

*Seminar
on*

The Security of Payment (SOP) Act 2004: Cure or Aggravation of the Problems of the Construction Industry

A detailed assessment of the recent legislative intervention into the contractual payment and set-off arrangements of the construction industry in four sessions.

19 & 20 January 2005
8.45 am to 6.00 pm

Venue:

LR 426, Level 4, SDE 3

School of Design and Environment

National University of Singapore

4 Architecture Drive

Singapore 117566

This seminar has been accredited by the Professional Engineers Board Singapore (4 PDUs per session) and BOA/SIA CPD Programme (Day 1: 2 CPD points each for sessions I & II; Day 2: 2 CPD points each for sessions 3 & 4, capped at a maximum of 2 CPD points if both sessions are attended. 6 CPD points for all four sessions.)

About the Speaker

Dr Philip Chan is an Associate Professor with the Department of Building, School of Design and Environment, National University of Singapore. He is the Deputy Head (Finance and Administration) and the Programme Director of the joint KCL-NUS MSc (Construction Law and Arbitration) programme. In addition, he teaches in the MSc (Project Management) programme as well as the MArch programme.

Outside the university, Dr Chan holds the appointment of the Deputy President of the Strata Titles Board. He is also one of two general editors of the forthcoming *Asia International Arbitration Journal*. He practises under the law firm of Messrs Philip CF Chan. He is also the former Executive Director and Registrar of the Singapore International Arbitration Centre and is a practising arbitrator. He has been invited by several public and private organisations to give talks and carry out in-house training on matters of construction law including the use of standard form of building contracts and arbitration. In this respect, he has presented more than 100 papers.

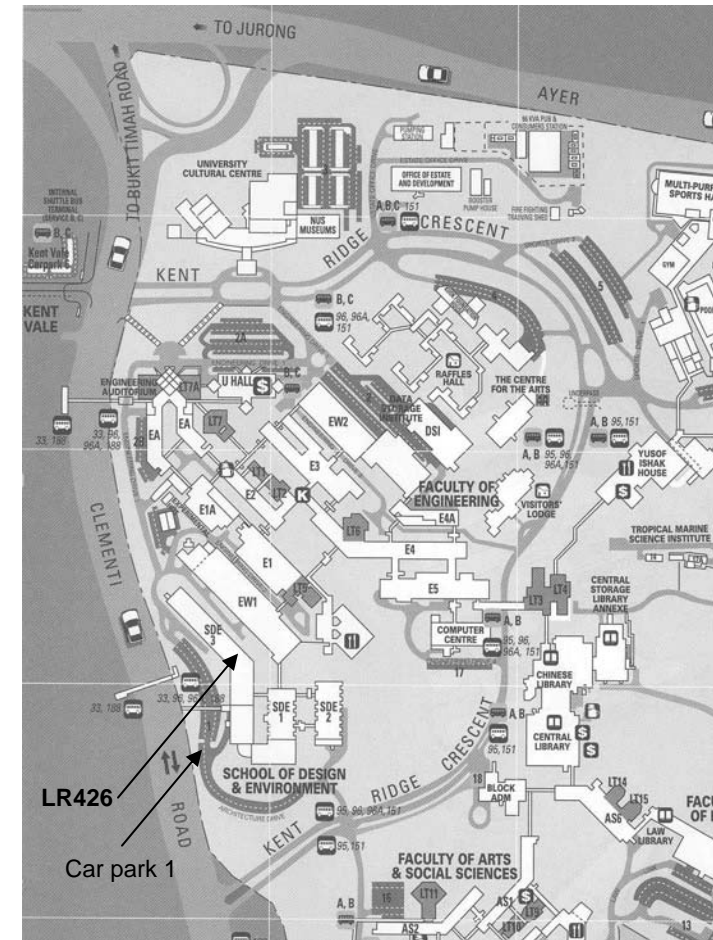
He had graduated with a Diploma in Building from the Singapore Polytechnic in 1976 and worked in the construction industry. He went on to obtain his LLB and LLM from the University of London. Recently, he completed his PhD under the supervision of Duncan Wallace QC. The title of his thesis is "The Development of Construction Law in Singapore".

His research interest, publications and practice are in the areas of construction law and arbitration. The *International Construction Law Review* has published several of his papers. He has co-written three books. They are Halsbury's Laws of Singapore Volume 2 in the Building and Construction section, the Public Sector Standard Conditions of Contract: A Commentary; and the Construction Law Casebook Volumes 1 and 2. On his own, he has written the Commonwealth Construction Cases: A Singapore Perspective and the Casebook on Insolvency and the Construction Industry which was released in December 2004.

Organised by



Department of Building
School of Design and Environment
National University of Singapore
www.bdg.nus.edu.sg



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Parking in NUS

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About the Seminar

The recently passed Act is by now well known. This seminar has been organised to assess how the Act has affected the main players in the construction industry. The seminar is conducted over a period of 2 days with 4 sessions and two papers in each session totaling 8 papers in all. Participants may choose to attend one or more sessions. Although there may be slight duplications between some of the sessions, each session is essentially a stand-alone session but together, they give a coherent picture of the industry as viewed through the perspective of the different players in the industry.

In Session I, Paper 1 seeks to explain the background of the Act in the light of what existed to create what may be called insecurity of payment, that is, how there is resistance to payment by the use of the defence of set-off. In Paper 2, the Act is analysed to appreciate how the Act overrides the provisions which parties may have agreed in a contract if it is inconsistent with the Act. Such an appreciation is likely to help one to avoid unnecessary surprises when one is told that what has been agreed does not apply and instead, one has to comply with a different provision given by the Act.

Sessions II, III and IV look at the impact of the Act as it may affect the contractors and sub-contractors; the developers; and the consultants. The existing standard form contracts used by the parties will be examined to see if changes are required. The possible changes to relationships between the parties as well as to the roles of the consultants are considered.

Seminar Programme

Day 1 – Wednesday 19 January 2005

<i>Session I</i>	<i>The Building and Construction Industry Security of Payment Act 2004</i>
8.45 am	Registration
9.15 am	Paper 1: Insecurity of Payment – the reason for the Act
10.30 am	Refreshment Break
11.15 am	Paper 2: An Analysis of the Act – its overriding effect on the rights, liabilities and remedies of affected construction and supply contracts
12.30 pm	Q & A
12.45 pm	End of Session I
<i>Session II</i>	<i>The Implications of the SOP Act on Contractors and Sub-contractors</i>
2.00 pm	Registration for Session II

2.30 pm	Paper 3: Impact on users of PSSCOC, SIA Form and REDAS D&B Form
3.45 pm	Refreshment Break
4.30 pm	Paper 4: Impact on users of PSSCOSC and SIA NSC Form
5.45 pm	Q & A
6.00 pm	End of Session II

Day 2 – Thursday 20 January 2005

<i>Session III</i>	<i>The Implications of the SOP Act on Developers</i>
8.45 am	Registration
9.15 am	Paper 5: Possible changes to relationship with contractors, NSCs and domestic sub-contractors
10.30 am	Refreshment Break
11.15 am	Paper 6: Possible changes to relationship with consultants
12.30 pm	Q & A
12.45 pm	End of Session III
<i>Session IV</i>	<i>The Implications of the SOP Act on Consultants</i>
2.00 pm	Registration for Session IV
2.30 pm	Paper 7: Impact on the roles of the architect/SO and the other consultants in a building contract
3.45 pm	Refreshment Break
4.30 pm	Paper 8: Impact on the consultants' services contract in traditional and D&B contracts
5.45 pm	Q & A
6.00 pm	End of Session IV

Who Should Attend

Generally, the SOP Act affects everyone in the construction industry, from developers to contractors and sub-contractors, whether nominated or domestic including suppliers; consultants, whether architects, engineers, quantity surveyors and project managers. It ought to be of interest to in-house legal advisors and lawyers whose employers or clients are among the above-mentioned.

Disclaimer: The organiser reserves the right to cancel or postpone the event due to unforeseen circumstances.

REGISTRATION FORM

Please register me for the seminar on *The SOP Act 2004: Cure or Aggravation of the Problems of the Construction Industry* on 19 &/or 20 January 2005. (Please tick one of the boxes below.)

- All 4 sessions at \$300 (discount of \$20)
- Session/s I / II / III / IV at \$80 per session (please circle)

Title: Prof / Dr /Er /Mr / Mdm / Ms

Name: _____

Company: _____

Address: _____

Email: _____

Tel: _____ Fax: _____

(For students) Matric. No.: _____

Current Year: Y1 / Y2 / Y3 / Y4 / MSc / PhD

Cheque No.: _____

Amount: \$ _____ (@S\$80.00 per participant per session; \$20 per session per student) payable to National University of Singapore.

Seminar fee is inclusive of GST. Cancellations must be made in writing before 17 January 2005. Thereafter, no refunds will be provided. However, substitutions are allowed.

Closing date: 15 January 2005

Please send the completed registration form together with your payment to:

Ms Chelvi
Department of Building
National University of Singapore
4 Architecture Drive
Singapore 117566

For further information you can contact Chelvi at email: bdgtp@nus.edu.sg, Tel: 6874 5150, Fax: 6775 5502.