



THE INSTITUTION OF ENGINEERS, MALAYSIA

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TALK ON “LIQUIDATED DAMAGES UNDER CONSTRUCTION CONTRACTS”

(Organised by the Subcommittee on Dispute Avoidance and Resolution Practice, IEM)

Date : 9 December 2016 (Friday)
Time : 5.30 pm to 7.30 pm (*Refreshment will be served at 5.00 pm*)
Venue : C&S and TUS Lecture Room, 2nd Floor, Wisma IEM, Petaling Jaya
Speaker: Ir. Leon Weng Seng

BEM Approved
CPD/PDP: 2 Hours
Ref No: IEM16/HQ/518/T

SYNOPSIS

Are ‘Liquidated and Ascertained Damages’ (“LAD”) and Liquidated Damages (“LD”) the same? Do LD and penalty exist in Malaysia construction contract? Must Employer prove what loss he had suffered before he can deduct LD? How do we interpret Selvakumar’s case with respect to S75 Contracts Act 1950? Can S75CA1950 be contracted out and how? How can the imposition of LD be challenged? What is the latest English judicial decision on LD?

These are amongst some of the questions begging answers in this evening talk.

BIODATA OF SPEAKER

Ir. Leon Weng Seng graduated with Bachelor degree in Civil Engineering in 1980 and went on to obtain an honours degree in law with the University of London and a postgraduate Diploma in Arbitration with the University of Reading. He is a corporate member of The IEM and a registered professional engineer and is an advocate and solicitor of the High Court of Malaya (non-practising).



Ir. Leon is the principal of a civil and structural engineering consultancy firm. He has vast experiences in the administration of construction contracts including giving advice on contractual, mediation, adjudication and arbitration matters. His other areas of particular interest are forensic engineering and investigation of collapsed structures and slopes, and assessment of fire damaged structures. He acts as expert witness in courts and arbitration.

Ir. Leon is also a CIDB accredited mediator, Fellow and a Chartered Arbitrator of The Chartered Institute of Arbitrators in London and an Adjudicator of KLRCA. He is a committee member of the Subcommittee on Dispute Avoidance and Resolution Practice of the IEM and the past Chairman (2008–2010) of the Chartered Institute Arbitrators (CI Arb) Malaysia Branch. He is sitting as arbitrator in various on-going arbitrations.

Ir. Dr. Ooi Teik Aun

Chairman, Subcommittee on Dispute Avoidance and Resolution Practice, PPC, IEM

ANNOUNCEMENT TO NOTE

- Preferential admission to talk shall be accorded to IEM members (pre-registration and online registration are NOT required). Telephone and/or fax reservation will NOT be entertained.
- Non members may also attend the talk but will need to pay a registration fee of RM50 and an administrative fee of RM15. GST is inclusive.
- For members of affiliated organisations, there will be no registration fee payable. However, they are requested to produce their membership card as proof of membership. For the list of affiliated organisations, please refer to IEM website at www.myiem.org.my under International/MoU.
- Limited seats are available on a "first come first served" basis (maximum 100 participants).
- IEM members are required to produce membership cards for confirmation of attendance (CPD purpose).
- Latecomers will not be allowed to enter if the lecture hall is full nor be entitled to CPD.
- IEM members who fail to produce their membership cards will be charged a fee of RM25.00. GST is inclusive.

ADMINISTRATIVE FEE

- Kindly be informed that an administrative fee of **RM15** is payable for talks organized by IEM. GST is inclusive.
- The fee would be used to cover overhead costs, building maintenance expenses as well as contribute to Wisma IEM Building Fund.
- All contributions will be deeply appreciated by IEM.
- Student Members are however exempted.

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CPD HOURS CONFIRMATION

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