



NUS
National University
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Centre for Maritime Law
Faculty of Law

SINGAPORE SHIPPING LAW FORUM 2021

Anti-suit Injunctions in Maritime Disputes: A Trend that Threatens to be out of Control

Keynote Speaker

The Honourable Justice Belinda Ang Saw Ean
Supreme Court of Singapore

ABOUT THE EVENT

Anti-suit injunctions have been described as “another shot in the locker” in relation to maritime disputes. They represent an important judicial weapon to restrain parties from litigating or arbitrating their maritime disputes in inappropriate venues in order to gain an unconscionable advantage. The problem of unacceptable forum shopping is particularly acute in maritime disputes, where every port represents a potential “admiralty emporium” in which jurisdiction in rem may be exercised over ships, regardless of whether there are any other real connections with that jurisdiction. However, anti-suit injunctions in transnational disputes (and maritime disputes are no different) have always been controversial, because they (indirectly or directly) impinge upon the powers of the relevant foreign court to exercise its own sovereign jurisdiction. This address will explore some of the chief complexities and controversies in relation to anti-suit injunctions, against the backdrop of the need to observe comity between nations. In particular, it will focus on the current trend to extend anti-suit injunctions to non-parties (usually in relation to complex multi-party transactions). Traditionally, anti-suit injunctions have been granted sparingly, and only either where parties behave vexatiously and oppressively, or have promised to litigate or arbitrate exclusively in a particular forum. In the past decade or so, however, courts have expanded the reach of “quasi-contractual” anti-suit injunctions to non-parties who seek to benefit from such forum or arbitration agreements.

This address will also focus on the award of damages for breach of forum or arbitration, as a substitute for or supplement to anti-suit injunctions. How should these be calculated? Do damages awarded in this regard sound in breach of contract or in tort? Should the damages include legal costs and can they extend even to substantive damages imposed by a foreign court? Given that the primary remedy for breach of an anti-suit injunction is contempt of court, how does this square with civil remedies? Finally, the enforcement of anti-suit injunctions in maritime disputes will be considered. The mobility of ships and proliferation of one-ship companies may make enforcement particularly fraught.

KEYNOTE SPEAKER



Justice Belinda Ang Saw Ean was appointed the President and Judge of the Appellate Division on 2 January 2021. Her Honour was appointed Judicial Commissioner of the Supreme Court of Singapore on 1 February 2002 and was elevated to Judge of the High Court on 2 January 2003. Justice Ang’s areas of focus are in Shipping and Arbitration matters, Finance, Securities, Banking, and Complex Commercial cases. Since 30 July 2018, Justice Ang has sat regularly in the Court of Appeal. She founded M/s Ang & Partners in 1985 and was appointed Senior Counsel in 1998. In November 2017, Justice Ang was appointed by Chief Justice Sundaresh Menon to serve as the Judge in charge of the High Court.

Justice Ang is the chairperson and director of the Board of the Singapore Mediation Centre. She also sits on the Executive Board of the Singapore Academy of Law. Justice Ang is a member of the Panel of Referees of the Journal of the Malaysian Judiciary and the Lloyd’s Law Reports Editorial Board.

WHO SHOULD ATTEND

Shipping lawyers and in-house counsel working in the maritime industry, ship owners, freight forwarders, charterers, forwarders, marine insurers.

DATE AND TIME

Thursday, 21 October 2021

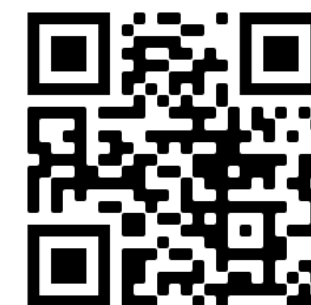
6.30pm - 7.45pm

via Zoom Webinar

REGISTRATION DETAILS

<https://tinyurl.com/cmlssl21>

or scan the QR code



PROGRAMME

6.30pm : Welcome Address by Professor Stephen Girvin

6.40pm : Speech by Justice Belinda Ang

7.40pm : Concluding Remarks by Associate Professor Paul Myburgh

7.45pm : End of Event

For any enquiries, please email to cml@nus.edu.sg



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Practice Area: Admiralty Practice/Shipping

Training Level: General

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