

SINGAPORE: GATEWAY TO DISPUTE RESOLUTION



DISPUTE RESOLUTION INSTITUTIONS & SERVICES

Singapore Chamber of
Maritime Arbitration
www.scma.org.sg

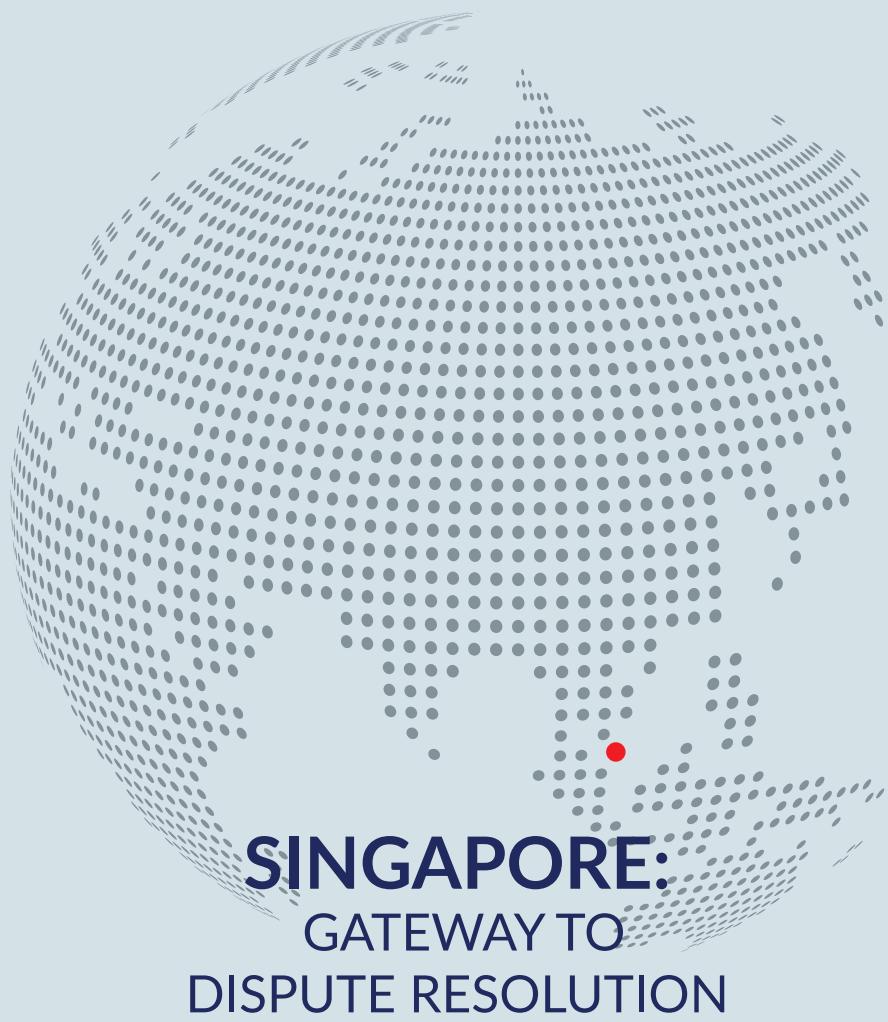
Singapore International
Arbitration Centre
www.siac.org.sg

Maxwell Chambers
www.maxwell-chambers.com

Singapore Mediation Centre
www.mediation.com.sg

Singapore International
Mediation Centre
www.simc.com.sg

Singapore International
Commercial Court
www.sicc.gov.sg



SINGAPORE: GATEWAY TO DISPUTE RESOLUTION

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- Changi Airport Group • Maxwell Chambers • Ministry of Law • Singapore Tourism Board
- Singapore International Mediation Centre



SINGAPORE: GATEWAY TO LEGAL SERVICES

Efficiency, economy and innovation are the hallmarks of dispute resolution in Singapore. In a business environment of increasing complexity and uncertainty, Singapore stands out as a trusted and safe venue for dispute resolution.

The World Bank Doing Business Report 2019 ranks Singapore first globally in the contract enforcement variable - which measures the efficiency of a judicial system in resolving commercial disputes.

Why Singapore?

- **Pro-business environment:** With supportive government policies and a pro-business environment, international parties seeking to resolve commercial disputes in Singapore can expect laws that are responsive and keenly attuned to their needs. We keep abreast of commercial developments and international best practice in the knowledge that law, like the businesses it protects, does not stand still.

Singapore consistently ranks amongst the top of the World Bank's Doing Business rankings as the world's easiest place to do business.

- **Trusted legal system:** With a strong reputation for good governance, low corruption, efficiency, rule of law and a trusted legal system, Singapore is an independent and neutral venue.

Singapore is the 3rd least corrupt nation in the world (alongside Finland, Sweden and Switzerland), according to Transparency International's 2018 Corruption Perception Index. The World Justice Project's Rule of Law Index 2019 ranks Singapore as the top Asian country overall for adherence to the rule of law and on a worldwide scale - 1st in "Order & Security", 3rd in "Regulatory Enforcement" and 3rd in "Absence of Corruption".

- **Respected judiciary:** Singapore's judiciary is well-respected for efficiency, competence and honesty. Our courts also have a strong international outlook, and increasingly consider a wide diversity of foreign judgments in their decisions.

- Global connectivity:**

Singapore's prime geographical location and stellar transportation and communication links make us one of the most well-connected cities in the world. Over 100 airlines fly from Singapore's award-winning Changi Airport to more than 400 cities around the globe. Travel times are short in our compact city, with excellent infrastructure critical to business travellers.

- Cost advantage:**

Legal costs in Singapore are consistently lower than those in other major cities, such as London and New York.



An Integrated Legal Framework:

- Cutting-edge court system:**

Pioneers of the world's first "paperless" courts to enable online filing of court documents, Singapore's courts are supported by a modern and efficient infrastructure capable of handling the most complex cross-border disputes. Court processes are streamlined and user-friendly, leveraging on modern technologies and other innovations. The **Singapore International Commercial Court**, a division of our High Court, is the first of its kind in Asia, offering parties specialist international judges and an efficient and flexible process for dealing with cross-border cases, including those governed by foreign law.

- Legal expertise:**

A world-class and exceptionally diverse range of legal expertise is available in Singapore. Singapore's Commonwealth heritage and multinational make-up have produced a rich pool of world-class judges and advocates, as well as arbitrators, mediators, and arbitration and mediation counsel. They are multilingual and familiar with international norms. Many leading global law firms and international arbitrators and mediators are now based here or are frequent visitors.

- World-leading ADR services:**

Singapore is a world leader in alternative dispute resolution (ADR) services. We offer a wide range of ADR options that complement existing court mechanisms, including well-established arbitration and mediation procedures. The **Singapore International Arbitration Centre** and the **Singapore International Mediation Centre** are world-class institutions for ADR. Parties seeking to resolve their disputes by ADR in Singapore will also enjoy access to state-of-the-art support facilities, such as **Maxwell Chambers**, the world's first integrated dispute resolution complex.

Other world-class dispute resolution institutions located in Singapore include the first **Permanent Court of Arbitration in Asia**, the **International Court of Arbitration** of the **International Chamber of Commerce**, and the **American Arbitration Association - International Centre for Dispute Resolution**.



INTERNATIONAL ARBITRATION

Singapore is the foremost venue in Asia for international arbitration. Singapore ranks as the most preferred seat in Asia, and the third most preferred seat globally after Paris and London, in the 2018 Queen Mary, University of London (QMUL) International Arbitration Survey, a major empirical survey on the use of international arbitration. Singapore is home to Maxwell Chambers - "the place to be and be seen" in international arbitration - and many of the world's leading arbitral institutions and arbitration practitioners have made Singapore their regional base.

Why do so many parties choose Singapore?

The international arbitration regime in Singapore enjoys a unique combination of competitive advantages:

- **A genuinely open regime:** Parties are free to engage lawyers and arbitrators of any nationality and use any governing law. There is no restriction on foreign law firms engaging in and advising on arbitration in Singapore.
- **Modern and responsive laws:** As with the rest of our laws, Singapore's arbitration legislation is regularly reviewed to keep abreast of international best practices and commercial developments:
 - Our arbitration legislation adopts UNCITRAL Model Law provisions, including those empowering the Court to grant interim orders in aid of foreign arbitration.
 - Singapore was one of the first jurisdictions to provide clear legislative support for the appointment of an emergency arbitrator, and for any resulting order. The emergency arbitrator procedure enables parties to obtain urgently required interim relief before a Tribunal is constituted, without the need to go to Court.
 - Singapore has also amended its laws to permit and facilitate the use of third party funding in international arbitration proceedings and related court and mediation proceedings.
 - Singapore's International Arbitration Act and Arbitration Act, which govern international and domestic arbitration respectively, can be found at <https://sso.agc.gov.sg>.
- **Judicial support:** Specially-appointed judges, who have the experience to handle a wide range of complex issues, preside over arbitration matters which are brought before the High Court.



- **Enforceability of arbitral awards:** Singapore is a party to the 1958 New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards. This means that arbitral awards issued in Singapore are enforceable in the courts of over 150 Convention countries.
- **Leading arbitral institutions:** The **Singapore International Arbitration Centre** and the **Singapore Chamber of Maritime Arbitration** are based in Singapore. Numerous other leading arbitral institutions have a presence in Singapore, including the:
 - Permanent Court of Arbitration
 - International Centre for Settlement of Investment Disputes
 - International Court of Arbitration of the International Chamber of Commerce
 - American Arbitration Association – International Centre for Dispute Resolution
 - World Intellectual Property Organization Arbitration and Mediation Center
- These institutions and others are housed in the world's first integrated dispute resolution complex, **Maxwell Chambers**.
- **Rich talent pool:** Singapore law firms rank among the world's best international arbitration practices, according to widely-followed rankings by the Global Arbitration Review. Growing numbers of global law firms have chosen to base international arbitration practice group offices here. A number of leading and established barristers' chambers now have a permanent presence here, giving parties a wide choice of experienced counsel to select from. The majority of law firms included in Chambers & Partners Asia Pacific Guide 2019 rankings have a presence in Singapore.
- **Professional arbitration standards:** The Singapore Institute of Arbitrators ("SIArb") is an independent and neutral professional body established in 1981 and presently has almost 1,000 members. Its mission includes the promotion of arbitration as an alternative dispute resolution process, the training and development of arbitration practitioners, the contribution to thought-leadership in the arbitration community, and the provision of networking opportunities for those involved in arbitration in Singapore. SIArb acts as an appointing authority for the appointment of arbitrators and administers arbitrations under special schemes, which are developed and implemented for particular areas and industries. Arbitration rules are specifically designed to take into account the nature of the disputes which may arise in the area or industry which the scheme is intended to serve.
- **Tax incentives:** As part of building a robust and vibrant legal services hub, Singapore offers arbitration-specific tax exemptions and incentives for legal practices and arbitrators. In particular, a tax exemption scheme is in place for non-resident foreign arbitrators who are appointed for any arbitration proceedings governed by the International Arbitration Act or the Arbitration Act, or which would have been governed by either of these Acts had the place of arbitration been in Singapore.
- **Cost advantage:** Arbitration costs are lower than most major centres of arbitration.



THE SINGAPORE INTERNATIONAL ARBITRATION CENTRE (SIAC)



Why arbitrate at SIAC?

SIAC has a proven track record in providing neutral arbitration services to the global business community. SIAC was ranked 3rd out of the world's top five arbitral institutions in the 2018 Queen Mary, University of London (QMUL) International Arbitration Survey, a leading empirical survey on the use of international arbitration, which makes SIAC the most preferred arbitral institution in Asia. SIAC arbitration awards have been enforced in many jurisdictions including Australia, China, Hong Kong SAR, India, Indonesia, Jordan, Thailand, UK, USA and Vietnam, amongst other New York Convention signatories. More than 400 cases are filed at SIAC each year. Over 80% of SIAC's cases are international in nature.

SIAC's distinctive features include:

- **User-friendly rules:** SIAC's Arbitration Rules provide a flexible, effective and user-friendly set of arbitral procedures for the efficient, expert and enforceable resolution of international disputes of all sizes and complexities involving parties from diverse legal systems and cultures. The 6th edition of SIAC's Arbitration Rules (which came into effect on 1 August 2016) introduced a number of market-leading innovations, including a procedure for the early dismissal of claims and defences (the first of its kind amongst major institutional rules for commercial arbitration), as well as provisions to deal with multi-party and multi-contract disputes. The 1st edition of the SIAC Investment Arbitration Rules came into effect on 1 January 2017. SIAC is the first commercial arbitral institution to offer a stand-alone set of rules to address the special features and demands of arbitration proceedings involving States, State-controlled entities or intergovernmental organisations, whether arising out of a contract, statute, treaty or other instrument.
- **Special procedures:** SIAC's Arbitration Rules enable parties to avail themselves of certain "special procedures" namely:
 - **Emergency Arbitrator:** SIAC was the first international arbitral institution in Asia to introduce provisions for the appointment of an emergency arbitrator to deal with requests for urgent interim relief prior to the constitution of a Tribunal. Since the introduction of this special procedure to the SIAC Rules in July 2010, SIAC has received and accepted over 80 emergency arbitrator applications, making SIAC a world leader in this area.

- Expedited Procedure:** The Expedited Procedure provides a fast-track 6-month procedure for the efficient, cost-effective resolution of lower-value, less complex cases. Since the introduction of this special procedure to the SIAC Rules in July 2010, SIAC has received over 470 applications, of which over half have been accepted.

- Competitive fees:**

SIAC's administration fees are competitive in comparison with all major international arbitral institutions. SIAC provides transparent financial management of cases according to published guidelines, which enables legal representatives to provide their clients with accurate cost projections including timelines and costs for each stage of the arbitral process.

- Experienced international arbitrator panel:**

SIAC has an experienced international panel of over 400 arbitrators from over 40 jurisdictions. Strict standards of admission minimise the risk of challenges and delays. A list of current panel members is available at: <http://siac.org.sg/our-arbitrators/siac-panel>.

- Experienced Court of Arbitration:**

SIAC's specialist Court of Arbitration comprises 22 eminent arbitration practitioners from around the world, with specialist knowledge and experience from Australia, Belgium, China, France, India, Japan, Korea, Singapore, UK and USA. The Court is involved in, among other things, the appointment of arbitrators, challenge decisions and rule revisions.

A list of current Court members is available at: <http://www.siac.org.sg/2014-11-03-13-33-43/about-us/court-of-arbitration>

- International Board of Directors:**

SIAC's Board of Directors consists of well-respected lawyers and corporate leaders from China, Hong Kong, India and Singapore. The Board is responsible for overseeing SIAC's operations, business strategy and development, as well as corporate governance matters. A list of current Board Members is available at: <http://www.siac.org.sg/2014-11-03-13-33-43/about-us/board-of-directors>

- Multinational Secretariat:**

A multinational Secretariat of experienced arbitration lawyers who are qualified in both civil and common law jurisdictions is one of SIAC's key strengths. The Secretariat supervises and monitors the progress of each case and also conducts a scrutiny of draft awards to enhance the enforceability of awards and minimise the risk of challenges. SIAC manages all the financial aspects of the arbitration, including regular rendering of accounts, collection of deposits towards the costs of arbitration, and processing of the Tribunal's fees and expenses.

- Multilingualism:**

The SIAC Secretariat comprises counsel fluent in English, Chinese, Bahasa Indonesia, Korean, French, Hindi, Malay, Lithuanian, and Russian. As a consequence, if the arbitration clause so requires, SIAC is generally able to administer a case in languages other than English and has done so in the past.



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Further details on SIAC's representative offices in Mumbai, Seoul, Shanghai and GIFT, Gujarat are available on the SIAC website.

THE SINGAPORE CHAMBER OF MARITIME ARBITRATION (SCMA)



Singapore Chamber of Maritime Arbitration (SCMA) is a specialist arbitration institution for the resolution of maritime and international trade disputes. SCMA offers a comprehensive and neutral set of non-administered arbitration rules with optional features. SCMA provides a framework that is cost-effective and flexible to the maritime and international trade communities to resolve their disputes fairly and expeditiously.



Why choose SCMA?



- Hybrid Model of Arbitration:** The SCMA Arbitration Rules are based on a hybrid model of non-administered arbitration with optional features. The optional features that parties may utilise are (1) appointing authority, (2) determining challenges to the tribunal, (3) fund-holding services, and (4) authentication of awards under the Singapore International Arbitration Act.
- Specialist Maritime Rules:** The SCMA Arbitration Rules are created by and for the maritime and international trading communities. They are kept simple and current with feedback from the industry. SCMA also maintains specialised arbitration rules to cater to technical marine disputes such as the Singapore Bunker Claims Procedure (SBC Terms) for bunker quality or quantity disputes, and the SCMA Expedited Arbitral Determination of Collision Claims (SEADOC) for collision disputes.



- Panel of Expert Maritime Arbitrators:** SCMA Panel Arbitrators are drawn from all sectors of the local and international maritime community, all of whom are experts in one or more maritime disciplines. SCMA arbitrators hail from diverse nationalities and jurisdictions and can conduct hearings and render awards in different languages. Admission to the SCMA Panel of Arbitrators is not dependent on nationality, jurisdiction, or affiliation.
- Freedom of Appointment:** Users have complete autonomy to appoint arbitrators of their own choice or from SCMA's Panel of Arbitrators. They may also request the assistance of the SCMA Chairman to break a deadlock in an arbitrator appointment or determine a challenge to an arbitrator.
- Cost-Effectiveness:** There are no fees payable to the SCMA to commence an SCMA arbitration. There is also no mandatory scale of arbitrators' fees based on the amount in dispute (also known as ad-valorem fees). Parties are free to independently agree upon rates with the arbitrator(s).
- International Acceptance:** Singapore is listed as one of the three arbitral seats in BIMCO's Standard Dispute Resolution Clause, the NYPE Time Charter Party 2015, and the Singapore Ship Sale Form. If Singapore is selected as the seat, the SCMA Arbitration Rules apply by default.
- Enforceable and Final Awards:** Singapore has adopted the UNCITRAL Model Law on International Commercial Arbitration of 1985, and is party to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, also known as the New York Convention of 1958. Arbitral awards issued in the Singapore seat are enforceable in over 150 convention states.
- Inclusive Membership Base:** Membership is open to all companies and individuals from all sectors of the maritime and international trade communities. Our Members actively participate in various SCMA committees and events to ensure that SCMA remains responsive to the needs of the industry.



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MEDIATION

Singapore is the leading promoter of mediation in Asia. Mediation is a confidential, quick and cost-effective dispute resolution process centred on party-driven solutions and is well suited to the region's pro-business environment.

As a confidential and flexible process, mediation is well suited to accommodating cultural, legal and commercial differences between disputing parties, while preserving party autonomy and business relationships. The potential of innovative hybrid dispute resolution mechanisms such as the arbitration-mediation-arbitration process adds to the attractiveness of mediation.

Why mediate in Singapore?

- **Well-established process:**

Mediation is a widely accepted mode of dispute resolution in Singapore. Its processes are well-understood by the legal and business community, and mediation is strongly supported by the judiciary.

- **Availability of mediation services:**

A full menu of options is available to international parties who decide to resolve their dispute by mediation in Singapore:

- The **Singapore International Mediation Centre** (SIMC) makes available an elite panel of highly experienced and effective international mediators for cross-border disputes.
- The **Singapore Mediation Centre** (SMC) has reliable, cost-effective and efficient mediation services, with a long track record of success.

The Singapore Convention on Mediation, adopted by the United Nations in December 2018, provides a uniform and efficient framework for the enforcement of international settlement agreements resulting from mediation and for allowing parties to invoke such agreements. This is the first treaty named after Singapore among those concluded under the auspices of the United Nations organisation, and further cements Singapore's place on the world map for international dispute resolution.

- **Enhanced enforceability:**

Singapore's Mediation Act 2017 provides a mechanism for parties to record their mediated settlement agreement as a court order, thereby enhancing the enforceability of the agreement.

- Other top international alternative dispute resolution providers which have chosen to establish offices in Singapore include the **World Intellectual Property Organization Arbitration and Mediation Center** and the **International Chamber of Commerce's International Centre for Alternative Dispute Resolution**.

A new *Singapore Infrastructure Dispute – Management Protocol (SIDP)* was launched by the Ministry of Law in October 2018. The Singapore International Mediation Centre and the Singapore Mediation Centre are the two Authorised Appointing Bodies under this protocol, which aims to help parties involved in mega infrastructure projects manage disputes and minimise the risks of time and cost overruns.

- Professional mediation standards:**

The Singapore International Mediation Institute (SIMI) is a professional standard-setting and credentialing body which supports Singapore's mediation capabilities. Affiliated with the International Mediation Institute, SIMI's role includes promoting best mediation practices and high mediator competency standards.

- Tax exemptions:**

To support the use of Singapore's international mediation services, a tax exemption allows income derived by a qualifying non-resident mediator for mediation work carried out in Singapore from 1 April 2015 to 31 March 2020 to enjoy exemption from withholding tax.



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Singapore International Mediation Centre (SIMC)

The Singapore International Mediation Centre (SIMC) is a not-for-profit organisation that offers professional dispute resolution services tailored to the evolving needs of businesses in Asia.



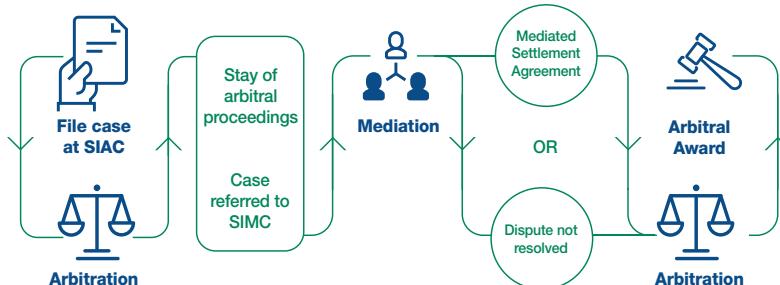
SINGAPORE INTERNATIONAL
MEDIATION CENTRE

Why mediate at SIMC?

- A high-quality international panel:** SIMC's panel of 70 international mediators have extensive experience resolving cross-border disputes. They are highly regarded for delivering successful outcomes in complex, high-stakes commercial disputes, with a settlement rate of more than 80% and within an average time of one day. They are based in more than 20 jurisdictions that practise common and civil law traditions. The list of mediators can be found at www.simc.com.sg/mediators.
- Efficient and effective dispute resolution:** SIMC offers professional case management services under the SIMC Mediation Rules, including a competitive and transparent fee structure. The SIMC Secretariat can also assist to appoint a suitable mediator from its panel in the event that parties are unable to jointly nominate a mediator.

Globally Enforceable Outcomes

- Arb-Med-Arb Protocol:** The "Arb-Med-Arb" (AMA) Protocol is a unique hybrid process where parties attempt mediation after the commencement of arbitration proceedings.



It combines the efficacy of mediation with the enforceability of the arbitration award. Parties that adopt the Arb-Med-Arb Protocol may convert their mediated settlement agreement into a consent arbitral award that is enforceable in over 150 countries under the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, also known as the New York Convention of 1958.

- **Singapore Mediation Act:** Mediation at SIMC comes with the benefit of enforceability under Singapore's Mediation Act 2017.

Parties can initiate mediation directly and convert the resulting settlement agreement into a court order. Settlement agreements may also be converted into consent awards under the Arb-Med-Arb Protocol. Confidentiality of mediation communications relating to a mediation under the Mediation Act 2017 will be governed by the said Act.

Capacity Building

SIMC offers workshops and seminars on topics such as hybrid dispute protocols, culture, ethics, and cross-border enforcement. Each is aimed at deepening the competency of individuals and organisations in transnational dispute resolution.

SIMC also consults for clients who wish to create a culture of collaborative problem-solving, and can tailor a curriculum on negotiation and dispute resolution befitting each client's unique context.



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MAXWELL CHAMBERS

Maxwell Chambers is the world's first integrated dispute resolution complex, housed within two conserved neo-classical buildings. It offers a range of premium hearing and preparation rooms for hearings and legal proceedings, and can accommodate arbitration cases of all sizes. Maxwell Chambers is ranked as one of the top centres in the world and is the recipient of numerous accolades.

Why choose Maxwell Chambers?

- **Location:** The building is conveniently located in Singapore's Central Business District and a 20-minute drive from Changi International Airport.
- **Support Services:** Client needs are placed at the forefront in Maxwell Chambers. As a dedicated dispute resolution facility, Maxwell Chambers understands the unique requirements for arbitral hearings and other dispute resolution processes.
- **Smart Technology:** As part of the Smart Maxwell initiative, Maxwell Chambers will be equipped with smart technology. With smart rooms and the use of a mobile application, users will be able to:
 - Access hearing rooms and offices via an authorised electronic access card on the app
 - Control room settings (lighting, air-conditioning, etc)
 - Request for secretariat and concierge services
 - Book facilities and hearing rooms
 - View amenities in the vicinity
- **The Singapore Advantage:** Well-regarded for its strong legal infrastructure and impartiality, Singapore ranks as the most preferred seat in Asia and the third most preferred seat in the world for international arbitration in the 2018 Queen Mary, University of London (QMUL) International Arbitration Survey.

Facilities

- Exclusive and private
- Acoustically-treated rooms for optimal privacy
- Customisable room layouts
- High-speed wireless Internet access
- Arbitrators' Lounge
- Coffee Corners

Services

- Concierge and support services
- Video-conferencing facilities
- Catering services
- Wide selection of restaurants in the vicinity
- Transcription and interpretation services
- Post-hearing disposal and shredding of confidential documents



Maxwell Chambers Suites

Situated adjacent to the main building, Maxwell Chambers Suites is home to offices of top international dispute resolution institutions, chambers, law firms, and ancillary services.

The expansion of Maxwell Chambers to the adjoining building at 28 Maxwell Road, which began in 2017, has added 120,000 feet in floor space and tripled the size of the facility to meet the growing demand for dispute resolution services in Singapore.

Maxwell Chambers Suites is seamlessly connected to the world-class hearing facilities at Maxwell Chambers via a link bridge.

Facilities

- Physical offices for dispute resolution institutions
- Premium Executive Suites and meeting rooms for corporate use
- Lush open-to-sky courtyards
- 24-hour business centre

Services

- Full suite of secretariat services
- Virtual Tenancy options for international ADR institutions and associations

Our tenants include:

- Chartered Institute of Arbitrators (CIArb)
- International Chamber of Commerce Asia (ICC Asia)
- International Center for Dispute Resolution (ICDR)
- INSOL International
- ICC Academy
- The Law Society of Singapore
- Permanent Court of Arbitration (PCA)
- Singapore Chamber of Maritime Arbitration (SCMA)
- Singapore International Arbitration Centre (SIAC)
- Singapore International Mediation Centre (SIMC)
- WIPO Arbitration and Mediation Centre



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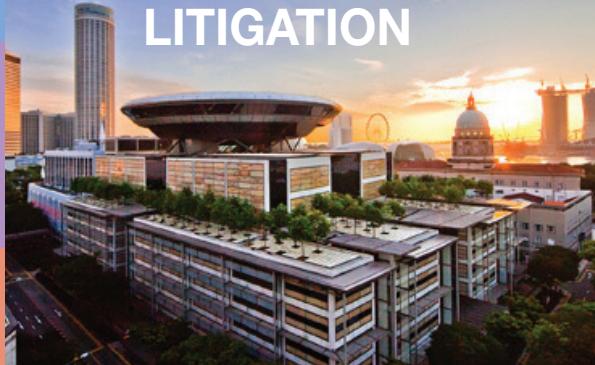
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INTERNATIONAL COMMERCIAL LITIGATION



With a world-class judiciary well-known for its efficiency, competence and integrity, the Singapore Courts are a prime option for parties wanting a trusted neutral venue for the resolution of cross-border disputes. The **Singapore International Commercial Court (SICC)** is the first of its kind in Asia, and was established specifically to cater to the litigation needs of international parties, whatever the law governing the dispute.

What is the SICC?

As a division of the Singapore High Court, the SICC offers the option of a court-based dispute resolution mechanism for international commercial disputes, even where the dispute has no connection with Singapore and is not governed by Singapore law.

The SICC can hear international and commercial cases in which the original parties submit to its jurisdiction under a written jurisdiction agreement. Recommended model clauses for submitting to the SICC's jurisdiction are available at: https://www.sicc.gov.sg/docs/default-source/guide-to-the-sicc/sicc-model_clauses.pdf.

Why choose the SICC?

The SICC has a number of innovative features which cater to the needs of international parties and differentiate it from other Courts. These include:

- **A diverse panel of eminent international and local jurists:** Disputes before the SICC and any resulting appeals will be heard by judges drawn from a distinguished and diverse panel. The panel is made up of eminent local and international judges and legal experts, with many of the international jurists being current or former judges from various jurisdictions. A list of the International and Singapore judges is available at: <https://www.sicc.gov.sg/about-the-sicc/judges>.
- **Choice of counsel:** Parties are not limited to appointing Singapore lawyers and are free to choose foreign counsel to represent them in cases with no substantial connection with Singapore. Foreign counsel may also appear to address the Court on matters of foreign law. To appear before the SICC, foreign counsel must register with the Court (see <https://www.sicc.gov.sg/registration-of-foreign-lawyers/registration-of-foreign-lawyers>) and comply with the SICC Code of Ethics (see https://www.sicc.gov.sg/docs/default-source/guide-to-the-sicc/code-of-ethics_revised.pdf).
- **More flexible court procedures:** Court procedures in the SICC follow international best practices for commercial disputes. At the same time, having regard to the international and commercial nature of the disputes and the parties, the SICC's court procedures provide for more flexibility than typically found in national court processes:
 - **Confidentiality:** Parties may apply for their case to be heard in confidence. Where a case has no substantial connection with Singapore, the Court will generally take a more liberal approach in granting confidentiality orders.
 - **Rules of evidence:** If all parties agree, parties have the flexibility to apply to the Court to adopt rules of evidence they are familiar with, instead of Singapore rules of evidence. For example, parties may ask that the proceedings employ the International Bar Association Rules on the Taking of Evidence in International Arbitration.

- **Determination of foreign law:** Parties may apply to have questions of foreign law determined on the basis of submissions instead of proof. This means that they will not have to call witnesses to prove what the foreign law is.
- **Document production or discovery:** Instead of general discovery, the document production or discovery rules in the SICC are similar to the International Bar Association Rules on the Taking of Evidence in International Arbitration.
- **Costs:** Costs are awarded at the discretion of the Court, with the general principle that the unsuccessful party shall pay the reasonable costs of the proceedings to the successful party.

Are SICC judgments enforceable in other jurisdictions?

As judgments of the Supreme Court of Singapore, SICC judgments will be widely enforceable around the world. In common law countries, and in certain civil law jurisdictions, enforcement will proceed without review of the merits of the case.

SICC judgments can also be registered and enforced in the Courts of countries which have reciprocal enforcement arrangements with Singapore. This includes Australia¹, Brunei Darussalam, Hong Kong, India², Malaysia, New Zealand, Pakistan, Papua New Guinea, Sri Lanka, the United Kingdom and the Windward Islands.

Singapore is also a party to the 2005 Hague Convention on Choice of Court Agreements (COC). As at Dec 2018, there were 32 contracting parties, including the EU member states, Denmark, Mexico and Montenegro. Being a party to the COC would generally mean that SICC judgments may be recognised and enforced in the Courts of the other contracting states. It is envisaged that more countries will become parties to the COC in the near future.

More information on the enforceability of SICC judgments can be found at:
<https://www.sicc.gov.sg/docs/default-source/guide-to-the-sicc/sicc-enforcement-guide-sep-2018.pdf>

What are the SICC's fees?

Fees will be based on factors including the type of hearing, number of hearing days and the number

of judges hearing the case. Detailed fee information can be found in the relevant Rules of Court, which can be accessed at:
www.sicc.gov.sg/legislation-rules-pd/rules-of-court.

How does the SICC compare to international commercial arbitration?

The SICC complements existing international arbitration services. The SICC may be preferred over arbitration where the parties:

- Prefer that all adjudicators are independently appointed. In SICC proceedings, the Chief Justice assigns judges from the panel of International and Singapore judges to each case. In most arbitrations, arbitrators are generally appointed by parties to the arbitration.
- Desire to have a right of appeal, as decisions of the SICC may, by default, generally be appealed to the Singapore Court of Appeal. Parties may, however, contractually limit or waive their right of appeal.
- Require third parties to be joined in the proceedings, especially in multi-party situations.
- Prefer that the proceedings take place in open court and published judgments with clear grounds of decision.

¹ The federal jurisdiction of Australia, New South Wales, Queensland, South Australia, Tasmania, Victoria, Western Australia, Australian Capital Territory, Norfolk Island and Northern Territory.

² Except for the states of Jammu and Kashmir.

CONTACT DETAILS



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Website: <http://www.sicc.gov.sg>



WHY CHOOSE SINGAPORE LAW?

Strongly associated with the strengths of the Singapore legal system, Singapore law is frequently adopted by contracting parties as a neutral choice of law. It may be chosen to govern transactions even if there is no connection between the parties or the transaction, and Singapore.

- **Transparent, neutral and predictable:** Singapore law is fair and transparent, with reliable and predictable results. As a common law jurisdiction, Singapore's laws retain the commercial strengths and stability of that legal tradition.
- **Modern and relevant:** Responsive to changing global commercial practices, Singapore's jurisprudence and legislation maintain a strong internationalist outlook, continuing to absorb and modify the common law as well as best practices from other mature legal systems. Singapore law is uniquely placed to reflect the commercial context in Asia and is frequently chosen as the applicable law for contracts.
- **World-class standards:** Singapore adheres to international commercial standards, and has ratified many international multilateral commercial law treaties, such as the UN Convention on Contracts for the International Sale of Goods, New York Convention on Recognition and Enforcement of Foreign Arbitral Awards and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks.
- **Cost-effective:** Legal costs in Singapore are consistently lower than those in other major cities such as London and New York.

- **Business-friendly framework:**

Singapore laws include an established and well-developed body of commercial laws, equipped to deal with cross-border transactions. In particular:

- Singapore contract law respects party autonomy and freedom of contract.
- Singapore's rules of contractual interpretation do not interfere with, but seek to give effect to the contracting parties' commercial intentions.
- Singapore courts generally recognise and enforce clauses relating to contractual indemnities and limits on damages.
- Under the Contracts (Rights of Third Parties) Act, parties to a contract are allowed, in specified circumstances, to confer enforceable rights on a third party.
- Major forms of commercial security and quasi-security interests (such as guarantees and indemnities) are protected, through a system that allows quick and easy enforcement of such interests.
- Effective provisional remedies are also available, such as injunctions and stays.

- **Respected judiciary and laws:**

Singapore's Supreme Court Judges are respected jurists with substantial expertise in adjudicating complex cross-border commercial disputes. Singapore has an established and developed body of jurisprudence with a strong foundation, and a legislative framework for commercial law that is modern and effective.



- **Judicial support for ADR:**

There is reliable and prompt enforcement of parties' agreements to arbitrate. The Courts readily assist in arbitral procedures such as the granting of interim orders and the enforcement of arbitral awards where necessary. The Courts are also supportive of mediation processes, and will not refuse to enforce an express dispute resolution clause requiring private mediation where the obligations on parties are clear and certain. Mediated settlement agreements are recognised as legally-binding contracts by Singapore courts.

In addition, Singapore's Mediation Act 2017 provides a mechanism for parties to record their mediated settlement agreement as a court order, thereby enhancing the enforceability of the agreement.



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