


BUILDING AND CONSTRUCTION INDUSTRY
**SECURITY OF PAYMENT
(AMENDMENT) ACT 2018**
MAKING SENSE OF THE CHANGES

FRIDAY, 18 JANUARY 2019, 3.30PM
MOCHTAR RIADY AUDITORIUM
LEVEL 5, SMU ADMINISTRATION BUILDING



 Seminar	Public CPD Points TBC
	Practice Area: Construction Training Level: Advanced



INTRODUCTION

Since the introduction of the SOPA in 2005 to facilitate cash flow in construction projects and provide an adjudication mechanism to resolve payment disputes, the Act has been increasingly applied with \$940 million in facilitated payments. However, there were calls to enhance the effectiveness of the Act, specifically handling of payment claims and responses and the adjudication process. After a period of consultation by the Building Construction Authority, amendments to the Act were passed in Parliament on 2 October 2018.

Join SAL's Senior Accredited Specialists in Building and Construction Law as they dissect the amendments to SOPA and discuss how they may impact the payment and adjudication process.

PROGRAMME

3.30pm

Registration and tea reception

4.00pm

Opening remarks

4.10pm

Scope of SOPA and Administrative Improvements

HO CHIEN MIEN, PARTNER, ALLEN & GLEDHILL LLP

Chien Mien will cover the change in scope and application of SOPA in relation to terminated contracts and contracts for overseas production of prefabricated components under the substituted sec 4(2)(c), and administrative improvements such as allowing service of documents by email, expanding scenarios when service takes effect under secs 37(1) and 37(2), and enhancements in adjudicators' conduct and liability under sec 32.

Payment Claims and Responses, and Adjudication Responses

RAYMOND CHAN, SENIOR PARTNER, CHAN NEO LLP

Raymond will touch on the changes to payment claims and responses including measures in the amended sec 10 to impose a new limitation period for the service of a payment claim, enable a payment claim to be served before the due date, and specify when a payment claim that is served before the due date is deemed to have been served, and the new sec 12(2A) which states that a claimant is considered to dispute a payment response if the claimant does not accept the payment response in writing. He will also discuss the new sec 15(3) on objections raised in adjudication responses and sec 15(3A) which sets out exceptions to the former.

Replacement Adjudicator and Adjudicator's Powers

IAN DE VAZ, PARTNER, WONGPARTNERSHIP LLP

Ian will look at the introduction of the new secs 14A and 18A which provide for the appointment of a replacement adjudicator, a replacement review adjudicator, or a replacement member of a panel of review adjudicators, and adjudicators' powers relating to non-compliance with sec 13(3)(c) ("an adjudication application shall contain such information or be accompanied by such documents as may be prescribed"). Further, he will examine the circumstances under which, in determining an adjudication application, they can disregard any part of a payment claim or response related to damage, loss or expense under the new sec 17(2A), or are required not to consider any objection from the respondent that was not included in the adjudication response, except in specified circumstances under the new sec 17(4A).

Adjudication Review and Setting Aside

EDWIN LEE, FOUNDING PARTNER, ELDAN LAW LLP

Edwin will set out the changes to the adjudication review process where the Amendment Act now allows a claimant to lodge an application for the review of an adjudication determination where the claimed amount exceeds the adjudicated amount by the prescribed amount or more under the revised sec 18. He will also review the measures to safeguard the adjudicated amount that a respondent is required to pay, pending the outcome of an adjudication review application brought by the respondent. The new secs 27(6) and 27(7) also specify a non-exhaustive list of grounds on which a party to an adjudication may commence proceedings to set aside the adjudication determination, and the circumstances under which that party is prevented from relying on a ground to commence such proceedings. Finally, he will consider the court's powers to set aside an adjudication determination under sec 27(8).

5.30pm

Q&A moderated by Naresh Mahtani

5.50pm

Closing remarks by Chow Kok Fong

6.00pm

End

RegistrationSGD 85.60 (inclusive of GST) SAL members
SGD 107 (inclusive of GST) non-membersRegister online at
www.sal-e.org.sgRegister by
17 January 2019**Q&A**

If participants would like to ask the presenters questions on the seminar topic, they are invited to submit them prior to the event to: accreditation@sal.org.sg

SILE ATTENDANCE POLICY | PUBLIC CPD POINTS TBC | PRACTICE AREA: CONSTRUCTION | TRAINING LEVEL: ADVANCED

Participants who wish to obtain CPD Points must comply strictly with the Attendance Policy set out in the CPD Guidelines. Participants are reminded to sign in on arrival and sign out at the conclusion of each day of the event in the manner required by the organiser. Participants must not be absent from the event 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.

SPEAKERS



Raymond CHAN

Raymond Chan is a Senior Partner of Chan Neo LLP, and has practiced in the area of Building and Construction Law for over 30 years. He was the Past President of the Singapore Institute of Arbitrators and is a Fellow of the Singapore Institute of Arbitrators and the Chartered Institute of Arbitrators. He is also a Senior Accredited Adjudicator with the Singapore Mediation Centre and a Senior Accredited Specialist (Building & Construction) with the Singapore Academy of Law

He is a member of the Panel of Arbitrators of the Singapore International Arbitration Centre, the Kuala Lumpur Regional Arbitration Centre and the Arbitration Panel of the National Electricity Market of Singapore. He has been appointed as an Arbitrator in numerous local and international Arbitrations.

He is the Honorary Legal Advisor to the Singapore Real Estate Developers Association ("REDAS"), the Singapore Institute of Architects ("SIA") and the Singapore Institute of Surveyors and Valuers ("SISV").

He acts regularly for property developers, contractors and design consultants and has represented them as Counsel in the High Court as well as in domestic and international arbitrations.

He drafted the SIA Arbitration Rules and the Arbitration Rules of the National Energy Market of Singapore. He was involved in the drafting of the Singapore Institute of Architects Conditions of Main Contract, the SIA Conditions of Sub Contract, the REDAS Design & Build Conditions of Contract and the REDAS Design & Build Conditions of Sub-Contract.

Raymond is listed in the 2009-2018 Editions of the *International WHO'S WHO Legal Construction Lawyers* as a Leading Construction Lawyer in Singapore.



Ian DE VAZ

Ian de Vaz is the Joint Head of the Energy, Construction & Projects practice in WongPartnership LLP. He has been recognised as a leading construction lawyer by various legal directories such as *Chambers Global*; *Chambers Asia-Pacific*; *The Legal 500: Asia Pacific*; *The Legal 500: Europe, Middle East & Africa*; *IFLR1000: Energy and Infrastructure*; *Asialaw Profiles* and *Best Lawyers*. In January 2018, Ian was amongst the inaugural batch of select practitioners to be appointed Senior Accredited Specialist in Building and Construction Law by the Singapore Academy of Law.

Ian has a diverse practice in construction and civil engineering work, spanning front-end drafting and dispute resolution. Ian is currently on the panel of accredited adjudicators under the Building and Construction Industry Security of Payment Act (Cap 30B).

Outside of practice, Ian is an Associate Professor (Adj) at the NUS Faculty of Law where he teaches construction law. He has contributed widely to all the leading texts in Singapore: *Singapore Precedents of Pleadings* (2006, 2015 eds), *Law and Practice of Construction Contracts* (4th ed, 2012, 5th ed, 2018), *Security of Payments and Construction Adjudications* (2nd ed, 2013) and *Halsbury's Laws of Singapore*. He is currently Contributing Editor of the *Singapore Journal of Construction Law* (SingJCL).

**HO Chien Mien**

Chien Mien is Co-Head of the Allen & Gledhill's Construction and Engineering practice and handles both contentious and non-contentious work in the areas of construction, engineering and infrastructure projects, both local and international.

He sits on the main panel of arbitrators for the Singapore International Arbitration Centre, Asia International Arbitration Centre (formerly KLRCA), and the Law Society Arbitration Scheme, and is a Senior Accredited Adjudicator with the Singapore Mediation Centre.

He has also been involved in non-contentious work involving some of the largest building and infrastructure projects in Singapore and the Asia Pacific including greenfield developments of data centres, power and utility plants, oil storage and LNG terminals, office towers, condominiums and other major building projects.

He is ranked a Band 1 construction practitioner in *Chambers Asia-Pacific* (2016, 2017) and a key practitioner in *The Legal 500 Asia Pacific* (2009–2018), *Who's Who Legal Construction* (2011– 2018) and *Who's Who Legal Thought Leaders - Construction*. He is also the editor of the Construction section of Atkin's Court Forms (Singapore edition).

**Edwin LEE**

Edwin is one of the founding partners of Eldan Law LLP, a law firm with an extensive practice in building and construction law. Practising for more than 25 years, he is also cited as a leading Singapore construction law practitioner in Euromoney's *Expert Guide to the World's Leading Construction Lawyers* (2017). The *Chambers Asia-Pacific Guide 2017* has cited him as "an authority on domestic construction adjudications".

Edwin is a Senior Adjudicator with the Singapore Mediation Centre, and a member of the Construction Adjudicator Accreditation Committee, which oversees the selection and assessment of adjudicators. He has conducted hundreds of adjudication cases, variously as counsel, adjudicator and review adjudicator. He has argued many of the landmark Court of Appeal cases on construction law, and on adjudications. Edwin is also an accredited adjudicator in Malaysia, under the Malaysian 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.

Edwin is a general editor of the annual *Singapore Construction Adjudication Review*, a contributing editor to the *Singapore Journal of Construction Law* and the Construction Law editor for the Singapore Academy of Law's online journal *SAL Practitioner*. He is the author of *Building Contract Law in Singapore* (2016, 3rd Edition).



Naresh MAHTANI
Moderator

Naresh Mahtani has been in legal practice for 30 years, with local, regional and international experience in contentious and non-contentious matters in construction, engineering and infrastructure projects work, and oil and gas construction projects.

He has been appointed as Arbitrator and Arbitration Counsel in major construction and international arbitrations involving construction and commercial disputes in Singapore, Indonesia, Malaysia and the US.

In the past three decades, he has practiced in various capacities, including Managing Partner and Senior Partner of ATMD and Chief Executive Officer of the Law Society of Singapore.

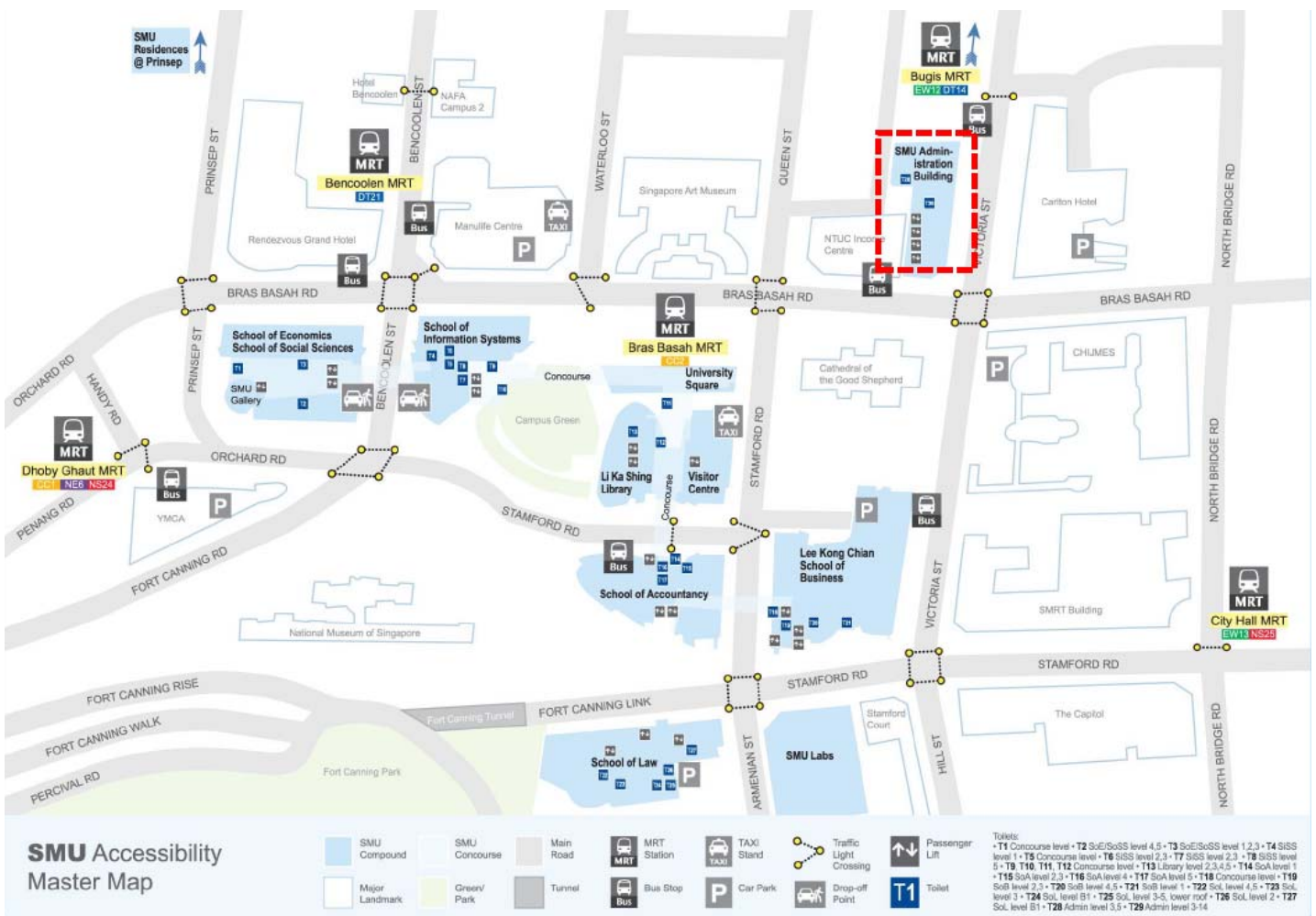
He has been Hon. Secretary of the Singapore Institute of Arbitrators for several years and is a past Chairman of the Society of Construction Law.

He is currently in active practice at Eldan Law LLP as an arbitrator, adjudicator, mediator, counsel and advisor on projects.

VENUE

The Mochtar Riady Auditorium is located at:

Level 5, SMU Administration Building, 81 Victoria Street, Singapore 188065.



About the SAL Specialist Accreditation Scheme

The speakers at this special event have been accredited by the Singapore Academy of Law's Specialist Accreditation Scheme (SAS) as Senior Accredited Specialists in Building and Construction Law.

The SAS recognises Singapore lawyers, who already focus much of their practice in a specialised area of law, for their expertise. It also looks to encourage younger lawyers to sharpen their skills and knowledge in a practice area.

The SAS has set a benchmark for prospective specialists to meet in order to be accredited, which takes into account their practice experience based on a minimum number of billable hours or amounts, the complexity of contentious and non-contentious work done, continuing professional development (CPD) activities undertaken and references from fellow practitioners. They also undergo an assessment process in the form of an examination and/or an interview before a selection panel comprising members of the judiciary and industry practitioners familiar with legal practice. Furthermore, to maintain their accreditation, they are required to be reaccredited every two years.

For more on the SAS or to find an accredited specialist, visit the [SAL website](#).

Photography, Video and Audio Recordings

By attending the event, participants acknowledge and agree to grant the Singapore Academy of Law and its subsidiaries (SAL) the right at the event to record, film, photograph or capture your likeness in any media now available and hereafter developed and to distribute, broadcast, use or otherwise globally to disseminate, in perpetuity, such media without any further approval from you or any payment to you. This grant to SAL includes, but is not limited to, the right to edit such media, the right to use the media alone or together with other information, and the right to allow others to use and/or disseminate the media.