

SIA Event:

Challenges to the temporary finality of the Architect's Certificate under Clause 31(13) of the SIA Articles and Conditions of Building Contract in Summary Judgment Applications. How an Architect's Interim Certificate may be tainted by fraud of the Architect

Clause 31(13) of the SIA Articles and Conditions of Main Contract grants temporary finality to the Architect's Certificate in the absence of fraud, improper pressure or interference by a party to the Contract. Two recent cases before the Court of Appeal (Chin Ivan v H P Construction & Engineering Pte Ltd [2015] SGCA 14 and Ser Kim Koi v GTMS Construction Pte Ltd [2016] SGCA 7) bring to focus the importance of the Architect's independence and impartiality as a certifier and examine what constitutes fraud on the part of the Architect when his certificates are challenged in a Summary Judgment application.

In both these cases, the Court of Appeal dismissed the Contractor's application for Summary Judgment founded on the Architect's interim certificates on the ground that they were tainted by "fraud, improper pressure or interference".

In this seminar, Mr Raymond Chan will speak on the CA's decisions on what constitutes "fraud, improper pressure and interference" under Clause 31(13) and the effect on an interim certificate when part of it is tainted by fraud. Mr Johnny Tan will then speak from an architect's perspective the Architect's duties when certifying and how the Architect can safeguard his certificates against attacks on grounds of "fraud, improper pressure and interference".

EVENT DETAILS

Date	: 14 October 2016, Friday
Time	: 2.00pm - 5.00pm (Registration will start from 1.30pm onwards with light refreshment)
Venue	: Singapore Institute of Architects SIA Theatrette - Level 3 79B Neil Road (S) 088904
BOA-SIA CPD	: 5 CPD points
Seminar fees	: SIA Members (\$70.00), Non Members (\$140.00) (fees inclusive of GST)
Closing date	: 07 October 2016

PROGRAMME SCHEDULE

1.30pm	Registration with Light Refreshment
2.00pm	Presentation by Mr Johnny Tan & Mr Raymond Chan
4.30pm	Q & A
5.00pm	End of event

For more information, please contact SIA (**Ms Jacey Tay**):

Tel: (65) 6226 2668

Fax: (65) 6226 2663

Email: cpd@sia.org.sg

Organized by:



CPD PROGRAMME: 2016/084/MS/JT

GST REG. NO.: M9-0001281-J
G.N. No. 565 in Gazette No. 27

Challenges to the temporary finality of the Architect's Certificate under Clause 31(13) of the SIA Articles and Conditions of Building Contract in Summary Judgment Applications. How an Architect's Interim Certificate may be tainted by fraud of the Architect



**Johnny Tan Cheng Hye, BBM
Independent Arbitrator
B.Arch, Graduate Certificate in Int'l Arbitration
FSIA, FSI Arb, FCI Arb, FSMC, MSID.**

A founding partner of LT&T Architects where he practised for almost 30 years, Johnny practises now as an independent arbitrator. He is a Past President of the Singapore Institute of Arbitrators (SI Arb), having served two terms as President from 2007 to 2011.

Johnny is a member of the panel of arbitrators of several international arbitral institutions. He is also a member of the Advisory Council to the National Commercial Arbitration Centre, Cambodia.

He is also a Principal Mediator with the Singapore Mediation Centre (SMC) and the China Council for the Promotion of International Trade/China Chamber of International Commerce (CCPIT/CCOIC Mediation Centre).

An accredited adjudicator with the Singapore Mediation Centre (SMC), Johnny also sits on the Construction Adjudicator Accreditation Committee (CAAC).

Johnny has held various positions in the Singapore Institute of Architects (SIA) and served as its Vice-President from 1998 to 2000. He has been extensively involved in the drafting of the SIA Standard Conditions of Contract (5th to 9th Edition), including making it SOPA compliant.

Johnny has been appointed as arbitrator in both institutional and ad hoc arbitration cases in Singapore, Brunei and Dubai. He has also been appointed as adjudicator as well as review adjudicator in several adjudication applications.

In addition to an active practice in architecture and ADR, Johnny also sits on the Board of Governors of Singapore Polytechnic and chairs the School of Architecture and the Built Environment Advisory Committee and the Admin and Development Committee. He is Chairman of the SP International Board.

Besides being a frequent speaker on construction and dispute resolution at both local and international conferences and seminars, Johnny conducts specialised training in these areas for government agencies, professional associations and the private sector both in Singapore and overseas.

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Raymond Chan
Partner,
Chan Neo LLP

Raymond Chan is a Partner of Chan Neo LLP, and has practiced in the area of Building and Construction Law for over 30 years. He was the Past President of the Singapore Institute of Arbitrators and is a Fellow of the Singapore Institute of Arbitrators and the Chartered Institute of Arbitrators.

He has been appointed as an Arbitrator in numerous local and international Arbitrations. He is also an Accredited Adjudicator with the Singapore Mediation Centre

He is the Honorary Legal Advisor to the Singapore Real Estate Developers Association ("REDAS"), the Singapore Institute of Architects ("SIA") and the Singapore Institute of Surveyors and Valuers ("SISV").

He acts regularly for property developers, contractors and design consultants and has represented them as Counsel in the High Court as well as in domestic and international arbitrations.

He drafted the SIA Arbitration Rules and the Arbitration Rules of the National Energy Market of Singapore. He was involved in the drafting of the Singapore Institute of Architects Conditions of Main Contract, the SIA Conditions of Sub Contract, the REDAS Design & Build Conditions of Contract and the REDAS Design & Build Conditions of Sub-Contract.

He co-authored the textbooks *Construction Law in Singapore and Malaysia (2nd Edition)* and *The Singapore Standard Form of Building Contract – An annotation* both published by Butterworths.

Raymond is listed in the 2009-2016 Editions of the International WHO'S WHO of Construction Lawyers as a Leading Construction Lawyer in Singapore.

Application Form

EVENT DETAIL

GST REG. NO.: M9-0001281-J
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Time : 2.00PM - 5.00PM (Registration will start from 1.30pm onwards with light refreshment)

Venue : Singapore Institute of Architects, SIA Theatre - Level 3 (79 Neil Road, Singapore 088904)

BOA-SIA CPD : 5 CPD points

Seminar fee : \$70.00 (SIA Members), \$140.00 (Non Members) – fees inclusive of GST

Closing date : 7 October 2016

[PRA]

Please fax / email the completed registration form to Ms Jacey Tay:

Tel: (65) 6226 2668

Fax: (65) 6226 2663

Email: cpd@sia.org.sg

And follow up with cheque / cash / online payment to Singapore Institute of Architects.

Please tick your mode of payment:

[] Cheque

Bank/Chq # : _____ Amt S\$: _____

Local Cheque (must be drawn in Singapore) should be crossed and made payable to "Singapore Institute of Architects".

Mail to SIA address:

Singapore Institute of Architects

79B Neil Road, Singapore 088904

Please indicate your name, company/institution and course date/title on the back of the cheque.

[] Cash

You can drop by SIA office to make cash payment between 9.30am – 5.30pm on weekdays.

[] Online Payment

<http://members.sia.org.sg/payment/sia-20161014.html>

(It is mandatory to provide us with your Receipt ID # after your credit card payment transaction)

Receipt ID #: - - -

Participant's Detail

Organization: _____ Contact Person (if any): _____

Tel: _____ Fax: _____ Email: _____

Receipt Mailing Address: _____

S ()

Full Name of Participant

NRIC / FIN

Email

Amt

(as per NRIC/FIN, pls underline surname)

1				
	HP #:	<input type="checkbox"/> SIA Member, SIA #: []	<input type="checkbox"/> Non Member, BOA # (if any): []	
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3				
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4				
	HP #:	<input type="checkbox"/> SIA Member, SIA #: []	<input type="checkbox"/> Non Member, BOA # (if any): []	
				Total:

**Please take note that all the above fields are mandatory. Incomplete form will not be process.

Cheque payment for this activity should not be combined with payment for other SIA events/courses.

Fees paid are non-refundable under all circumstances. Replacement of participant will be allowed only if written notification is made at least 3 days before the event.

Where a Non-Member replaces a Member (must be from the same Org.) the fee difference will have to be made good to SIA prior to the event.

Registration will be on a First-Come-First-Served basis and will be accepted upon receipt of registration form and payment to SIA. Registration by fax will only be confirmed upon receipt of payment.

Registration Confirmation No.:-

