

Seminar on

Practical Construction Law for Practitioners

24 Aug 2015 (Monday)

9:30 am to 4:30 pm

Raja Aziz Addruse Auditorium
Straits Trading Building
Unit 2-02A, 2nd Floor
2 Leboh Pasar Besar
50050 Kuala Lumpur



Registration fees

Members of the Bar RM159 | Non-Members RM318

Pupils in Chambers RM79.50

Fees are inclusive of 6% GST

CPD Code: T3/24082015/BC/BC153001/5

Registration for the seminar will begin at 9:00 am

This one-day seminar will include a comprehensive review of some of the practical aspects of construction law, including the much talked-about Construction Industry Payment and Adjudication Act 2012. The seminar will focus on particular topics of interest and, after setting out some general principles, will seek to answer some of the common questions and problems which arise. The topics, and a glimpse of some of these questions and problems, are shown below. You are encouraged to bring along your own questions, which will be answered throughout the seminar.

Panel A: 9:30 am to 12:00 pm

Speakers:

Choon Hon Leng, Chu Ai Li, Oon Chee Kheng, Thayanathan Baskaran

1. Tenders

- How much reliance can tenderers place on information given to tenderers during the tender, eg soil investigation reports, tender clarifications, and answers to questionnaires?
- Can a tenderer withdraw from a tender? Can an employer withdraw a tender?
- Can I proceed with the works simply with a letter of intent? Do I need to have a signed letter of award or contract?

2. Variations

- Can a contractor make claims without written instructions?
- Can a contractor claim loss of profit for omitted works?
- What happens if the variation goes beyond the scope of the contract?

3. Defects

- Can a contractor be liable for design errors carried out by the architect appointed by the employer?
- Does approval / acceptance of works or payment relieve the contractor of defects?
- Does the liability for defects cease after the expiry of the defects liability period?

4. Termination

- Can a contractor terminate the main contract even if there is no termination clause?
- Can a contractor get an injunction restraining the employer from terminating?
- When must the call on the bond be made — before or after termination?

Lunch: 12:00 pm to 2:00 pm

Panel B: 2:00 pm to 4:30 pm

Speakers:

James Monteiro, Rajendra Navaratnam, Rodney Martin, Tan Swee Im

1. Time

- Does the programme form part of the contract?
- Who owns the float in a programme?
- How do you deal with concurrent delays in terms of extension of time / loss and expense?
- Does an entitlement to extension of time mean an entitlement to loss and expense?
- Will a contractor lose an entitlement to extension of time / loss and expense if notice requirements in contract are not met?
- What is the reasonable amount of time to respond to an application for extension of time / loss and expense? Can extension of time / loss and expense be decided after the expiry of original completion or after practical completion?
- In what circumstances will an employer lose the right to liquidated damages?

2. Payments

- Must retention monies be placed in separate accounts?
- Can a sub-contract provide that payment will not be made until the contractor receives payment from the employer?
- Can a contractor suspend, go slow on or terminate if payment is not made?
- What is the difference between interim, penultimate and final certificates?

3. Adjudication

- Can a party ignore the adjudication if the adjudicator has no jurisdiction?
- What are the options available to a winning party?
- Can the losing party have the decision stayed?
- Can the respondent claim a set-off by reason of delay damages?

Places are limited and registration is on a first-come, first-served basis.

Please direct all correspondence (including completed registration forms and proof of payment) and enquiries to:

Jul Indra Tofan (03-2050 2101; jul.indra@malaysianbar.org.my) or
Sarah Yong (03-2050 2093; sarah@malaysianbar.org.my)

Fax: 03-2031 6640



Organised by
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15 Leboh Pasar Besar
50050 Kuala Lumpur
Tel: 03-2050 2050

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I would like to register for the event (all fields must be completed):

Name: _____

Member of the Bar Pupil Law Student Non-Member
(Tick where applicable)

Membership No (for Members of the Bar only): _____

NRIC No (Pupils / Law Students / Non-Members): _____

Email: _____

Name of Firm / Organisation: _____

Address: _____

Tel: _____ Fax: _____

Date: _____

Signature: _____

The personal information that you provide to the Bar Council, whether now or in the future, may be used, recorded, stored, disclosed or otherwise processed by or on behalf of the Bar Council for the purposes of facilitation and organisation of this event, research and audit, and maintenance of a participant database for the promotion of this event, and such ancillary services as may be relevant.

Payment options:

- (1) Direct deposit to CIMB Bank Berhad
(Account: 8000-281-191; SWIFT CODE: CIBBMYKL); or
- (2) Cheque or bank draft, payable to "Bar Council"; or
- (3) Cash payment, at the ground floor of the Bar Council Secretariat.

All payments must be made in advance of the event, and include all bank charges. Registration will be confirmed once proof of payment is provided by email or fax, and full payment is received.

Places are limited and registration is on a first-come, first-served basis.

Cancellations must be made in writing. There will be no refunds for cancellations made after **20 Aug 2015 (Thursday)** but substitutions are allowed. The organiser reserves the right to modify, cancel or postpone the event, should circumstances arise that make such action necessary, whereupon all registration fees paid will be refunded.

Points for the Continuing Professional Development Scheme will not be awarded to Members of the Bar and pupils in chambers who arrive more than 15 minutes late, are not present throughout the event, or leave before its scheduled end.

Please be advised that certain supplies of goods and services that we make may be subject to GST, and we are required to levy GST on such taxable goods and services from 1 Apr 2015.

Kindly also note that we reserve the right to implement any necessary changes to our policies on goods and services that we may supply or on supplies we may receive from vendors.

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