



**The Singapore Institute of Arbitrators
& The Centre for Project Management and Construction Law (NUS)
Proudly Present:**

“INJUNCTIONS IN AID OF FOREIGN ARBITRATION”

Date : Friday, 12 January 2007
Time : 6.30 pm to 8.30 pm
Venue : Marina Mandarin Singapore
6 Raffles Boulevard
Marina Square
Singapore 039594
Charges : NUS students - \$50.00
NUS alumni members & members of SI Arb - \$80.00
Others - \$90.00

About this Seminar

In 2006, there was uncertainty over the jurisdiction of the High Court of Singapore to grant Mareva injunctions against a party to a foreign arbitration. Two respected arbitration judges came to opposite conclusions. In *Swift-Fortune Ltd v Magnifica Marine SA* [2006] 2 SLR 323, Judith Prakash J held that a Singapore court had no jurisdiction to assist a foreign arbitration. Shortly after the *Swift-Fortune* decision, Belinda Ang J in *Front Carriers Ltd v Atlantic & Orient Shipping Corp* [2006] 3 SLR 854 held that the court did have such jurisdiction. In December 2006, the Court of Appeal hearing the *Swift-Fortune* case held that the Singapore court did not have jurisdiction under the International Arbitration Act to grant a Mareva injunction in aid of a foreign international arbitration. On the other hand, as the *Front Carriers Ltd* case had not been heard, the Court of Appeal left open the question whether the Plaintiffs in *Front Carriers Ltd* could succeed under section 4(10) of the Civil Law Act.

This seminar addresses the larger question of the extent of the court's jurisdiction to grant interim injunctions in aid of foreign arbitration. Mr Chan Leng Sun of Ang & Partners will start with a discussion on the Singapore position. Professor Phillip Capper of Lovells will then give the UK position on this topic.

Programme Outline

6.00 pm – 6.15 pm	Registration & Refreshments
6.15 pm – 6.30 pm	Opening address by Chairperson Associate Professor Dr Philip Chan – Deputy Head, School of Design and Environment, National University of Singapore
6.30 pm – 8.15 pm	Injunctions In Aid Of Foreign Arbitration Mr Chan Leng Sun – Partner, Ang & Partners Professor Phillip Capper – Partner, Lovells, United Kingdom
8.15 pm – 8.30 pm	Question & Answer Session
8.30 pm – 9.00 pm	Networking Break



“Injunctions In Aid Of Foreign Arbitration” – By Professor Phillip Capper & Mr Chan Leng Sun

About the Speakers

Professor Phillip Capper – Partner, Lovells, United Kingdom

Professor Phillip Capper heads Lovells’ worldwide International Arbitration practice. Formerly the Chairman of the Faculty of Law at Oxford University, he now is Nash Professor of Engineering Law at King’s College London. Before joining Lovells in 1999, he was a senior partner in Construction and Head of International Arbitration, at Masons. He is a member of the ICC Commission on International Arbitration in Paris, and an Honorary Member of the Society of Construction Law (in the United Kingdom and in Malaysia). He has chaired ICC and LCIA arbitral tribunals, and has served as sole arbitrator and party appointed arbitrator in ICC and LCIA arbitrations. He has been involved in numerous international disputes as arbitrator, mediator, legal assessor, advocate and adviser. He is a recognized authority advising on legal aspects of engineering risks, contracts and dispute resolution. A leading construction lawyer, he is also at ease in handling highly technical engineering issues. He has advised on a wide range of railway matters concerning concession agreements, procurement, urban transit, rail infrastructure, signalling, train design, rolling stock maintenance, track renewal, contractual frameworks and project programming. He was Founding Editor of the Construction Industry Law Letter. A former General Editor of Emden’s Construction Law, his recent publications include Construction Industry Arbitrations in the 3rd Edition of Sweet & Maxwell’s *Handbook of Arbitration Practice*.

Mr Chan Leng Sun – Partner, Ang & Partners, Singapore

Mr Chan Leng Sun is admitted to practice in Malaysia, Singapore and England. He has been a partner at Ang & Partners since 1995. His principal areas of practice are admiralty and shipping, international trade, insurance, general commercial law and alternative dispute resolution including arbitration and mediation. Prior to joining Ang & Partners, he taught shipping law and international business transactions at the National University of Singapore. He had also served with the United Nations Compensation Commission as legal officer in charge of an instalment of war reparation claims. He is a Fellow of the Singapore Institute of Arbitrators and is in its Panel of Arbitrators. He is also a Fellow of the Chartered Institute of Arbitrators. He is the Chairman of the ADR Committee of the Law Society of Singapore from January 2007. He also sits on the Legal Committee of the Singapore Shipping Association and the Publications Committee of the Singapore Academy of Law. He has delivered papers on numerous topics in Singapore, Malaysia, Indonesia, Europe and USA. He has published articles in journals like *Revue de l’Arbitrage*, *Lloyd’s Maritime and Commercial Law Quarterly*, *International Journal of Shipping Law*, *Singapore Yearbook of International Law*, *Singapore Journal of Legal Studies* and *Singapore Academy of Law Journal*. He was a Kuok Foundation scholar, a Cambridge Pegasus scholar and an Honorary Shell scholar.

About the Chairperson

Associate Professor Dr Philip Chan – Deputy Head (Finance and Administration), School of Design and Environment, National University of Singapore

Dr Philip Chan, an Associate Professor, teaches construction law and arbitration at the Department of Building, School of Design and Environment, National University of Singapore [NUS]. He is the Deputy Head (Finance and Administration) of the department, the Program Director of the Joint King’s College,



London [KCL] – NUS MSc in construction law and dispute resolution and the Co-Director of the Centre for Project Management and Construction Law. Outside the university, he is a Deputy President of the “*Injunctions In Aid Of Foreign Arbitration*” – By Professor Phillip Capper & Mr Chan Leng Sun

Singapore Strata Titles Board. He is also a General Editor of the *Asian International Arbitration Journal* and a member of the Editorial Advisory Board and Correspondent of the *International Construction Law Review*. He is a practising arbitrator and an advocate and solicitor of the Supreme Court of Singapore. He is also a Fellow and Honorary Secretary of the Singapore Institute of Arbitrators (SI Arb). In the world of books, he is the author of three books and the co-author of five books including Volume Two of the *Halsbury’s Laws of Singapore* [Arbitration, Building and Construction] the original edition and the 2003 Reissue edition. His latest book is entitled “*Public Sector Standards Conditions of Contract for Construction Works 2005 – A Commentary*” and was released in May 2006. He writes regularly in the newsletter of the SI Arb. In the quest to disseminate knowledge, he has delivered more than 140 conferences/seminar papers and conducted numerous in-house training programmes on matters pertaining to standard form contracts and other areas of construction law and dispute resolution including arbitration.

REGISTRATION

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Notes:

1. Closing date is 10 January 2007. Placement is on a first-come-first-served basis.
2. The Organisers reserve the right to cancel, curtail or change the content of programmes and the names of speakers without prior notice.
3. The Organisers reserve the right to cancel or postpone the seminar in which case refunds will be given, but otherwise, no refunds will be made for cancellations or no-shows by those who registered. If you are unable to attend the seminar, a substitute may attend in your place at no extra charge with at least 3 days prior notice being given to the Institute, failing which there shall be no refund.