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**THAM CHEE HO**

Professor

School of Law, Singapore Management University

D.Phil., BCL (Hons) (University of Oxford);

LL.B. (Hons.) (National University of Singapore):

Solicitor (England and Wales); Attorney and Counsellor-at-law (New York);

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**Capsule Biography**

Dr Tham Chee Ho is a Professor at the School of Law, Singapore Management University. Chee Ho joined the faculty at the Singapore Management University in 2001 and has written on a wide range of private law topics including contract remedies, cross-border insolvency, and equitable and statutory assignment. He has authored a monograph published by the Cambridge University Press entitled *Understanding the Law of Assignment*, and is a major contributor to *The Law of Contract in Singapore* published by Academy Publishing under the general editorship of Justice of Appeal Andrew Phang (now in its 2<sup>nd</sup> edition). His work has been cited by the Singapore Court of Appeal, the UK Supreme Court, and the High Court of Australia. It has also been cited in argument and/or submissions by counsel before the Canadian Supreme Court, and the U.S. District Court for the Southern District of New York, as well as the U.S. Tax Court.

**Employment**

2019 – Present day	Professor of Law, Singapore Management University, School of Law.
2007 – 2018	Associate Professor of Law, Singapore Management University, School of Law.
2006 – 2007	Assistant Professor of Law, Singapore Management University, School of Law.
2001 – 2006	Assistant Professor of Law, Singapore Management University, Lee Kong Chian School of Business.
2000 – 2001	Associate, U.S. Securities Law Practice Group (Singapore Office), Sidley Austin Brown & Wood.
2000	Associate, Global Securities Practice Group (Singapore Office), Baker & McKenzie.
1995 – 2000	Magistrate, Deputy Registrar and Coroner, Subordinate Courts, Singapore.

## Education

2014 – 2017	D.Phil. (University of Oxford; leave granted on 28 September 2016 to supplicate for the degree of D.Phil. without corrections; degree awarded on 13 May 2017)
1997 – 1998	B.C.L. (Hons.) (University of Oxford)
1990 – 1994	LL.B. (Hons.) (National University of Singapore)

## Publications

### Monograph

1. *Understanding the Law of Assignment* (Cambridge: Cambridge University Press: 2019); i-xlvi, 1-455, 12 pp bibliography, and 8 pp index.

### Journal Articles

2. “Assignments, assignees, and the burden of an arbitration clause” [2022] *Lloyd’s Maritime and Commercial Law Quarterly* 382 – 411.
3. “Burdening assignees with arbitration agreements via ‘conditional benefits’” [2022] *Butterworths Journal of International Banking and Financial Law* 234 – 238 (Feature article).
4. “Understanding assignments: English, comparative and private international law: some possible implications” [2020] *Butterworths Journal of International Banking and Financial Law* 314 – 318 (Feature article).
5. “Equitable fraud and double liability of a debtor following notice of equitable assignment of the debt” (2019) 13 *Journal of Equity* 237 – 265.
6. “Joinder of equitable assignors of equitable and legal choses in action” [2017] *Lloyd’s Maritime and Commercial Law Quarterly* 537 – 565.
7. “Exploding the myth that sub-trustees ‘drop out’” (2017) 31 *Trust Law International* 76 – 92.
8. “The ‘Trustee Exception’ in *Lloyd’s v Harper*: Loss, Liability and ‘Black-Holes’” (2016) 132 *Law Quarterly Review* 148 – 158.
9. “In defence of the ‘no discharge after notice’ rule: a reply” [2010] *Lloyd’s Maritime and Commercial Law Quarterly* 559 – 565.
10. “Notice of assignment and discharge by performance” [2010] *Lloyd’s Maritime and Commercial Law Quarterly* 38 – 80.
11. “Ancillary liquidations and *pari passu* distribution in a winding up by the court” [2009] *Lloyd’s Maritime and Commercial Law Quarterly* 113 – 134.
12. “Piercing the corporate veil: searching for appropriate choice of law rules” [2007] *Lloyd’s Maritime and Commercial Law Quarterly* 22 – 43.
13. “Careless Share Giving” (2006) 70 *Conveyancer and Property Lawyer* 411 – 431.

14. “Unjust Enrichment and Unlawful Dividends: A Step Too Far?” (2005) 64 *Cambridge Law Journal* 177 – 211.
15. “Trust, not Contract: Restoring Trust in the Contracts (Rights of Third Parties) Act,” (2005) 21 *Journal of Contract Law* 107 – 130.
16. “Resuscitating the Trust of a Chose in Action” (2005) 24 *University of Queensland Law Journal* 147 – 164
17. “Damages for breach of English jurisdiction clauses: more than meets the eye” [2004] *Lloyd’s Maritime and Commercial Law Quarterly* 46 – 71.
18. “Terrorist Property Rights in Singapore: What’s Left After the United Nations Act 2001?” [2002] *Singapore Journal of Legal Studies* 176 – 213.

### Case Notes, and Shorter Notes

19. “Assignees of the benefit of a deed and ‘black holes’ – *Orchard Plaza Management Company Ltd v Balfour Beatty Regional Construction Ltd* [2022] EWHC 1490 (TCC)” [2022] *Lloyd’s Maritime and Commercial Law Quarterly* 562 – 566.
20. “Different debts for different purposes – *Taurus v SOMO* [2017] UKSC 64; [2017] 3 WLR 1170” [2018] *Lloyd’s Maritime and Commercial Law Quarterly* 210 – 217.
21. “Discharge of a contract where both parties are in breach – *Alliance Concrete Singapore Pte Ltd v Comfort Resources Pte Ltd* [2009] 4 SLR(R) 602” [2010] *Singapore Academy of Law Journal* 729 – 741.
22. “What assignments of choses in action are, and more – *Offer-Hoar v Larkstore Ltd* [2006] EWCA Civ 1079; [2006] 1 WLR 2926” [2007] *Lloyd’s Maritime and Commercial Law Quarterly* 286 – 292.
23. “Insolvency proceedings and shareholdings: When is a foreign judgment not a judgment? – *Cambridge Gas Transportation Corp v Official Committee of Unsecured Creditors of Navigator Holdings plc and others* [2006] UKPC 26; [2006] 3 WLR 689; *Kamlesh Mansukhal Damji Pattni v Nasir Ibrahim Ali and Dinky International SA* [2006] UKPC 51” [2007] *Lloyd’s Maritime and Commercial Law Quarterly* 129 – 136.
24. “Restitutionary perplexity: Election, wrongs, property, *et cetera* – *Smithkline Beecham plc v Apotex Europe Ltd* [2006] EWCA Civ 658” [2006] *Lloyd’s Maritime and Commercial Law Quarterly* 295 – 306.
25. “Equitable Relief for Breach of Contract – *Wisanggeni Lauw v Full Fledge Holdings Ltd* [2005] SGCA 21” [2006] *Singapore Journal of Legal Studies* 191 – 199.

### Book Chapters

#### ON THE LAW OF ASSIGNMENT

- *Equity Today: 150 Years After the Judicature Reforms*, B. McFarlane and S. Elliott, Gen Eds (Oxford: Hart Publishing, forthcoming, 2023):
  26. Chapter 3, “Section 25(6) of the Judicature Act 1873: A ‘Procedural’ Approach”.
- *Intermediaries in Commercial Law*, Paul S. Davies and C. H. Tan, Gen Eds (Oxford: Hart Publishing, 2022):

27. Chapter 20, “Debt Collection and Assignment of Debts: Navigating the Legal Maze” (with Dr Jodi Gardner (St John’s College, University of Cambridge).)
- *Contract in Commercial Law*, J. Edelman, S. Degeling, J. Goudkamp, Gen Eds (Sydney: Law Book Co, 2016):
28. Chapter 17, “The Mechanics of Equitable Assignments: One Engine or Two?”.
- *Exploring Contract Law*, J. Neyers, R. Bronaugh, & S. Pitel, Gen Eds (Oxford: Hart Publishing, 2009):
29. Chapter 14, “The Nature of Equitable Assignment and Anti-assignment Clauses”.

#### ON GENERAL CONTRACT LAW

- *The Law of Contract in Singapore*, 2<sup>nd</sup> ed, Justice Andrew Phang Boon Leong, Gen. Ed. (Singapore: Academy Publishing, 2022):
30. Chapter 8, “Formalities and the Effect of Non-Compliance” (with Goh Yihan);
31. Chapter 14, “Privity of Contract” (with Justice Andrew Phang Boon Leong);
32. Chapter 15, “Exceptions to the Rule of Privity”(with Justice Andrew Phang Boon Leong);
33. Chapter 16, “Discharge by Performance, Tender of Performance, and Partial Performance”;
34. Chapter 17, “Discharge by Breach”;
35. Chapter 18, “Discharge by Agreement”;
36. Chapter 19, “Frustration” (with Tan Zhong Xing);
37. Chapter 20, “Introduction to Judicial Remedies and Common Law Damages” (with Tan Zhong Xing);
38. Chapter 21, “Damages Based on Compensation I – Quantification of Loss” (with Tan Zhong Xing);
39. Chapter 22, “Damages Based on Compensation II – Quantification of Damages to be Awarded” (with Tan Zhong Xing);
40. Chapter 23, “Non-compensatory Remedies I: Specific Remedies at Common Law and in Equity” (with Tan Zhong Xing);
41. Chapter 24, “Non-compensatory Remedies II: Remedies arising under the Law of Restitution”(with Tan Zhong Xing).
- *Studies in the Contract Laws of Asia V: Ending and Changing Contracts*, M. Chen-Wishart, S. Vogenauer, *et al*, Gen Eds (Oxford: OUP, forthcoming):
42. “Termination”
- *Principles of Singapore Business Law*, 2<sup>nd</sup> ed., W.L. Loo & G. Shenoy, Gen. Eds. (Singapore: Cengage Learning, 2013):
43. Chapter 16, “Performance, Breach and Agreement”;
44. Chapter 18, “Remedies for Breach of Contract”.

- *The Law of Contract in Singapore*, Justice Andrew Phang Boon Leong, Gen. Ed. (Singapore: Academy Publishing, 2012):
  45. Chapter 8, “Formalities and the Effect of Non-Compliance” (with Goh Yihan);
  46. Chapter 14, “Privity of Contract” (with Justice Andrew Phang Boon Leong);
  47. Chapter 15, “Exceptions to the Rule of Privity”(with Justice Andrew Phang Boon Leong);
  48. Chapter 16, “Discharge by Performance or Operation of Law”;
  49. Chapter 17, “Discharge by Breach”;
  50. Chapter 18, “Discharge by Agreement”;
  51. Chapter 19, “Frustration”;
  52. Chapter 20, “Introduction to Judicial Remedies and Common Law Damages”;
  53. Chapter 21, “Damages Based on Compensation I – Quantification of Loss”;
  54. Chapter 22, “Damages Based on Compensation II – Quantification of Damages to be Awarded”;
  55. Chapter 23, “Non-compensatory Remedies”.
  
- *Principles of Singapore Business Law*, W.L. Loo and G. Shenoy, Gen. Eds. (Singapore: Cengage Learning, 2008):
  56. Chapter 16, “Performance, Breach and Agreement”;
  57. Chapter 18, “Remedies for Breach of Contract”.
  
- *Singapore Academy of Law Annual Review of Singapore Cases* (Singapore: Academy Publishing (formerly Singapore Academy of Law prior to 2008)):
  58. “Contract”, *Singapore Academy of Law Annual Review of Singapore Cases 2021* (2021) 22 SAL Ann Rev 367–403 (Singapore: Academy Publishing, 2022); with P.W. Lee and Y. Goh.
  59. "Contract", *Singapore Academy of Law Annual Review of Singapore Cases 2020* (2020) 21 SAL Ann Rev 403-445; with Y. Goh & P.W. Lee.
  60. "Contract", *Singapore Academy of Law Annual Review of Singapore Cases 2019* (2019) 20 SAL Ann Rev 319-369; with Y. Goh & P.W. Lee.
  61. “Contract”, *Singapore Academy of Law Annual Review of Singapore Cases 2018* (2018) 19 SAL Ann Rev 312–394; with Y. Goh & P.W. Lee.
  62. “Contract”, *Singapore Academy of Law Annual Review of Singapore Cases 2017* (2017) 18 SAL Ann Rev 304–364; with Y. Goh & P.W. Lee.
  63. “Contract”, *Singapore Academy of Law Annual Review of Singapore Cases 2016* (2016) 17 SAL Ann Rev 299–365; with Y. Goh & P.W. Lee.
  64. “Contract”, *Singapore Academy of Law Annual Review of Singapore Cases 2015* (2015) 16 SAL Ann Rev 307–373; with Y. Goh & P.W. Lee.
  65. “Contract”, *Singapore Academy of Law Annual Review of Singapore Cases 2014* (2014) 15 SAL Ann Rev 217–268; with Y. Goh & P.W. Lee.
  66. “Contract”, *Singapore Academy of Law Annual Review of Singapore Cases 2013* (2013) 14 SAL Ann Rev 221–272; with P.W. Lee & Y. Goh.
  67. “Contract”, *Singapore Academy of Law Annual Review of Singapore Cases 2012* (2012) 13 SAL Ann Rev 195–239; with P.W. Lee & Y. Goh.

68. “Contract”, *Singapore Academy of Law Annual Review of Singapore Cases 2011* (2011) 12 SAL Ann Rev 182–226; with P.W. Lee & Y. Goh.
  69. “Contract”, *Singapore Academy of Law Annual Review of Singapore Cases 2010* (2010) 11 SAL Ann Rev 239–305; with P.W. Lee.
  70. “Contract”, *Singapore Academy of Law Annual Review of Singapore Cases 2008* (2008) 9 SAL Ann Rev 212–246; with P.W. Lee.
  71. “Contract”, *Singapore Academy of Law Annual Review of Singapore Cases 2007* (2007) 8 SAL Ann Rev 150–195; with P. Koh & P.W. Lee.
  72. “Contract”, *Singapore Academy of Law Annual Review of Singapore Cases 2006* (2006) 7 SAL Ann Rev 171–210; with P. Koh & P.W. Lee.
  73. “Contract”, *Singapore Academy of Law Annual Review of Singapore Cases 2005* (2005) 6 SAL Ann Rev 160–198; with P. Koh & P.W. Lee.
  74. “Contract”, *Singapore Academy of Law Annual Review of Singapore Cases 2004* (2004) 5 SAL Ann Rev 162 – 207; with P. Koh & P.W. Lee.
- *Basic Principles of Singapore Business Law*, A. Phang, Gen. Ed. (Singapore: Thomson Learning, Revised Edition, 2004):
    75. Chapter 9, “Discharge by Performance, Breach and Agreement”;
    76. Chapter 15, “Remedies for Breach of Contract I: Damages”;
    77. Chapter 16, “Remedies for Breach of Contract II: Specific Remedies and Injunctions”.

### Other Publications

78. BOOK REVIEW, “The Law of Assignment (2<sup>nd</sup> ed.)”, by M. Smith & N. Leslie (Oxford: Oxford University Press, 2013), [2014] *Journal of Business Law* 520.
79. BOOK REVIEW, “Guest on the law of assignment” by A.G. Guest (London: Sweet & Maxwell Thomson Reuters, 2012), [2014] *Journal of Business Law* 92.
80. BOOK REVIEW, “Contract Damages: Domestic and International Perspectives” edited by Djahongir Saidov & Ralph Cunnington (Oxford: Hart Publishing, 2008), [2008] *Singapore Journal of Legal Studies* 457.
81. BOOK REVIEW, “The Law of Assignment: The Creation and Transfer of *Choses in Action*” by Marcus Smith (Oxford: Oxford University Press, 2007), (2008) 124 *Law Quarterly Review* 175.
82. BOOK REVIEW, “Mental Disorders and the Law” by L.P. Kok, M. Cheang & C.K. Tee (Singapore: Singapore University Press, 1994), (1994) 6 *Singapore Academy of Law Journal* 437.

### **Academic Presentations**

#### Oral dof the faculty efence of doctoral thesis

1. C. H. Tham, *The Mechanics of Assignments: Functions and Form*
  - Thesis submitted for the degree of Doctor of Philosophy (D.Phil.) at the University of Oxford, Trinity term, 2016, for *viva voce* examination by Professor Ben McFarlane and Associate Professor Christopher Hare on 12 August 2016.

- Leave granted on 28 September 2016 to supplicate for the degree of D.Phil. without corrections.
- Degree awarded on 13 May 2017.

### Papers presented

2. “Section 25(6) of the Supreme Court of Judicature Act 1873 and its Use of Procedural Means to Achieve Substantive Results” – Paper presented at the EQUITY: 150 YEARS AFTER THE JUDICATURE ACT REFORMS CONFERENCE organised by the Private Law Research Group, University of Oxford, 1–2 April 2022 (in-person).
3. “Assignments, assignees, and the burden of an arbitration clause” - Seminar for faculty, academic visitors, and students at the University of Edinburgh, School of Law, Edinburgh Centre for Commercial Law on 23 February 2022 (online webinar).
  - The webinar was chaired by Lady Wolffe, formerly a judge in the Court of Sessions, and (since late-2021) Professor at the University of Strathclyde, and Honorary Professor at the University of Edinburgh.
4. “Assignments, assignees, and the burden of an arbitration clause” - Seminar for faculty, academic visitors, and students at University of Oxford, Faculty of Law, Institute of European and Comparative Law on 26 November 2021 (online).
  - The seminar was chaired by Professor Birke Haecker, University of Oxford.
5. “Assignments, assignees, and the burden of an arbitration clause” - Seminar for faculty and students at University of Manchester Law School, on 16 November 2021 (in-person).
6. “Assignments, assignees, and the burden of an arbitration clause” – WORK-IN-PROGRESS SEMINAR for faculty and students at University of Cambridge, Law Faculty, Private Law Centre, on 4 November 2021 (in-person).
7. “Debt Collection and Assignment of Debts: Navigating the Legal Maze” (with Dr Jodi Gardner, St John’s College, University of Cambridge) – Paper presented at the INTERMEDIARIES IN COMMERCIAL LAW CONFERENCE organised by University College London in collaboration with City University of Hong Kong, Notre Dame Law School and the National University of Singapore in London, 10–11 June 2021 (online).
8. “Unravelling the mysteries of the law of assignment” – Paper presented to faculty and graduate students at the Durham School of Law, University of Durham via online webinar on 13 May 2020.
9. “Understanding Assignments: English, Comparative and Private International Law – Some Possible Implications” – Paper presented to an audience of academics and practitioners at the BRITISH INSTITUTE OF INTERNATIONAL AND COMPARATIVE LAW in London, UK, on 21 January 2020 (invited keynote speaker, in-person).
  - This paper was commented on by Mr Justice Marcus Smith (Chancery Division, High Court of England & Wales), Professor Sir Roy Goode (University of Oxford), Professor Adrian Briggs (University of Oxford), and Mr Jonathan Hardman (University of Edinburgh). The event was chaired by Professor Andrew Dickinson (University of Oxford).
10. “Termination of contract in Singapore” – Paper presented at the STUDIES IN THE CONTRACT LAWS OF ASIA VOL V: ENDING AND CHANGING CONTRACTS CONFERENCE co-organised by the National University of Singapore Faculty of Law EW Barker Centre for Law & Business, and Max Planck Law, in Singapore, 15 to 17 August 2019 (invited presenter).

11. “Equitable fraud and the ‘equitable jurisdiction of the common law courts’” – Paper presented at the JOURNAL OF EQUITY ANNUAL CONFERENCE 2019 – EQUITABLE FRAUD co-organised with the Centre for Cross-Border Commercial Law in Asia (Singapore Management University) in Singapore, 14 February 2019 (invited presenter).
12. “Is the rule in *Dearle v Hall* a mandatorily formal rule?” – Paper presented at the OBLIGATIONS IX conference co-organised by the University of Melbourne, Melbourne Law School and University of Oxford, Faculty of Law, in Melbourne, Australia, 21–24 July 2018 (presenter).
13. “Exploding the myth that sub-trustees ‘drop out’” – Paper presented at the USE AND ABUSE OF TRUSTS AND OTHER WEALTH MANAGEMENT DEVICES conference co-organised by the Singapore Academy of Law, the Singapore Management University, and the University of York in Singapore, 27–28 July 2017 (invited presenter).
14. “Joinder of equitable assignors of equitable and legal choses in action” – Paper presented at the Queen Mary University of London, Centre for Commercial Law Studies and Singapore Management University, School of Law Seminar 2017 in London, England, 8 June 2017.
15. “The mechanics of equitable assignments: one engine or two?” – Paper presented at the University of New South Wales CONTRACTS IN COMMERCIAL LAW Conference 2015 in Sydney, Australia, 18–19 December 2015 (invited presenter).
16. “What is lost when a contract is breached?” – Paper presented at the HKU-NUS-SMU Symposium 2013 on RIGHTS IN ASIA: NAMING, BLAMING AND CLAIMING jointly organised by the National University of Singapore School of Law and the Singapore Management University School of Law, Singapore, on 11 January 2013.
17. “The Nature of Equitable Assignment and Anti-Assignment Clauses” – Paper presented at a symposium on EXPLORING CONTRACT LAW organised by and conducted at the University of Western Ontario School of Law, Canada, on 10 January 2008 (invited presenter).
18. “Remedies for Breach of Copyright and Contract: Compensation, Restitution and Performance” – Conference paper prepared for and presented at the *Journal of Contract Law Conference 2006* on CONTRACT AND THE COMMERCIALISATION OF INTELLECTUAL PROPERTY held at the Singapore Management University, Singapore, on 29 September 2006.

#### Papers commented on (by invitation)

19. Dr Munin Pongsapan, “Invalidity of Contracts in Thai Law: Defects in Consent” – Paper presented by Dr Pongsapan of Thammasat University, Thailand, for discussion and comment at the *Studies in the Contract Laws of Asia Volume IV: Invalidity* conference held at the National University of Singapore, Singapore, on 15 & 16 March 2018, for which I was invited by Professor Stefan Vogenauer of the Max Planck Institute of European Legal History, one of the organisers of the conference, to comment upon.

#### **Professional Presentations**

20. “Understanding how ‘statutory assignments’ under section 4(8), Civil Law Act 1909 ‘pass’ debts and other choses in action” – Online webinar for legal practitioners organized by the Centre for Commercial Law in Asia, Yong Pung How School of Law conducted on 21 November 2022.
  - The webinar was chaired by Professor David Fox, University of Edinburgh.



21. “Unravelling the mysteries of the law of assignment” – Online webinar for legal professionals and other members of the Singapore Academy of Law conducted on 15 April 2020.

- The commentators for this presentation were Justice Vinodh Coomaraswamy (High Court of Singapore), and Mr Loong Tse Chuan (Partner, Allen & Gledhill).

### **Subjects Taught**

- Contract Law 1 (LAW101)
- Contract Law 2 (LAW102)

### **Law School / University Administration**

1. Past Chair (Hearing Officer), Singapore Management University, Faculty Grievance Commission – August 2022 to July 2023.
2. Chair, Singapore Management University, Faculty Grievance Commission – August 2021 to July 2022.
3. Chair-Elect, Singapore Management University, Faculty Grievance Commission – August 2020 to July 2021.
4. Member, School of Law Undergraduate Teaching & Curriculum Committee – 2017 to date.
5. Associate Dean for Research, School of Law – 2012 to 2013.
6. Member, Hiring Committee – 2005 to 2017.
7. Member, Curriculum Review Committee – 2008 to 2017.
8. Member, Dean Search Committee – 2011.
9. Member, University Faculty Senate – 2009.

### **Public Service**

1. Member, Advisory Board for the *Global Studies in Commercial and Financial Law* Book Series (University of Edinburgh Press) – 2022 to date (three-year appointment).
2. Member, Editorial Committee of the *Common Law World Review* – 2022 to date.
3. Assessor, Panel of Assessors for COVID-19 Temporary Relief (PACT), pursuant to the provisions of the COVID-19 (Temporary Measures) Act 2020 – April 2020 to November 2022.
4. Member, Singapore Academy of Law: Promotion of Singapore Law Committee (currently chaired by Justice Vinodh Coomaraswamy, High Court of Singapore) – September 2011 to March 2021.
5. Member, Editorial Board of the *Singapore Law Reports (Reissue)* – 2007 to 2009.
6. Deputy Registrar, Subordinate Courts, Singapore (ad-hoc) – 2007 to 2009.