

SOP (Amendment) Act 2018: HOW IT AFFECTS CONTRACTORS?

A COLLABORATIVE SEMINAR BY

EVERSHEDS
HARRY ELIAS



The Building and Construction Industry Security of Payment Act ("SOP Act") was enacted on 16 Nov 2004 and came into force on 1 Apr 2005. Though its intention was to improve payment procedures and cash flow in the construction industry, in the past decade it has substantially altered the landscape of payment and dispute resolution under construction contracts in Singapore. It has indeed impacted or is in a position to impact how progress payments and related disputes are addressed by the contractors in their respective roles as respondents and/or claimants.

The SOP Act was amended by Parliament on 2 October 2018 and assented to by the President on 31 Oct 2018. The amended legislation has yet to come into effect. It is anticipated that will happen in the first half of the year. The amendments seek to improve on the legislation and take into account industry feedback. The changes are significant, and all involved in the construction industry should be aware of them.

We look forward to seeing you at this lively and informative event.

Panel:

Ashok Rai, Senior Associate
Eversheds Harry Elias

Lawrence Low, Director
Paramount Solutions Pte Ltd

Justin Tan, Senior Associate
Eversheds Harry Elias

Praveen K P, Director
Paramount Solutions Pte Ltd

Date	15 March 2019 (Friday)
Time	Registration and networking 2:00- 2:30pm
	Seminar 2:30- 5:00pm
Venue	Eversheds Harry Elias LLP (Conference Hall)
	4 Shenton Way, #17-01, SGX Centre 2, Singapore 068807
	(Click here to view map)
RSVP	Please contact us at info@paramountsolutions.com.sg or +65 94550064

EVERSHEDS HARRY ELIAS

Eversheds Harry Elias is proud to be a progressive law firm attuned to clients' needs. We are a full service firm operating as a completely integrated team, and are able to provide a total solution to our clients' legal requirements. We have significant experience in advising our clients across a wide range of legal services. These include intellectual property, corporate & commercial, litigation & dispute management, construction, restructuring & insolvency, family and matrimonial, employment and real estate. Being part of Eversheds Sutherland international network, we are able to service clients from 68 offices across 34 countries.

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Ashok Rai [Senior Associate]

Ashok is a seasoned construction litigator and qualified arbitrator. He has represented a wide spectrum of clients in the construction industry - from developers to main contractors and consultants. Ashok's experience includes him acting as a lead counsel both in arbitrations under the ICC and SIAC rules and adjudications conducted under the Building and Construction Industry Security of Payment Act ("SOP Act"). Notably, Ashok was lead counsel in the following reported High Court judgments on the SOP Act – *Aik Heng Contracts and Services Pte Ltd v Deshin Engineering & Construction Pte Ltd* [2015] SGHC 293 and *United Integrated Services Pte Ltd v Civil Tech Pte Ltd and Anor* [2019] SGHC 32. Besides running an active construction practice, Ashok gives back to the construction law scene through his work in the Society of Construction Law, currently serving his 2nd term in the Council.

Justin Tan [Senior Associate]

Justin practices in the area of construction and infrastructure law. He successfully argued the landmark case of *Audi Construction Pte Ltd v Kian Hiap Construction Pte Ltd* [2018] SGCA 4 before the Court of Appeal. The appeal considered the interpretation of payment clauses vis-a-vis the SOP Act, waiver and estoppel in the context of adjudication, particularly regarding the situation in which a party would be considered to waive a jurisdictional objection. The Court's decision was reported in the local press and materially affects all parties going through adjudication under the SOP Act. Justin has also given talks on adjudication under the SOP Act over the last 3 years, and has contributed articles to the SAL Practitioner, Society of Construction Law (Singapore) and Singapore Law Blog.



PARAMOUNT SOLUTIONS, with over 30 years of experience among its directors, provides construction contracts and commercial related services to the construction industry. PARAMOUNT SOLUTIONS consultants have vast experience involving in various types of mega projects undertaken by multi-national companies in Cambodia, China, India, Indonesia, Malaysia, Singapore, Sudan, Taiwan, Thailand and United Arab Emirates. The project portfolio handled by our consultants include residential buildings; mixed developments; factories; chemical, oil and gas plants; public infrastructures or facilities e.g. MRT's, conventional and high speed railways, hospitals, prisons and the like.

PARAMOUNT SOLUTIONS has been assisting claimants in pursuing their claims under the SOP Act. Most of the claimants assisted by PARAMOUNT SOLUTIONS has been successful in receiving a substantially favourable adjudication determination or reaching an amicable commercial settlement for the disputes. PARAMOUNT SOLUTIONS has also been assisting respondents in preparing internal processes and documentations to mitigate the various risks and also to be better prepared for a potential adjudication proceeding. PARAMOUNT SOLUTIONS has also been assisting respondents in defending their positions under adjudication proceedings.

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Lawrence Low [Director]

Lawrence is a construction professional with over 22 years' experience in a plethora of construction contract and commercial domains including quantity surveying, contracts administration, commercial management and dispute resolution. Lawrence has been assisting claimants and respondents to strategically put forth their best arguments under adjudication proceedings under SOP Act. A more detailed profile may be accessed at www.paramountsolutions.com.sg/our-team.

Praveen K P [Director]

Praveen is a construction professional who has specialised in providing commercial and contractual advice for over 14 years in Middle East and Singapore. Together with Lawrence, Praveen has been assisting claimants and respondents in effectively packaging their arguments under adjudication proceedings under SOP Act. A more detailed profile may be accessed at www.paramountsolutions.com.sg/our-team.