

SCMA TEA TALK

‘As Is’: as you were? Getting around The Union Power in Ship Sale and Purchase

A Talk by Simon Rainey QC



SYNOPSIS

This presentation surveys the current position as to the efficacy of commonly used “As Is” or “As Is, Where Is” terms following the decision in *The Union Power* (2013). Simon will reconsider that case in the light of more recent authority, including *Hirtenstein & II Sole Ltd v Hill Dickinson LLP* (July 2014) and suggest that, contrary to the obiter views in *The Union Power*, such terms can and should work to exclude implied conditions as to quality under the Sale of Goods Act 1979 if properly used. He will also consider the general exclusions in the new BIMCO Saleform 2012 and other forms, including the Singapore Ship Sale Form.

DATE:

27th March 2015, Friday

TIMING:

3.00pm to 5.00pm

VENUE:

Intellioffices Auditorium
146 Robinson Road
Level 11
Singapore 068909

FEE:

SCMA Corporate Member: 1st Free, 2nd \$30.00

*No show charges of \$30.00 apply if the free registrant fails to turn up after confirmation of registration.

SCMA Individual Member: \$30.00

Supporting Organization: \$30.00

Non-Member: \$ 45.00

REGISTRATION:

**Kindly email the completed registration form to
Tammy Tan by 25th March 2015 at**

tammy@scma.org.sg

Organized by: In Collaboration with: Supporting Organization:



Women's International Shipping and
Trading Association
~ Singapore Chapter ~



Programme

Programme	Time
Registration	2.30pm
Opening by Lee Wai Pong, Executive Director of SCMA	3.00pm
Speech by Simon Rainey QC, Quadrant Chambers	3.05pm
Panel Discussion / Q&A Session Chairperson: Vivian Ang, Allen & Gledhill LLP Panel Members: 1. Magdalene Chew – AsiaLegal LLC 2. Michelle Yong – Ince & Co Singapore LLP	3.55pm – 4.20pm
Tea Break / Networking	4.20pm – 5.00pm
End of Programme	5.00pm

About the Speaker



Simon Rainey QC
Quadrant Chambers

Simon Rainey Q.C. is one of the best-known and highly regarded practitioners at the UK Commercial Bar with a reputation for his intellect, advocacy skills, commercial pragmatism and commitment to client care. He was Counsel for the successful buyers in The Union Power.

He regularly handles substantial and high value commercial disputes arising out of widely differing commercial contracts and contexts, usually with an international aspect and often involving pre-emptive applications such as worldwide freezing orders and complex issues relating to jurisdiction, conflicts of law and enforcement as well as commercial fraud. Simon is also particularly well-known for his expertise in all aspects of shipping and maritime law with a particular focus on energy and oil / gas disputes at all levels of the industry from construction and production to joint ventures, production sharing agreements and all aspects of trading contracts, as well as liability issues arising from rig and offshore field casualties and cases at the cutting edge of energy technology involving wind farms, new generation oil rigs and LNG.

Simon has been recognised for many years by both Chambers & Partners (UK, Global & Asia) and the Legal 500 as a Leading Silk in the areas of “Commercial Dispute Resolution”, “International Arbitration”, “Energy and Natural Resources”, “Shipping / Commodities” and “Insurance”. The most recent editions note Simon as *“one of those super silk guys who has the judges eating out of his hands”*; *“hard-working, diligent and rapier-like in cross-examination”*; *“...a ferociously intelligent, calm advocate who is imbued with great authority.. fast approaching super silk level,”* , *“he can go into bat confidently against anyone at the Commercial Bar”...”*.

Simon also sits as a Deputy High Court Judge in the Commercial Court and as an International Arbitrator.

About the Chairperson



Vivian Ang
Allen & Gledhill LLP

Vivian has been involved in a variety of notable and high profile matters.

She handles litigation and arbitration matters including claims concerning wet and dry shipping work, international sale of goods, charterparty disputes, ship repair and construction disputes, sale and purchase of vessels, mortgage enforcement of ship and aircraft, insurance, carriage of goods and passengers, freight forwarding disputes, repair and maintenance of aircraft, and the arrest, detention and re-possession of ship and aircraft.

Vivian has been named Best Lawyer in Shipping at the *Euromoney Legal Media Group's* Asia Women in Business Law Awards for three consecutive years since 2011. Vivian is also consistently listed as a leading shipping and admiralty practitioner in a number of publications including *Chambers Global*, *Chambers Asia-Pacific*, *Asialaw Leading Lawyers*, *The Legal 500 Asia Pacific* and *Who's Who Legal Singapore*. *Chambers Global (2013)* notes that Vivian “has a very strong reputation in the market, and is praised as being ‘incredibly detailed and meticulous’ in her approach. *The Legal 500 Asia Pacific (2013)* described her as having a “‘conscientious attitude” and she “‘corresponds clearly and promptly, and keeps you advised,’ confirmed one interviewee.”

Vivian was the Vice-Chair of the International Bar Association (IBA) Maritime and Transport Law Committee from 2008 to 2012. She graduated in 1980 from the National University of Singapore with an LLB (Hons) degree and holds a Masters in Maritime Law (Cardiff). She was called to the Singapore Bar in 1981 and joined Allen & Gledhill as a Partner in 1989.

About the Panelist



Magdalene Chew
AsiaLegal LLC

Magdalene was called to the Singapore Bar in May 1996. She joined M/s Khattar Wong & Partners in 1996, and moved to M/s Joseph Tan Jude Benny in September 1999. In November 2002 she set up M/s AsiaLegal LLC with 3 others as a Director.

In her years of practice, Magdalene has accumulated experience in both contentious as well as non-contentious work.

Magdalene's litigation experience covers general commercial litigation as well as more specific areas of litigation practice such as insolvency, shipping and admiralty. She has handled and advised on cargo claims, demurrage claims, claims for charterhire/freight, crew claims, detention of cargo disputes, charterparty disputes, collision claims, Mare del Nord orders and general average claims.

She has independently advised on and attended to the closure and/or completion of many sale & purchase and ship financing transactions, both local and international. In 2012, she was appointed and appeared in London arbitration as an expert witness on the registration of ships under Singapore law.

In 2013 and in 2014, she was nominated for the Euromoney Legal Media Group Asia Women in Business Law Awards under the Shipping practice area. In 2014 she was elected as Secretary for the Singapore chapter of the Women's International Shipping and Trading Association.

About the Panelist



Michelle Yong
Ince & Co Singapore LLP

Michelle is a specialist shipping lawyer with additional expertise in international trade, offshore litigation/construction and ship finance litigation. Michelle joined Ince & Co in 2015 having previously worked at an international law firm, as well as a specialist shipping firm in Singapore. Michelle is qualified as a solicitor in England & Wales and as an advocate and solicitor in Singapore. She is conversant in Mandarin.

Michelle has extensive experience in relation to disputes arising from charterparties, bills of lading, the international sale and carriage of goods, ship repair and construction, and also marine insurance disputes as well as collisions and accidents on-board vessels. Michelle has independently argued interlocutory applications in arbitration proceedings and previously in the High Court of Singapore on *inter alia*, the arrest of vessels, discovery, amendment of pleadings, setting aside of service outside jurisdiction, stay of execution, vacation of trial dates, assessment of damages and security for costs.

Michelle also drafts and negotiates shipbuilding contracts, offshore contracts, international trade contracts and bulk commodity logistics contracts.

Registration Form

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by Simon Rainey QC

Friday 27th March 2015
Intelloffices
146 Robinson Road
Level 11
3.00pm to 5.00pm

I would like to attend the tea talk:

Name: _____ Dr Mr Miss Ms Prof Others (_____)

Organization: _____

Designation: _____ Email: _____

Tel (Office) _____ Mobile: _____

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SCMA Corporate Member 1st: Free SCMA Corporate Member 2nd: \$30.00

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Payment Mode

I(we) enclose a Cheque No. _____ of \$ _____ to be made payable to
Singapore Chamber of Maritime Arbitration and kindly mail to:

32 Maxwell Road
#02-14 Maxwell Chambers
Singapore 069115
Attn: Ms Tammy Tan

- 1) Closing date for registration is 25th March 2015
- 2) Registrations received on or before the closing date are confirmed upon receipt of full payment.
- 3) The SCMA reserves 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.

For enquiries, please email tammy@scma.org.sg or call us at Tel: 6324 0552.