



THE CHRISTOPHER BATHURST PRIZE 2020

Deadline Extended!

Submission Deadline :

**SGT 1700 hours,
03 August 2020**

ABOUT THE PRIZE

Christopher Bathurst QC (1934-2009) was a member of Fountain Court Chambers and a leading practitioner at the Commercial Bar in London who developed a substantial practice in Southeast Asia, particularly Singapore. He was regarded by many practitioners in Singapore not just as a formidable advocate and adviser but also as a friend and mentor. His cases included the leading decision of *Caparo v Dickman* [1990] 2 AC 605 and in his later years he developed a substantial Singaporean arbitration practice.

As Viscount Bledisloe QC, Christopher was an elected hereditary peer, and a popular and energetic cross-bench member of the House of Lords.

This Prize seeks to honour his memory.

Sponsored by Fountain Court Chambers.

ABOUT FOUNTAIN COURT CHAMBERS & THE SINGAPORE ACADEMY OF LAW

Fountain Court Chambers is a substantial and long-established set of commercial barristers, based in Temple, London, as well as Singapore. Recognised as leaders in the field of commercial dispute resolution and arbitration, Fountain Court Chambers offers expertise in a wide range of practice areas, including aviation, banking, energy and insurance.

The Singapore Academy of Law (SAL) is a promotion and development agency for Singapore's legal industry. SAL's vision is to make Singapore the legal hub of Asia.

CHRISTOPHER BATHURST

PRIZE QUESTION

LEGAL ADVICE ON PREFERRED APPROACH

Instructions to Advise in Writing

In *BNA v BNB* [2019] SGCA 84, the Singapore Court of Appeal held that, in the absence of an express choice, there should be a presumption that parties intended the law governing the main contract to apply to the arbitration agreement as well. However in *Enka Insaat Ve Sanayi AS v. OOO "Insurance Company Chubb"* [2020] EWCA Civ 574, the English Court of Appeal held that the presumption should be in favour of the law of the seat.

Whose approach should be preferred?

CHRISTOPHER BATHURST PRIZE RULES

Eligibility

The Competition is open to:

- (a) every Full-time student enrolled in the LL.B. or LL.M. or PhD programme at the National University of Singapore Faculty of Law;
- (b) every Full-time student enrolled in the LL.B. or JD programme at the Singapore Management University School of Law;
- (c) every Full-time student enrolled in the LL.B. or JD programme at the Singapore University of Social Sciences Faculty of Law; and
- (d) every Qualified Person under the Legal Profession Act who is aged 30 years or younger, as at 1 January this year.

Persons related to SAL (full-time & part-time staff and members of the Senate) and Fountain Court (all barristers & support staff) are not eligible. Please note that only one entry per person is allowed.

Prize

The Prize is an all-expenses-paid two-week internship at Fountain Court Chambers in London.

Expenses covered include: Return (economy) airfare; accommodation in a self-contained flat or studio apartment; and a per diem allowance to cover reasonable living and work travel expenses in London.

The internship will take place within one year of the announcement of the winner, on dates to be agreed mutually between Fountain Court Chambers and the winner.

Judging Criteria

Entries will be judged on the following criteria (in no particular order): originality; critical analysis; succinctness; clarity; persuasiveness (where arguments are made) and pragmatism (in the case of suggestions or proposals).

Judging Panel

The Judging Panel will comprise members appointed by Fountain Court and SAL. All decisions of the Judging Panel and incidental decisions thereto, are final, and no correspondence will be entertained.

Deadline

The deadline for submission can be found on the same document as this year's Problem. Entries must be submitted via email to awards@sal.org.sg with the title, 'Entry for Christopher Bathurst Prize'.

Entry Format

Entries are to be written in English. Entries should not exceed 3,500 words, including references, footnotes, charts, tables, diagrams, and appendices. Entries must be submitted in Word format and double-spaced. Compliance with the style guide for the Singapore Law Reports is recommended but not required.

Cover sheet

Entries must be prefaced with a separate cover sheet (legal advice and cover sheet are to be attached to the e-mail as separate documents) with the following information on the cover page:

(a) Full Name

(b) Last 3 digits + alphabet of your NRIC or passport number (e.g. 123A)

(c) Institution (university or employer)

(d) E-mail address

(e) Mobile number

(f) Total word count (including references, footnotes, charts, tables, diagrams, and appendices)

Identification

Please indicate the last 3 digits + alphabet of your NRIC or passport number (e.g. 123A) in the header of every page of the legal advice.

Do not indicate any other information which may identify the author.

Sole Original Work, Copyright

By participating in the Prize, the author warrants that the work is entirely the author's own. Joint submissions are not allowed.

The following sentence is to be added at the end of the legal advice: "The author agrees to assign copyright of the work to Fountain Court Chambers and the Singapore Academy of Law, which shall hold the copyright jointly."

End of rules, pages 05 - 09 .