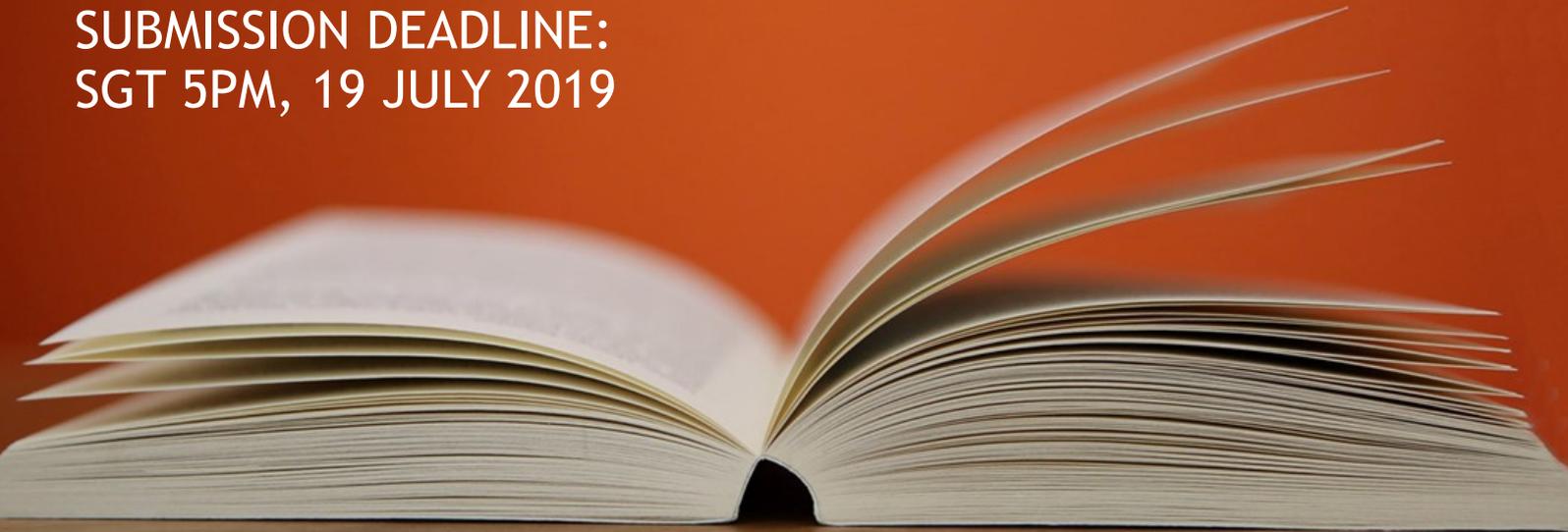


# THE CHRISTOPHER BATHURST PRIZE 2019

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**SUBMISSION DEADLINE:  
SGT 5PM, 19 JULY 2019**



## 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 in more recent 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.

## ABOUT FOUNTAIN COURT CHAMBERS & THE SINGAPORE ACADEMY OF LAW

The 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.

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CHAMBERS

# 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 2019.

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 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, SAL, and the National University of Singapore Faculty of Law or Singapore Management University School of Law. All decisions of the Judging Panel and incidental decisions thereto, are final, and no correspondence will be entertained.

## DEADLINE

The deadline for submission is 5pm on Friday, 19 July 2019 (Singapore time). Entries must be submitted via email to [awards@sal.org.sg](mailto:awards@sal.org.sg) with the title, 'Entry for Christopher Bathurst Prize'.

## 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)

## ESSAY 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, double-spaced.

Compliance with the style guide for the Singapore Law Reports is recommended but not required.

## 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."

Should you have questions regarding the Prize, please email [awards@sal.org.sg](mailto:awards@sal.org.sg).

For more information, visit  
<https://www.sal.org.sg/Services/Prizes-Medals/Christopher-Bathurst-Prize>



IN THE MATTER OF POTENTIAL LEGAL  
PROCEEDINGS INVOLVING ECOSTUFF LTD

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INSTRUCTIONS TO  
ADVISE IN WRITING

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1. Counsel is instructed by the well-known law firm, GreenLegal, on behalf of Ecostuff Ltd ("Ecostuff"), an English company whose business comprises the manufacture of a range of ecologically-friendly products ranging from paper straws which safely dissolve in water (but not too quickly) to vegan pet food for dogs and cats. Ecostuff prides itself on its compassionate and collaborative corporate philosophy, and on never having had a legal dispute with a dissatisfied customer.
2. In April 2014, Ecostuff entered into a five-year contract, renewable by agreement, to sell vegan pet food to a Singapore company by the name of Pets First Pte Ltd ("Pets First"), including a premium brand by the name of "Doggy Tofu". The contract was governed by Singapore law, but provided that both parties submitted to the jurisdiction of the courts of England and Wales, as well as to the jurisdiction of the Singapore Supreme Court.
3. In February 2018, complaints started being made to Ecostuff by Pets First that customers in Singapore were claiming that cans of Doggy Tofu contained trace elements of meat. Pets First said that, if this proved to be the case, it would have no option but to stop doing business with Ecostuff as soon as possible. The board of Ecostuff was very concerned both by this threat, and by the potential damage to its reputation in the market for high-quality vegan products. It instructed GreenLegal, therefore, to conduct an investigation into the position, focussing on the team of three responsible for the Doggy Tofu brand. The head of that team was a Ms Chum, who was an executive member of the board. The two others were a Mr Pitt-Bull and a Ms Bark. Mr Pitt-Bull no longer worked for the company, having taken early retirement in December 2017. In January 2018, Ms Bark had given three months notice of leaving Ecostuff, and had been told by the company that, although she would be paid until the end of March 2018, she should not come into work during her period of notice.
4. The interviews with these three individuals all took place in February 2018, with interview notes being taken by GreenLegal. In each case, what was said by the individual in question gave no specific reason to believe that meat could be an ingredient of Doggy Tofu; but damaging admissions were made about the general laxity of the company's quality control systems.
5. Following this investigation, Ecostuff told Pets First of the review that had been undertaken, and that it did not believe there was any problem with Doggy Tofu. However, Pets First continued to receive complaints from customers, and in January 2019 it refused to pay for a substantial three month consignment of pet food, and said it did not want any more.
6. On 15 March 2019, Ecostuff called a board meeting, to be attended by GreenLegal, to discuss the dispute with Pets First. The meeting took place in three stages. First, in advance of GreenLegal turning up, the members of the board had a general discussion about the dispute, including how best to avoid resort to litigation by obtaining a commercial settlement with Pets First. Secondly, GreenLegal then attended the meeting, and gave general advice about the legal position. Finally, the board again had a further discussion about how best to settle the dispute given the advice received. Minutes were taken of all three parts of the board meeting, and inevitably they include in all three parts some damaging admissions, including about Ecostuff's lax quality control procedures.
7. The board also asked GreenLegal to take more detailed statements from Ms Chum, Mr Pitt-Bull and Ms Bark, which we did in April 2019. Ms Chum and Ms Bark effectively said the same as before, but Mr Pitt-Bull went so far as to say that, having thought about it more, it was quite likely that Doggy Tofu would have been contaminated with meat. We reported this to Ecostuff in an email, but independently Mr Pitt-Bull emailed the board directly to explain his change of view, copying us in.
8. Ecostuff has now got to the position where it is seriously considering commencing legal proceedings against Pets First. This firm, however, has concerns about the damaging nature of some of the contents of the interview notes taken in February 2018, the minutes of the board meeting which took place on 15 March 2019, and the statements and emails of April 2019.
9. Given that Ecostuff would have the option of suing Pets First in either the English Court or the Singapore Court, you are asked to advise in writing on the extent to which the notes, minutes, statements and emails referred to in the preceding paragraph would be regarded as privileged under Singapore law and under English law, since this could well be a factor which influences where to bring proceedings.

7 June 2019  
GreenLegal.  
Poultry Lane,  
London