

# Building and Construction Law Course for Legal and Industry Practitioners

29 July - 9 September 2022  
Online via Zoom

## Overview

This 25.5-hour programme is organised specifically for candidates sitting for the Specialist Accreditation Scheme examination. The programme is also open to audit.

As this is not a basic course, legal professionals seeking in-depth knowledge of this practice area or a refresher should have at least 5 years of Building and Construction practice experience. Non-legal professionals from the construction industry may also register but they should have a good foundation in building and construction law, for example, by having attended a basic course. Participants are expected to be familiar with the basic concepts.

Date	Time	Module	Trainer
29 July (Fri)	09.30am - 11:00am	(1) Introduction (1.5hr)	Chow Kok Fong
	11:30am - 01:00pm	(2) Contract Documents & Risk Management (1.5hr)	
10 August (Wed)	09:30am - 01:00pm	(3) Payment Regime (3hr)	Ian de Vaz
11 August (Thurs)	09:30am - 05:30pm	(4) Security of Payment Act (6hr)	Christopher Chuah & Ian de Vaz
19 August (Fri)	02:00pm - 05:30pm	(5) Completion (3hr)	Mohan Pillay
20 August (Sat)	09:30am - 11:30am	(6) Termination (2hr)	Raymond Chan
	12:00pm - 02:00pm	(7) Handover and Post-Completion (2hr)	
3 September (Sat)	09:30am - 11:00am	(8) Subcontracting (1.5hr)	Edwin Lee
	11:30am - 01:30pm	(9) Defects Claims (2hr)	
9 September (Fri)	02:00pm - 05:30pm	(10) Variations (3hr)	Mohan Pillay

Registration SGD 2,568.00  
(Inclusive of 7% GST)

Register online at  
<https://store.lawnet.com/>

Register by  
**22 July 2022**

SAL members may utilise credit dollars.

Participants who wish to use their **SkillsFuture Credit** to partially offset the course fee are requested to email [les@sal.org.sg](mailto:les@sal.org.sg) for instructions **prior** to registration. The course can be found on the [SkillsFuture Credit portal](#).

## Syllabus

This syllabus is a guide for the course and is subject to change at the discretion of the trainers.

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<b>Module 1: Introduction</b>	<ul style="list-style-type: none"><li>a. Structure of the industry – owners, consultants, contractors and subcontractors</li><li>b. The development and construction process and the regulatory regime</li><li>c. Characteristics of construction contracts</li><li>d. Procurement models: traditional build only, design and build, construction fee</li><li>e. Overview of the major Standard Forms: SIA Form [9th edition], PSSCOC [14th edition], REDAS</li><li>f. Contract formation modes: bidding and negotiation</li><li>g. Award or placement of contract</li><li>h. Financing of projects and development</li></ul>
<b>Module 2: Contract Documents &amp; Risk Management</b>	<ul style="list-style-type: none"><li>a. Risks register and mitigation – legal and contractual</li><li>b. Role of the designer, contract administrator and certifier</li><li>c. Components of contract documents: the role and issues relating to each component and interpretation</li><li>d. Risks relating to contractor's design, site and ground conditions</li><li>e. Security deposits and insurances</li></ul>
<b>Module 3: Payment Regime</b>	<ul style="list-style-type: none"><li>a. Principles relating to the progress payment process</li><li>b. Certification of payments</li><li>c. Final payments</li><li>d. Risks relating to delay in certification</li><li>e. Case studies in late progress payment and late responses</li></ul>
<b>Module 4: Security of Payment Act</b>	<ul style="list-style-type: none"><li>a. Objectives of the legislation</li><li>b. Structure of the regime and the timelines</li><li>c. Payment claim and payment response</li><li>d. Operation of section 15(3) and the Adjudication Notice</li><li>e. Adjudication application and adjudication response</li><li>f. Adjudication conference</li><li>g. Enforcing the adjudication determination</li></ul>
<b>Module 5: Completion</b>	<ul style="list-style-type: none"><li>a. Concept of act of prevention and legal principles</li><li>b. General terms for expediting progress of works and management of acceleration claim</li><li>c. Problems relating to site possession and work commencement</li><li>d. Accounting for timely delivery: Liquidated damages and loss and expense</li><li>e. Managing extensions of time and related risks</li></ul>
<b>Module 6: Termination</b>	<ul style="list-style-type: none"><li>a. Termination for breach and termination under the contract</li><li>b. Common grounds of termination</li><li>c. Termination on insolvency of a party</li><li>d. Repossession of site</li><li>e. The completion contract</li><li>f. Final accounts</li></ul>
<b>Module 7: Handover &amp; Post-Completion</b>	<ul style="list-style-type: none"><li>a. Concept of substantial completion and final completion</li><li>b. Final accounts</li><li>c. Maintenance period (or defects liability period)</li><li>d. Liability for defects under contract and tort</li><li>e. Statutory obligations of professionals</li></ul>

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## Syllabus

This syllabus is a guide for the course and is subject to change at the discretion of the trainers.

<b>Module 8: Subcontracting</b>	<ul style="list-style-type: none"> <li>a. Sub-contracting model: Contractor’s and employer’s rights and obligations with respect to nominated and direct subcontractors/suppliers</li> <li>b. General principles of “back-to-back” and “pass-down” risk allocations and exceptions</li> <li>c. Nominated subcontractors and nominated suppliers</li> </ul>
<b>Module 9: Defects Claims</b>	<ul style="list-style-type: none"> <li>a. Contractual and tortious claims for defects</li> <li>b. Defects liability period/ Maintenance period</li> <li>c. Limitation period for claims</li> <li>d. Recovery of damages for defects</li> </ul>
<b>Module 10: Variations</b>	<ul style="list-style-type: none"> <li>a. Concept of variations</li> <li>b. Extent of the power to vary</li> <li>c. Variation situations – ground conditions, regulatory changes, changes in quality and quantity, construction sequence</li> <li>d. Operation of variation provisions in the major standard forms</li> <li>e. Hierarchy of valuation rules</li> <li>f. Measurement and records</li> </ul>

 Webinar	LIFTED by 	25.5 PUBLIC CPD POINTS
	Legal Practitioner    ● Technical Lawyering In-House Counsel       ● Technical Lawyering Legal Support             ● Not Applicable	Practice Area: Building & Construction Training Level: Intermediate



## 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 logging in at the start of the webinar and logging out at the conclusion of the webinar on each day of the activity, and not being away from any part of the webinar for more than 15 minutes on each day of the activity. Participants who do not comply with the Attendance Policy on any particular day of the activity will not be able to obtain CPD Points for that day of the activity. Please refer to <http://www.sileCPDcentre.sg> for more information.

Participants who attend Day 1 and comply strictly with the Attendance Policy on that day may obtain 3 Public CPD Points.  
 Participants who attend Day 2 and comply strictly with the Attendance Policy on that day may obtain 3 Public CPD Points.  
 Participants who attend Day 3 and comply strictly with the Attendance Policy on that day may obtain 6 Public CPD Points.  
 Participants who attend Day 4 and comply strictly with the Attendance Policy on that day may obtain 3 Public CPD Points.  
 Participants who attend Day 5 and comply strictly with the Attendance Policy on that day may obtain 4 Public CPD Points.  
 Participants who attend Day 6 and comply strictly with the Attendance Policy on that day may obtain 3.5 Public CPD Points.  
 Participants who attend Day 7 and comply strictly with the Attendance Policy on that day may obtain 3 Public CPD Points.  
 Participants who do not comply with the Attendance Policy on any particular day of the activity will not be able to obtain CPD Points for that day of the activity.

## Trainers



### Mr Chow Kok Fong

Managing Director, Equitas Chambers

Chow Kok Fong is a Chartered Arbitrator and currently practises as a mediator, arbitrator and adjudicator. He was previously CEO of Changi Airports International and of the Construction Industry Development Board and has held many other senior appointments with several large real estate and construction companies. During his career in the real estate sector, his projects garnered 17 awards, including the FIABCI Prix d'Excellence. His tenure at Changi Airports International, also saw his team conferred the accolade Airport Investor of the Year 2008.

As an arbitrator and mediator he has presided in matters from the Singapore International Arbitration Centre, Singapore Mediation Centre, International Chamber of Commerce, Hong Kong International Arbitration Centre, Asian International Arbitration Centre and UNCITRAL Arbitration Rules. He is Founder President of the Society of Project Managers and past Chairman of the Society of Construction Law. Currently, he chairs the Construction Adjudicators Accreditation Committee of the Singapore Mediation Centre.

He has authored 18 books including the two-volume work *Law and Practice of Construction Contracts* (5th edition 2018) and *Security of Payments and Construction Adjudication* (1st and 2nd editions), *Security of Payments and Construction Adjudication* (2nd edition 2013), *Construction Contracts Dictionary* (2nd Edition 2014), *Commentary on Singapore SIA Standard Form* (2013); *Commentary on the REDAS Standard Form* (2014) and *Commentary on the PSSCOC* (2015). He is Founding General Editor of the Singapore Construction Adjudication Review and Singapore Journal of Construction Law.

On 1 November 2013, he was awarded the quinquennial Singapore Academy of Law Award 2013 for contributions in promoting and advancing the development of Singapore law. In 2018, he was conferred a National Day Award for services to the Singapore Academy of Law.



### Mr Mohan Pillay

Partner & Head of Pinsent Masons MPillay LLP  
Pinsent Masons

Mohan Pillay is the Head of Pinsent Masons MPillay LLP, and jointly qualified in Singapore, and England and Wales. He has over 30 years' experience in international arbitration, commercial litigation and advisory work, particularly in construction and engineering projects. He has appeared as Lead Counsel, both before arbitration tribunals, as well as the High Court and Court of Appeal in Singapore.

Mohan is a Chartered Arbitrator and has been appointed Arbitrator (both sole and presiding) in domestic and international matters. He is a Founding Fellow of the International Academy of Construction Lawyers, and a past co-Chair of the Dispute Resolution & Arbitration Committee of the Inter Pacific Bar Association (2014 – 2018). His past appointments include President of the Singapore Institute of Arbitrators (SIArb) and Chairman, Society of Construction Law, (Singapore). He was in the first batch of Senior Specialists in Building and Construction Law accredited by the Singapore Academy of Law in 2018.

His current teaching appointments include Course Director of Construction Law 101, a series of evening workshops to introduce legal principles of construction law organised by the SCL. His past teaching appointments have included Adjunct Associate Professor, Faculty of Law, National University of Singapore (2003 – 2011) and Visiting Professor, Centre of Construction Law, King's College London (2005 – 2011).

Mohan is the General Editor of the *Singapore Arbitration Journal*, a twice yearly publication of SIArb launched in 2019, co-published with the Singapore Academy of Law. He is also one of the General Editors of Singapore Construction Adjudication Review. He is (together with Toh Chen Han) co-author of "*The SICC Handbook – A Guide to the Rules and Procedures of the Singapore International Commercial Court*" (Sweet & Maxwell, 2016). He is also one of the chapter authors for the Singapore Academy of Law Annual Review of Singapore Cases' chapter on building and construction law.

### Trainers



#### **Mr Ian de Vaz**

Partner, WongPartnership LLP

Ian de Vaz is the Head of the Infrastructure, Construction & Engineering Practice and Partner in the International Arbitration and Middle East practices in WongPartnership LLP. He has been recognised as a leading construction lawyer by all the leading 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 the full spectrum from front-end drafting and dispute avoidance to dispute resolution. Ian also sits as arbitrator in international construction arbitrations administered by the Singapore International Arbitration Centre (SIAC) and is a member of Dispute Adjudication Boards for mega construction projects in East Africa and Bangladesh.

In 2022, Ian was appointed by the Law Society of Singapore to its Building & Construction Law Committee - a new standing committee intended to facilitate knowledge-sharing in the subject area and to seek opportunities for professional growth, development and engagement, both within and outside Singapore.

Outside of practice, Ian serves as Adjunct Professor in the Faculty of Law, NUS, where he has been teaching construction law since 2004. He has contributed widely to all the leading texts in Singapore: *Singapore Precedents of Pleadings* (2006, 2015 editions), *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-Building and Construction* (Vol 2), (2019 Reissue). He is currently Contributing Editor of the *Singapore of Construction Law* (SingJCL).



#### **Mr Christopher Chuah**

Partner, WongPartnership LLP

Christopher Chuah is a Partner in the Infrastructure, Construction & Engineering Practice and a Partner in the International Arbitration, China and Myanmar Practices. In January 2018, Christopher 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.

His main areas of practice encompass both front-end drafting/advice and construction disputes (including FIDIC standards), both litigation and arbitration, with extensive experience in local and international projects. He has authored various books on this subject and is one of the General Editors of the *Singapore Construction Adjudication Review*.

Christopher is a legal advisor to the Singapore Contractors Association Limited ("SCAL"), Singapore Institute of Architects (SIA) as well as a member of the Committee for International Construction and Building Contracts. He is a Fellow of the Singapore Institute of Arbitrators and Chartered Institute of Arbitrators, as well as the Chartered Institute of Building. He has also been appointed to the Singapore International Arbitration Centre's Main Panel of Arbitrators and is also on the Panel of Arbitrators of the Kuala Lumpur Regional Centre for Arbitration (KLRCA).

Christopher is an accredited adjudicator under the Building & Construction Industry Security of Payment Act (Cap 30B), who is part of the first group of such appointments. He is a member of the Construction Adjudicator Accreditation Committee which was formed by the Singapore Mediation Centre ("SMC") to assist with the training and accreditation of adjudicators. He is also a member and a Senior Adjudicator of the SMC Professional Conduct Panel. Christopher has also been appointed as the Chairman of the sub-committee of SMC's Construction Adjudicator Accreditation Committee to provide guidance to SMC on issues relating to the replacement of adjudicators and conflicts of interest that may arise in the course of administration of cases under the Building and Construction industry Security of Payment Act.

Christopher is an Adjunct Professor in construction law at the Law Faculty of the National University of Singapore. Christopher graduated from the London School of Economics. He is admitted to the English Bar and to the Singapore Bar. Apart from a law degree, Christopher has a Diploma in Surveying (Distinction) from the College of Estate Management, Reading, UK.

### Trainers



#### **Mr Raymond Chan**

Senior Partner, Chan Neo LLP

Raymond Chan has practiced in the specialised area of Building and Construction Law for over 30 years and is one of the most recognised names in the construction legal industry: he is identified in the 2002-2017 Editions of *International Who's Who of Construction Lawyers* as one of the leading construction lawyers in Singapore and is one of 13 senior members of the Singapore Bar who has been recognised as Senior Accredited Specialist in Building and Construction Law by the Singapore Academy of Law. He is also a Senior Adjudicator of the Singapore Mediation Centre, Chairman of the REDAS Conciliation Panel, 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).

Raymond has represented developers, contractors and design consultants in disputes in the High Court and in arbitration proceedings and was counsel for an international engineering consultancy firm in the Commission of Inquiry on the collapse of Nicoll Highway. He is also widely recognised in the field of arbitration: he is a Past President of the Singapore Institute of Arbitrators and has been identified by Euromoney Legal Media Group as one of world's leading experts in commercial arbitration. He drafted the *SIA Arbitration Rules* and the Arbitration Rules of the *National Energy Market of Singapore*. He was the Course Director of the Fellowship Assessment Course conducted by the Singapore Institute of Arbitrators from 2012-2015. He has been appointed by the ICC, SIAC, SIArB and the Law Society as both Sole Arbitrator and member of a Tribunal in numerous local and International Arbitrations.



#### **Mr Edwin Lee**

Founding Partner, Elden Law LLP

Edwin Lee is one of the founding partners of Eldan Law LLP. Practising for more than 25 years, Edwin is accredited by the Singapore Academy of Law as a Senior Specialist in Construction Law.

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 cited him as "an authority on domestic construction adjudications".

Edwin sits on the SMC 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. Edwin is also an accredited adjudicator in Malaysia. Edwin has also argued many of the landmark construction law court cases. As an active advocate, he ranks as the construction law advocate with the highest number of reported court judgments.

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 co-author of *Confidentiality in Arbitration* (2007), a general editor of the annual Singapore Construction Adjudication Review, and the Construction Law editor for the Singapore Academy of Law's online journal SAL Practitioner. He is the author of the book *Building Contract Law in Singapore* (2016, 3rd Edition).