



Rule Changes – A Lighter Touch

- New SCMA provides a framework and has minimum involvement in the process of arbitration.
- New SCMA does not have a mandatory panel of arbitrators.
- New SCMA does not have a schedule of required fees for arbitration.

New SCMA is notified of arbitration but does not monitor process

Old SCMA

- Arbitration commenced by notice to SCMA and other Party.
- Filing of case documents with SCMA and other Party. SCMA submits case file to Tribunal.
- All Awards issued by Tribunal through SCMA.

New SCMA

- Tribunal to inform SCMA of appointment.
- No filing of case documents with SCMA, documents submitted direct to Parties and Tribunal.
- Tribunal to notify SCMA of brief nature of dispute without disclosing names.
- Tribunal issues Awards and submits a copy of Award to SCMA.

Parties have more control and wider choice of appointment of arbitrators

Old SCMA

- Arbitrator required to be on SCMA Panel.
- Sole arbitrator appointed by SCMA Chairman.
- Presiding arbitrator appointed by SCMA Chairman.
- If Parties cannot agree on appointment, Chairman SCMA to appoint.

New SCMA

- Freedom of choice of arbitrator. There will be a register of arbitrators as guidance.
- If Parties cannot agree on sole or presiding arbitrator, Chairman SCMA to appoint .

SCMA has less power to remove arbitrators

Old SCMA

- Party can challenge another Party's appointment by application to Chairman SCMA with no right of appeal.
- Removal of appointed arbitrator by Chairman SCMA.

New SCMA

- Party can challenge another Party's appointment by application to Chairman SCMA with no right of appeal except judicial review.
- Removal of appointed arbitrator by Court.

Other changes

Old SCMA

- SCMA shall arrange hearing facilities if required by the Parties.
- SCMA has the right to publish Awards without disclosing names of Parties.

New SCMA

- SCMA has no obligation to arrange hearing facilities. But intends to offer discounts on facilities.
- SCMA entitled to publish an Award if a Party does not object. Names of Parties not disclosed.

Place of Arbitration

- Arbitration shall be held in Singapore, unless parties otherwise agree.
- The juridical seat of the arbitration is Singapore, unless parties otherwise agree.
 - Foreign law can be applied if parties agree
- If Singapore juridical seat then International Arbitration Act of Singapore to apply.
 - But SCMA Rules to govern unless in conflict with mandatory provision of Act

No SCMA management Costs

No mandatory scale of arbitrators' Costs

Old SCMA

- Filing fee to SCMA.
- Mandatory scale of SCMA management fee and arbitrators' fees depending on the amount in dispute.

New SCMA

- An appointment fee to arbitrator.
- No management fees to SCMA.
- No scale of fees.
- Fee guidelines or an option for Parties to agree that a scale of fees shall apply.

Fees

- Appointment Fee: USD 250
 - Paid to arbitrator
- Booking Fee for Tribunal: USD 750 per day
 - Paid to arbitrator
- Certifying of Documents: USD 100
 - Paid to SCMA
- SCMA chairman appointing arbitrator in default of parties appointing: USD500
 - Paid to SCMA

