



Practice Area: Building & Construction  
Training Level: General  
Public CPD Points: 1.5



## Bond Calls and Interim Relief

Tuesday, 14 April 2020, 5.00 - 7.15pm

Left and Right Brain, Level 9, Capital Tower, 168 Robinson Road, Singapore 068912

### About this Seminar:

Performance bonds are an important feature of construction projects and are often used for tactical purposes, particularly where market conditions are challenging. Lynne McCafferty QC and Sanjay Patel from 4 Pump Court, London consider recent case-law on performance bonds in both common law and civil law jurisdictions. They examine what employers have to do to make successful calls on these bonds, and the circumstances in which contractors can challenge them.

### Seminar Programme:

5.00 - 5.30pm	Registrations & Refreshments for Delegates
5.30 - 5.35pm	<b>Opening Remarks by Chairperson</b> <i>Mr. Toh Chen Han – Partner, Pinsent Masons MPillay LLP; Chairman, Society of Construction Law (Singapore)</i>
5.35 - 6.45pm	<b>Bond Calls and Interim Relief</b> <i>Ms. Lynne McCafferty QC – Barrister, 4 Pump Court</i> <i>Mr. Sanjay Patel - Barrister, 4 Pump Court</i>
6.45 – 7.15pm	<b>Q&amp;A Session</b>

### About the Speakers:



#### **Ms. Lynne McCafferty QC – Barrister, 4 Pump Court**

Lynne McCafferty QC of 4 Pump Court is a leading commercial silk at the English Bar specialising in construction & engineering, energy, international arbitration, professional negligence, and technology & telecoms law.

Lynne is highly ranked in the legal directories, where she has recently been described as “a top-quality silk”, “a fiercely intelligent and competitive advocate”, and “a first rate lawyer and an outstanding performer in court”.

Her practice includes huge infrastructure projects, multi-million pound commercial developments, high-profile PFI projects, oil and gas processing plants and pipelines, and onshore wind farms. Recent cases have included the Louvre Museum Abu Dhabi, the Royal Liverpool University Hospital, and a major extension to a rail and metro network. She

has particular experience of large-scale disputes arising out of IT contracts, including major business systems, government contracts, and bespoke software projects.

Lynne has extensive advocacy experience in international arbitrations, in the Technology & Construction Court (TCC) in London, and in adjudication proceedings. She has acted on cases under a wide range of arbitration rules including ICC, ICSID, LMAA, LCIA, DIFC, and DIAC. She is a TECBAR-accredited adjudicator, has acted as arbitrator, and is registered as an advocate with the Dubai International Financial Centre (DIFC).



#### **Mr. Sanjay Patel - Barrister, 4 Pump Court**

Sanjay Patel is a commercial barrister at 4 Pump Court, London and has a wide-ranging commercial practice with particular specialisms in construction, energy and banking law. Sanjay is a leading junior who is popular for large scale construction projects both in the UK and internationally. Recently, Sanjay's practice has focused on high value disputes concerning power and waste projects. Sanjay is ranked as a leading junior in the Legal 500 where he has been described as “infectiously enthusiastic, and excellent at getting down into the details of a case.”

Sanjay also has a varied banking practice which has included cases concerning project finance, demand guarantees and complex derivatives. In a case particularly relevant to the talk for SCL, Sanjay appeared for an insurer in the first case concerning demand guarantees before the Qatar International Court (Leonardo v Doha Bank Assurance

Company), which addressed whether the Singaporean “unconscionability” defence to bond calls should apply in that jurisdiction.

### About the Chairperson:



#### **Mr Toh Chen Han – Partner, Pinsent Masons MPillay LLP; Chairman, Society of Construction Law (Singapore)**

Chen Han's area of practice is Dispute Resolution. He focuses in particular on construction, engineering and commercial disputes, and related advisory work. The cases on which Chen Han has acted involve a range of matters including tracing and restitution of monies, conspiracy, expressway design and construction, power plant design, construction and operation, cargo-facility construction, water works, mixed research and commercial developments, and hotel management disputes. He is described by Legal 500 as a name to note for construction and dispute resolution, and a go-to individual for complex delay claims, who is unafraid to dive into details.

He has written for various publications including the International Construction Law Review. He co-authored the SICCC Handbook – A Guide to the Rules and Procedures of the Singapore International Commercial Court (Sweet & Maxwell, 2016) and the chapter on Enforcement of Foreign Judgments and Foreign Arbitral Awards in the Law and Practice of Commercial Litigation in Singapore (Sweet & Maxwell, 2015). He is also a Contributing Editor for the Singapore Journal

of Construction Law and a Fellow of the Singapore Institute of Arbitrators.

SCL (S) will also host our Networking Cocktails 2020 from 7:00pm to 9:00pm after the seminar. To register please visit [www.scl.org.sg](http://www.scl.org.sg)



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REGISTRATION CLOSING DATE: <u>7 April 2020</u>	<b>FEES</b> (includes refreshments & materials, if any)
<b>SCL (Singapore) Members</b>	<b>S\$50.00</b>
Guests of SCL(S) Members, Members of international SCLs, Members of: Chartered Institute of Arbitrators (Singapore) Ltd (CI Arb), Chartered Institute of Building (CIOB), Lighthouse Club (Singapore) (Lighthouse), Royal Institution of Chartered Surveyors (RICS), Singapore Contractors Association Ltd (SCAL), Singapore Institute of Architects (SIA), Singapore Institute of Arbitrators (SI Arb), Singapore Institute of Building Ltd (SIBL), Singapore Institute of Surveyors and Valuers (SISV), Society of Project Managers (SPM), Tunneling and Underground Construction Society (Singapore) (TUCSS), Full Time Students & Faculty of NUS Faculty of Law, Marine Offshore Oil & Gas Association (MOOGAS)	<b>S\$90.00</b>
<b>Others</b>	<b>S\$120.00</b>

Mode of payment (Please tick one): ☐ PayNow Corporate ☐ Credit Card ☐ Cheque

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Step 1: Log in to your bank's existing internet banking or mobile banking app.

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- Credit Card:** Please click [HERE](#) to pay under "Payment for Evening Seminars".

- Cheque:** Please return the registration form below, together with your cheque, if applicable, made payable to "Society of Construction Law (Singapore)", "Society of Construction Law (Singapore), 12 Eu Tong Sen Street #08-169 SOHO 2, Clarke Quay Central, Singapore 059819" or **Fax to (65) 6225 9426**

**REGISTRATION, REFUND & CANCELLATION POLICY**

- Places are limited and can only be allocated in order of priority upon receipt of registration and any payment due.
- We regret that we generally do not issue invoices or accept payments at the event.
- Refunds for cancellation are not possible after the registration closing date.
- We reserve the right to refuse to register or admit any participant, and to cancel or postpone the event.
- I fully consent to the collection, use and disclosure of my personal data as appears in this form by SCL (Singapore) for the purposes set out on your website. Visit [www.scl.org.sg](http://www.scl.org.sg) to read our Personal Data Policy.

**COVID-19 DISCLAIMERS:**

- In the event that we postpone the event due to reasons related to COVID-19, any payment the delegate has made as at the date of postponement will be credited towards the rescheduled date.**
- If the delegate is unable to attend the rescheduled event or if we cancel the event indefinitely, the delegate shall be entitled to receive a refund of all sums paid.**
- Participants are advised to take out appropriate travel insurance. We shall not be responsible for any loss or damage as a result of substitution, alteration, cancellation or postponement of the event due to an event of force majeure, unforeseen occurrence or any other event that renders performance of this event inadvisable, illegal, impracticable or impossible. For purposes of these terms and conditions, an event of force majeure shall include, but shall not be limited to: adverse weather, government restrictions and/or regulations; war or apparent act of war; terrorism or apparent act or threat of terrorism; disaster; civil disorder; disturbance and/ riots; curtailment, suspension and/or restriction on transportation facilities/means of transportation; or any other emergency or circumstances outside a party's reasonable control.**

For further enquiries, please contact the SCL (SINGAPORE) SECRETARIAT

Tel: 6551 2783 Fax: 6225 9426 E-mail: [secretariat@scl.org.sg](mailto:secretariat@scl.org.sg)You may also register online for this event on our website at [www.scl.org.sg](http://www.scl.org.sg)



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**REGISTRATION FOR SCL (SINGAPORE) MEMBERS & THEIR GUESTS** (Please use 1 form per Member)

Name: \_\_\_\_\_ SCL Membership No.: \_\_\_\_\_

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☐ I will be attending and I enclose my payment of \$50.00. (A valid email address is required for confirmation of registration.)

☐ Check if CPD points are required AAS/S36B FL: \_\_\_\_\_ (for practicing lawyers requiring SILE CPD points)

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Name(s)	Organisation	Check if CPD Points are required	AAS/S36B FL	Email

**REGISTRATION FOR NON-SCL (SINGAPORE) MEMBERS** (Please use 1 form per registrant.)

I am a: (Please select as appropriate.)

☐ **SCL Mbr:** \_\_\_\_\_ pls state branch
 ☐ **CI Arb Mbr**
☐ **CI OB Mbr**
☐ **Lighthouse Mbr**
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☐ **SI Arb Mbr**
☐ **SIBL Mbr**
☐ **SISV Mbr**
☐ **SPM Mbr**
☐ **TUCSS Mbr**
☐ **Full Time NUS Law Student/NUS Law Faculty**
☐ **Others**

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

Name and Address of Organisation: \_\_\_\_\_

Position in Organisation: \_\_\_\_\_

Membership No: \_\_\_\_\_ (Mandatory to process registration. Please check with your respective membership body.)

☐ Check if CPD points are required AAS/S36B FL: \_\_\_\_\_ (for practicing lawyers requiring SILE CPD points)

 Tel: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_  
 (A valid email address is required for confirmation of registration.)
**SILE Attendance Policy**

Participants who wish to obtain CPD Points are reminded that they must comply strictly with the Attendance Policy set out in the CPD Guidelines. For this activity, 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.