

6th SINGAPORE SHIPPING LAW FORUM 2023

Principle and Pragmatism and their Navigation in the International Waters of Shipping

19 October 2023, 6.00pm to 8.00pm (SGT)

The Westin Singapore



Professor Sir Bernard Rix at the Singapore Shipping Law Forum 2023

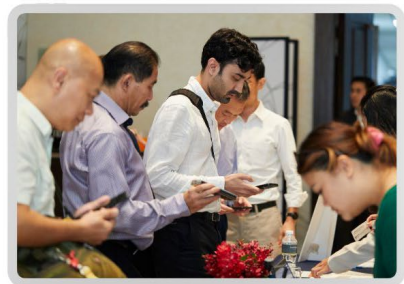
On the evening of 19 October 2023, the Centre for Maritime Law (CML) at the National University of Singapore held its 6th Singapore Shipping Law Forum. The keynote speaker was Professor Sir Bernard Rix. The event was attended by over 100 participants from the maritime and legal community in Singapore. Professor Stephen Girvin, MPA Professor of Maritime Law and Director of CML, gave the opening address.

During his lecture, Sir Bernard discussed issues of principle and pragmatism arising in English jurisprudence. He analyzed the prevalence of one or another in remarkably interesting cases he handled as a lawyer and later as Judge of the Commercial Court of the High Court and Lord Justice of Appeal in the Court of Appeal. He discussed the principle of restricted sovereign immunity (*I Congreso del Partido* (1983)), the change from fault to the pragmatic principle of a person not being coherent nor self-defeating (*Royal Boskalis Westminster NV v Mountain* (1999) and *Patel v Mirza* (2016)), liability in a time charterparty and its relation to the volatility of the market in case of late delivery of the vessel (*The Achilleas* [2008] and its relevance to *Hadley v Baxendale* (1854)), contract interpretation in a case of late payment of hire (*Spar Shipping AS v Grand China Logistics Holding (Group) Co Ltd* (2016)), the allowance of non-contractual but

equivalent contractual performance in terms of payment from the charterer (*MUR Shipping BV v RTI Ltd (2022)*) and the scope of the demurrage code as a principle of liquidated damages and not as a means of damage to cargo due to loss of time for the vessel (*K Line v Priminds Shipping (The Eternal Bliss) (2021)*).

Sir Bernard also compared how the judges use principle and pragmatism and their importance in judgments. He concluded that they are two tools that compete, and that both are necessary for rational and reasonable judicial decisions and form the basis for future dispute resolution. Disputes will inevitably arise because of the interconnectivity of contracts in the modern world and trading in the shipping industry.

Adjunct Professor Neale Gregson, Adjunct Senior Fellow, gave the concluding remarks, and giving brief comments on the importance of both principle and pragmatism.



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**Keynote Speaker
Professor Sir Bernard Rix**

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