

# "CONSTRUCTION LAW UPDATE 2007"

Wednesday, 25 April 2007, 3.00-6.00pm  
FTSE ROOM, CAPITAL TOWER

## About this Seminar

This Seminar aims to provide legal and construction industry professionals and in-house counsel working in the Singapore construction industry with an update and review of the recent case law developments, with a special focus on professional negligence issues.

The Case Law Updates section will examine a number of important 2006 Singapore decisions involving or impacting on the construction industry including:

- Jet Holdings v Cooper Cameron [2006] 3 SLR 769 (CA)  
Contractual duties implied by law (not fact) and contributory negligence in a contractual framework
- Panwah Steel v Koh Bros. [2006] 4 SLR 571 (CA)  
Impact of "project-specific" contracts on liability for non-delivery of agreed quantities of material
- Econ Piling v Aviva [2006] 4 SLR 501 (CA)
  - Distinction and consequence of "on demand" and "default" performance bond
  - Effect of expiry of limitation period on restraining call on default performance bond
  - Significance of S.O. certification of contractor's default under contract for performance bond call
- Sunny Metal v Ng Khim Ming [2006] SGHC 222 (HG)  
Liability of Design and Build Contractor's Architect to Employer
- Spandek Engineering v DSTA [2006] SGHC 229 (HG)  
Liability of S.O. under PSSCOC standard form to main contractor to properly certify payments due under the contract

Then, in the session on "Professional Negligence Issues in the Construction Industry" the speaker will provide a comprehensive update of developments in this area including:

- Joint and several liability
- Economic loss and defective buildings
- Claims by contractors in tort against consultants
- Independent contractors
- Standard of care
- Duty to warn

## Seminar Outline

2.45-3.00pm	Registration & Refreshments
3.00-3.10pm	Overview & Opening Remarks by Chairperson - Mr. Naresh Mahtani
3.10-4.10pm	<b>Case Law Updates</b> - Mr. Mohan Pillay
4.10-4.30pm	Break
4.30-5.30pm	<b>Professional Negligence Issues in the Construction Industry</b> - Mr. George Tan
5.30-6.00pm	Panel Discussion/ Q&A Session moderated by Seminar Chair

## About the Speakers

### Mr. George Tan – Director, TSMP Law Corporation, Singapore

George Tan LLB (Hons), FSI Arb, FCI Arb is a director of TSMP Law Corporation specialising in Building and Construction Law. He is the author and co-author of the following books on construction – *Building and Construction Title of Halsbury Laws of Singapore and Construction Law in Singapore and Malaysia*. Each year, he also co-authored an annual review of Building and Construction Law for the Singapore Academy of Law.

He has been involved as counsel and arbitrator in SIAC, SIA, ICC and UNCITRAL arbitrations. He is a member of Dispute and Compensation Resolution Panel, National Electricity Market of Singapore and is now on SMC's register of adjudicators. He is also an adjunct Associate Professor for the joint King's College-NUS MSc Programme in Construction Law and Arbitration.

### Mr. Mohan Pillay – Managing Partner, MPillay; Adj. Assoc. Prof., Faculty of Law, Nat. Univ. of Singapore; Visiting Professor, Centre of Construction Law & Management, King's College London

Consistently identified as a leading Asian and Singapore lawyer in construction and arbitration, Mohan has 20 years experience appearing before both Singapore Courts and arbitration tribunals. He has represented clients in complex disputes involving building construction, civil engineering, power and incineration plants, and oil and gas production facilities, in various jurisdictions and under ICC, UNCITRAL, SIAC and other arbitration rules.

Mohan is a Panel Arbitrator of the SIAC, Singapore Institute of Arbitrators and the Kuala Lumpur Regional Centre for Arbitration. He is also a Principal Mediator with Singapore Mediation Centre and a Fellow of the Singapore and Chartered Institute of Arbitrators. He is an accredited Adjudicator under the Building & Construction Industry Security of Payment Act 2004. He has acted as Adjudicator, Arbitrator and Mediator.

Mohan has recently been appointed Consultant to Pinsent Masons, which ranks in the top 15 of UK law firms and the top 100 of law firms globally in term of size. He is the managing partner of the Singapore legal firm, "MPillay".

In addition to an active practice, Mohan is also an Adjunct Associate Professor at the Faculty of Law, National University of Singapore, and a Visiting Professor at the Centre of Construction Law & Management, King's College London, University of London.

## About the Chairperson

### Mr. Naresh Mahtani (FSI Arb, FCI Arb)

Naresh has been in legal practice for the past 25 years in commercial litigation, construction projects and dispute resolution. He is currently Chairman of the Society for Construction Law and a Council Member of the Singapore Institute of Arbitrators. He is a member of several dispute resolution panels, including the Regional Panel of the Singapore International Arbitration Centre, Asia-Pacific Regional Grouping (APRAG) Panel of Arbitrators; Disputes & Compensation Resolution Panel of Singapore Wholesale Electricity Market, Adjudication Panel of the Financial Industry Disputes Resolution Panel; as well as an Accredited Adjudicator at the Singapore Mediation Centre. He is currently a consultant at Alban Tay Mahtani & de Silva (ATMD), a firm which he co-founded, and is engaged as an advisor in construction projects and in dispute resolution as arbitrator and counsel in Singapore and the region.



THE LAW SOCIETY  
OF SINGAPORE

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**Venue:**

**FTSE Room  
Capital Tower, Level 9  
168 Robinson Road Singapore 068912**

(Registrations will begin at 2.45pm.)

**Fee:**

**S\$ 105.00** (Members of Law Society & SCCA & employees of Singapore law practices)

**S\$ 126.00** (Members of SCL Singapore)

**S\$ 168.00** (others)  
(includes 5% GST, materials & refreshments)

## REGISTRATION FORM

Name (Dr/Mr/Mrs/Miss/Mdm): \_\_\_\_\_

Name and Address of Law Firm/Law Corporation/Organisation: \_\_\_\_\_

Date of Admission: \_\_\_\_\_ Number of years in Practice: \_\_\_\_\_

AAS No: \_\_\_\_\_ NRIC/Passport No: \_\_\_\_\_  
(Law Society Members) (Law Society Associate Members & Non Law Society Members)

Position in Law Firm/Law Corporation/Organisation: \_\_\_\_\_

Tel number: \_\_\_\_\_ Fax number: \_\_\_\_\_ Email: \_\_\_\_\_

(A valid email address is required for confirmation of registration.)

Law Society Member ☐ SCL Member ☐ Employee of Singapore law practice ☐ SCCA Member ☐ Non-member ☐

**Mode of payment:**

**GIRO DDA** ☐

**Cheque** ☐

**Credit Card** ☐

(Only for law practices with GIRO accounts with the Law Society)

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**Credit card: Mastercard/Visa No.** \_\_\_\_\_ **Card Expiry Date:** \_\_\_\_\_ (MM/YY)

**Cardholder's Name:** \_\_\_\_\_ **Signature:** \_\_\_\_\_

*Kindly note that an administration charge of 3% is applicable for payments made via credit card.*

**Cheque payments should be made payable to "The Law Society of Singapore" & arrive at our office with the completed registration form on or before the closing date, Wednesday, 19 April 2007:**

The Training & CPD Department  
The Law Society of Singapore  
39 South Bridge Road (S)  
058673

For further enquiries, please contact  
The Training & CPD Department at  
Tel: (65) 6557 2747 Fax: (65) 6557 2751  
E-mail: [cpd@lawsoc.org.sg](mailto:cpd@lawsoc.org.sg)  
CPD Portal: [www.lawsociety.org.sg/CPD](http://www.lawsociety.org.sg/CPD)  
Website: [www.lawsociety.org.sg](http://www.lawsociety.org.sg)

### REGISTRATION, REFUND & CANCELLATION POLICY

1. Registrations will be confirmed upon receipt of full payment accompanied by a duly completed registration form.
2. The Organisers reserve the right to refuse to register or admit any participant, and to cancel or postpone the course.
3. Substitute delegates are welcomed (e.g. member for member, non-member for non-member), subject to the Law Society Training Department being notified at least 2 working days before the course of the details of the substitute delegate.
4. The Organisers reserve the right to impose a cancellation fee in the event any registrant wishes to withdraw from the course after the registration closing date.
5. The Organisers will not entertain any request for a refund of fees. However a confirmed registrant who has paid in full the course fees but does not turn up for the course will be entitled to collect a set of the materials provided.

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