

Singapore - Arbitration Act, 2001

Singapore

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1 **Singapore Arbitration Act 2001 (First Read 25th
September 2001, Passed 5 October 2001, Assented 27
October 2001, Commencement Date ...)**

2 **[Pre]**

3 An Act to provide for the conduct of arbitration and to repeal the
4 Arbitration Act (Chapter 10 of the 1985 Revised Edition) and also to
5 make consequential amendments to the Bankruptcy Act (Chapter
6 20 of the 2000 Revised Edition) and the Limitation Act

7 (Chapter 163 of the 1996 Revised Edition).

8 Be it enacted by the President with the advice and consent of the
9 Parliament of Singapore, as follows:

10 **Part I - Preliminary**

11 **Short title and commencement**

12 1. This Act may be cited as the Arbitration Act 2001 and shall come
13 into operation on such date as the Minister may, by notification in
14 the Gazette, appoint.

15 **Interpretation**

16 2. (1) In this Act, unless the context otherwise requires

17 “appointing authority” means the appointing authority designated
18 under section 13 (8) or (9);

19 “arbitral tribunal” means a sole arbitrator or a panel of arbitrators or
20 an arbitral institution;

21 “arbitration agreement” has the meaning given to it in section
22 4;

23 “award” means a decision of the arbitral tribunal on the substance
24 of the dispute and includes any interim, interlocutory or partial
award but excludes any orders or directions made under section
28;

“Court” means the High Court in Singapore;

“court” , for the purposes of sections 6, 7, 8, 11(1), 55, 56 and
57, means the High Court, District Court, Magistrate's Court or any
other court in which the proceedings referred to in those sections
are instituted or heard;

“party” means a party to an arbitration agreement or, in any case
where an arbitration does not involve all of the parties to the arbi-
tration agreement, means a party to the arbitration;

“the place of the arbitration” means the juridical seat of the arbitra-
tion designated by

(a) the parties to the arbitration agreement;

(b) any arbitral or other institution or person authorised by the par-
ties for that purpose; or

(c) the arbitral tribunal as authorised by the parties,

or determined, in the absence of such designation, having regard to
the arbitration agreement and all the relevant circumstances.

(2) Where any provision in this Act allows the parties to determine
any issue, the parties may authorise a third party, including an arbi-
tration institution, to make that determination.

(3) Where any provision in this Act refers to the fact that the parties
have agreed or that they may agree or in any other way refers to an
agreement of the parties, such agreement includes any arbitration
rules incorporated in that agreement.

(4) Where any provision in this Act refers to a claim, it shall also
apply to a cross- claim or counter-claim, and where such provision

refers to a defence, it shall also apply to a defence to such cross-claim or counter-claim. 35

25 Application of this Act

26 3. This Act shall apply to any arbitration where the place of arbitration is Singapore and where Part II of the International Arbitration Act (Cap. 143A) does not apply to that arbitration.

27 Part II - Arbitration Agreement

28 Arbitration agreement

29 4. (1) In this Act, "arbitration agreement" means an agreement by the parties to submit to arbitration all or certain disputes which have arisen or which may arise between them whether contractual or not.

30 (2) An arbitration agreement may be in the form of an arbitration clause in a contract or in the form of a separate agreement.

31 (3) An arbitration agreement shall, except as provided for in subsection (4), be in writing, being contained in

32 (a) a document signed by the parties; or

33 (b) an exchange of letters, telex, telefacsimile or other means of communication which provide a record of the agreement.

34 (4) Where in any arbitral or legal proceedings, a party asserts the existence of an arbitration agreement in a pleading, statement of case or any other document in circumstances in which the assertion calls for a reply and the assertion is not denied, there shall be deemed to be an effective arbitration agreement as between the parties to the proceedings.

(5) A reference in a bill of lading to a charterparty or other document containing an arbitration clause shall constitute an arbitration agreement if the reference is such as to make that clause part of the bill of lading.

Arbitration agreement not to be discharged by death of party 36

5. (1) An arbitration agreement shall not be discharged by the death of any party to the agreement but shall continue to be enforceable by or against the personal representative of the deceased party. 37

(2) The authority of an arbitrator shall not be revoked by the death of any party by whom he was appointed. 38

(3) Nothing in this section shall be taken to affect the operation of any written law or rule of law by virtue of which any right of action is extinguished by the death of a person. 39

Part III - Stay of Legal Proceedings 40

Stay of legal proceedings 41

6. (1) Where any party to an arbitration agreement institutes any proceedings in any court against any other party to the agreement in respect of any matter which is the subject of the agreement, any party to the agreement may, at any time after appearance and before delivering any pleading or taking any other step in the proceedings, apply to that court to stay the proceedings so far as the proceedings relate to that matter. 42

(2) The court to which an application has been made in accordance with subsection (1) may, if it is satisfied that 43

(a) there is no sufficient reason why the matter should not be referred in accordance with the arbitration agreement; and

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(b) the applicant was, at the time when the proceedings were commenced, and still remains, ready and willing to do all things necessary to the proper conduct of the arbitration,

make an order, upon such terms as the court thinks fit, staying the proceedings so far as the proceedings relate to that matter.

(3) Where a court makes an order under subsection (2), the court may, for the purpose of preserving the rights of parties, make such interim or supplementary orders as the court thinks fit in relation to any property which is or forms part of the subject of the dispute to which the order under that subsection relates.

(4) Where no party to the proceedings has taken any further step in the proceedings for a period of not less than 2 years after an order staying the proceedings has been made, the court may, on its own motion, make an order discontinuing the proceedings without prejudice to the right of any of the parties to apply for the discontinued proceedings to be reinstated.

(5) For the purposes of this section and section 8, a reference to a party includes a reference to any person claiming through or under such party.

Court's powers on stay of proceedings

7. (1) Where a court stays proceedings under section 6, the court may, if in those proceedings property has been arrested or bail or other security has been given to prevent or obtain release from arrest, order that

(a) the property arrested be retained as security for the satisfaction of any award made on the arbitration; or

(b) the stay be conditional on the provision of equivalent security for the satisfaction of any such award.

(2) Subject to the Rules of Court and to any necessary modification, the same law and practice shall apply in relation to property retained in pursuance of an order under this section as would apply if it were held for the purposes of proceedings in the court which made the order.

Reference of interpleader issue to arbitration

8. Where in proceedings before any court relief by way of interpleader is granted and any issue between the claimants is one in respect of which there is an arbitration agreement between them, the court granting the relief may direct the issue between the claimants to be determined in accordance with the agreement.

Part IV - Commencement of Arbitration Proceedings

Commencement of arbitration proceedings

9. Unless otherwise agreed by the parties, the arbitration proceedings in respect of a particular dispute shall commence on the date on which a request for that dispute to be referred to arbitration is received by the respondent.

Powers of Court to extend time for beginning of arbitration proceedings

10. (1) Where the terms of an arbitration agreement to refer future disputes to arbitration provide that a claim to which the arbitration agreement applies shall be barred unless

62 (a) some step has been taken to begin other dispute resolution pro-
 cedures which must be exhausted before arbitration proceedings
 can be begun;

63 (b) notice to appoint an arbitrator is given;

64 (c) an arbitrator is appointed; or

65 (d) some other step is taken to commence arbitration proceed-
 ings,

66 within a time fixed by the agreement and a dispute to which the
 agreement applies has arisen, the Court may, if it is of the opinion
 that in the circumstances of the case undue hardship would other-
 wise be caused, extend the time for such period and on

67 such terms as the Court thinks fit.

68 (2) An order of extension of time made by the Court under subsec-
 tion (1)

69 (a) may be made only after any available arbitral process for ob-
 taining an extension of time has been exhausted;

70 (b) may be made notwithstanding that the time so fixed has expired;
 and

71 (c) shall not affect the operation of section 9 or 11 or any other
 written law relating to the limitation of actions.

72 **Application of Limitation Act**

73 11. (1) The Limitation Act (Cap. 163) shall apply to arbitration
 proceedings as it applies to proceedings before any court and a
 reference in that Act to the commencement of any action shall be
 construed as a reference to the commencement of arbitration pro-
 ceedings.

74 (2) The Court may order that in computing the time prescribed by

the Limitation Act for the commencement of proceedings (includ-
 ing arbitration proceedings) in respect of a dispute which was the
 subject- matter of

(a) an award which the Court orders to be set aside or declares to 75
 be of no effect; or

(b) the affected part of an award which the Court orders to be set 76
 aside in part or declares to be in part of no effect,

the period between the commencement of the arbitration and the 77
 date of the order referred to in paragraph (a) or (b) shall be ex-
 cluded.

(3) Notwithstanding any term in an arbitration agreement to the ef- 78
 fect that no cause of action shall accrue in respect of any matter
 required by the agreement to be referred until an award is made
 under the agreement, the cause of action shall, for the purpose of
 the Limitation Act, be deemed to have accrued in respect of any
 such matter at the time when it would have accrued but for that
 term in the agreement.

79 **Part V - Arbitral Tribunal**

80 **Number of arbitrators**

81 12. (1) The parties are free to determine the number of arbitra-
 tors.

82 (2) Failing such determination, there shall be a single arbitra-
 tor.

83 **Appointment of arbitrators**

84 13. (1) Unless otherwise agreed by the parties, no person shall

be precluded by reason of his nationality from acting as an arbitrator.

85 (2) The parties are free to agree on a procedure for appointing the arbitrator or arbitrators.

86 (3) Where the parties fail to agree on a procedure for appointing the arbitrator or arbitrators

87 (a) in an arbitration with 3 arbitrators, each party shall appoint one arbitrator, and the parties shall by agreement appoint the third arbitrator; or

88 (b) in an arbitration with a sole arbitrator, if the parties are unable to agree on the arbitrator, the arbitrator shall be appointed, upon the request of a party, by the appointing authority.

89 (4) Where subsection (3)(a) applies

90 (a) if a party fails to appoint an arbitrator within 30 days of receipt of a first request to do so from the other party; or

91 (b) if the 2 parties fail to agree on the appointment of the third arbitrator within 30 days of the receipt of the first request by either party to do so,

92 the appointment shall be made, upon the request of a party, by the appointing authority.

93 (5) If, under an appointment procedure agreed upon by the parties

94 (a) a party fails to act as required under such procedure;

95 (b) the parties are unable to reach an agreement expected of them under such procedure; or

96 (c) a third party, including an arbitral institution, fails to perform any function entrusted to it under such procedure,

97 any party may apply to the appointing authority to take the neces-

sary measure unless the agreement on the appointment procedure provides other means for securing the appointment.

(6) Where a party makes a request or makes an application to the appointing authority under subsection (3), (4) or (5), the appointing authority shall, in appointing an arbitrator, have regard to the following:

(a) the nature of the subject-matter of the arbitration; 99

(b) the availability of any arbitrator; 100

(c) the identities of the parties to the arbitration; 101

(d) any suggestion made by any of the parties regarding the appointment of any arbitrator; 102

(e) any qualifications required of the arbitrator by the arbitration agreement; and 103

(f) such considerations as are likely to secure the appointment of an independent and impartial arbitrator. 104

(7) No appointment by the appointing authority shall be challenged except in accordance with this Act. 105

(8) For the purposes of this Act, the appointing authority shall be the Chairman of the Singapore International Arbitration Centre. 106

(9) The Chief Justice may, if he thinks fit, by notification published in the Gazette, appoint any other person to exercise the powers of the appointing authority under this section. 107

Grounds for challenge 108

14. (1) Where any person is approached in connection with his possible appointment as an arbitrator, he shall disclose any circumstance likely to give rise to justifiable doubts as to his impartiality or independence. 109

110 (2) An arbitrator shall, from the time of his appointment and throughout the arbitration proceedings, without delay disclose any such circumstance as is referred to in subsection (1) to the parties unless they have already been so informed by him.

111 (3) Subject to subsection (4), an arbitrator may be challenged only if

112 (a) circumstances exist that give rise to justifiable doubts as to his impartiality or independence; or

113 (b) he does not possess the qualifications agreed to by the parties.

114 (4) A party who has appointed or participated in the appointment of any arbitrator may challenge such arbitrator only if he becomes aware of any of the grounds of challenge set out in subsection (3) as may be applicable to the arbitrator after the arbitrator has been appointed.

115 Challenge procedure

116 15. (1) Subject to subsection (3), the parties are free to agree on a procedure for challenging an arbitrator.

117 (2) If the parties have not agreed on a procedure for challenge, a party who intends to challenge an arbitrator shall

118 (a) within 15 days after becoming aware of the constitution of the arbitral tribunal; or

119 (b) after becoming aware of any circumstance referred to in section 14(3),

120 send a written statement of the grounds for the challenge to the arbitral tribunal.

121 (3) The arbitral tribunal shall, unless the challenged arbitrator with-

draws from his office or the other party agrees to the challenge, decide on the challenge.

(4) If a challenge before the arbitral tribunal is unsuccessful, the aggrieved party may, within 30 days after receiving notice of the decision rejecting the challenge, apply to the Court to decide on the challenge and the Court may make such order as it thinks fit. 122

(5) No appeal shall lie against the decision of the Court under subsection (4). 123

(6) While an application to the Court under subsection (4) is pending, the arbitral tribunal, including the challenged arbitrator, may continue the arbitration proceedings and make an award. 124

Failure or impossibility to act 125

16. (1) A party may request the Court to remove an arbitrator 126

(a) who is physically or mentally incapable of conducting the proceedings or where there are justifiable doubts as to his capacity to do so; or 127

(b) who has refused or failed 128

(i) to properly conduct the proceedings; or 129

(ii) to use all reasonable despatch in conducting the proceedings or making an award, 130

and where substantial injustice has been or will be caused to that party. 131

(2) If there is an arbitral or other institution or person vested by the parties with power to remove an arbitrator, the Court shall not exercise its power of removal unless it is satisfied that the applicant has first exhausted any available recourse to that institution or person. 132

<p>(3) While an application to the Court under this section is pending, the arbitral tribunal, including the arbitrator concerned may continue the arbitration proceedings and make an award.</p> <p>134 (4) Where the Court removes an arbitrator, the Court may make such order as it thinks fit with respect to his entitlement, if any, to fees or expenses, or the repayment of any fees or expenses already paid.</p> <p>135 (5) The arbitrator concerned is entitled to appear and be heard by the Court before it makes any order under this section.</p> <p>136 (6) No appeal shall lie against the decision of the Court made under subsection (4).</p> <p>137 Arbitrator ceasing to hold office</p> <p>138 17. (1) The authority of an arbitrator shall cease upon his death.</p> <p>139 (2) An arbitrator shall cease to hold office if</p> <p>140 (a) he withdraws from office under section 15 (3);</p> <p>141 (b) an order is made under section 15 (4) for the termination of his mandate or his removal;</p> <p>142 (c) he is removed by the Court under section 16 or by an institution referred to in section 16 (2); or</p> <p>143 (d) the parties agree on the termination of his mandate.</p> <p>144 (3) The withdrawal of an arbitrator or the termination of an arbitrator's mandate by the parties shall not imply acceptance of the validity of any ground referred to in section 14 (3) or 16 (1).</p>	<p>1453 Appointment of substitute arbitrator</p> <p>146 18. (1) Where an arbitrator ceases to hold office, the parties are free to agree</p> <p>(a) whether and if so how the vacancy is to be filled; 147</p> <p>(b) whether and if so to what extent the previous proceedings should stand; and 148</p> <p>(c) what effect (if any) his ceasing to hold office has on any appointment made by him (alone or jointly). 149</p> <p>(2) If or to the extent that there is no such agreement, the following subsections shall apply. 150</p> <p>(3) Section 13 (appointment of arbitrators) shall apply in relation to the filling of the vacancy as in relation to an original appointment. 151</p> <p>(4) The arbitral tribunal (when reconstituted) shall determine whether and if so to what extent the previous proceedings should stand. 152</p> <p>(5) The reconstitution of the arbitral tribunal shall not affect any right of a party to challenge the previous proceedings on any ground which had arisen before the arbitrator ceased to hold office. 153</p> <p>(6) The ceasing to hold office by the arbitrator shall not affect any appointment by him (alone or jointly) of another arbitrator, in particular any appointment of a presiding arbitrator. 154</p> <p>Decision by panel of arbitrators 155</p> <p>19. (1) In arbitration proceedings with more than one arbitrator, any decision of the arbitral tribunal shall be made, unless otherwise agreed by the parties, by all or a majority of all its members. 156</p>
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(2) Any question of procedure may be decided by a presiding arbitrator if so authorised by the parties or all members of the arbitral tribunal.

157

bitral tribunal does not have jurisdiction by the fact that he has appointed, or participated in the appointment of, an arbitrator.

(6) A plea that the arbitral tribunal is exceeding the scope of its authority shall be raised as soon as the matter alleged to be beyond the scope of its authority is raised during the arbitration proceedings.

169

(7) Notwithstanding any delay in raising a plea referred to in subsection (4) or (6), the arbitral tribunal may admit such plea if it considers the delay to be justified in the circumstances.

170

(8) The arbitral tribunal may rule on a plea referred to in this section either as a preliminary question or in an award on the merits.

171

(9) If the arbitral tribunal rules on a plea as a preliminary question that it has jurisdiction, any party may, within 30 days after having received notice of that ruling, apply to the Court to decide the matter.

172

(10) The leave of the Court is required for any appeal from a decision of the Court under this section.

173

(11) While an application under subsection (9) is pending, the arbitral tribunal may continue the arbitration proceedings and make an award.

174

158 Liability of arbitrator

159 20. An arbitrator shall not be liable for

160 (a) negligence in respect of anything done or omitted to be done in the capacity of the arbitrator; or

161 (b) any mistake of law, fact or procedure made in the course of arbitration proceedings or in the making of an arbitral award.

162 Part VI - Jurisdiction of Arbitral Tribunal

163 Separability of arbitration clause and competence of arbitral tribunal to rule on its own jurisdiction

164 21. (1) The arbitral tribunal may rule on its own jurisdiction, including any objections to the existence or validity of the arbitration agreement.

165 (2) For the purpose of subsection (1), an arbitration clause which forms part of a contract shall be treated as an agreement independent of the other terms of the contract.

166 (3) A decision by the arbitral tribunal that the contract is null and void shall not entail ipso jure (as a matter of law) the invalidity of the arbitration clause.

167 (4) A plea that the arbitral tribunal does not have jurisdiction shall be raised not later than the submission of the statement of defence.

168 (5) A party shall not be precluded from raising the plea that the ar-

175 Part VII - Arbitral Proceedings

176 General duties of arbitral tribunal

177 22. The arbitral tribunal shall act fairly and impartially and shall give each party a reasonable opportunity of presenting his case.

178 Determination of rules of procedure

179 23. (1) Subject to the provisions of this Act, the parties are free

to agree on the procedure to be followed by the arbitral tribunal in 190
conducting the proceedings.

180 (2) Failing such agreement, the arbitral tribunal may, subject to the
provisions of this Act, conduct the arbitration in such manner as it
considers appropriate.

181 (3) The power conferred on the arbitral tribunal under subsection
(2) includes the power to determine the admissibility, relevance,
materiality and weight of any evidence.

182 **Statements of claim and defence**

183 24. (1) Within the period of time agreed by the parties or, fail-
ing such agreement, as determined by the arbitral tribunal, the
claimant shall state

184 (a) the facts supporting his claim;

185 (b) the points at issue; and

186 (c) the relief or remedy sought,

187 and the respondent shall state his defence in respect of the partic-
ulars set out in this subsection, unless the parties have otherwise
agreed to the required elements of such statements.

188 (2) The parties may submit to the arbitral tribunal with their state-
ments, all documents they consider to be relevant or other docu-
ments which refer to such documents, or other evidence.

189 (3) Except as otherwise agreed by the parties, either party may
amend or supplement his claim or defence during the course of
the arbitration proceedings, unless the arbitral tribunal considers it
inappropriate to allow such amendment, having regard to the delay
in making the amendment.

Hearings and written proceedings

25. (1) Subject to any contrary agreement by the parties, the arbi- 191
tral tribunal shall determine if proceedings are to be conducted by
oral hearing for the presentation of evidence or oral argument or
on the basis of documents and other materials.

(2) Unless the parties have agreed that no hearings shall be held, 192
the arbitral tribunal shall, upon the request of a party, hold such
hearings at an appropriate stage of the proceedings.

(3) The parties shall be given sufficient notice in advance of any 193
hearing and of any meeting of the arbitral tribunal for the purposes
of inspection of goods, other property or documents.

(4) All statements, documents or other information supplied to the 194
arbitral tribunal by one party shall be communicated to the other
party.

(5) Any expert report or evidentiary document on which the arbitral 195
tribunal may rely in making its decision shall be communicated to
the parties.

Consolidation of proceedings and concurrent hearings 196

26. (1) The parties may agree 197

(a) that the arbitration proceedings shall be consolidated with other 198
arbitration proceedings; or

(b) that concurrent hearings shall be held, 199
on such terms as may be agreed. 200

(2) Unless the parties agree to confer such power on the arbitral 201
tribunal, the tribunal has no power to order consolidation of arbitra-
tion proceedings or concurrent hearings.

202 **Power to appoint experts**

203 27. (1) Unless otherwise agreed by the parties, the arbitral tribunal
may

204 (a) appoint one or more experts to report to it on specific issues to
be determined by the tribunal; and

205 (b) require a party to give the expert any relevant information or to
produce, or to provide access to, any relevant documents, goods
or other property for his inspection.

206 (2) Unless otherwise agreed by the parties, if a party so requests
or if the arbitral tribunal considers it necessary, the expert shall,
after delivery of his written or oral report, participate in a hearing
where the parties have the opportunity to put questions to him and
to present other expert witnesses in order to testify on the points at
issue.

207 **General powers exercisable by arbitral tribunal**

208 28. (1) The parties may agree on the powers which may be exer-
cised by the arbitral tribunal for the purposes of and in relation to
the arbitration proceedings.

209 (2) Without prejudice to the powers conferred on the arbitral tribunal
by the parties under subsection (1), the tribunal shall have powers
to make orders or give directions to any party for

210 (a) security for costs;

211 (b) discovery of documents and interrogatories;

212 (c) giving of evidence by affidavit;

213 (d) a party or witness to be examined on oath or affirmation, and
may for that purpose administer any necessary oath or take any
necessary affirmation;

(e) the preservation and interim custody of any evidence for the 214
purposes of the proceedings;

(f) samples to be taken from, or any observation to be made of or 215
experiment conducted upon, any property which is or forms part of
the subject-matter of the dispute; and

(g) the preservation, interim custody or sale of any property which 216
is or forms part of the subject-matter of the dispute.

(3) The power of the arbitral tribunal to order a claimant to provide 217
security for costs as referred to in subsection (2)(a) shall not be
exercised by reason only that the claimant is

(a) an individual ordinarily resident outside Singapore; or 218

(b) a corporation or an association incorporated or formed under 219
the law of a country outside Singapore, or whose central manage-
ment and control is exercised outside Singapore.

(4) All orders or directions made or given by an arbitral tribunal in 220
the course of an arbitration shall, by leave of the Court, be enforce-
able in the same manner as if they were orders made by the Court
and, where leave is so given, judgment may be entered in terms of
the order or direction.

Powers of arbitral tribunal in case of party's default 221

29. (1) The parties may agree on the powers which may be exer- 222
cised by the arbitral tribunal in the case of a party's failure to take
any necessary action for the proper and expeditious conduct of the
proceedings.

(2) Unless otherwise agreed by the parties, if, without showing suf- 223
ficient cause

(a) the claimant fails to communicate his statement of claim in ac- 224

cordance with section 24, the arbitral tribunal may terminate the proceedings;

225 (b) the respondent fails to communicate his statement of defence in accordance with section 24, the arbitral tribunal may continue the proceedings without treating such failure in itself as an admission of the claimant's allegations; and

226 (c) any party fails to appear at a hearing or to produce documentary evidence, the arbitral tribunal may continue the proceedings and make the award on the evidence before it.

227 (3) If the arbitral tribunal is satisfied that there has been inordinate and inexcusable delay on the part of the claimant in pursuing his claim, and the delay

228 (a) gives rise, or is likely to give rise, to a substantial risk that it is not possible to have a fair resolution of the issues in that claim; or

229 (b) has caused, or is likely to cause, serious prejudice to the respondent,

230 the tribunal may make an award dismissing the claim.

231 **Witnesses may be summoned by subpoena**

232 30. (1) Any party to an arbitration agreement may take out a writ of subpoena ad testificandum (writ to compel witness to attend and give evidence) or a writ of subpoena duces tecum (writ to compel witness to attend and give evidence and produce specified documents).

233 (2) The Court may order that a writ of subpoena ad testificandum or a writ of subpoena duces tecum shall be issued to compel the attendance before an arbitral tribunal of a witness wherever he may be within Singapore.

(3) The Court may also issue an order under section 38 of the Prisons Act (Cap. 247) to bring up a prisoner for examination before an arbitral tribunal. 234

(4) No person shall be compelled under any such writ to produce any document which he could not be compelled to produce on the trial of an action. 235

Court's powers exercisable in support of arbitration proceedings 236

31. (1) The Court shall have the following powers for the purpose of and in relation to an arbitration to which this Act applies: 237

(a) the same power to make orders in respect of any of the matters set out in section 28 as it has for the purpose of and in relation to an action or matter in the Court; 238

(b) securing the amount in dispute; 239

(c) ensuring that any award which may be made in the arbitral proceedings is not rendered ineffectual by the dissipation of assets by a party; and 240

(d) an interim injunction or any other interim measure. 241

(2) An order of the Court under this section shall cease to have effect in whole or in part if the arbitral tribunal or any such arbitral or other institution or person having power to act in relation to the subject-matter of the order makes an order to which the order of the Court relates. 242

(3) The Court, in exercising any power under this section, shall have regard to 243

(a) any application made before the arbitral tribunal; or 244

(b) any order made by the arbitral tribunal, 245

in respect of the same issue.

247 (4) Provision may be made by Rules of Court for conferring on the Registrar of the Supreme Court (within the meaning of the Supreme Court of Judicature Act (Cap. 322)) or other officer of the Court all or any of the jurisdiction conferred by this Act on the Court.

248 **Part VIII - Award**

249 **Law applicable to substance of dispute**

250 32. (1) The arbitral tribunal shall decide the dispute in accordance with the law chosen by the parties as applicable to the substance of the dispute.

251 (2) If or to the extent that the parties have not chosen the law applicable to the substance of their dispute, the arbitral tribunal shall apply the law determined by the conflict of laws rules.

252 (3) The arbitral tribunal may decide the dispute, if the parties so agree, in accordance with such other considerations as are agreed by them or determined by the tribunal.

253 **Awards made on different issues**

254 33. (1) Unless otherwise agreed by the parties, the arbitral tribunal may make more than one award at different points in time during the proceedings on different aspects of the matters to be determined.

255 (2) The arbitral tribunal may, in particular, make an award relating to

256 (a) an issue affecting the whole claim; or

257 (b) a part only of the claim, counter-claim or cross-claim, which is

246 submitted to the tribunal for decision.

(3) If the arbitral tribunal makes an award under this section, it shall specify in its award, the issue, or claim or part of a claim, which is the subject-matter of the award.

259 **Remedies**

260 34. (1) The parties may agree on the powers exercisable by the arbitral tribunal as regards remedies.

261 (2) Unless otherwise agreed by the parties, the arbitral tribunal may award any remedy or relief that could have been ordered by the Court if the dispute had been the subject of civil proceedings in that Court.

262 **Interest**

263 35. (1) The arbitral tribunal may award interest, including interest on a compound basis, on the whole or any part of any sum that

(a) is awarded to any party; or

(b) is in issue in the arbitral proceedings but is paid before the date of the award,

266 for the whole or any part of the period up to the date of the award or payment, whichever is applicable.

267 (2) A sum directed to be paid by an award shall, unless the award otherwise directs, carry interest as from the date of the award and at the same rate as a judgment debt.

268 **Extension of time for making award**

269 36. (1) Where the time for making an award is limited by the arbitra-

tion agreement, the Court may by order, unless otherwise agreed by the parties, extend that time.

270 (2) An application for an order under this section may be made

271 (a) upon notice to the parties, by the arbitral tribunal; or

272 (b) upon notice to the arbitral tribunal and the other parties, by any party to the proceedings.

273 (3) An application under this section shall not be made unless all available tribunal processes for application of extension of time have been exhausted.

274 (4) The Court shall not make an order under this section unless it is satisfied that substantial injustice would otherwise be done.

275 (5) The Court may extend the time for such period and on such terms as it thinks fit, and may do so whether or not the time previously fixed by or under the arbitration agreement or by a previous order has expired.

276 (6) The leave of the Court shall be required for any appeal from a decision of the Court under this section.

277 **Award by consent**

278 37. (1) If, during arbitration proceedings, the parties settle the dispute, the arbitral tribunal shall terminate the proceedings and, if requested by the parties and not objected to by the arbitral tribunal, record the settlement in the form of an arbitral award on agreed terms.

279 (2) An arbitral award on agreed terms

280 (a) shall be made in accordance with section 38;

281 (b) shall state that it is an award; and

(c) shall have the same status and effect as any other award on the merits of the case. 282

(3) An award on agreed terms may, with the leave of the Court, be enforced in the same manner as a judgment or order to the same effect, and where leave is so given, judgment may be entered in terms of the award. 283

Form and contents of award 284

38. (1) The award shall be made in writing and shall be signed 285

(a) in the case of a single arbitrator, by the arbitrator himself; or 286

(b) in the case of 2 or more arbitrators, by all the arbitrators or the majority of the arbitrators provided that the reason for any omitted signature of any arbitrator is stated. 287

(2) The award shall state the reasons upon which it is based, unless the parties have agreed that no grounds are to be stated or the award is an award on agreed terms under section 37. 288

(3) The date of the award and place of arbitration shall be stated in the award. 289

(4) The award shall be deemed to have been made at the place of arbitration. 290

(5) After the award is made, a copy of the award signed by the arbitrators in accordance with subsection (1) shall be delivered to each party. 291

Costs of arbitration 292

39. (1) Any costs directed by an award to be paid shall, unless the 293

award otherwise directs, be taxed by the Registrar of the Supreme Court within the meaning of the Supreme Court of Judicature Act (Cap. 322).

294 (2) Subject to subsection (3), any provision in an arbitration agree-
ment to the effect that the parties or any party shall in any event pay
their or his own costs of the reference or award or any part thereof
shall be void; and this Act shall, in the case of an arbitration agree-
ment containing any such provision, have effect as if there were no
such provision.

295 (3) Subsection (2) shall not apply where a provision in an arbitration
agreement to the effect that the parties or any party shall in any
event pay their or his own costs is part of an agreement to submit
to arbitration a dispute which has arisen before the making of such
agreement.

296 (4) If no provision is made by an award with respect to the costs
of the reference, any party to the reference may, within 14 days of
the delivery of the award or such further time as the arbitral tribunal
may allow, apply to the arbitral tribunal for an order directing by and
to whom such costs shall be paid.

297 (5) The arbitral tribunal shall, after giving the parties a reasonable
opportunity to be heard, amend its award by adding thereto such
directions as it thinks fit with respect to the payment of the costs of
the reference.

298 Fees of arbitrator

299 40. (1) The parties are jointly and severally liable to pay to the
arbitrators such reasonable fees and expenses as are appropriate
in the circumstances.

300 (2) Unless the fees of the arbitral tribunal have been fixed by written
agreement or such agreement has provided for determination of

the fees by a person or institution agreed to by the parties, any
party to the arbitration may require that such fees be taxed by the
Registrar of the Supreme Court within the meaning of the Supreme
Court of Judicature Act (Cap. 322).

Power to withhold award in case of non-payment 301

302 41. (1) The arbitral tribunal may refuse to deliver an award to the
parties if the parties have not made full payment of the fees and
expenses of the arbitrators.

303 (2) Where subsection (1) applies, a party to the arbitration proceed-
ings may, upon notice to the other parties and the arbitral tribunal,
apply to the Court, which may order that

304 (a) the arbitral tribunal shall deliver the award upon payment into
Court by the applicant of the fees and expenses demanded, or such
lesser amount as the Court may specify;

305 (b) the amount of the fees and expenses demanded shall be taxed
by the Registrar of the Supreme Court; and

306 (c) out of the money paid into Court, the arbitral tribunal shall be
paid such fees and expenses as may be found to be properly
payable and the balance of such money (if any) shall be paid out
to the applicant.

307 (3) A taxation of fees under this section shall be reviewed in the
same manner as a taxation of costs.

308 (4) The arbitrator shall be entitled to appear and be heard on any
taxation or review of taxation under this section.

309 (5) For the purpose of this section, the amount of fees and ex-
penses properly payable is the amount the applicant is liable to pay
under section 40 or under any agreement relating to the payment
of fees and expenses of the arbitrators.

310 (6) No application to the Court may be made unless the Court is
satisfied that the applicant has first exhausted any available arbitral
process for appeal or review of the amount of the fees or expenses
demanded by the arbitrators.

311 (7) This section shall apply to any arbitral or other institution or per-
son vested with powers by the parties in relation to the delivery of
the award by the tribunal and any reference to the fees and ex-
penses of the arbitrators shall be construed as

312 including the fees and expenses of that institution or person.

313 (8) The leave of the Court shall be required for any appeal from a
decision of the Court under this section.

314 **Court may charge property with payment of solicitor's costs in arbitration**

315 42. Section 117 of the Legal Profession Act (Cap. 161) (which
empowers a Court in which a solicitor has been employed in any
proceeding to charge property recovered or preserved in the pro-
ceeding with the payment of his costs) shall apply as if an arbi-
tration were a proceeding in the Court, and the Court may make
declarations and orders accordingly.

316 **Correction or interpretation of award and additional award**

317 43. (1) A party may, within 30 days of the receipt of the award,
unless another period of time has been agreed upon by the par-
ties

318 (a) upon notice to the other parties, request the arbitral tribunal
to correct in the award any error in computation, any clerical or
typographical error, or other error of similar nature; and

319 (b) upon notice to the other parties, request the arbitral tribunal to
give an interpretation of a specific point or part of the award, if such
request is also agreed to by the other parties.

320 (2) If the arbitral tribunal considers the request in subsection (1) to
be justified, the tribunal shall make such correction or give such
interpretation within 30 days of the receipt of the request and such
interpretation shall form part of the award.

321 (3) The arbitral tribunal may correct any error of the type referred
to in subsection (1)(a) or give an interpretation referred to in sub-
section (1)(b), on its own initiative, within 30 days of the date of the
award.

322 (4) Unless otherwise agreed by the parties, a party may, within 30
days of receipt of the award and upon notice to the other party, re-
quest the arbitral tribunal to make an additional award as to claims
presented during the arbitration proceedings

323 but omitted from the award.

324 (5) If the arbitral tribunal considers the request in subsection (4) to
be justified, the tribunal shall make the additional award within 60
days of the receipt of such request.

325 (6) The arbitral tribunal may, if necessary, extend the period of time
within which it shall make a correction, interpretation or an addi-
tional award under this section.

326 (7) Section 38 shall apply to an award in respect of which a correc-
tion or interpretation has been made under this section and to an
additional award.

327 **Effect of award**

328 44. (1) An award made by the arbitral tribunal pursuant to an ar-
bitration agreement shall be final and binding on the parties and

on any person claiming through or under them and may be relied upon by any of the parties by way of defence, set-off or otherwise in any proceedings in any court of competent jurisdiction.

329 (2) Except as provided in section 43, upon an award being made, including an award made in accordance with section 33, the arbitral tribunal shall not vary, amend, correct, review, add to or revoke the award.

330 (3) For the purposes of subsection (2), an award is made when it has been signed and delivered in accordance with section 38.

331 (4) This section shall not affect the right of a person to challenge the award by any available arbitral process of appeal or review or in accordance with the provisions of this Act.

332 **Part IX - Powers of Court in Relation to Award**

333 **Determination of preliminary point of law**

334 45. (1) Unless otherwise agreed by the parties, the Court may, on the application of a party to the arbitration proceedings who has given notice to the other parties, determine any question of law arising in the course of the proceedings which the Court is satisfied substantially affects the rights of one or more of the parties.

335 (2) The Court shall not consider an application under this section unless

336 (a) it is made with the agreement of all parties to the proceedings; or

337 (b) it is made with the permission of the arbitral tribunal and the Court is satisfied that

338 (i) the determination of the question is likely to produce substantial

savings in costs; and

(ii) the application is made without delay. 339

(3) The application shall identify the question of law to be determined and, except where made with the agreement of all parties to the proceedings, shall state the grounds on which it is said that the question should be decided by the Court. 340

(4) Unless otherwise agreed by the parties, the arbitral tribunal may continue the arbitral proceedings and make an award while an application to the Court under this section is pending. 341

(5) Except with the leave of the Court, no appeal shall lie from a decision of the Court on whether the conditions in subsection (2) are met. 342

(6) The decision of the Court on a question of law shall be a judgment of the Court for the purposes of an appeal to the Court of Appeal. 343

(7) The Court may give leave to appeal against the decision of the Court in subsection (6) only if the question of law before it is one of general importance, or is one which for some other special reason should be considered by the Court of Appeal. 344

Enforcement of award 345

46. (1) An award made by the arbitral tribunal pursuant to an arbitration agreement may, with leave of the Court, be enforced in the same manner as a judgment or order of the Court to the same effect. 346

(2) Where leave of the Court is so granted, judgment may be entered in the terms of the award. 347

No judicial review of award

349 47. The Court shall not have jurisdiction to confirm, vary, set aside
or remit an award on an arbitration agreement except where so
provided in this Act.

Court may set aside award

351 48. (1) An award may be set aside by the Court

352 (a) if the party who applies to the Court to set aside the award
proves to the satisfaction of the Court that

353 (i) a party to the arbitration agreement was under some incapacity;

354 (ii) the arbitration agreement is not valid under the law to which the
parties have subjected it, or failing any indication thereon, under
the laws of Singapore;

355 (iii) the party making the application was not given proper notice of
the appointment of an arbitrator or of the arbitration proceedings or
was otherwise unable to present his case;

356 (iv) the award deals with a dispute not contemplated by or not falling
within the terms of the submission to arbitration, or contains deci-
sions on matters beyond the scope of the submission to arbitration,
except that, if the decisions on matters submitted to arbitration can
be separated from those not so submitted, only that part of the
award which contains decisions on matters not submitted to arbi-
tration may be set aside;

357 (v) the composition of the arbitral tribunal or the arbitral procedure
is not in accordance with the agreement of the parties, unless such
agreement is contrary to any provisions of this Act from which the
parties cannot derogate, or, in the absence of such agreement, is
contrary to the provisions of this Act;

348 (vi) the making of the award was induced or affected by fraud or
corruption;

(vii) a breach of the rules of natural justice occurred in connection
with the making of the award by which the rights of any party have
been prejudiced; or

(b) if the Court finds that

(i) the subject-matter of the dispute is not capable of settlement by
arbitration under this Act; or

(ii) the award is contrary to public policy.

(2) An application for setting aside an award may not be made after
the expiry of 3 months from the date on which the party making the
application had received the award, or if a request has been made
under section 43, from the date on which that request had been
disposed of by the arbitral tribunal.

(3) When a party applies to the Court to set aside an award under
this section, the Court may, where appropriate and so requested
by a party, suspend the proceedings for setting aside an award, for
such period of time as it may determine, to allow the arbitral tribunal
to resume the arbitration proceedings or take such other action as
may eliminate the grounds for setting aside an award.

Appeal against award

49. (1) A party to arbitration proceedings may (upon notice to the
other parties and to the arbitral tribunal) appeal to the Court on
a question of law arising out of an award made in the proceed-
ings.

(2) Notwithstanding subsection (1), the parties may agree to ex-
clude the jurisdiction of the Court under this section and an agree-
ment to dispense with reasons for the arbitral tribunal's award shall

	be treated as an agreement to exclude the jurisdiction of the Court under this section.	decision of the Court under this section to grant or refuse leave to appeal.	
368	(3) An appeal shall not be brought under this section except	(8) On an appeal under this section, the Court may by order	381
369	(a) with the agreement of all the other parties to the proceedings; or	(a) confirm the award;	382
370	(b) with the leave of the Court.	(b) vary the award;	383
371	(4) The right to appeal under this section shall be subject to the restrictions in section 50.	(c) remit the award to the arbitral tribunal, in whole or in part, for reconsideration in the light of the Court's determination; or	384
372	(5) Leave to appeal shall be given only if the Court is satisfied that	(d) set aside the award in whole or in part.	385
373	(a) the determination of the question will substantially affect the rights of one or more of the parties;	(9) The Court shall not exercise its power to set aside an award, in whole or in part, unless it is satisfied that it would be inappropriate to remit the matters in question to the arbitral tribunal for reconsideration.	386
374	(b) the question is one which the arbitral tribunal was asked to determine;	(10) The decision of the Court on an appeal under this section shall be treated as a judgment of the Court for the purposes of an appeal to the Court of Appeal.	387
375	(c) on the basis of the findings of fact in the award	(11) The Court may give leave to appeal against the decision of the Court in subsection (10) only if the question of law before it is one of general importance, or one which for some other special reason should be considered by the Court of Appeal.	388
376	(i) the decision of the arbitral tribunal on the question is obviously wrong; or		
377	(ii) the question is one of general public importance and the decision of the arbitral tribunal is at least open to serious doubt; and		
378	(d) despite the agreement of the parties to resolve the matter by arbitration, it is just and proper in all the circumstances for the Court to determine the question.	Supplementary provisions to challenge appeal	389
379	(6) An application for leave to appeal under this section shall identify the question of law to be determined and state the grounds on which it is alleged that leave to appeal should be granted.	50. (1) This section shall apply to an application or appeal under section 45, 48 or 49.	390
380	(7) The leave of the Court shall be required for any appeal from a	(2) An application or appeal may not be brought if the applicant or appellant has not first exhausted	391
		(a) any available arbitral process of appeal or review; and	392
		(b) any available recourse under section 43 (correction or interpre-	393

tation of award and additional award).

394 (3) Any application or appeal shall be brought within 28 days of
the date of the award or, if there has been any arbitral process of
appeal or review, of the date when the applicant or appellant was
notified of the result of that process.

395 (4) If on an application or appeal it appears to the Court that the
award

396 (a) does not contain the arbitral tribunal's reasons; or

397 (b) does not set out the arbitral tribunal's reasons in sufficient de-
tail to enable the Court to properly consider the application or ap-
peal,

398 the Court may order the arbitral tribunal to state the reasons for its
award in sufficient detail for that purpose.

399 (5) Where the Court makes an order under subsection (4), it may
make such further order as it thinks fit with respect to any additional
costs of the arbitration resulting from its order.

400 (6) The Court may order the applicant or appellant to provide se-
curity for the costs of the application or appeal, and may direct that
the application or appeal be dismissed if the order is not complied
with.

401 (7) The power to order security for costs shall not be exercised by
reason only that the applicant or appellant is

402 (a) an individual ordinarily resident outside Singapore; or

403 (b) a corporation or association incorporated or formed under the
law of a country outside Singapore or whose central management
and control is exercised outside Singapore.

404 (8) The Court may order that any money payable under the award
shall be brought into Court or otherwise secured pending the de-
termination of the application or appeal, and may direct that the

application or appeal be dismissed if the order is not complied
with.

(9) The Court may grant leave to appeal subject to conditions to 405
the same or similar effect as an order under subsection (6) or (8)
and this shall not affect the general discretion of the Court to grant
leave subject to conditions.

Effect of order of Court upon appeal or challenge against 406 award

51. (1) Where the Court makes an order under section 45, 48 or 407
49 with respect to an award, subsections (2), (3) and (4) shall ap-
ply.

(2) Where the award is varied by the Court, the variation shall have 408
effect as part of the arbitral tribunal's award.

(3) Where the award is remitted to the arbitral tribunal, in whole or 409
in part, for reconsideration, the tribunal shall make a fresh award in
respect of the matters remitted within 3 months of the date of the
order for remission or such longer or
shorter period as the Court may direct. 410

(4) Where the award is set aside or declared to be of no effect, in 411
whole or in part, the Court may also order that any provision that an
award is a condition precedent to the bringing of legal proceedings
in respect of a matter to which the arbitration agreement applies,
shall be of no effect as regards the subject-matter of the award or,
as the case may be, the relevant part of the award.

Application for leave of Court, etc. 412

52. (1) An application for the leave of the Court to appeal or make 413
an application referred to in section 21 (10), 36 (6) or 49 (3) (b)

or (6) shall be made in such manner as may be prescribed in the Rules of Court.

414 (2) The Court shall determine an application for leave to appeal without a hearing unless it appears to the Court that a hearing is required.

415 (3) For the purposes of this section

416 (a) an application for leave of the Court may be heard and determined by a Judge in Chambers; and

417 (b) the Court of Appeal shall have the like powers and jurisdiction on the hearing of such applications as the High Court or any Judge in Chambers has on the hearing of such applications.

418 **Part X - Miscellaneous**

419 **Notice and other requirements in connection with legal proceedings**

420 53. (1) References in this Act to an application, appeal or other step in relation to legal proceedings being taken upon notice to the other parties to the arbitration proceedings, or to the arbitral tribunal, are references to such notice of the originating process as is required by the Rules of Court.

421 (2) Subject to any provision made by Rules of Court, a requirement to give notice to the arbitral tribunal of legal proceedings shall be construed

422 (a) if there is more than one arbitrator, as a requirement to give notice to each of them; and

423 (b) if the arbitral tribunal is not fully constituted, as a requirement to give notice to any arbitrator who has been appointed.

424 (3) References in this Act to making an application or appeal to the

Court within a specified period are references to the issue within that period of the appropriate originating process in accordance with the Rules of Court.

(4) Where any provision of this Act requires an application or appeal to be made to the Court within a specified time, the Rules of Court relating to the reckoning of periods, the extending or abridging of periods, and the consequences of not taking a step within the period prescribed by the Rules, shall apply in relation to that requirement. 425

(5) Provision may be made by Rules of Court amending the provisions of this Act 426

(a) with respect to the time within which any application or appeal to the Court must be made; 427

(b) so as to keep any provision made by this Act in relation to arbitral proceedings in step with the corresponding provision of the Rules of Court applying in relation to proceedings in the Court; or 428

(c) so as to keep any provision made by this Act in relation to legal proceedings in step with the corresponding provision of the Rules of Court applying generally in relation to proceedings in the Court. 429

(6) Nothing in this section shall affect the generality of the power to make Rules of Court. 430

Powers of Court and Registrar 431

54. Provision may be made by Rules of Court for conferring on the Registrar of the Supreme Court or other officer of the Court all or any of the jurisdiction conferred by this Act on the Court. 432

Rules of Court

434 55. The Rules Committee constituted under section 80 of the
Supreme Court of Judicature Act (Cap. 322) may make Rules of
Court regulating the practice and procedure of any court in respect
of any matter under this Act.

Proceedings to be heard otherwise than in open court

435 56. Proceedings under this Act in any court shall, on the application
436 of any party to the proceedings, be heard otherwise than in open
court.

Restrictions on reporting of proceedings heard otherwise than in open court

437 57. (1) This section shall apply to proceedings under this Act in any
438 court heard otherwise than in open court.

439 (2) A court hearing any proceedings to which this section applies
shall, on the application of any party to the proceedings, give direc-
tions as to whether any and, if so, what information relating to the
proceedings may be published.

440 (3) A court shall not give a direction under subsection (2) permitting
information to be published unless

441 (a) all parties to the proceedings agree that such information may
be published; or

442 (b) the court is satisfied that the information, if published in accor-
dance with such directions as it may give, would not reveal any
matter, including the identity of any party to the proceedings, that
any party to the proceedings reasonably

443 wishes to remain confidential.

433 (4) Notwithstanding subsection (3), where a court gives grounds
444 of decision for a judgment in respect of proceedings to which this
section applies and considers that judgment to be of major legal
interest, the court shall direct that reports of the judgment may be
published in law reports and professional publications but, if any
party to the proceedings reasonably wishes to conceal any matter,
including the fact that he was such a party, the court shall

(a) give directions as to the action that shall be taken to conceal
445 that matter in those reports; and

(b) if it considers that a report published in accordance with direc-
446 tions given under paragraph (a) would be likely to reveal that mat-
ter, direct that no report shall be published until after the end of such
period, not exceeding 10 years, as it considers appropriate.

Application to references under statutory powers

447 58. This Act shall apply in relation to every arbitration under any
448 other written law (other than the International Arbitration Act (Cap.
143A)), as if the arbitration were commenced pursuant to an arbi-
tration agreement, except in so far as this Act is inconsistent with
that other written law.

Immunity of arbitral institutions

449 59. (1) The appointing authority, or an arbitral or other institution or
450 person designated or requested by the parties to appoint or nomi-
nate an arbitrator, shall not be liable for anything done or omitted
in the discharge or purported discharge of that function unless the
act or omission is shown to have been in bad faith.

(2) The appointing authority, or an arbitral or other institution or
451 person by whom an arbitrator is appointed or nominated, shall not

be liable, by reason only of having appointed or nominated him, 462
for anything done or omitted by the arbitrator, his employees or
agents in the discharge or purported discharge of his functions as
arbitrator.

452 (3) This section shall apply to an employee or agent of the appoint-
ing authority or of an arbitral or other institution or person as it
applies to the appointing authority, institution or person himself.

453 **Service of notices**

454 60. (1) The parties are free to agree on the manner of service of
any notice or other document required or authorised to be given
or served in pursuance of the arbitration agreement or for the pur-
poses of the arbitration proceedings.

455 (2) If or to the extent that there is no such agreement as is referred
to in subsection (1), subsections (3) and (4) shall apply.

456 (3) A notice or other document may be served on a person by any
effective means.

457 (4) If a notice or other document is addressed, prepaid and deliv-
ered by post

458 (a) to the addressee's usual or last known place of residence or, if
he is or has been carrying on a trade, profession or business, his
usual or last known place of business; or

459 (b) if the addressee is a body corporate, to the body corporate's
registered office,

460 it shall be treated as effectively served.

461 (5) This section shall not apply to the service of documents for
the purposes of legal proceedings, for which provision is made by
Rules of Court.

(6) References in this Part to a notice or other document include
any form of communication in writing and references to giving or
serving a notice or other document shall be construed accord-
ingly.

Reckoning periods of time

61. (1) The parties may agree on the method of reckoning periods 464
of time for the purposes of

(a) any provision agreed by them; or 465

(b) any provision of this Act having effect in default of such agree- 466
ment.

(2) If or to the extent that the parties have not agreed on the method 467
of reckoning time, periods of time shall be reckoned in accordance
with this section.

(3) Where the act is required to be done within a specified period 468
after or from a specified date, the period shall begin immediately
after that date.

(4) Where an act is required to be done within or not less than a 469
specified period before a specified date, the period shall end im-
mediately before that date.

(5) Where the act is required to be done, a specified number of clear 470
days after a specified date, at least that number of days shall inter-
vene between the day on which the act is done and that date.

(6) Where the period in question being a period of 7 days or less 471
would include a Saturday, Sunday or a public holiday, that day shall
be excluded.

Appointment of mediator

- 473 62. (1) In any case where an agreement provides for the appointment of a mediator by a person who is not one of the parties and that person refuses to make the appointment or does not make the appointment within the time specified in the agreement or, if no time is so specified, within a reasonable time of being requested by any party to the agreement to make the appointment, the Chairman of the Singapore Mediation Centre may, on the application of any party to the agreement, appoint a mediator who shall have the like powers to act in the mediation proceedings as if he had been appointed in accordance with the terms of the agreement.
- 474 (2) The Chief Justice may, if he thinks fit, by notification published in the Gazette, appoint any other person to exercise the powers of the Chairman of the Singapore Mediation Centre under subsection (1).
- 475 (3) Where an arbitration agreement provides for the appointment of a mediator and further provides that the person so appointed shall act as an arbitrator in the event of the mediation proceedings failing to produce a settlement acceptable to the parties
- 476 (a) no objection shall be taken to the appointment of such person as an arbitrator, or to his conduct of the arbitral proceedings, solely on the ground that he had acted previously as a mediator in connection with some or all of the matters referred to arbitration; and
- 477 (b) if such person declines to act as an arbitrator, any other person appointed as an arbitrator shall not be required first to act as a mediator unless a contrary intention appears in the arbitration agreement.
- 478 (4) Unless a contrary intention appears therein, an agreement which provides for the appointment of a mediator shall be deemed to contain a provision that in the event of the mediation proceedings failing to produce a settlement acceptable to the parties

472 within 4 months, or such longer period as the parties may agree to, of the date of the appointment of the mediator or, where he is appointed by name in the agreement, of the receipt by him of written notification of the existence of a dispute, the mediation proceedings shall thereupon terminate.

Power of arbitrator to act as mediator

- 479
- 480 63. (1) If all parties to any arbitral proceedings consent in writing and for so long as no party has withdrawn his consent in writing, an arbitrator may act as a mediator.
- 481 (2) An arbitrator acting as a mediator
- 482 (a) may communicate with the parties to the arbitral proceedings collectively or separately; and
- 483 (b) shall treat information obtained by him from a party to the arbitration proceedings as confidential, unless that party otherwise agrees or unless subsection (3) applies.
- 484 (3) Where confidential information is obtained by an arbitrator from a party to the arbitration proceedings during mediation proceedings and those proceedings terminate without the parties reaching agreement in settlement of their dispute, the
- 485 arbitrator shall before resuming the arbitration proceedings disclose to all other parties to the arbitration proceedings as much of that information as he considers material to the arbitration proceedings.
- 486 (4) No objection shall be taken to the conduct of arbitration proceedings by a person solely on the ground that that person had acted previously as a mediator in accordance with this section.
- 487 (5) For the purposes of this section and section 62

488 (a) any reference to a mediator shall include a reference to any person who acts as a conciliator;

489 (b) any reference to mediation proceedings shall include a reference to conciliation proceedings.

490 **Act to bind Government**

491 64. This Act shall bind the Government.

492 **Repeal and transitional provisions**

493 65. (1) The Arbitration Act (Cap. 10) is repealed.

494 (2) This Act shall apply to arbitration proceedings commenced on or after the appointed day but the parties may in writing agree that this Act shall apply to arbitration proceedings commenced before the appointed day.

495 (3) Notwithstanding subsection (1), where the arbitration proceedings were commenced before the appointed day, the law governing the arbitration agreement and the arbitration shall be the law which would have applied if this Act had not been enacted.

496 (4) Where an arbitration agreement made or entered into before the appointed day provides for the appointment of an umpire or an arbitral tribunal comprising 2 arbitrators, the law to the extent that it governs the appointment, role and function of the umpire shall be the law which would have applied if this Act had not been enacted.

497 (5) For the purposes of this section, arbitration proceedings are to be taken as having commenced on the date of the receipt by the respondent of a request for the dispute to be referred to arbitration, or, where the parties have agreed in writing that any other date is

to be taken as the date of commencement of the arbitration proceedings, then on that date.

(6) For the purposes of this section, “appointed day” means the date of commencement of this Act. 498

499 **Consequential amendments to Bankruptcy Act**

500 66. The Bankruptcy Act (Cap. 20) is amended by inserting, immediately after section 148, the following section:

501 Arbitration agreements to which bankrupt is a party

502 148A. (1) This section shall apply where a bankrupt had become party to a contract containing an arbitration agreement before the commencement of his bankruptcy.

503 (2) If the Official Assignee adopts the contract, the arbitration agreement shall be enforceable by or against the Official Assignee in relation to matters arising from or connected with the contract.

504 (3) If the Official Assignee does not adopt the contract and a matter to which the arbitration agreement applies requires to be determined in connection with or for the purposes of the bankruptcy proceedings

505 (a) the Official Assignee; or

506 (b) any other party to the agreement, may apply to the court which may, if it thinks fit in all the circumstances of the case, order that the matter be referred to arbitration in accordance with the arbitration agreement.

507 (4) In this section, “court” means the court which has jurisdiction in the bankruptcy proceedings.

Consequential amendments to Limitation Act

508

509 67. (1) Section 30 of the Limitation Act (Cap. 163) is re-
pealed.

510 (2) Nothing in this section shall affect the application of section 30
of the Limitation Act in respect of arbitration proceedings under the
repealed Arbitration Act (Cap. 10) or the International Arbitration
Act (Cap. 143A), as the case may be, commenced before the date
of commencement of this Act.

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