Updates on Security of Payment (SOP) Act

Chairman

Silas Loh, Immediate Past President, QS Singapore Institute of Surveyors and Valuers

Speakers

Ian de Vaz,
Partner,
WongPartnership LLP

Liow Wang Wu Joseph,
Deputy Managing Director,
Straits Law Practice LLC

Program

1.30pm Registration
2.00pm Opening Remarks by Chairman
   - Silas Loh, Immediate Past President, QS Singapore Institute of Surveyors and Valuers
   (Session 1) SOP Act—Supply contract vs Construction contract
   - Liow Wang Wu Joseph, Deputy Managing Director, Straits Law Practice LLC
3.30pm Tea Break cum Networking
4.00pm (Session 2) Construction Law Update: SOP Act—Refresher and Case Studies
   - Ian de Vaz, Partner, WongPartnership LLP
5.00pm Questions & Answers Session
   Panelist: Silas Loh, Liow Wang Wu Joseph, Ian de Vaz

Certificate of Attendance
Certificate of Attendance will be awarded upon successful completion of the seminar.
Speakers’ Profile/Seminar Synopsis

Chairman

Silas Loh is a Partner in Rider Levett Bucknall LLP, a leading project management and quantity surveying consultancy firm. He has more than 25 years of experience in the construction industry, both locally and overseas, and has completed public and private projects ranging from civil work, commercial developments, hotel and residential projects, to landmark developments.

Silas was the 26th QS Council President of the Singapore Institute of Surveyors and Valuers. He participates actively in committees and forums with academic institutions and local authority bodies to give strategic planning and feedback on the development and advancement of the construction industry. He is also an accredited adjudicator under the SOP Act.

(Session 1) SOP Act—Supply contract vs Construction contract

Joseph Liow graduated from the National University of Singapore in 1992. He was a PSC ASEAN Scholar Pre-University from 1986 to 1987. He was admitted as an Advocate & Solicitor of the Supreme Court of Singapore in 1993. He is a qualified Arbitrator; having completed the Fellowship Assessment Course conducted by the Singapore Institute of Arbitrators. He is also a qualified Adjudicator with the Singapore Mediation Centre.

He is an active member of various committees of the Law Society of Singapore and has served as the Vice Chairman of the Criminal Legal Aid Scheme Committee and 6 terms as the Chairman of the Sports Committee. He is a Lead Trainer and Member of the Advocacy Committee. He has served as the Honorary Secretary of the Society of Construction Law (Singapore) for several terms until 2010.

His practice areas include:
- Building and construction law
- Civil and Commercial litigation
- Alternative Dispute Resolution
- Employment Law

In this talk, Joseph will provide an overview as to the differences in both the payment claim process and the adjudication process between a supply contract as compared with a construction contract as defined by the SOP Act. This overview will discuss the definition of a supply contract, supply contracts that are excluded from the operation of the Act, and specific issues such as the form and manner of providing a response under s.11 of the SOP Act, and whether reasons for non-payment under a supply contract may be given before a payment claim is made.

Legal Update: Beijing Construction Engineering Group Co Ltd (Singapore Branch) v Ji Sheng Construction Pte Ltd (unreported, OS No. 1032/2014). Application by Respondent to stay enforcement of judgment obtained pursuant to adjudication determination where Claimant is insolvent.
ian de Vaz is a Partner in WongPartnership LLP where he has a diverse practice in construction and civil engineering work, spanning both front-end and dispute resolution matters.

Since 2013, Ian has been recognised as a leading practitioner by Best Lawyers and in the Best Lawyers’ 2014-15 edition of Singapore Project Finance and Development, Ian was named "Lawyer of the Year". In Chambers Global – The World's Leading Lawyers for Business and Chambers Asia Pacific – Asia Pacific's Leading Lawyers for Business, Ian has been described as "one of the leading figure[s]", an "engineering expert" and one whom interviewees have described as "meticulous, concise and helpfully insightful" and who "consistently deliver[s] good work" and who gives "high-quality, practical advice". In Asialaw Profiles – The Guide to Asia-Pacific's Leading Law Firms 2011, Ian is recognised as one of the "distinguished names" in the Construction field. In The Legal 500: Asia Pacific – The Client's Guide to the Asia Pacific Legal Profession, Ian is commended for his "excellent reputation for EPC" and known to be "active in both contentious and non-contentious" Projects & Energy work. Outside the region, Ian is recommended in The Legal 500: Europe, Middle East & Africa 2014 for Construction work in the United Arab Emirates.

ian is admitted to the Singapore Bar and to the Roll of Solicitors of England & Wales, having graduated from the National University of Singapore and obtained his Master of Laws degree from University College London. Ian has been trained at the Chartered Institute of Arbitrators (London) to act as an adjudicator in construction industry disputes under the relevant UK legislation. He has also been admitted to the Register of Adjudicators for construction claims coming under Singapore's Building and Construction Industry Security of Payment Act (Cap 30B).

ian is also an Adjunct Associate Professor in the Faculty of Law at the National University of Singapore. He was the Firm's lead contributor to the construction section in Singapore Precedents of Pleadings (2006 edition) and given special mention by the author, Mr Chow Kok Fong, for his contribution to Singapore’s leading textbook on construction law, Law and Practice of Construction Contracts (4th edition, 2012) and in Security of Payments and Construction Adjudications (2nd edition, 2013)."

Drawing on his experience as both adjudicator and counsel, the speaker will delve into several novel issues that have arisen in recent adjudications. There will be a discussion on various intriguing questions, including the following:

- Can defects in the Payment Claim be waived by a respondent even if such defects affect the jurisdiction of the adjudicator?
- If a payment claim is served before the date stipulated in the contract, how should a respondent calculate the due date for service of the payment response?
- If an adjudication application is served before the entitlement to adjudicate arises, does this invalidate the adjudication application?
- What are the limits of a respondent’s right to raise counterclaims or backcharges in a payment response? Can a claimant be ordered to pay the respondent sums claimed by the respondent?
- Does a party seeking to challenge an adjudication determination always have to make payment into court?
REGISTRATION FORM

Closing date for registration: 25 September 2015

Updates on Security of Payment (SOP) Act

Date: 2 October 2015
Time: 2pm to 5.30pm
Venue: Carlton Hall, Level 2, York Hotel, 21 Mount Elizabeth S (228516)

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

- S$75  SISV members
- S$85  Staff of SISV Member Firms
- S$95  CIJC members (ACES, IES, REDAS, SCAL, SIA, SIBL, SPM) AIQS, BoA, SCL, RICS, SGBC)
- S$130  Non Members
- S$15  SISV Student members and Full time Students

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- Via ibanking/Bank transfer. Details as follows: DBS current account no: 007 005007 0. Please include the invoice number 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 Abdullah 6424 0286 dina@sisv.org.sg/ Kenneth Lim 6424 0287 qs.admin@sisv.org.sg

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