



Penalties Revisited – Implications for Liquidated Damages Provisions in Construction Contracts

*Tuesday, 12 July 2016, 5.00 - 7.30pm
Intelloffices, 146 Robinson Road, Singapore 068909*

About this Seminar:

This talk will consider the recent English Supreme Court judgment of *Cavendish Square Holding BV v Talal El Makdessi and ParkingEye Limited v Beavis* and its implications for this area of law across common law jurisdictions.

It is a fact of life that construction projects over-run intended completion dates (and sometimes fail to meet guaranteed performance levels). The speakers will discuss the following questions in light of the *Cavendish* decision:

- are there any minimum requirements for an effective liquidated damages provision?
- if I have a liquidated damages provision is that the maximum amount payable for any delay (or underperformance)?
- how do I work out what to include in my liquidated damages provision?
- when can liquidated damages be deducted?
- if a project is obviously going to be late (or underperform) are there any practical steps to take?
- is there a better way to deal with delayed projects (or underperformance)?

Seminar Programme:

5.00-5.30pm	Registrations & Networking for Delegates
5.30-5.45pm	Opening Remarks by Chairperson: <i>Mr. Rob Palmer – Council Member, Society of Construction Law (Singapore); Partner, Ashurst LLP</i>
5.45-7.00pm	Penalties Revisited – Implications for Liquidated Damages Provisions in Construction Contracts <i>Ms. Bree Miechel – Of Counsel, Simmons & Simmons</i> <i>Ms. Amanda Lees – Of Counsel, Simmons & Simmons</i>
7.00-7.30pm	Q&A Session

About the Speakers:

Ms. Bree Miechel – Of Counsel, Simmons & Simmons

Bree Miechel is a senior infrastructure counsel for Simmons & Simmons and has worked in Asia for 10 years. She advises on the development of power (conventional and renewable), oil & gas, water and waste, transport and social infrastructure projects across the region and globally. Bree has particular expertise in project delivery method selection and risk allocation, drafting, reviewing and negotiating procurement arrangements (including EPC contracts) and interim dispute resolution as well as advising on the full suite of project documentation.

Ms. Amanda Lees – Of Counsel, Simmons & Simmons

Amanda Lees specialises in cross border dispute resolution through international arbitration and complex multi-forum litigation. She has extensive experience acting in international arbitrations in Asia and Australia and related stay, anti-suit and anti-arbitration applications with a particular focus on energy, mining and infrastructure disputes. Amanda regularly sits as an arbitrator. Amanda is listed in Best Lawyers International for international arbitration, is a Director of the Singapore branch of the Chartered Institute of Arbitrators, Fellow and faculty member of the Chartered Institute of Arbitrators and Fellow of the Singapore Institute of Arbitrators. Recently Amanda appeared as counsel in one of the first proceedings to consider the English Supreme Court judgment of *Cavendish Square Holding BV v Talal El Makdessi*.

About the Chairperson:

Mr. Rob Palmer – Council Member, Society of Construction Law (Singapore); Partner, Ashurst LLP

Rob Palmer is a Partner in the dispute resolution team in Ashurst's Singapore office. Based in Southeast Asia since 2003 (Singapore, Jakarta and Bangkok), he is listed in legal directories as one of Singapore's leading construction lawyers. Rob has a particular focus on dispute resolution in international energy, construction and infrastructure projects, and has conducted arbitrations under the rules of all the major arbitral institutions. He has also drafted and negotiated construction contracts for major projects in the transport, utilities, power and oil & gas sectors.

Rob is qualified in New Zealand, New South Wales and England, and is a Fellow of the Chartered Institute of Arbitrators, the Singapore Institute of Arbitrators and the Australian Centre for International Commercial Arbitration. He also sits as arbitrator and is a member of the panel of arbitrators of the ACICA, the KLRCA, the TAC, and BANI.

Continuing Professional Development



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



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 Provisions in Construction Contracts**

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REGISTRATION CLOSING DATE: 5 July 2016	FEES (includes refreshments & materials, if any)
SCL (Singapore) Members	S\$35.00
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)	S\$70.00
Others	S\$90.00

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), Level 3, 146 Robinson Road, Singapore 068909" or Fax to (65) 31273797.**

REGISTRATION, REFUND & CANCELLATION POLICY

1. Places are limited and can only be allocated in order of priority upon receipt of registration and any payment due.
2. We regret that we generally do not issue invoices or accept payments at the event.
3. Refunds for cancellation are not possible after the registration closing date.
4. We reserve the right to refuse to register or admit any participant, and to cancel or postpone the event.
5. 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 our website

For further enquiries, please contact the SCL (SINGAPORE) SECRETARIAT
Tel & Fax: 31273797 (no 6 prefix required) E-mail: secretariat@scl.org.sg
You may also register online for this event on our website at www.scl.org.sg

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

Name: _____ NRIC/Passport No.: _____ SCL Membership No.: _____

Tel: _____ Fax: _____ E-mail: _____

- I will be attending and I enclose my payment of \$35.00. (A valid email address is required for confirmation of registration.)
- Check if CPD points are required AAS no. _____ (for practicing lawyers requiring SILE CPD points)
- Please reserve _____ seats for my guests and I enclose payment of \$70.00 per guest. My guest(s) are:

Name(s)	Organisation	Check if CPD Points are required	AAS No.	Email

I enclose a cheque for SGD _____ made payable to **"Society of Construction Law (Singapore)"**.

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** **CIOB Mbr** **Lighthouse Mbr** **MOOGAS Mbr** **RICS Mbr**
 SCAL Mbr **SIA Mbr** **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: _____ NRIC/Passport No: _____

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

- Check if CPD points are required AAS no. _____ (for practicing lawyers requiring SILE CPD points)

Tel: _____ Fax: _____ Email: _____

(A valid email address is required for confirmation of registration.)

I enclose a cheque for SGD _____ made payable to **"Society of Construction Law (Singapore)"**

SILE Attendance Policy

Participants who wish to claim CPD Points are reminded that they must comply strictly with the Attendance Policy set out in the CPD Guidelines. 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 www.sileCPDcentre.sg for more information.