



The Security of Payment Act – Understanding the Technicalities **3rd Intake**

Date: **9—11 May 2018**
(Wednesday to Friday)

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

SPM = **7 CPD Points**

Every QS Division Member
(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.



Singapore Institute of
Surveyors and Valuers

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Chiat Hong Building
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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.

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, a law firm with an extensive practice in building and construction law.

Practising for more than 20 years, Edwin has argued both major courtroom disputes and arbitrations. He is also cited as a leading Singapore construction law practitioner in Euromoney's *Guide to the World's Leading Construction Lawyers (2017)*. The *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 hundreds of adjudication cases, variously as counsel, adjudicator and review adjudicator. He has successfully argued the landmark Court of Appeal case of *Lee Wee Lick Terence v Chua Say Eng* and several leading High Court cases. 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.

Edwin is the author of several books on construction law. His latest is the recently published *Building Contract Law in Singapore, 2016 (3rd Edition)*.



Ms Looi Ming Ming
Partner, Eldan Law LLP

Practising in the specialist field of construction law for the past fifteen years, Ming brings to the table commercial acumen from her experience in building and infrastructure-related litigation, arbitration and adjudication. Such dispute resolution insights are instrumental for contractual negotiations and the critical review of contract documentation, whether standard form or bespoke.

Previously with the Construction & Projects practice group at Rajah & Tann LLP, Ming is now with Eldan Law LLP, where she 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.

Ming regularly speaks at various seminars on construction law and on general contract law. She recently contributed to the second issue of the Singapore Journal of Construction Law in a paper titled "*Adjudication Determinations: Better Never than Late?*" [2016] 2 SingJCL 1, and is a contributing editor to the first volume of the 2017 publication of the same journal [2017] 1 Sing JCL. Ming presently sits on the Law Reform Committee Building & Construction Law Sub-Committee, which proposes law reform and practice guidelines in connection with construction law.



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.

The Security of Payment Act – Understanding the Technicalities

◇ COURSE FEE (inclusive of GST)

- \$ 695.50 - SISV member or Staff of Member Firms
- \$ 749.00 - CIJC Member (*applicable to SIA, SIBL, SCAL, IES, REDAS, SPM, ACES*), AIQS, BoA, IQSI, PEB, PICQS, PUJA, RICS, SCL, SGBC
- \$ 802.50 - Non-Member

◇ SKILLS DEVELOPMENT FUND (SDF) TRAINING ASSISTANCE

SDF training grant of \$18 per trainee is available to company-sponsored participants (Singaporeans or Singapore Permanent Residents). The application will be subjected to SDF's requirements and consideration, on a case-by-case basis.

◇ PAYMENT MODE

- ◆ By Cheque 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 and mail to: **110 Middle Road, #09-00 Chiat Hong Building, Singapore 188968**
- ◆ Via ibanking/Bank transfer. Details as follows: **DBS current account no: 007 005007 0**. Please include the invoice number when transferring.
- ◆ Invoice company

◇ VENUE (subject to change)

SISV Training Room : 110 Middle Road #09-00 Chiat Hong Building Singapore 188968

◇ APPLICATION PROCEDURE

All applications must be submitted with the following:

1. Completed application form*
2. One recent passport-size photograph
3. Photocopies of academic qualifications
4. Photocopies of NRIC/FIN (front & back)
4. Requisite payment**

Cheques must be made payable to “**SINGAPORE INSTITUTE OF SURVEYORS AND VALUERS**”

* As attached. Application forms are also obtainable from SISV or via www.sisv.org.sg

** Requisite payment includes all fees quoted under Course Fee.

◇ PENALTY FOR WITHDRAWAL

| Notice | Penalty |
|--|--------------------------|
| Written notice of withdrawal received <i>more than two weeks</i> before commencement of the course | 25% of full course fees |
| Written notice of withdrawal received <i>less than two weeks</i> before | 100% of full course fees |

◇ REPLACEMENT

Fees paid are not refundable under any circumstances. If you are unable to attend the course, please inform us in writing at least 2 weeks before commencement of course, otherwise full payment is still applicable even if you did not turn up for the course. In the case of a CIJC or non-member replacing a member (within the same company), the CIJC or non-member will have to pay the fee difference.

SISV reserves the right to amend the course details, revise the course fee without prior notice, to cancel or postpone the course due to unforeseen circumstances.

◇ COURSE ENQUIRIES

For course enquiries and registrations, please contact:

Dina Abdullah

☎ : 64240286

✉ : dina@sisv.org.sg

Joel Teo

☎ : 64240287

✉ : qs.admin@sisv.org.sg



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SECURITY OF PAYMENT ACT—UNDERSTANDING THE TECHNICALITIES

(3rd Intake) 9 May 2018 – 11 May 2018

- Category SISV Member / Staff of Member Firms
 (Please tick) CIJC (ACES, IES, REDAS, SCAL, SIA, SIBL, SPM,), AIQS, BoA, IQSI, PEB, PICQS, PUJA, RICS, SCL, SGBC
 Non-Member

Attached a recent passport-size photograph

Applicant Information

Applicant Information collected in this form is solely for the purpose of processing your application for enrolment.

| | | | |
|---|---------------|-----------------------|------------------------|
| Name as in NRIC/Passport (underline surname) Mr / Mrs / Miss | | English Name (if any) | |
| NRIC/FIN No | Date of Birth | Citizenship | Gender : Male / Female |
| Company | | Designation | |
| Address (O) | | | |
| Address (H) | | | |
| Email Address# (compulsory) | | Handphone | Phone (O) / (H) |

All communications shall be through email.

Academic Information (Certified true copies of your academic certificates and NRIC/FIN must be submitted with this form)

| Institution | Year | Full-time / Part-time | Qualifications Achieved |
|-------------|------|-----------------------|-------------------------|
| | | | |
| | | | |

Employment History

| Organization | Length of Service | Position Held |
|--------------|-------------------|---------------|
| | | |
| | | |

Registration / Payment

| Course Fee per Trainee | | SDF Assistance Per Trainee | Pay to SISV |
|--------------------------------------|----------------------|----------------------------|-------------|
| Member or Staff of SISV Member Firms | \$ 695.50(Incl GST) | \$ 18 | \$ 677.50 |
| CIJC Member | \$ 749.00(Incl GST) | | \$ 731.00 |
| Non Member | \$ 802.50 (Incl GST) | | \$ 784.50 |

SPONSORED BY COMPANY: YES / NO

APPLY SDF: YES / NO

(Please provide Company endorsement letter if participant is sponsored by Company and/or applying for SDF Assistance)

***NOTE:**

- ◆ Full payment must be made before commencement of course.
- ◆ Company sponsoring their employee/staff applying for SDF Assistance must enroll online with SDF Easy Net at least one working day before commencement of course. Otherwise they will not be eligible for any SDF Assistance.

Employer's Name & Signature
Date:

Company Stamp

Applicant's Signature
Date:

For Official Use

Batch # _____ Cheque: _____ Amount: _____ Official Receipt: _____