

CONTINUING LEGAL EDUCATION

Qualified Contractual Obligations: The Use and Interpretation of Endeavours Clauses

by

SHERIDAN FELLOW BENJAMIN WONG, NUS LAW

TUESDAY, 19 FEBRUARY 2019 | 4:00PM TO 5:15PM
LEE SHERIDAN CONFERENCE ROOM, LEVEL 1, EU TONG SEN BUILDING, NUS
FACULTY OF LAW

ABSTRACT

Usually, contractual obligations are absolute. However, contracting parties often do provide for non-absolute (or qualified) contractual obligations in their contracts; this may be done using endeavours clauses. Endeavours clauses are clauses wherein the obligor's obligations are rendered non-absolute, by qualifications such as "reasonable endeavours", "all reasonable endeavours" and "best endeavours". For example, an endeavours clause may oblige the obligor to make "all reasonable endeavours" to procure 100 tonnes of rice - in such a case, the obligor is not in breach of contract even if it fails to actually procure the 100 tonnes of rice, as long as it has made all reasonable endeavours to do so.

The use of endeavours clauses (typically in commercial contracts) raises interesting practical questions. How are endeavours clauses interpreted by the courts in Singapore? What are the differences between the three variants of endeavours clauses? How can contracting parties use endeavours clauses in an effective way to achieve their desired outcomes? This seminar will seek to address these questions, in view of recent developments in Singapore case law (in particular, *Lim Sze Eng v Lin Choo Mee* [2018] SGCA 84 and *KS Energy Services Ltd v BR Energy (M) Sdn Bhd* [2014] SGCA 16). Comparative perspectives will be provided where appropriate.

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SPEAKER



Benjamin is a Sheridan Fellow at the Faculty of Law, National University of Singapore. He graduated from NUS in 2015. Benjamin initially taught the law of contract, and is currently teaching in the area of privacy and data protection law.

Programme

03:30pm to 04:00pm	Registration & Refreshments
04:00pm to 05:00pm	Seminar
05:00pm to 05:15pm	Q&A
05:15pm	End

Registration

Public	S\$105 (w/o GST)
NUS Law Faculty Staff and Students	Complimentary

**Closing Date for Registration:
13 February 2019 (Wednesday)**



Public CPD Points: 1
Practice Area:
Corporate/Commercial
Training Level: Foundation

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