

ENFORCING (AND SETTING ASIDE) LIQUIDATED DAMAGES CLAUSES

5 May 2021, Wednesday 1100 am to 1230 pm

(Registration starts at 10:00 am)

- Zoom Seminar
- \$16.05 for SISV Members/ Member Firms
- \$16.05 for CIJC Members (ACES, IES, REDAS, SCAL, SIA, SIBL, SPM, SGBC)
- & AIQS, BOA, IQSI, PEB, PICQS, PUJA, RICS, SCL.
- \$21.40 for Non-Members

All prices are inclusive of prevailing GST and Terms and Conditions apply

Programme Highlights

10:00 am - Registration

11:00 am - Opening Remarks Chair

by Mr Kelvin Goh, Co Vice Chairman of CPD Committee (SISV QS Div)

11:05 am – Enforcing (and Setting Aside) Liquidated Damages Clauses

by Mr Thio Shen Yi and Mr Melvin Chan, TSMP Law Corporation

12:00 pm - Questions & Answers Session

12.30 pm - Closing Remarks

by Mr Kelvin Goh, Co Vice Chairman of CPD Committee (SISV QS Div)

Overview

In the recent decision of Denka Advantech Pte Ltd v Seraya Energy Pte Ltd, the Court of Appeal has definitively clarified the test for assessing the enforceability of liquidated damages clauses in Singapore, by preferring the century-old “Dunlop” test that a liquidated damages clause must be a genuine pre-estimate of damages, over the wider, more flexible “legitimate interest” test proffered in the UK Supreme Court case of Cavendish Square Holding BV v Makdessi. Counsel in the Seraya case, Thio Shen Yi SC and Melvin Chan will examine the implications of the Court of Appeal’s decision on contracting parties intending to enforce (or set aside) liquidated damages clauses, especially when the event of default entitling a party to claim liquidated damages, also gives rise to a contractual right to terminate the contract.

Registration

To register, please click [here](#).

If you are registering on behalf of a participant, please use their name and contact details for registration as the webinar link will be sent to the participant’s email directly.

Seats first come first served.

Every QS Division Member (Fellows, Members, Probationers and Technical Members) must complete at least 20 CPD hours each year.

For enquiries, please contact Ms Nellie Liu at qs.admin@sisv.org.sg

[First time attending a webinar?](#)

[Read our Webinar Guide for some useful tips and tools!](#)

About the Speakers



Mr Thio Shen Yi, SC
Joint Managing Partner, TSMP Law Corporation

Shen Yi read law at St John's College, Cambridge University, graduating in 1991. He topped the English Bar Examinations, and was called to the Singapore bar in 1993. Since then, he has practiced exclusively in dispute resolution, primarily as counsel, and occasionally as arbitrator. He was appointed Senior Counsel in 2008 at 40 and elected a Master Bencher of The Middle Temple in 2016.

He served as the President of the Law Society, and as Vice-President of the Senate of the Singapore Academy of Law from 2015-2016.

Shen Yi has been consistently recognised in leading law journals, such as Chambers Global, Asialaw Profiles, Legal500 Asia Pacific and most recently identified as a Leading Individual (Dispute Resolution) in the Legal500 Asia Pacific 2021 as well as Elite Practitioner (Dispute Resolution) in the Asialaw Leading Lawyers 2021. He was also named Litigation Star by Benchmark Litigation Asia-Pacific 2020.



Mr Melvin Chan, LL.B. (Hons)
Partner, Litigation and Dispute Resolution
TSMP LAW CORPORATION

Melvin is a partner in TSMP's Litigation and Dispute Resolution Department. His main area of practice is in corporate and commercial litigation, where he has extensive experience in construction and engineering disputes, both in Court and arbitration.

Melvin has successfully argued a number of landmark decisions in the High Court and Court of Appeal, including MCST Plan No 3322 v Mer Vue Developments Pte Ltd & Ors on the extension of the independent contractor defence to consultants and main contractors; Hasan Shofiqui v China Civil (Singapore) Pte Ltd, on the meaning of the term "executive" under the Employment Act and its application to site supervisors; and more recently Denka Advantech Pte Ltd v Seraya Energy Pte Ltd, where the Court of Appeal reaffirmed the Dunlop test for liquidated damages.

Melvin is an Accredited Adjudicator with the Singapore Mediation Centre and a Fellow of the Singapore Institute of Arbitrators, and is consistently recognised as a key practitioner for his work in Construction and Engineering in leading legal publications, including the Legal 500 Asia Pacific, Chambers AsiaPacific, Asialaw Leading Lawyers, and Benchmark Litigation Asia-Pacific.

