



Director



TIMOTHY TAN

LL.B (Hons) (Singapore)
Advocate & Solicitor, Singapore

Tel : 65 - 6538 9984 (direct)
65 - 9635 1771 (mobile)

E-mail : timothy@asialegal.com.sg

Professional Background

Timothy graduated from the National University of Singapore with 2nd Class (Upper Division) Honours in 1987. He served his pupillage at M/s Khattar Wong & Partners and was called to the Singapore Bar as an Advocate and Solicitor in 1988.

In 1991, he was awarded the prestigious British Commonwealth Young Lawyer's Fellowship as Singapore's representative, which incorporated practical attachments to Counsel's Chambers at Essex Chambers and the Britannia and Steamship P & I Clubs. His early years of practice were devoted to securing a strong grounding in civil litigation, dealing in general and motor insurance claims, personal injury actions as well as medical negligence matters.

Timothy was inducted into and practised in the Shipping Department of M/s Khattar Wong & Partners from 1990 to 1999 and was admitted as a partner of the firm in 1995. He was Deputy Head of the Department at the time he left to join M/s Joseph Tan Jude Benny as a partner in September 1999. He joined AsiaLegal LLC as one of its principal directors in January 2003 and has also been a Commissioner for Oaths and Notary Public since 2003. Timothy is also a Teaching Fellow of the Singapore Institute of Legal Education and has been tutoring in the Admiralty Practice component for several years.

Timothy has also delivered many papers and presentations, notably at the SCMA Conference 2012 (covering the issues relating to private judicial sales, a harbinger of the reported decision in *Turtle Bay & Union Gold*) and writing a published article "*Tonnage Limitation in Singapore: Out with the Old, In with the New*" (2005) 5(1) S&TLI 29.

Appointments / Professional Memberships

- Member of the Singapore Academy of Law
- Member of the Law Society of Singapore
- Commissioner for Oaths
- Notary Public
- Teaching Fellow, Singapore Institute of Legal Education

Contentious / Litigation Experience

Since 1988, Timothy's practice has centred on civil litigation, with a heavy emphasis/focus on

Shipping & Admiralty (both "wet" & "dry" shipping), marine insurance as well as shipping related matters. His portfolio also includes banking trade and international sale of goods disputes and claims, general corporate and commercial litigation as well as insolvency and construction litigation. He has also handled numerous international arbitration matters both institutional (SIAC, LMAA, ICC etc.) as well as ad-hoc (SCMA etc.). He has also served as arbitrator in ad-hoc arbitrations.

Timothy has also actively been involved in mediation of various maritime claims at SMC.

Specifically on the shipping law perspective, Timothy has vast and extensive experience in dealing with and advising on charterparty and bill of lading disputes, marine collision and casualty work, related hull and machinery matters, pollution, salvage and general average and limitation issues, cargo and bunker claims/disputes, shipbuilding and ship repair claims, freight forwarding and agency claims, ship supply, crew and ship mortgage/lien claims as well as all aspects of ship sale and purchase and ship financing.

In particular, Timothy has extensively advised banks and financial institutions as well as fleet owners and acted in numerous mortgage enforcement actions in Singapore such as *The Dynamic Express (Projector SA)*, *The Century Dawn* (for Royal Bank of Scotland), *Alexia* (involving the Golkar group/BCCI), *Mariner* (involving the Colouthros group), *Liberty Container* (Kien Hung group) and *Maznah* (E-Maritime group). He has also acted in several other high profile insolvencies of global and international shipping principles such as Glory Wealth, Pacific King, Rizzo Bottiglieri, STX Pan Ocean, etc. He also acted in "Nagasaki Spirit" in which he represented owners in successfully resisting a Mareva Injunction against the vessel's hull insurance proceeds assigned to the vessel's financiers.

Timothy also has considerable experience in drafting and advising on general commercial contracts and agreements, charterparties, bills of lading, contracts of affreightment, shipbuilding and sale contracts and international sale of goods contracts as well as all aspects of Admiralty practice and procedure generally.

Notable Cases

Timothy has argued numerous maritime cases in the Singapore Courts. Among the more noteworthy are:

- Advising and acting for the owners of the "Kaminesan" in Kaminesan c/w Hyundai 105 (ADM 114 / 115 etc / 2004) in respect of a plethora of issues arising out of a complex large-scale ongoing collision matter involving three (3) vessels ("Kaminesan", "Hyundai No. 105" and "Mamitsa") and cargo claims in excess of US\$150 million, including commencing a limitation action, obtaining a limitation decree, opposing various stay applications, and challenging the right to limit of the owners of "Mamitsa"; The series of actions spawned by the collision and resulted losses is probably the longest moving admiralty action in the history of the Singapore Courts.
- Acted for owners of the "Eagle Prestige" where the Singapore High Court clarified the principles disclosure obligations for arrests of vessels and the applicable tests to establish admiralty jurisdictions and to striking our application.
- Advised and acted for the owners of the "High Endurance" in respect of issues arising out of a 3-ship collision involving "Merkur Bridge" and "RSS Persistence", including advising on issues of jurisdiction, limitation, anti-suit injunctions, etc;
- Acted for freight forwarders in a major dispute between cargo owners and a chain of freight forwarders over a competency claims to rights of possession / arresting of cargo.
- Advised on salvage, general average, charterparty and bill of lading issues related to the explosion/fire on board the "Hanjin Pennsylvania" including obtaining a court order for the sale/ disposal of cargoes discharged from the vessel and abandoned by cargo interests; Timothy also acted for a supplier in Forefront Medical where the Court outlined the Principles of contractual interpretation.
- Advised cargo interests in relation to salvage, general average, charterparty and bill of lading issues arising out of an explosion and fire on board the vessel "Gillian";
- Advised shipowners on claims arising out of the loss of containers laden on board the vessels "Ching Ho" and "Noble Spirit";

- Advised and represented shipowners in relation to oil pollution incidents as well as personal/fatal injury claims;
- Acted in *The "Nagasaki Spirit" [1994] 2 SLR 621* where the Court found that it was improper to obtain a Mareva Injunction to prevent hull proceeds from a casualty from being paid out to the mortgagee / assignee;
- Acted in *The "Trade Resolve" [1999] 4 SLR 424* - where the Court found that an outside port limit's arrest in Singapore was wrongful; and
- Acted in *"The Argun" (unreported)* - where the Court found Russia to be the beneficial owner of a Russian auxiliary fleet vessel despite her registration under a separate Russian company.

Other significant maritime cases which Timothy has dealt with include:

- **Century Dawn;**
- **Alexia ;**
- **Mariner (belonging to the Colouthros group);**
- **Brighton;**
- **Devon;**
- **Prime Value;**
- **Byzantio.**

In addition to the above, Timothy is experienced in arbitration, both international and domestic, and mediation. He also regularly appears before the Court of Appeal as counsel in appellate matters.

Non-Contentious Experience

Timothy also has extensive experience in handling domestic conveyancing matters (such as transactions involving the sale and purchase, mortgage, lease and license of property), representing individuals, retail consumers, corporate entities, banks and financial companies in real estate transactions involving both residential and commercial properties. Insofar as conveyancing matters are concerned, in addition to representing individual/corporate buyers, sellers and mortgagors, he has represented various local and international banks and financial institutions in the capacity of mortgagees' solicitors including HSBC, United Overseas Bank Limited, DBS Limited, Oversea-Chinese Banking Corporation Limited and Standard Chartered Bank.

Timothy has been actively involved in representing and advising clients in relation to all aspects of oil & gas exploitation activities and related contract documentation, including financing and insurance requirements. In particular, he has rendered extensive advice on an oil & gas project involving the conversion and provision of a LPG-FSO and other operational and management services by a Indonesian-Singaporean consortium in Indonesia. Timothy also represented a port operator in pursuing a large claim in SIAC arbitration against the Johor Port Authority.

Timothy has also advised / acted in the following transactions:-

- Sale of assets (including fleet of 22 vessels) from Maritime Holdings Ltd to PSA Marine Pte Ltd – including conduct of negotiations on S&P terms, review of and advice on existing charterparties, mortgages/ charges over the fleet and employment contracts;
- Sale and purchase of 3 tugs from Semrental (B) Sdn Bhd to Wijismuller Offshore Terminal Towage (Far East) Pte Ltd;
- "Switch" securitization of trade credit facilities involving mortgages over vessels "Berjaya Dua" And "Princess Maryam" from Prestige Marine Services Pte Ltd to Trans-Tec/World Fuels;
- Drafting and advising on group/fleet securitization of trade credit facilities for Trans Tec/World Fuels group with Kien Hung/Powick Group;
- Advising Compass group on sale and purchase of oil rig "MV Molly Brown" and proposed on-sale to Neptune Marine group involving partial share swap;
- Advising ECICS on enforcement of fleet mortgage against ECON group vessels.

- Advising DBS in drawing up an exhaustive checklist to cover P&I and hull and machinery and related insurance consideration for all ship financing related transactions.

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