

**Paul T. Aston**

**Lawyer, Mediator, Arbitrator**

**Based permanently in Singapore with a base in London**



**CONTACT:**

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**Experience:**

**Introduction**

Paul acts for clients in the maritime, offshore and commodity sectors (mainly coal, iron, steel, oil and gas and Agri products -FOSFA/GAFTA). He specialises in all aspects of shipping, transport, insurance (both marine and non-marine), upstream and downstream oil and gas transactions, ship building and repair disputes, advising shipyards, and buyers on contracts for the construction of various offshore structures, (rigs/FPSO). He has particular expertise in relation to long and short-term contracts for the supply, transportation, sale and purchase, and storage of petroleum products and LNG and other commodity projects. He advises on commercial transactions and shipping projects.

Paul spent his whole career until recently (April 2022) with the internationally renowned trade and maritime law firm HFW. He has worked in their London, Shanghai, Hong Kong and Singapore offices, the latter of which he founded.

He has substantial experience in acting for parties in international arbitration and mediation in many jurisdictions.

He is an accredited CEDR Mediator, has been appointed by the Singapore Mediation Centre as one of their associate mediators, is a Fellow of CIArb, and was for four years a board member of the Singapore Chamber of Maritime Arbitration. Paul is also a panel arbitrator of SCMA and CMAC [China Maritime Arbitration Commission].

Paul is qualified as a solicitor of the High Court of England and Wales, the Court of Hong Kong and is a registered practicing foreign lawyer in Singapore. Paul has been granted Higher Rights of Audience (HRA Civil) before the English High Court in 2018.

In addition, Paul has been invited to sit on a committee to consider a transportation law for the new Astana International Finance Centre in Kazakhstan (AIFC). Paul also has unlimited rights of audience before the AIFC.

### What Paul does best

- Recognised ability to handle complex legal, factual, and technical issues in court and other dispute resolution, working very well with a range of experts.
- Deep sector knowledge gained from significant years' experience across different jurisdictions, particularly in Asia.
- Recognised as being an excellent team leader and strategist. He does not sit on the fence and has the ability to reassure clients that they are in safe hands.
- Very wide practice base covering various sectors. Paul has successfully handled several substantial arbitrations involving offshore construction, ship building, coal mining and resources development as well as a host of trade/commodity transactions.
- Recognised expertise in shipbuilding, ship repair and offshore construction and projects.
- Considered a trusted adviser to senior client leadership and sophisticated in-house counsel which helps form a successful team.

### Paul's standout work

- Paul's work on ground-breaking cases includes successfully representing buyers of vessels built in a major shipbuilding country and proved that the design of vessels suffered from major design defect. The issues were complex concerning propulsion and computational fluid dynamics. The Tribunal held that approval by Class of design was not a comprehensive code.
- He was co-leader of a team that successfully represented a major coal mining concern in a periodic price review of mining operations who were in dispute with their mining contractor, with the disputed amount in excess of US\$500m. This required Paul's detailed knowledge of all aspects of open cast coal mining, plant and equipment and costs.
- Paul successfully represented two internationally renowned hotel groups to recover losses from their insurers caused by the 2005 Asian tsunami. A key issue was whether the loss claimed was 'loss of attraction', not covered in the policy, or 'business interruption', which was covered.
- He acted for a successful party in a recent English High Court judgment, where duties between confirming and issuing banks under an LC and the confirming bank's obligation in respect of payment and honouring were clarified.
- Acting for the successful party in the leading authority of whether a lien on sub freights is permissible.
- Whether failure to supply Russian oil a Force Majeure event.
- Proper construction of 'take and pay' clauses under LNG contracts.
- Recent High Court and arbitration decisions on the construction of parent company guarantees and whether they were on demand' or 'secondary' obligations.

- Drafting of complex construction contracts for Flotels, semi-submersible rigs, and other complex offshore structures.
- Numerous arbitral decisions on application of liquidated damages.
- Numerous disputes concerning demurrage and specifically time bar clauses in demurrage cases.
- Recently acting for a buyer in a FOSFA contract where it was proven that notice of arbitration was commenced against the incorrect party.

### What the market says about Paul

- *"Singapore-based Paul Aston has experience working in both Shanghai and Hong Kong and continues to advise on China-related matters. He offers considerable expertise on maritime and offshore mandates and is particularly adept at assisting with shipbuilding disputes."* (Chambers Asia Pacific Guide 2019, Singapore – Shipping and Foreign Expertise in China)
- *"Paul Aston is well recognised for his wealth of experience in acting on contentious shipping work. With previous experience practising in Hong Kong and Shanghai, he is well placed to advise on shipping and offshore matters in China. In particular, he excels in handling disputes related to shipbuilding."* (Chambers Asia Pacific Guide 2019, China – Expertise Based Abroad)
- *"The team has extensive experience of SIAC proceedings, including shipbuilding disputes and offshore energy-related arbitrations. Paul Aston is an experienced hand in international arbitrations,"* (Legal 500 Asia Pacific Guide 2019, Singapore – International Arbitration)
- *"Provides a roadmap of any dispute and understands complex technical issues'* (Legal 500 Asia-Pacific Guide 2018, Singapore – Energy)
- *Paul has the 'ability to see issues and provide roadmaps for resolution' and has a 'commitment and ability to understand and deal with complex technical issues and work with experts'.* (Legal 500 Asia-Pacific Guide 2018, Singapore – International Arbitration)
- *Heads a "leading team for shipbuilding disputes, appearing regularly as arbitration counsel before SIAC. Also acts on a range of other contentious maritime matters, and has a growing focus on commodities and mining disputes. Works together with colleagues in Hong Kong and Sydney, as well as throughout Europe."* (Chambers Asia Pacific Guide 2019, Singapore – Dispute Resolution: Arbitration)

### Experience list

Paul's work includes advising:

#### Shipbuilding and ship repair

- Major Singapore shipyard - matter involving passenger vessel capsizing in a floating dock.
- Major Singapore shipyard - case involving death of crew member as a result of burst chemical pipe; successfully defending the yard.
- Shipyard - when LPG vessel exploded whilst in dry dock in a Philippine yard resulting in death of 5 yard workers and CTL of vessel.
- Major Singapore yard - where heavy lift vessel buckled and twisted when undocking in Philippine yard.
- Buyers - of four Panamax vessel who refused delivery due to design defects.
- Korean Shipyard - when fire occurred in a new building resulting in CTL.

- Philippine Yard - two matters when passenger ferry caught fire in drydock and severely damaged.
- Dealing with contracts for numerous new buildings of FPSO, OSV, jack up and semi-submersible rigs, pipelaying, and heavy lift vessels.
- Handling extensive renovation and remedial works on offshore units such as FPSO and FSOs.
- Handling dispute involving 12 vessels at Greenfield Indian Yard for Yard in dispute with buyers.
- Four major arbitrations involving technical issues and defects with Panamax vessels built in China.
- Disputes in relation to parent company guarantees and whether they are on demand or not. Acting in arbitration for the successful guarantor of a buyer of two new build vessels.

### Offshore Construction/ Projects

- **Buyers** - of two new deep-sea flotels built in China on disputes concerning delays and defects involving detailed negotiations.
- **Major Australian oil and gas company** - on disputes with heavy lift operators and towage contracts;
- **Major oil and gas company** - construction of deep sea semi-submersible rig, with tender assist, pipelaying and other services.
- **Buyers** - of jack up and semi-submersible rigs and their utilisation offshore.
- Acting on long term charters of offshore units.
- **PRC state oil company** - on installation of gas FSU in Indonesian field.
- **PRC state oil company** - build operate and transfer contract for a logistical supply depot for LNG and gas services in an Asian port.
- **PRC company** - pooling agreement for then world's largest heavy lift vessel.
- Negotiating numerous contracts for utilisation of FPSOs in numerous fields in Asia, Africa, and South America.
- Drafting construction contracts for build of deep-sea flotels.
- Various shipping, infrastructure, and mining projects.
- On a retainer for one of the leading major oil companies in relation to trading and shipping matters. Currently handling inter-alia a repudiatory breach of a long-term LPG supply contract and the amount in dispute is in excess of US\$200m.

### Oil and Gas

- Numerous long term project LNG Charters.
- Offtake agreements.
- New Build LNG Vessels.
- **PRC state oil company** - on installation of gas FSU in Indonesian field.
- **PRC state oil company** - build operate and transfer contract for a logistical supply depot for LNG and gas services in an Asian port.

- Numerous trading disputes (contamination, nomination, quality, contractual terms) for oil traders and operators.
- Disputes relating to long terms supply agreements.

#### Arbitration and Mediation

- Numerous arbitration pursuant to various arbitral bodies, SIAC, HKIAC, LIAC, ICC and trade arbitration bodies such as LMAA, SCMA, GAFTA, FOSFA.
- Arbitrations have included shipbuilding and repair contracts, oil trading, coal supply and mining agreements, pricing reviews, force majeure, biomass and construction projects.
- Numerous disputes in relation to iron ore trading and also acting for major trader on pre finance agreements.
- Acting in the English High Court for Singapore-based bank in dispute with a confirming bank based in London concerning rejection of LCs, and also issues relating to fraud.
- Involved in two major High Court cases in respect of demands made under Parent Company Guarantees; whether they were autonomous or orthodox guarantees.
- Defending a claim for liquidated damages and concurrent causes as well as demand on bank guarantees in construction of offshore oil storage tanks.
- Counsel for Indian Oil client in dispute with Indonesian oil company over early termination of utilisation contract for a drilling rig. Case is conducted in Jakarta under the Rules of BANI.

#### Fosfa and Gafta

- Acting for PRC importer of sunflower oil in circumstances where the CFR Seller alleged a force majeure event because of the Russian invasion of Ukraine in February 2022. Issues concern whether incident prevented performance, and market availability and insurance coverage issues. Contamination of Soybean cargo from Brazil to China, overheating, moisture content issues, inherent vice and demurrage.
- Dispute with Seller concerning delays arising out of late provision of GMO certificates.
- Acting for substantial PRC buyer importer of Brazilian Soybean where 4 separate cargoes experienced varying degrees of deterioration due to long delays in discharge port. Reasons for delays were different and included late payment and or establishment of LC and failures of seller to provide correct documentation (GMO certificate).
- Presented at training seminar in London and Singapore for Fosfa and also Gafta members.
- Presented internal training seminars on several occasions to clients in UK Singapore, Indonesia, Thailand, Vietnam, Japan, India and PRC on trading and legal issues arising out of Gafta and Fosfa contracts.

#### Oil Cargoes Generally

- Additionally, I have been involved in cases concerning edible oils and foodstuffs which concern the following issues;
  - validity of NOR;
  - disputes concerning conclusively of the load port certificate of quality and appropriate test methods,
  - disputes relating to integrity of samples and analysis.

- Laytime and demurrage.
- Outbreak of war and hostilities (Iran, Venezuela and Ukraine).
- Outbreak of spontaneous combustion to soybean and fishmeal cargoes resulting in damage to cargo and vessel giving rise to dangerous cargo claims and indemnity claims in damages for detention and demurrage.
- Contaminations caused by unstable catalysts or inappropriate refining.
- Explosion and fires caused by dangerous cargoes, General average and salvage arising therefrom.
- Prohibition and imposition of quotas.
- Applicability of time bars and applications for relief and or extension.
- Proper commercial construction of additional and often inconsistent clauses in trading and other commercial contracts.
- Assessment of damages in particular whether a market exists.
- Unsafe port claims.
- Total loss of cargo and vessel.
- Constructive total loss of vessel giving rise to issues of whether the charter party and bill of lading have been frustrated. Additionally advising clients on General Average provision of security and Non-Separation Agreements.
- Advising on cover on marine insurance cargo claims ICC and H&M IHC

#### Insurance

- Property damage and business interruption claims arising out of catastrophic weather events and damage to terminals/ hotels.
- Latent defects and crack enlargement to turbines and other heavy plant equipment.
- BAR and CAR insurance issues arising out of ship and other construction projects.
- Coverage issues arising out of failing mine wall due to liquefaction.
- SRL coverage in relation to ship repair liabilities arising out of several explosions, fires and damage during repair/conversion contracts in ship repair yards in Singapore, Philippines and China.
- Coverage issues in relation to construction of risers and clamps on offshore platforms, as well as subsea pipeline damage.
- Defects to policy wording and preparation of Slips.
- Brokers agency and negligence disputes.
- D&O and E&O claims.
- Numerous Salvage and GA claims and advice to insurers and insured.
- Advice on coverage issues, co insured, extensions, causation and concurrency, avoidance and limitation, exceptions.

#### Publications

- Textbook. 'Oil and Gas Trading, A practical Guide'; Global Law and Business, '2016. Chapters ' Bills of Lading' and 'Main features for the trading of crude oil and refined products'.

- For 5 years produced the Chapter on Arbitration Law in Singapore for the ICLG publication (International Comparative Law Guide).
- Numerous HFW Client briefings on international arbitration, and other topics such as
  - The pitfalls of BANI arbitration in Indonesia.
  - When is guarantee on demand and when is it not on demand?
  - The this of the International Commercial Courts and what it means for arbitration.
- Presentations at numerous conferences a small selection being:
  - 2014/5 World FPSO Conference in Singapore [FPSO construction/utilisation and operational issues]
  - 'The Users are the Abusers and the implication of the rise of the International Commercial Courts for International Arbitration'. AIFC Law Conference Kazakhstan 2018.
  - 2009 Sea Asia panellist and presenter on LNG issues.
  - 2012 Sea Asia 'Tensions in S.E. Asian Sea due and deep-sea drilling'.
  - 2013 Financial Times Conference; panellist on energy and trade issues.
  - SIAC Conference: Merits of Proper Mediation.
  - Asa Pacific Bar Association 2018 Belt and Road development.
  - Several presentations to SCMA including moderator on digitalisation and decarbonisation in 2022.
  - Presentations to the universities and maritime institutions on maritime and world trade issues.
- Numerous in-house presentation of clients or as part of HFW seminars over several decades on various topics in the maritime, trading construction, banking and insurances areas.

## Qualifications

1981 to present:	Solicitor of the Supreme Court of England and Wales
1988 to present:	Solicitor of the Court of Hong Kong
For over 23 years:	Certified Foreign Lawyer Singapore
2012 to present:	Associate Mediator Singapore Mediation Centre; SMC.
2014	Diploma in International Arbitration; CIArb (Chartered Institute of Arbitrators)
2014 to present:	FCIArb; (Fellow of the Chartered Institute of Arbitrators)
2014 to 2018:	Board Member SCMA
2017 to present:	SCMA Panel Arbitrator.

2018 to present: CMAC panel arbitrator.

2017 to present: Admitted to the Astana International Commercial Court [AICC]

2018 to present: Higher Rights of Audience; (HRA – Civil) English Courts

2021 to present: Accredited Mediator, CEDR [Centre for International Effective Dispute Resolution]

### Career / Previous Positions

2021 to 2022 (March)	Full Time Consultant HFW	Singapore
2011 to 2021 (March)	Partner, HFW	Singapore
2011 to 20014	Partner, Office Head HFW	Singapore
2008 to 2011	Partner Head of Office	Shanghai
2005 to 2008	Partner HFW	Singapore
2000 to 2005	Partner HFW	London
1991 to 2000	Founding Partner and Head of Office HFW	Singapore
1988 to 1990	Partner HFW	Hong Kong
1987 to 1990	Partner HFW	London
1981 to 1986	Associate HFW	London