

SCMA TEA TALK

Consequential Loss Exclusions – navigating the minefield
By Lionel Persey QC, Quadrant Chambers

TEA TALK, 16 SEP 2014

DATE:

16 September 2014, Tuesday

TIMING:

3.00pm to 5.00pm

VENUE:

168 Robinson Road

Capital Tower Level 9, FTSE Room

FEE:

SCMA Individual Member: **FREE**

SCMA Corporate Member: **FREE (only 2**
representatives from the firm)

Non Members, Guests and any corporate
member in excess of 2 : **S\$30.00**

REGISTRATION:

Kindly email the completed registration form to

Ms Tammy Tan by **10 September 2014** at

tammy@scma.org.sg



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For further information, please log on to our website

www.scma.org.sg

PROGRAMME

SCMA is pleased to present the above as part of its continuing education series for members. The presentation will be conducted by Mr. Lionel Persey QC. Lionel is an independent barrister and arbitrator practicing from Quadrant Chambers in London. He was called to the Bar in 1981 and was appointed Queen's Counsel in 1997. Lionel is a former joint-head of Quadrant Chambers, a Deputy High Court Judge, a Recorder of the Crown Court; a Lloyd's Arbitrator and has chaired two UK marine public inquiries.

Programme	Time
Registration	2.30pm
Opening by Lee Wai Pong, Executive Director of SCMA	3.00pm
Speech by Lionel Persey QC, Quadrant Chambers	3.05pm
Q & A Session moderated by Toh Kian Sing SC, Rajah & Tann LLP	3.45pm – 4.00pm
Tea Break / Networking	4.00pm – 5.00pm
End of Programme	5.00pm

PROGRAMME SYNOPSIS

Many maritime, offshore and other commercial contracts contain clauses that exclude or purport to exclude “consequential losses”. How effective are such clauses to exclude those losses which businessmen would consider to be consequential (such as loss of profits, loss of business opportunities, and loss of production) and do these clauses achieve what they set out to achieve?

Differing views have been expressed in the cases and it may be thought that the approach of some English judges has not always marched hand in hand with the reasonable expectation of commercial men.

In this talk Lionel Persey QC will:-

- Discuss what is meant by “consequential loss”, and identify what is and what is not included within the accepted definitions of consequential loss;
- Review the “consequential loss” clauses considered in the cases in order to illustrate and critique the divergent approaches that have been taken by English judges on the topic;
- Offer practical advice as to how to construe consequential loss clauses in light of the case law;
- Offer practical advice as to how to draft such clauses in order to ensure that they do in fact exclude the losses which they are intended to exclude.

Lionel Persey QC



ABOUT THE SPEAKER

Lionel Persey QC is an independent barrister and arbitrator practising from Quadrant Chambers in London. He was called to the Bar in 1981 and was appointed Queen's Counsel in 1997. Lionel is a former joint-head of Quadrant Chambers, a Deputy High Court Judge, a Recorder of the Crown Court, a Lloyd's Arbitrator and has chaired two UK marine public inquiries.

Lionel has been repeatedly top-ranked for his expertise in Shipping / Commodities, and highly recommended as a leading practitioner in International Arbitration and Energy / Natural Resources by the legal directories Chambers & Partners and The Legal 500.

His practice covers every aspect of maritime law, including time charters, voyage charters, bills of lading, contracts of affreightment, ship and crew management, ship sale and purchase disputes, collision, salvage, casualty work and marine pollution. He has acted as counsel, or been appointed as arbitrator, in numerous shipbuilding disputes in the last 3 years, involving a wide array of vessels: bulk carriers, tankers of all sizes, container vessels, product tankers, LPG and LNG carriers, passenger vessels, heavylift vessels, offshore support/supply vessels and superyachts.

Lionel also specialises in every aspect of oil and gas law, with a particular emphasis on upstream matters, as well as dealing with complex construction / engineering and technical disputes. He has considerable experience with drilling rigs, production rigs, FPSOs, tankers, and pipelines.

Since the mid-1990s Lionel has been appointed as arbitrator (sole, party-appointed and as chair) in over 200 arbitration references including LCIA, ICC, LMAA, UNCITRAL, SMCA, SIAC, AAA and Lloyd's. He has recently been appointed as a KLRCA panellist.

Further details of Lionel's expertise are available on the Quadrant Chambers website at:-

www.quadrantchambers.com/people/lionel_persey_qc

Contact information:

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Toh Kian Sing SC



ABOUT THE MODERATOR

Toh Kian Sing is a Senior Partner and Head of the Admiralty and Shipping Practice Group of Rajah & Tann LLP (which has the largest shipping practice in Singapore).

He obtained his law degrees from the National University of Singapore and the University of Oxford and was appointed Senior Counsel in 2007. Author of the book, *Admiralty Law and Practice* (now into its second edition), he handles a variety of contentious shipping work, including charter party, bills of lading, ship sale and shipbuilding disputes.

He has acted as counsel in numerous commodity cases and has in the process developed keen industry knowledge in oil, coal and iron ore trading.

Kian Sing also regularly accepts appointment as arbitrator in charter party, shipbuilding commodity and joint venture disputes. Proficient in Chinese, he is also a Visiting Professor at the Dalian Maritime University, having previously lectured at the Law Faculty of the National University of Singapore.



Registration Form

Singapore Chamber of Maritime Arbitration Tea Talk

Consequential Loss Exclusions – *navigating the minefield*

Tuesday 16 September 2014

168 Robinson Road

Capital Tower Level 9, FTSE Room

3.00pm to 5.00pm

I would like to attend the tea talk:

Name: _____ Dr Mr Miss Ms Prof Others (___)

Organization: _____

Designation: _____ Email: _____

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Payment Mode

I(we) enclose a Cheque No. _____ of \$ _____ to be made payable to Singapore Chamber of Maritime Arbitration and kindly mail to:

32 Maxwell Road
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Attn: Ms Tammy Tan

Note: A no-show of \$30.00 is chargeable for member who has signed up for free failing which to turn up on the event day.

For Free Corporate Member, substitute is allowed only if we have been notified 3 working days in advance before the event.

For enquiries, please email or call us at Tel: 6324 0552.