

**RAHAYU PARTNERSHIP – IN ASSOCIATION WITH JTJB**  
**PRINCIPAL PARTNER – RAHAYU ABD GHANI**

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RAHAYU ABD GHANI  
Principal Partner  
LLB (Hons), University of Newcastle-Upon-Tyne.  
Certificate of Legal Practice (CLP)  
Advocate & Solicitor, Malaysia  
Called to the Malaysian Bar: 1999

Email: rahayu@jtjb.com  
Contact: +6 03 22872322  
Mobile: +6 012 2809465  
Website: www.rahayupartnership.com

Rahayu Abd Ghani is the Principal Partner of Rahayu Partnership. The firm is part of the Joseph Tan Jude Benny (JTJB) Global Network.

Rahayu graduated from the University of Newcastle-upon-Tyne with a Bachelor of Laws Honours Degree in 1996 and upon completing her Certificate in Legal Practice and being called to the Malaysian Bar in 1999, Rahayu started her practice in a Maritime Law firm in Subang Jaya where she gained experience specializing in shipping, admiralty and insurance cases.

**Practice Areas:**

She has been exposed to a full range of shipping, admiralty and insurance cases both contentious and non-contentious. She also handles civil, corporate and commercial cases. Her exposure includes:

- project financing;
- ship financing and registration;
- ship sale agreements and shipbuilding contracts;
- ship arrests for all types of claim;
- charter party and bill of lading disputes;
- marine hull & machinery claims; cargo insurance claims;
- liability insurance claims; fire and engineering claims; professional indemnity insurance claims;
- arbitration;
- shipping and admiralty litigation
- banking litigation; insurance litigation;
- enforcement of foreign judgment and arbitration awards;
- winding-up and bankruptcy.

Apart from the above, she also handles real property transactions and drafting of corporate agreements and other documentations etc.

**RAHAYU BINTI ABD GHANI (Senior Partner)**  
**Called to the Bar on: 8<sup>th</sup> April 1999**

**Practicing experience – litigation/contentious (non-exhaustive)**

1. Acted for local banks in the recovery of vessels under construction in China under an assignment of shipbuilding contract.
2. Acted for local and foreign banks in the enforcement of mortgage by way of arresting the vessels mortgaged including obtaining order for sale, determination of priorities and payment out. Appeared in the High Court of Shah Alam, Kuala Lumpur, Penang, Johor Bharu, Kuantan, Malacca.
3. Acted for local banks in foreclosure action in the High Court of Shah Alam and Kuala Lumpur.
4. Acted for local banks in claims against local borrowers for non-payment of loans. Appeared in the High Court in Shah Alam and Kuala Lumpur. Also handled the appeals arising therefrom in the Court of Appeal in Putrajaya.
5. Handled interlocutory applications for e.g. summary judgment application, striking out application, security for costs application etc.
6. Handled execution proceedings for e.g. writ of seizure and sale, garnishee, bankruptcy, winding-up, judgment debtors summons etc.
7. Acted for local and foreign companies in debt recovery actions against local and foreign companies in the High Court of Shah Alam and Kuala Lumpur.
8. Acted for a foreign shipyard in a debt recovery action for unpaid repairs against a local company in the High Court of Kuala Lumpur.
9. Acted for a local company in pursuing an arbitration claim against a local shipowner for breach of charterparty terms.
10. Acted for a public listed company to defend an arbitration claim brought by foreign individuals arising from a shipbuilding dispute.
11. Acted for a public listed company in pursuing a claim against a local insurance company under a Hull and Machinery policy.
12. Appointed under the Bar Council Professional Indemnity Scheme to defend claims against allegedly negligent lawyers. Appeared in the Sessions Court in Malacca and the High Court in Penang, Melaka, Muar, Shah Alam and Kuala Lumpur. Also handled the appeals arising therefrom in the Court of Appeal in Putrajaya.
13. Acted for an insurance company in the High Court in Penang to defend a claim by a policyholder under a Fire policy.
14. Acted for an insurance company in the High Court in Kuala Lumpur to defend a claim by a policyholder under a Contractor's All Risks policy.
15. Acted for an insurance company in the High Court of Johor Bharu to defend a claim by a policyholder under a Goods in Transit policy arising from hijacking of lorries. Attended to appeal arising therefrom at the Court of Appeal in Putrajaya.
16. Acted for a local insurance company under a Hull and Machinery policy in the High Court in Kuala Lumpur to defend claims arising from collision between ferries.

17. Acted for a takaful operator in the United Kingdom High Court which was appealed up to the Supreme Court to defend a claim by a policyholder under a Marine Cargo certificate on issues of inherent vice and perils of the sea.
18. Acted for an insurance company in the High Court in Kuala Lumpur to defend a claim by a policyholder under a Hull and Machinery policy for total loss of vessel due to theft on ground of breach of warranties.
19. Acted for a takaful operator in the High Court of Kota Kinabalu to defend a claim by a policyholder under a Hull and Machinery certificate for total loss of the vessel due to theft on ground of breach of warranties.
20. Acted for an insurance company under a Port Liability policy to recover for impact damage claim against a foreign ship owner through its Protection and Indemnity Club.
21. Acted for a local shipowner in the Magistrates Court in Langkawi to defend a negligent claim against the Master of a ferry which was involved in a collision with another ferry.
22. Acted for a shipowner in the High Court of Shah Alam in pursuing a claim against an insurance company under a Hull and Machinery Policy for total loss of vessel arising from barratry.
23. Acted for a ship owner in the High Court of Kuala Lumpur in debt recovery action for outstanding freight, rent and demurrage charges and unreturned containers.
24. Acted for a foreign ship owner in the High Court of Shah Alam in defending a claim by a foreign shipper for mis-delivery of cargo without production of bill of lading.
25. Acted for a local ship owner in the High Court of Kuala Lumpur in defending a claim for conversion of cargo.

**Practicing experience – non-contentious (non-exhaustive)**

1. Provided advice on all areas of ship finance from structured finance and all related loan, leasing and security documents; charterparties; contracts with suppliers and sub-contractors; ship and offshore unit construction and conversion; to ship sale and purchase, both domestically and internationally.
2. Represented banks, equity investors, ship owners and shipyards in respect of all aspects of deal structuring, documentation, negotiation and registration of securities and loans.
3. Provided advice on the acquisition, construction and financing of all types of ships, mobile drilling units, FPSOs and other equipment in the shipping, offshore and energy sectors.
4. Provided advice on financing and security for new and second-hand vessels on behalf of banks, financiers and ship owners.
5. Provided advice on shipbuilding, repair and conversion contracts.
6. Provided advice on ship employment contracts including leases, bareboat charters, time charters, contracts of affreightment and liner container documentation.
7. Provided advice on joint ventures, fleet ownership structures and corporate arrangements.

8. Provided advice on securitisations and financing structures in shipping, shipbuilding, offshore and ports projects.
9. Provided advice on documentation for the sale and purchase of second-hand vessels, resales of new vessels, vessels under construction and dealing with documentary closings, vessel deliveries, transfers and registration.
10. Provided advice on enforcement of security and restructuring programmes on behalf of financiers, liquidators, receivers and ship owners.
11. Provided advice on all areas of transport including maritime, road and air transport; from contracts of carriage; warehousing; charter party problems; to other contractual problems.
12. Provided advice on all aspects of insurance including marine insurance, liability insurance, property insurance; from policy liability; legal actions such as the arrest of ship or arranging security from a third party; to domestic and international recovery claims.
13. Represented local and international insurers, insurance intermediaries, other insurance professionals and various regulatory bodies.
14. Provided assistance to Protection and Indemnity Clubs in acting for and pursuing claims for their members arising from cargo damage claim; contamination and shortage claim; pollution; wreck removal; personal injury; collision; misdelivery; salvage; towage etc.
15. Represented Protection and Indemnity Clubs in negotiating alternative securities in the forms of bank guarantees or Club's letter of undertaking; to secure the release of vessels under arrest.
16. Provided advice to foreign solicitors and foreign banks on ship registration under Malaysia Ship Registry ("MSR") and Malaysian International Ship Registry ("MISR").
17. Handled non-contentious divorce matters in the High Court in Seremban, Shah Alam and Kuala Lumpur.
18. Handled non-contentious probate matters in the High Court in Kuala Lumpur.