

Maritime Law Asia Workshop Series 2011

Tuesday – Friday, 22 – 25 November 2011 • Holiday Inn Orchard City Centre

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| | 0900 – 1200 | 1400 – 1700 |
|----------------------------------|---|--|
| TUESDAY 22 NOVEMBER | KEYNOTE WORKSHOP | |
| | Overview of Singapore Maritime Law WORKSHOP LEADER:  Captain Frederick James Francis Senior Lecturer and Legal Consultant Singapore Maritime Academy, Singapore Polytechnic | |
| WEDNESDAY 23 NOVEMBER | WORKSHOP A: Singapore Ship Sale Form Key Features, Advantages and Drafting of the Contract WORKSHOP LEADERS:  Henry Mytton-Mills Managing Director Aries Shipbroking (Asia) Pte Ltd SMF Advisory Panel Member, Chairman SSF Drafting Committee  Ticy Veluvell Thomas Research Analyst Centre of Maritime Studies, National University of Singapore | WORKSHOP B: Shipbuilding Contracts Effectively Protecting the Interests of Ship-owners and Shipbuilders WORKSHOP LEADERS:  Chanaka Kumarasinghe Partner Holman Fenwick Willan Singapore LLP  Paul Aston Partner Holman Fenwick Willan Singapore LLP |
| | WORKSHOP C: Ship Arrest New Principles, Priorities and the Implications for the Shipping Industry WORKSHOP LEADER:  Lawrence Teh Partner Rodyk & Davidson | WORKSHOP D: Charterparties and Bills of Lading Time, Voyage and Demise Charterparties and the Roles of the Bill of Lading in the Trading and Carrying of Goods by Sea WORKSHOP LEADER:  Leong Kah Wah Partner Rajah and Tann |
| THURSDAY 24 NOVEMBER | | |
| FRIDAY 25 NOVEMBER | WORKSHOP E: Marine and P&I Insurance Expectations versus Reality WORKSHOP LEADER:  Captain Lee Fook Choon Managing Director Integral Marine Consultants | WORKSHOP F: Maritime Arbitration Positioning Singapore as a Centre of Excellence - Dynamics, Pitfalls and Challenges WORKSHOP LEADER:  Lee Wai Pong Executive Director Singapore Chamber of Maritime Arbitration |

Event Highlights

- Overview of Singapore Maritime Law
- Maritime Arbitration
- Shipbuilding Contracts
- Ship Arrest
- Charter parties and Bills of Lading
- Marine and P&I Insurance
- Singapore Ship Sale Form

Who Should Attend

- Regulators
- Ship-financiers
- Ship-owners and operators
- In-house counsel
- Shipbuilders
- Shipbrokers
- Maritime lawyers
- Legal advisors
- Consultants
- Charterers
- Marine insurers
- Underwriters

Supporting Organisations:



International Centre for Dispute Resolution



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KEYNOTE WORKSHOP: Singapore Maritime Law

Overview of Singapore Maritime Law

This session is an ideal refresher course for all maritime lawyers. In this 3-hour workshop, you will obtain a bird's eye view of the maritime law arena and receive latest updates and case studies.

Workshop Highlights

- International Conventions and Statute Law
- Merchant Shipping Act 1996
- Maritime and Port Authority Act 1997
- Burden of Proof and Rules as to Proof
- Overview of Collision Law
- Assessing the relationship between the Rules of Good Seamanship and the collision regulations

Your Workshop Leader



Captain Frederick James Francis
Senior Lecturer and Legal Consultant
Singapore Maritime Academy, Singapore polytechnic

About Your Workshop Leader

Capt Frederick Francis first went out to sea in 1978 as a deck cadet officer in Neptune Orient Lines (American President Lines). Midway, he served his National Service in the Singapore Navy where he was awarded Best Recruit and Outstanding Soldier. He resumed his merchant marine career climbing up rapidly and at the age of 29 was promoted to captain. He commanded several types of foreign-going merchant ships for a period of five years before stepping ashore. He then joined the Singapore Polytechnic as a lecturer. In 2001, under a scholarship, he read law at Cardiff University and was admitted to the Degree of Master of Laws (LL.M) in Legal Aspects of Marine Affairs. He earned a distinction in his dissertation and topped the module on Marine Insurance.

In 2002, he published his memoirs titled, 'Diary of a Sailor'. He has written several other books including the Maritime Heritage of Singapore as a principal author and Halsbury's Laws of Singapore, Shipping volume. A researcher in marine conservation, he rescues corals and enhances the flora and fauna by creating an underwater garden cum open sea aquarium at Labrador Nature Reserve. He is a certified diver and regularly immerses himself in competitive sports including soccer, swimming, basketball, volleyball, netball, international chess, scrabble, bowling, darts and triathlons. He has led delegations to places like Perth for the Indian Rim University Games (Team Singapore) and to the First and Second International Maritime University Games, "Young Captains of the World's Oceans", in Vladivostok, Russia.

On the legal aspect, he has mediated and apportioned blame for collision, is an expert witness in arbitration and litigation cases, and was an IMO-ASEAN legal consultant. He co-chaired the 1st ASEAN Regional Workshop on Acceptance and Implementation of IMO Conventions and was the legal advisor/facilitator for the Second IMO-ASEAN Regional Workshop. He regularly presents papers on maritime law at international conferences. In the recently published Halsbury's Laws of Singapore, Shipping volume, he authored three of the twelve chapters including Sources of Singapore Law and the chapter on Collisions.

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The **Maritime Law Asia Workshop Series 2011** is the only event in Asia with focused workshops that address the key issues in Asia's maritime law today. Gathering leading **shipowners, financiers, maritime lawyers, corporate counsel, charterers, shipbuilders, brokers, marine insurers and underwriters** amongst others, this event is the ideal platform for you to meet the industry's key decision makers who have chosen to invest their money and most importantly, time, in attending the focused workshops with the main goal of overcoming their current business challenges. These are the people who are **actively seeking solutions to give them the competitive advantage in Asia's shipping industry.**

We aim to meet these delegates' needs by matching them with their ideal solution provider. Hence, sponsoring places you on a platform to demonstrate your expertise in front of these industry leaders and demonstrate how your solutions are capable of placing them at the

forefront of the shipping industry. You can be **guaranteed networking opportunities** with these leading industry experts within your primary target audience and effectively position yourself as the market leader!

Leverage from this programme to:

- **Promote** and enhance publicity of your brand name / services
- **Widen** business network and consolidate relationships
- **Achieve** competitive edge in the industry
- **Gain** potential target audience opportunities

We aim to ensure that you reap the maximum benefits and achieve your goals at this event. To find out how we can **tailor-make sponsorship packages** that suit your company's distinct commercial requirements and maximise your exposure, please **call +65 6887 7187 or email TanSiwei@CrimsonLogic.com.**

WORKSHOP A: Singapore Ship Sale Form

Singapore Ship Sale Form: Key Features, Advantages and Drafting of the Contract

In response to the Singapore and Asian maritime community's call for an alternative form to the commonly used Norwegian Ship Sale Form, the Singapore Maritime Foundation (SMF) launched the Singapore Ship Sale Form (SSF). The SSF will be a better fit in view of increasing maritime activities and arbitration in Asia. The new form for ship sale and purchase, which was conceptualised under the framework of updated shipping regulations and recent banking practices, seeks to serve as a viable alternative option next to other widely-used forms.

Workshop Highlights

- Comparing Singapore and Norwegian Ship Sale Form
- Understanding how the Singapore Ship Sale Form protects the interests of the seller and buyer
- Examining key clauses within the Singapore Ship Sale Form and its application
- Managing seller's and buyer's default of payment
- Exploring key improvement areas for the Singapore Ship Sale Form

Your Workshop Leaders



Henry Mytton-Mills
Aries Shipbroking (Asia) Pte Ltd
SMF Advisory Panel Member, Chairman
SSF Drafting Committee



Ticy Veluvel Thomas
Research Analyst
Centre of Maritime Studies,
National University of Singapore

About Your Workshop Leaders

Henry Mytton-Mills is the founder and CEO of Aries Maritime Holdings Group of Companies. He is the Managing Director of Aries Shipbroking and Chairman of the Panasia Marine Group headquartered in Singapore with offices in China, Korea and Oman. Henry is also a Director of Precious Shipping (Singapore) Pte Ltd. and a Member of the Singapore Chamber of Maritime Arbitration. Henry started his career as a Cadet with the China Navigation Company 35 years ago. Prior to Aries, he held executive positions with major London and international shipbroking companies which included Eggar Forrester, WESCOL, Lambert Brothers, Cleaves & Inchcape. He has extensive specialist experience in all aspects of Ship Sale & Purchase as well as wide-ranging experience in Chartering and Shipowning. He was elected to the Baltic Exchange in 1978, is a Liveryman of the Worshipful Company of Shipwrights and a Freeman of the City of London.

Ms Ticy Veluvel Thomas graduated from the University of Kerala, India with a Bachelor of Law degree (First Class) in 2002. She was admitted to the Bar Council of India in the same year. In 2003, she went on to pursue her post-graduate research degree in Public International Law at the Centre for International Legal Studies, School of International Studies, Jawaharlal Nehru University, New Delhi, India and specialised in International Law of the Sea. She graduated with a Master of Philosophy – International Law in 2005. Thereafter, she furthered her research interest in international maritime law and received a Master of Laws – Maritime Law, from the Faculty of Law, National University of Singapore. Ticy is currently based in Singapore as a research analyst at the Centre for Maritime Studies, National University of Singapore (November 2007 to present). She has undertaken the consultancy project of the Singapore Ship Sale Form and has been working closely with the Singapore Maritime Foundation and the key maritime stakeholders to bring the form to fruition. She has also conducted independent research on contemporary subjects of international and national law and published research papers.

WORKSHOP B: Shipbuilding and Ship Repair

Shipbuilding Contracts: Effectively Protecting the Interests of Ship-owners and Shipbuilders

Shipbuilding contracts can be described to be as fluid as the nature of the shipping industry. Therefore it is vital for both ship-owners and shipbuilders to protect their interests by establishing mutually-beneficial contracts which will enable them to cost-effectively finance the construction of vessels. In this 3-hr workshop, you will explore the most effective shipbuilding contracts and gain deeper insights into how it can help you to structure contracts that can withstand the industry's volatility, warrant equal obligations to both ship-owners and shipbuilders and avoid unnecessary newbuilding disputes.

Workshop Highlights

- Examine the most effective shipbuilding and ship repair contracts that can best protect your interests
- Allocation of risks during the repair or design and construction of the vessel
- Identifying the key stages for buyers to make payments to shipbuilders
- Understanding contract negotiation for specialised vessels and how does it differ from that of regular vessels?
- Assessing the refund guarantee provided by the bank to the buyer

Your Workshop Leaders



Chanaka Kumarasinghe
Partner
Holman Fenwick Willan Singapore LLP



Paul Aston
Partner
Holman Fenwick Willan Singapore LLP

About Your Workshop Leaders

Chanaka previous worked in HFW's office in London and he is now a partner based in the Singapore office. Chanaka specialises in shipbuilding, offshore construction and offshore supply of services. His practice spans both the contentious and non-contentious spheres. He has personally attended several tender negotiations (for various shipbuilding and offshore vessel projects) and advised on the drafting of numerous building and outfitting contracts for jack-ups and semi submersibles; on conversion contracts for FPSOs; on construction contracts for special design vessels and military vessels; and on numerous offshore supply of services agreements for various fields. He regularly acts in a range of international commercial arbitrations which include offshore and shipbuilding disputes. He has particular experience in shipyard work having dealt with various matters for and against Singapore shipyards since 2000.

Paul specialises in all aspects of shipping, transport and insurance, down, midstream and upstream oil and gas transactions, ship building and repair. He has experience with offshore developers and contractors with their tender documentation and bids and contracts for the construction, mobilisation commissioning and utilisation of offshore units. Paul acts for the some of the largest offshore construction shipyards and has advised on a number of different shipbuilding projects, jack-up and semi sub rigs, FPSOs, flotels, heavy lift barges as well as contracts for the use and hire of rigs as well as construction of LNG vessels and LNG FPSOs. He has handled several mediation and arbitration matters in numerous jurisdictions. He has lectured and presented papers extensively. He has been described as "professional and quick to respond" in Asia Pacific Legal 500 and most recently as "highly recommended".

Thursday, 24 November 2011 | 0900 –1200

WORKSHOP C: Ship Arrest

Ship Arrest: New Principles, Priorities and Implications for the Shipping Industry

Arrest of a vessel is part of the process by which an Admiralty Court gains jurisdiction over the subject matter of a law suit. It is a strategic way to obtain security for a claim and if required, to prepare for the judicial sale of the vessel. However, you need to be equipped with the understanding of the regime in place in order to effect an arrest against the vessel. In this 3-hr workshop, you will examine the latest ship arrest laws and procedures across different jurisdictions and how the new principles have affected future ship arrests.

Workshop Highlights

- Examining the law and arrest procedures and the types of claims that can lead to arrest in different jurisdictions in Asia
- New principles and its implications for future ship arrests
- How has the new principles impacted the order of priorities?
- Assessing the right to arrest
- Examining the conditions for the release of ship
- What are the maritime liens involved?
- Case studies

Your Workshop Leader



Lawrence Teh
Partner
Rodyk & Davidson

About Your Workshop Leader

Lawrence Teh is a partner in Rodyk & Davidson LLP's Litigation & Arbitration Practice Group. Lawrence advises clients and acts as an advocate in all areas of commercial law and appears regularly as leading counsel in the Singapore Courts and in arbitration and other forms of dispute resolution. He has particular experience in maritime and aviation, international trade and commodities, banking and financial services, onshore and offshore construction, mergers acquisitions joint ventures and other investments, and insurance in related fields.

He is a Fellow of the Chartered Institute of Arbitrators, a panel arbitrator at the Singapore International Arbitration Centre, and the Secretary of the Maritime Law Association of Singapore. He chaired the committee that drafted the Law Society Arbitration Rules and is panel arbitrator of the Law Society Arbitration Scheme. He is named in the in the Asia Pacific Legal 500 for Dispute Resolution and in the International Who's Who for Commercial Litigation. He is also named in International Who's Who of Shipping & Maritime, and has been an Asialaw Leading Lawyer since 2006 for Shipping, Maritime & Aviation and on the Guide to the World's Leading Aviation Lawyers.

Thursday, 24 November 2011 | 1400 –1700

WORKSHOP D: Charterparties and Bills of Lading

Time, Voyage and Demise Charterparties and the Roles of the Bill of Lading in the Trading and Carrying of Goods by Sea

A charterparty contract is crucial in consolidating a sound shipowner-charterer relationship and minimising risks of unnecessary disputes while a bill of lading serves as a contract of carriage, receipt and document of title to formalise the possession of goods by the shipowner on behalf of the charterer. In this exclusion 3-hr workshop, you will look at the different charterparty agreements and examine how you can effectively allocate the risks and define responsibilities and liabilities between the two parties. You will also gain deeper insights into the importance of the bill of lading, the key structure as well as strategies to manage fraudulent cases.

Workshop Highlights

- Legal characteristics and commercial usage of time, voyage and demise charterparties
- Key strategies to negotiate a charterparty contract
- Use of forward freight agreement (FFA) in the charter contracts to minimise risk exposures
- Charterparty breaches
- Laytime and demurrage
- Identifying functions and obligations of different types of bills of lading
- The importance and impact of international regulations—Hague, Hague-Visby, Hamburg Rules and Rotterdam Rules
- Defining the responsibilities and liabilities of the parties
- Examining fraudulent cases

Your Workshop Leader



Leong Kah Wah
Partner
Rajah and Tann

About Your Workshop Leader

Leong Kah Wah is the deputy head of the Admiralty and Shipping Practice Group and he has extensive experience in disputes related to the shipping industry.

He is recognised as a casualty, cargo, charterparty and bills of lading expert in Chambers Global (2004, 2005, 2006, 2007, 2008, 2009 & 2010) and in Chambers Global 2006, he was described as "an intelligent and passionate performer who is in the vanguard of the next generation of shipping lawyers in Singapore." Other legal publications acknowledging Kah Wah include Asia Pacific Legal 500, Who's Who Legal, The Legal Media Group Guides to the World's Leading Lawyers, Asialaw Profiles and Best Lawyers.

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Friday, 25 November 2011 | 0900 -1200

WORKSHOP E: Marine and P&I Insurance

Marine and P&I Insurance: Expectations versus Reality

Marine and P&I insurance form a key component of shipping, ranging from the insuring of goods, crew and vessel to specialised coverage insuring against war risks and piracy. Today, the growing complexities of insurance types, coverage, exclusions and claims processes have given rise to the importance of understanding marine insurance and P&I contracts. Furthermore, with the rise of piracy and the increasing number of UN sanctioned countries, there is a dire need to understand the issues relating to operating in such an environment. These issues would be addressed in this workshop. You will also learn more about the limits and realities of marine and P&I insurance and the practical and legal issues pertaining to claims and piracy.

Workshop Highlights

- Exploring the types of marine and P&I insurance, their coverage and exclusions and whether it meets the expectations of the industry
- Understanding the legal and practical issues relating to hull and cargo claims.
- The roles of loss adjusters, general average adjusters and experts in the Claims' processes.
- Examining the limitation of liability for maritime claims and its relation to insurers' liabilities
- Challenges faced by shipowners, charterers and insurers in operating in UN sanctioned countries
- Challenges pertaining to the prosecution of pirates due to weak law enforcement agencies and inconsistent national jurisdictions
- Key strategies to minimise risks of piracy
- Key strategies of hostage negotiation and regaining control of the vessel.

Your Workshop Leader



Captain Lee Fook Choon
Managing Director
Integral Marine Consultants

About Your Workshop Leader

Capt F C Lee is a Master Mariner (Foreign-Going) and holds a master degree in maritime law. He is also a Chartered Insurer with Chartered Institute of Insurance, UK and a Chartered Arbitrator with the UK Chartered Institute of Arbitrators. A panel arbitrator with the Singapore International Arbitration Centre, Singapore Chamber of Maritime Arbitrators, Hong Kong International Arbitration Centre, Regional Arbitration Centre (KL), India Institute of Arbitrators, the China Maritime Arbitration Commission and the Beijing Arbitration Commission.. He is also a mediator with the Hong Kong Mediation Council. A marine loss adjuster (serving mainly marine and general insurers) for the past 30 years, he had handled thousands of insurance claims on ships, cargo, port terminals and general liabilities. For the last 13 years, he has actively involved in maritime arbitration and transnational commercial mediation. Capt F C Lee is consultant to Integral Marine Consultants (IMC) and Toplis & Harding Hong Kong. His core competence and primary interests are in the legal aspects and practical applications of marine and cargo insurance, contracts of affreightment, sale and purchase contracts and international law of the sea. He has to date presided over more than 70 international arbitrations in Singapore, Hong Kong and London either as Sole Arbitrator or as member a tribunal.

Friday, 25 November 2011 | 1400 -1700

WORKSHOP F: Maritime Arbitration

Maritime Arbitration: Positioning Singapore as a Centre of Excellence - Dynamics, Pitfalls and Challenges

Along with the significant growth of shipping in Asia Pacific, the importance of maritime arbitration has increased tremendously in recent years. There is immense potential for Singapore to capture work in the arbitration field. Furthermore, the International Arbitration Act adopted by Singapore provides the needed legislative framework for the international arbitration regime and reflects key practices of international arbitration. In this 3-hr workshop, you will gain a deeper understanding of maritime arbitration and how you can leverage on Singapore's rise as the centre of arbitration.

Workshop Highlights

- Introduction to the development of maritime arbitration in Singapore
- The growth of Singapore into the centre of arbitration
- Examining the common causes of maritime disputes and how it can be effectively resolved
- Case studies

Your Workshop Leader



Lee Wai Pong
Executive Director
Singapore Chamber of Maritime Arbitration

About Your Workshop Leader

Mr Lee Wai Pong is the Executive Director of the Singapore Chamber of Maritime Arbitration (SCMA).

He is a qualified Master Mariner, a Fellow of the Institute of Chartered Shipbrokers and a retired Commanding Officer (Reservist) from the Republic of Singapore Navy.

Wai Pong sailed on a wide range of ships during his sea faring career. After coming ashore, he applied his shipping experience into management appointments in various areas of shipping. Prior to joining SCMA, he was heading up the commercial management of the handy sized fleet of dry bulk carriers at Pacific Carriers Ltd, a prominent international ship owner. His involvement in shipping spans over 35 years and in the process, has gained extensive experience in joint venture management, shipping related investments, chartering, ship broking and shipping IT. He also served for many years as past chairman / vice chairman of the Institute of Chartered Shipbrokers (Singapore Branch) and is the current chairman of the Missions to Seafarers, a charitable arm of the Anglican Church.

Wai Pong also serves as a lecturer for the Singapore Shipping Association, having taught the subject of shipbroking and chartering for more than a decade to thousands of attendees who work in the shipping and bulk commodities industry. He has also spoken widely on the subjects of shipping & maritime arbitration at local and overseas seminars and conferences and occasionally contributes articles on these topics to the industry.

Registration Form

(Please read booking conditions)

Maritime Law Asia Workshop Series 2011

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| 1 WORKSHOP | 600 | 600 |

Please indicate your workshop selection (s)
below with a tick (✓)

- Keynote Workshop: **Overview of Singapore Maritime Law**
- Workshop A: **Singapore Ship Sale Form**
- Workshop B: **Shipbuilding Contracts**
- Workshop C: **Ship Arrest**
- Workshop D: **Charterparties and Bills of Lading**
- Workshop E: **Marine and P&I Insurance**
- Workshop F: **Maritime Arbitration**

DELEGATE DETAILS

Delegate 1 Mr / Ms / Mrs / Dr: _____

Position: _____

Department: _____

Tel: _____ Fax: _____

Email: _____

Workshop Selection: _____

Delegate 2 Mr / Ms / Mrs / Dr: _____

Position: _____

Department: _____

Tel: _____ Fax: _____

Email: _____

Workshop Selection: _____

Delegate 3 Mr / Ms / Mrs / Dr: _____

Position: _____

Department: _____

Tel: _____ Fax: _____

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Workshop Selection: _____

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WAYS TO REGISTER

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VENUE DETAILS



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BOOKING CONDITIONS

- Registrations will be confirmed upon receipt of your completed Registration Form.
- Full payment must be made before the date of the conference.
- If you are unable to attend the conference, a substitute delegate is welcome at no extra charge.
- For cancellations received in writing more than 3 weeks prior to the conference, a full refund less S\$ 100 admin charge will be made. Regrettably, no refund can be made less than 3 weeks prior to the event and the amount will remain payable in full. A complete set of conference documentation will be given.
- All speakers and topics are correct at the time of printing. CrimsonLogic reserves the right to substitute speakers and cancel or alter the content and timing of the programme for reasons beyond its control.
- Where group discounts are offered, delegates must sign up collectively.

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