

The 3rd Annual

Maritime Law & Practice

Wednesday – Thursday, 9 – 10 July 2008
Novotel Clarke Quay, Singapore

Conference Programme

Day One - Wednesday, 9 July

9.00am	Registration	2.15pm	HULL & MACHINERY AND CARGO INSURANCE: The Duties Owed by the Assured <ul style="list-style-type: none">• Contract of insurance• Hull & machinery insurance• Cargo insurance• Duties owed by the assured to the insurer<ul style="list-style-type: none">- Disclosure- Utmost good faith- Prudent uninsured Gerald Yee Partner JOSEPH TAN JUDE BENNY
9.30am	OPENING REMARKS AND SEMINAR OVERVIEW BY SEMINAR DIRECTOR	3.00pm	PROTECTION & INDEMNITY INSURANCE: Scope & Cover, Including Latest Issues Chris Hall Vice President SKULD, Singapore
9.45am	BUILDING A SHIP – SALIENT TERMS <ul style="list-style-type: none">• Understanding shipbuilding contracts• Salient terms and conditions• Financing a newbuilt Tan Hui Tsing Partner JOSEPH TAN JUDE BENNY	3.45pm	Tea Break
10.30am	Tea Break	4.15pm	UNDERSTANDING BILLS OF LADING, MATES' RECEIPTS AND LETTERS OF INDEMNITY, AND AVOIDING PITFALLS <ul style="list-style-type: none">• Function of the bill of lading<ul style="list-style-type: none">- Contract of Carriage- Document of title- Receipt of goods• Cargo information and description on the bill of lading<ul style="list-style-type: none">- Preparation of the Bill and the Mates' receipt- Hague/Hague-Visby Art III r.3• The Carrier's Risk<ul style="list-style-type: none">- Letter of indemnity – minimizing the risk?- Avoiding risks- Clausing- Standard wording Gerald Yee Partner JOSEPH TAN JUDE BENNY
11.00am	SALE & PURCHASE OF 2ND HAND TONNAGE <ul style="list-style-type: none">• Concluding a S&P• Working towards a smooth closing• Troubleshooting and remedies Tan Hui Tsing Partner JOSEPH TAN JUDE BENNY	5.00pm	End of Day One
11.45am	SHIP REGISTRATION – A CHOICE OF CONVENIENCE <ul style="list-style-type: none">• Factors affecting choice of flag• Choosing between open registries• A truly convenient choice? Tan Hui Tsing Partner JOSEPH TAN JUDE BENNY		
12.30pm	COLLISION LAW & APPORTIONMENT OF LIABILITIES <ul style="list-style-type: none">• Applicable statute• Good seamanship• Negligence• Principles of liability• Rule of division of loss in proportion to fault Dato' Jude P. Benny Managing Partner JOSEPH TAN JUDE BENNY		
1.00pm	Networking Lunch		



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- 10.00am **EFFECTIVE FIRST MEASURES TO TAKE WHEN YOU HAVE A CARGO CLAIM**
- Notification and time limitation
 - Documentary collection
 - Security for your claim - arrest
- Daryll Richard Ng** | Partner
JOSEPH TAN JUDE BENNY
- 10.45am **Tea Break**
- 11.45am **THE DEFENDANT'S PERSPECTIVE: What to do when your vessel is arrested**
- What are the requirements for obtaining a warrant of arrest?
 - Who do you notify?
 - What documents your solicitor will need
 - Security
- Daryll Richard Ng** | Partner
JOSEPH TAN JUDE BENNY
- 12.00pm **LEGAL ISSUES AFFECTING OFFSHORE SUPPLY VESSELS**
- Issues with Operators, Third Party Vessels and Coastal States
 - Compliance of OSV's with applicable safety regimes
 - Analysis of Supplytime 89 and Supplytime 95
- Jeremy Joseph** | Partner
JOSEPH TAN JUDE BENNY
- 12.45pm **Networking Lunch**
- 2.15pm **CARGO DOCUMENTS: Case Law Updates (2005-2008)**
- Bills of Lading
 - Horn Linie GmbH & Co v Panamericana Formas E Impresos SA and Another [2006] EWHC 373 (Enforcement of English jurisdiction clause on the reverse of the bill of lading)
 - The Jordan II [2005] 1 Lloyd's Rep 57 (Obligation to properly and carefully load, stow or discharge)
 - The Pacific Vigorous [2006] 3 SLR 374 (Delivery without production of the bill of lading)
 - The Rafaela S [2005] UKHL 11 (Straight bills of lading)
 - Serena Navigation Ltd and Another v Dera Commercial Establishment and Another

- [2008] EWHC 1036 (Calculation of limitation of liability using the weight of goods)
 - Shandong Chenming Paper Holding Ltd and Others v Saga Forest Carriers International A.S. and Another [2008] EWHC 1055 (Application of the time bar for cargo claims)
 - Trafigura Beheer BV and Another v Mediterranean Shipping Co SA [2007] EWHC 944 (Applicability of the Hague Rules and Hague-Visby Rules)
 - UCO Bank v Golden Shore Transportation Pte Ltd [2005] 2 S.L.R.735; [2006] 1 S.L.R.1 (Lawful holder of a bill of lading)
 - The Ythan [2005] EWHC 2399 (Lawful holder of a bill of lading)
 - Other Cargo Documents
 - The M.V. 'Win Moony' [2005] 1 M.L.J.141 (Mate's receipt)
- Dr. Irwin Ooi** | Lecturer in Law
MARA UNIVERSITY OF TECHNOLOGY
- 3.00pm **THE AFTERMATH OF THE 'SAMSUN LOGIX CORPORATION' CASE: Critically Evaluating the Effectiveness of The Shipowner's Lien on Sub-freight in a Charterparty**
- The shipowner's lien for unpaid freight.
 - What are sub-freights?
 - Can the lien be exercised even after sub-freights have been paid?
 - What goods are covered by the lien?
 - Is there a right of stoppage?
 - Can the lien be registered as a company charge?
- Dr. Irwin Ooi** | Lecturer in Law
MARA UNIVERSITY OF TECHNOLOGY
- 3.45 pm **Tea Break**
- 4.15 pm **JURISDICTION AND CHOICE OF LAW CLAUSES IN CHARTERPARTIES AND THE PRINCIPLE OF FORUM NON CONVENIENS"**
- Having a choice in Jurisdiction and Law
 - Jurisdiction and Choice of Law Clauses in Charterparties - The examples and the effect thereof.
 - The Alternative Route – Forum Non Conveniens
 - A look at the Local Scene
- Danny Chua** | Senior Partner
JOSEPH TAN JUDE BENNY
- 5.00 pm **End of Conference**

MPA Maritime Cluster Fund

Participants who are Singapore Citizens and Permanent Residents, sponsored by their companies may be eligible for the Maritime and Port Authority of Singapore's (MPA) Maritime Cluster Fund (MCF) subsidy. MCF will provide a 30% Course Fee Subsidy (CFS) for those eligible. Sponsoring organizations must submit the MCF CFS application form to LexisNexis BEFORE the commencement of the conference. Further details and the softcopy of the form can be found on the MPA website at www.mpa.gov.sg/mcf.

Who Should Attend

- Ship Owners • Insurance Brokers • Regulators
- Ship Brokers • P&I Clubs • In-House Counsel
- Container Line Operators • Chief Executive Officers
- Head of Operations • Claims Directors & Managers
 - Chief Operating Officers • General Managers
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About the Speakers

Conference Director

Dato' Jude Philomen Benny | Managing Partner
JOSEPH TAN JUDE BENNY

As a reputable litigation lawyer, Dato' Benny is constantly awarded personal accolades in legal circles. The Asia Pacific Legal 500 1999/2000 Edition described Dato' Benny as "one of the best respected shipping lawyers in Singapore". He was ranked one of the foremost shipping lawyers in the country by The Euro-Money Legal Group Guide and short-listed by Chambers Global Directory 2000 as one of the "Leaders in their Fields" of Shipping Law. In 2003, he was named in the Legal Who's Who of Singapore.

Dato' Benny has been personally involved in a number of milestones in Singapore's maritime history. He conducted and succeeded in the very first international arbitration at the Singapore International Arbitration Centre, after a hearing of 105 days. He conducted the two ship collision trials to go to Court in Singapore in the last 40 years, involving the vessels "Ming Galaxy" / "Hercei Novi" and "Tai He"/Nordic Explorer. As a Director of the Singapore Maritime Foundation, Dato' Benny led a Working Group that established the Singapore Chamber of Maritime Arbitration in 2004.

Dr Irwin Ooi | Lecturer in Law
MARA UNIVERSITY OF TECHNOLOGY

After almost a decade as a postgraduate researcher and member of the teaching faculty at the Department of Maritime Studies and International Transport, at the University of Wales, Cardiff, Dr. Irwin Ooi returned to Malaysia and joined the Faculty of Law, MARA University of Technology, Shah Alam. He currently teaches Carriage of Goods by Sea and Marine Insurance on the LL.M programme, and contributes to Opinion Writing and Multimodal Transport Law classes for law undergraduates. He also finds the time to coach the faculty's Jessup and International Maritime Law Arbitration Moot teams for competitions around the world.

Dr. Ooi also has numerous links to legal fraternity. He is a facilitator for Legal Research courses at the Judicial Training Institute of Malaysia (ILKAP) and has contributed to the Kuala Lumpur Bar Council Continuing Legal Education programme. In the shipping community, Dr. Ooi is recognised for his consultancy work with law firms both locally and internationally, in addition to research institutions such as the Malaysia Institute of Transport (MiTRANS). He is frequently invited to speak at conferences and seminars, and thus keeps a busy schedule presenting papers in Malaysia and overseas. Dr. Ooi is also a vetter and examiner for the Law of Business and Carriage paper for the Professional Qualifying Examinations (PQE) of the Chartered Institute of Logistics and Transport (CILT).

Tan Hui Tsing | Partner
JOSEPH TAN JUDE BENNY

Hui Tsing graduated from University of Bristol in 1994, and completed the Bar Finals in London, Middle Temple in 1995. She worked for a year at the then Registry of Companies & Businesses (now the Accounting and Corporate Regulatory Authority) as Assistant Registrar, before doing her pupillage at M/s Gurbani & Co. Hui Tsing was called to the Singapore Bar in 1997, and joined JTJB in 1998. She spent a sabbatical year at Southampton (September 2003 to 2004) where she earned her Masters in Maritime Law.

Hui Tsing's maritime practice straddles both contentious and non-contentious shipping work. Her portfolio of contentious shipping work includes admiralty enforcement, litigation of cargo claims, contracts of affreightment, marine insurance, and P&I matters. On the non-contentious front, Hui Tsing handles the firm's ship finance, ship sales and purchases, registration and change of flag matters. Hui Tsing also manages the firm's Bangkok office.

Danny Chua | Senior Partner
JOSEPH TAN JUDE BENNY

Upon being called to the English Bar at Gray's Inn, Danny Chua returned to Singapore where he commenced practice with Messrs Godwin & Co (then the leading Shipping & Maritime law firm in Singapore) before joining Messrs Khattar Wong & Partners in 1989 where he was a partner and Head of the Shipping Department. He joined Messrs Joseph Tan Jude Benny in September 1999 and now heads its shipping & General Litigation

department. Since 2002, Danny has been a Senior Partner of the firm.

Danny specialises in Shipping & Admiralty law and the areas of work include disputes on bills of lading, charterparties, marine insurance and maritime frauds as well as collisions-at-sea, sinking, fire, salvage, explosions; and bunker disputes and contamination of liquid cargo.

Danny was named by Chambers Global Directory 2000 and 2001 Editions as one of the "Leaders in their Field" of Shipping Law and was also listed in the Euromoney Legal Group Guide to the World's Leading Shipping & Maritime Lawyers. Danny is also elected to the International Bunker Industry Association (Asia) Executive Committee.

Jeremy Joseph | Managing Partner
JOSEPH & PARTNERS
Malaysia

Jeremy has a master degree in Maritime Law from the University of Southampton, England. He was also awarded the British High Commissioner's Chevening Scholarship for academic excellence.

Jeremy began his carrier in 1994 as a claims handler in an insurance broking firm in Kuala Lumpur. In 1998 he joined Holman Fenwick & Willan, an international shipping law firm as a legal assistant in their Singapore office, where he specialised in shipping, insurance and commercial litigation for several years. In 2002, Jeremy joined Joseph Tan Jude Benny and set up their Malaysian associated office – Joseph & Partners.

His legal practice includes all aspects of maritime and insurance cases. His academic contributions include many articles published in the Butterworths Malaysian Law Journal. He was also the author of the Marine Insurance volume on the Malaysian Encyclopedia of Forms and Precedents published by Butterworths and co-author of the shipping, Insurance and Carriers volumes of Halbury's Laws of Malaysia.

Daryll Ng | Partner
JOSEPH TAN JUDE BENNY

Daryll graduated from the University of Nottingham in 1995 and completed the Bar Finals exam in London in 1996, as a member of the Middle Temple.

Daryll was called to the Singapore Bar in 1997 and has, from his first day of practice, been heavily involved in shipping and general commercial litigation. Parties that he has acted for include owners, clubs, charterers and cargo interests. On the contentious side of his practice, he has advised on charterparty disputes, cargo claims, laytime and demurrage claims and collisions. His non-contentious work has included advice on charterparties, manning agreements and sale and purchase agreements.

Gerald Yee | Partner
JOSEPH TAN JUDE BENNY

Gerald Yee was called to the Singapore Bar in 1997. He was also admitted as a Solicitors of England and Wales. He began his practice at the shipping firm of Ang & Partners, working under the auspices of the now Justice Belinda Ang. Gerald joined Joseph Tan Jude Benny in 2001, and has been a Partner of the firm since 2003.

Gerald is an experienced advocate. He has litigated a large portfolio of major shipping cases, involving collisions, salvage claim, insurance claims, carriage of goods by sea and cargo claims. Gerald's daring and dedicated approach to the law has made many of these landmark cases in Singapore.

Chris Hall | Vice President
SKULD, Singapore

Chris Hall is the Vice President and Head of the Skuld Singapore Representative Office. Chris has a Bachelor's degree in Political Science and Asian Studies from the University of Michigan and a law degree from Tulane University in New Orleans.

He was an attorney at a maritime law firm in New York City for several years before moving to Hong Kong, where he worked a Claims Executive/Senior Lawyer at the Skuld Hong Kong office for eight years. He started the Skuld Singapore Representative Office in September 2006. He has handled all kinds of P&I and FD&D claims.

