

**THE LAW SOCIETY OF SINGAPORE**

**PRACTICE DIRECTION 4.1.1**

*[Formerly PDR 2013, para 25; PDR 1989, chap 1, para 22]*

**BREACH OF UNDERTAKING IN ADMIRALTY PROCEEDINGS**

The increasing frequency with which undertakings given by legal practitioners on the basis of which vessels are arrested and detained in admiralty proceedings and security guard's expenses incurred have not been honoured has been brought to the Council's attention by the Sheriff, Supreme Court, Singapore.

A legal practitioner should not give an undertaking which he/she is unable to implement personally. It would be easy for the Sheriff to institute proceedings to enforce the undertakings. Apart from being exposed to legal proceedings, legal practitioners should also bear in mind that a breach of undertaking is a serious breach of professional conduct sufficient to warrant disciplinary proceedings.

Legal practitioners are therefore requested to ensure that sufficient funds are placed at their disposal to cover security guard's expenses before giving such undertakings. Failure to do so will mean that the legal practitioner must honour the undertaking personally and failing that, face the consequence of not only being sued by the Sheriff but also having to answer for professional misconduct.

Date: 1 June 2018

**THE COUNCIL OF THE LAW SOCIETY OF SINGAPORE**