

## WEBINAR

# “The Inter-Play of *Force Majeure* Clause and the doctrine of Frustration in the face of the Covid-19 Pandemic”

Friday | 29 May 2020 | 11.00 a.m. – 12.00 p.m.

AD HOC COMMITTEE ON COVID 19

## SYNOPSIS

For the Webinar Talk, the speaker will highlight and discuss on the following pertinent topics:

- ✦ The principle of the Sanctity of Contract (Absolute Contract Rule and freedom of Contract).
- ✦ The origin and development of the doctrine of Frustration. From *Paradine v. Jane* (1647) to *Taylor v. Caldwell* (1863).
- ✦ The legal application of the Doctrine of Frustration in Malaysia, and its codification under S.57(2) & (3) of the Contracts Act (1950).
- ✦ The rise of the *Force Majeure* Clause, and its legal application in Malaysia.
- ✦ The distinguishing features of the Doctrine of Frustration, as compared to the application of the *Force Majeure* clause.
- ✦ Comparative analysis of the various *Force Majeure* clauses in the standard templates of IEM, PAM, AIAC, PWD, and FIDIC.
- ✦ How can one use the *Force Majeure* clause and/or the doctrine of Frustration in the context of the Covid-19 Pandemic. Is the Covid-19 Pandemic a “frustrating Event”?
- ✦ The Government intervention and judicial response to the Covid-19 pandemic- the road ahead.

## SPEAKER

### Mr SK Liow

SK Liow hails from Alor Star, Kedah. Upon his completion in Year 12 in Sydney (NSW) way back in 1981, he went over to Canberra (ACT) to study at the Australian National University, and graduated with a double degree (Psychology and Law) in the mid-80s. After been called to the ACT Bar (1987) and the NSW Bar (1987), he then returned to Malaysia, to be called to the Malaysian Bar in early 1989.



He owns and manages a boutique law firm [Liow & Co.] in Damansara Perdana (Selangor) since 1995, to which he has *inter alia* personally trained more than 40 chambering students over the years. His areas of practice include advisory work, litigation, arbitration and adjudication. He has professional membership with the Chartered Institute of Arbitrators (London), is a qualified Adjudicator empanelled under AIAC, and is a Fellow Adjudicator with the AiADR. He is also an external Consultant with the Medical Device Authority (Malaysia), to advise them on legislative implementation dynamics. He has also assisted the Advocates & Solicitors Disciplinary Board (under the Legal Profession Act 1976) in chairing various DC hearings over the years.

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