projects in Singapore such as the MRT North-East Line Projects, the MRT Circle Line Projects, the Deep Tunnel Sewage System, the construction of Khoo Teck Phuat Hospital and the redevelopment and expansion of the National University Hospital. In addition, Kirin has been involved in the drafting of various construction and engineering contracts, EPC Contracts pertaining to the Oil & Gas industry and has often advised on project planning and risk management issues from inception to completion of the project.

Besides advising local clients in various disputes both in Court and at arbitration, Kirin has been involved in various regional matters and commercial arbitrations as well, including those in Malaysia, Indonesia, Thailand, Mauritius, India and Hong Kong.

Kirin has handled a wide range of civil and commercial litigation work, including contractual claims, claims in tort, employment matters, insurance-related claims, professional negligence, performance bonds, equity and trusts, banking work, property-related matters, landlord and tenant disputes and professional disciplinary proceedings.

Kirin is a contributor to the Singapore Precedents of Pleadings and speaks on a regular basis at various arbitration and construction and engineering conferences in Singapore and overseas. His teaching and training experience includes being an Associate Lecturer for Construction Law, Bachelor of Building and Project Management Programme, SIM University, teacher and trainer for the Law Society of Singapore's SILE Advocacy Course and tutor for the National University of Singapore's Trial Advocacy Course.

Recently, his paper "Arbitration And Public Policy - Is The Unruly Horse Being Tamed?" was awarded Excellent Legal Paper Award at the IPBA 2013 Conference in Seoul, South Korea. Kirin is named as a Recognised Practitioner for Construction, Chambers Asia-Pacific 2016 and in the Euromoney Guide to the World's Leading Construction Lawyers (2nd Edition) for his construction practice. Kirin is also the Chair of the Inter-Pacific Bar Association's International Construction Projects Committee and a Fellow of the Chartered Institute of Arbitrators.

Chairman



Lee Keng Seng is a Director (Quantity Surveying) at Surbana Jurong Consultant Pte Ltd and a member of Singapore Institute of Surveyors and Valuers. He holds a Bachelor of Science (Building), NUS, Graduate Diploma in Business Administration, SIM and also a Master degree in Construction Economics and Management from University College London, United Kingdom.

As a practitioner, Keng Seng has over 25 years experience, in various roles and capacities for developers, consultants and contractor, in the areas of cost and contracts management for development and construction projects of different types, size and complexities. He led and supervises QS teams in the provision of multi-disciplinary design and QS consultancy services. In addition, he has also undertaken and responsible for various roles in feasibility studies, design management, procurement management, project management and facilities management for projects of different nature and scale.

REGISTRATION FORM

Closing date for registration: **22 July 2016**

Latest Developments in Construction Law

Date: 29 July 2016 (Friday)

Time: 2pm to 5.30pm (Registration starts at 1.30pm)

Venue: Carlton Hall, Level 2, York Hotel, 21 Mount Elizabeth Singapore 228516

Fees/Category (No GST, seminar notes and refreshments)

- ★ S\$110.00 SISV Members & staff of SISV Member firms; SIBL members & staff of SIBL Enterprise Members
- ★ S\$150.00 CIJC Members (*ACES, IES, REDAS, SCAL, SIA, SPM*); members of *AIOB, AIQS, CIOB, IEA, RICS, SCL and SGBC*
- ★ S\$170.00 Non Members

Name of Participants

	Name	Designation	NRIC/FIN #	Cat*	M/No	Email Address	Amt S\$
1							
2							
3							
4							
5							
TOTAL AMOUNT PAYABLE S\$							

*Please state SISV/ MemFirm/ ACES/ IES/ REDAS/ SCAL/ SIA/ SIBL / SPM/ BoA/ AIOB/ AIQS/ CIOB/IEA/ RICS / SCL/ SGBC/ or Non Member

Company

Address

.....S()

Tel Contact Person Email

☐ Check if CPD points are required AAS no (for practising lawyers requiring SILE CPD points)

For seminar enquiries and registrations, please contact:

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PAYMENT MODE (please tick one box only)

- ☐ By Cheque (Bank/Cheque No Amt S\$.....)
Crossed cheque payable to **"Singapore Institute of Building Limited"**. Please indicate your name, company and date of seminar on the back of the cheque.
- ☐ Invoice company
- ☐ Via ibanking/Bank transfer. Details as follows: **OCBC current account no: 527-046007-001**

Notes

- Certificate of Attendance will be awarded upon successful completion of the seminar.
- Registration is on a first-come-first-served basis. Registration by fax or email will only be accepted upon receipt of payment. **Confirmation of registration will be given via email or fax. No cancellation is allowed once registration is confirmed.** Fees paid are not refundable under any circumstances. This will also apply to participants who are unable to attend on that day. However, substitution can be made in writing at least 3 days before the seminar. In the case of a non-member substituting a member, the non-member will have to pay the fee difference.
- The Organizer reserves the rights to change the programme or cancel the seminar as may be necessary. Every effort will be made to inform participants in the seminar of any cancellation and full refund will be made to participants.

Please return the registration form and payment to:

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