



The Security of Payment Act – Understanding the Technicalities

INTRODUCTION

The Building and Construction Industry Security of Payment Act has been around for 12 years. It facilitates payments for construction work done and for related goods/services supplied. Some contractors have used the Act to successfully claim for payment; others are still being caught off-guard by the Act and fail to react in a way which protects them effectively.

OBJECTIVES

The course provides not only an overview of the key essentials in the Security of Payment legislation. It aims to enhance participants' understanding on the requirements for making and defending claims. The common pitfalls will be highlighted. The various ways in which a party may defend itself in an adjudication will also be discussed.

At the end of the course, participants will be armed to answer the following:

- ◆ How to properly prepare an iron-clad claim for adjudication
- ◆ How to understand the counting of time under the Act
- ◆ How to serve its payment claim and payment response at the right time
- ◆ How to properly prepare a payment response
- ◆ What to do when there is no payment response
- ◆ How to prepare for an adjudication hearing
- ◆ What goes on during adjudication hearings
- ◆ Which documents are useful, and which are not

Numerous case studies will be presented. These will be based on actual cases in adjudication or in court.

CONTENTS

Session 1: Overview of the Act and its Core Principles

In this session, all the essentials of the Act will be explained. This will include the coverage of the Act, all applicable timelines, the types of claims that may be included (such as variations, retention, final account, prolongation, loss and expense). Adjudication reviews and appeals will also be covered.

Session 2: Common Pitfalls in Preparing the Payment Claim and Response

Participants will learn how to prepare a proper payment claim and response. Examples will be provided, and sample claims and responses will be discussed. The types of evidence that will be required for each type of claim or defence will be highlighted.

Session 3: Lessons from the Recent Cases

There have been numerous court cases involving adjudication claims. Many involve the claims having been made at the wrong time, wrongly serving claims (whether by email or fax or by hand), and wrongly included items in the claim. Lessons will be drawn from all the cases presented. Participants will be updated on the latest law relating to the Security of Payment Act.

Date: **3—5 April 2017**
(Monday to Wednesday)
Time: **2.00pm to 5.00pm**
(Registration starts at 1.30pm)
Venue: **SISV Training Room,**
110 Middle Road #09-00 Chiat
Hong Building
Singapore 188968

CPD Credit:

SISV, QS Division & AIQS = **9**
CPD Hours

BoA-SIA = **3 CPD Points**

Qualified for **9 PDUs** by PEB

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

Certificate of Attendance will
be awarded upon successful
completion of the workshop.



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About the Trainers:

All 3 course lecturers are partners in Eldan Law LLP, a law firm with an extensive practice in building and construction law. Eldan Law is among Singapore's 20 largest and fastest growing law firms.



Mr Edwin Lee
Partner, Eldan Law LLP

Edwin is one of the founding partners of Eldan Law LLP. Practising for more than 20 years, Edwin has argued both major courtroom disputes and arbitrations. He is cited as a leading Singapore construction law practitioner in Euromoney's Guide to the World's Leading Construction Lawyers (2013 & 2015). Chambers Asia-Pacific Guide 2017 has also cited him as "an authority on domestic construction adjudications".

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 has conducted numerous adjudication cases, variously as counsel, adjudicator and review adjudicator. He successfully argued the landmark Court of Appeal case of Lee Wee Lick Terence v Chua Say Eng. Edwin is also an accredited adjudicator in Malaysia, under the Construction Industry Payment and Adjudication Act 2012.

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

He has many publications, with his latest book being the recently published Building Contract Law in Singapore, 2016 (3rd Edition).



Ms Looi Ming Ming
Partner, Eldan Law LLP

Ming Ming handles all facets of construction-related claims and documentation. Her construction dispute-resolution experience includes acting for a statutory authority in arbitration proceedings in the aftermath of the collapse of the Nicoll Highway in a contractual dispute relating to the Circle Line.

Notable advisory work includes advising an owner on potential arbitration worth over S\$80 million against a well-known Japanese design-build contractor for building and engineering defects in an iconic project on the Marina Bay waterfront and offering critical project advice to an international consulting and engineering firm on its provision of professional engineering services for a S\$5.5 billion integrated resort in Singapore.

Ming Ming regularly speaks at various seminars on an array of topics including employment law and agency law, with particular emphasis on construction law and practice. For the past two years, Ming Ming has also tutored students at the National University of Singapore taking the Trial Advocacy module.



Mr Yong Boon On
Partner, Eldan Law LLP

Boon On has been practising in the area of dispute resolution since 2003. He has advised and represented a wide array of clients including government authorities, developers, contractors, major international corporations as well as individuals in both courtroom disputes and arbitrations and in a wide variety of disputes such as commercial disputes, employment disputes, cross-border contractual disputes, engineering and construction disputes and insurance disputes.

Boon On graduated from the National University of Singapore in June 2002 with a Bachelor of Laws LL.B (Honours) (Second Upper Division). He was called to the Singapore Bar in May 2003. In addition, Boon On holds a Bachelor of Engineering (Honours) (Second Upper Division) 1996 from the National University of Singapore. He practised engineering until his admission to read law in 1999. His engineering background proves invaluable to many of his clients especially in dealing with complex technical issues in engineering and construction disputes.

Boon On also holds a Master of Science in Applied Finance from the National University of Singapore.

REGISTRATION FORM

Closing date for registration: **27 March 2017**

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Date: 3—5 April 2017

Time: 2.00pm—5.00pm (Registration starts at 1.30pm)

Venue: SISV Training Room, 110 Middle Road, #09-00 Chiat Hong Building, S(188968)

Fees/Category (excludes GST, seminar notes and refreshments)

★ S\$650 SISV members/Staff of SISV Member Firms

★ S\$700 CIJC members (*ACES, IES, REDAS, SCAL, SIA, SIBL, SPM, AIQS, BoA, IQSI, PEB, PICQS, PUJA, RICS, SCL, SGBC*)

★ S\$750 Non Members

(*Skillsfuture Credit claimable*)

Name of Participants

	Name	NRIC No	Category*	Membership no*	Email Address	Amt S\$
1						
2						
3						
4						
TOTAL AMOUNT PAYABLE S\$						

*Please state SISV/ MemFirm/ ACES/ IES/ REDAS/ SCAL/ SIA/ SIBL / SPM/ AIQS/ BoA/ IQSI/ PEB/ PICQS/ PUJA/ RICS / SCL/ SGBC/ or Non Member

Company

Address

.....S()

Tel Contact Person

Fax Email

I hereby consent to SISV and/or its Divisions collecting, using, disclosing and/or processing my personal data for purposes of its membership administration and its events marketing.

PAYMENT MODE (please tick one box only)

- ☐ Via ibanking/Bank transfer. Details as follows: **DBS current account no: 007 005007 0**. Please either include the invoice number or "QSW130117_your initials" when transferring
- ☐ By Cheque (Bank/Cheque No Amt S\$.....)
Crossed cheque payable to "**Singapore Institute of Surveyors and Valuers**". Please indicate your name, company and date of seminar on the back of the cheque.
- ☐ Invoice company

Notes

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.

SISV 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.

For seminar enquiries and registrations, please contact:

Dina ☎ : 64240286 ✉ : dina@sisv.org.sg

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