

# THE CHRISTOPHER BATHURST PRIZE 2021

**Submission Deadline: 31 August 2021**

# 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 include the leading decision of *Caparo v Dickman* [1990] 2 AC 605 and after that he developed a substantial Singaporean arbitration practice. As Viscount Bledisloe, 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.*

# THE CHRISTOPHER BATHURST PRIZE QUESTION

## INSTRUCTIONS TO ADVISE IN WRITING

The Singapore Court of Appeal in *Charles Lim Teng Siang v Hong Choon Hau* [2021] SGCA 43 at [38] identified three schools of thought as to the legal effect of a “no oral modification” clause in a contract:<sup>1</sup> the “Sumption approach”, the “Briggs approach” and the “*Comfort Management* approach”.

**Which approach is to be preferred, and why?**

<sup>1</sup> For example, a clause which provides that no variation, supplement, deletion or replacement of or from this Agreement or any of its terms shall be effective unless made in writing and signed by or on behalf of each party

# 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](mailto: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."

## **ABOUT FCC**

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.

## **ABOUT SAL**

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.