

CML SEMINAR SERIES

Challenging Third Party Expert Determination

SPEAKER

Djakhongir Saidov

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CONVENOR

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ABOUT THIS EVENT

Commercial parties in various industries and sectors often choose the process known as a 'third-party expert determination'. By virtue of an expert determination clause in their contract, the parties can agree to refer an issue, difference or dispute to an expert, whose decision will be final and binding on them. The rationale for this mechanism is pragmatic. It is intended to bring finality and avoid disputes as well as costs, time and effort that such disputes would otherwise generate. Expert determination can be a speedy, inexpensive, informal, relatively non-adversarial and confidential resolution by someone with the relevant expertise. It has two inter-related functions. One is for an expert to determine a step in the contractual performance, such as reviewing a price in a long-term sales agreement. The other function is to resolve disputes or differences that have already arisen, being a mode of alternative dispute resolution.

This process is used in many countries, but legal responses to it across jurisdictions not only vary but are also yet to emerge with sufficient clarity and detail. On the whole, the common law supports and promotes expert determination. Courts stress repeatedly that the grounds for challenging expert determination are very limited. In this presentation, Professor Saidov will explore whether the latter proposition is true. The underlying question is: To what extent does the common law really support expert determination and protect its finality? The question is important because the wider the range of challenges the greater the room for judicial interference in expert determination, undermining the reasons for its extensive use and, ultimately, its reliability and viability. The presentation will mainly focus on English law but will also draw on the experience of the law in Australia and Singapore. This examination will highlight and critically evaluate the direction that the common law has developed in respect of expert determination, analysing certain differences between individual jurisdictions. The presentation will be of use to anyone interested in commercial and contract law.

ABOUT THE SPEAKER



Professor Djakhongir Saidov specialises in international commercial law and law relating to international oil and gas operations. He is Professor of Commercial Law at The Dickson Poon School of Law, King's College London and, currently, a Visiting Professor at NUS Law, where he is also an Academic Fellow of the Centre for Maritime Law. Previously, he was based in the University of Birmingham, where he was Reader in Law (2013-2015), Senior Lecturer in Commercial Law (2009-2013) and Lecturer in Commercial Law (2004-2009).

Professor Saidov holds PhD and LLM (with Distinction) degrees from the University of East Anglia and an LLB degree from the University of World Economy and Diplomacy (Uzbekistan). He has written extensively on various aspects of the law of sale of goods, remedies for breach of contract, the law of oil and gas and international commercial law instruments (including two monographs: Conformity of Goods and Documents – The Vienna Sales Convention (Oxford, Hard Publishing 2015); The Law of Damages in International Sales – The CISG and other International Instruments (Oxford, Hard Publishing 2008)). He acted as a Rapporteur to the CISG Advisory Council (CISG-AC) on its Opinion No 19 on 'Standards and Conformity of the Goods under Article 35 CISG'.

WHO SHOULD ATTEND

Lawyers, In-house counsel & legal officers working in the maritime industry and in commercial trade, ship owners, banks and financial institutions, traders, charterers, forwarders and those handling claims arising in maritime and commercial contexts.

Venue

Maxwell Chambers Pte Ltd
32 Maxwell Road, Singapore 069115

Date and Time

Thursday, 15 August 2019
1630 to 1800

Event Programme

1600 : Registration
1630 : Start of Seminar
1730 : Discussion (Q&A)
1745 : Refreshments
1800 : End of Event

This event is complimentary. Limited seats!

Register at

<https://nus.edu/2Znd31o>



Closing date:

Thursday, 08 August 2019

For any enquiries, please contact Mr Chris Chan at
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Public CPD Points: 1
Practice Area: Admiralty Practice/ Shipping
Training Level: General

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