



Singapore Chamber of Maritime Arbitration at a Glance

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Why was the SCMA re-established in May 2009

- Originally established in 2004 as a brand within the Singapore International Arbitration Centre (SIAC). The old SCMA followed an International Chamber of Commerce (ICC) model, which proved not popular with the maritime community which prefers a model similar to the London Maritime Arbitrators Association (LMAA), where the arbitration body does not manage the arbitration process.
- Maritime arbitration was taking place in Singapore, but on ad hoc basis. There was no framework in place to enable the number of these arbitrations to increase.

What does the SCMA provide?

An Excellent Location

- Asia controls a significant share of world tonnage and also a significant share of cargo importers and exporters, both trading globally and Intra-Asia. Therefore it is appropriate that there should be a maritime arbitration hub within Asia and within the Asian time zone. Singapore may be the best place for this because:
 - (a) A strong legal and maritime tradition;
 - (b) An international maritime centre, with a large maritime community represented by head quarters, branch offices and subsidiaries;
 - (c) The maritime community is international and representative of the whole maritime cluster which is also the potential user of maritime arbitration either as litigants, professional advisors, experts or arbitrators;
 - (d) Cosmopolitan with some 33% of the population being foreigners;
 - (e) Wide language skills, with excellent English spoken by all professionals and all other major Asian languages widely spoken;
 - (f) Excellent transport connections to and from Singapore;
 - (g) Safe location;
 - (h) Appropriate facilities at an acceptable cost, whether hotels or hearing rooms.
- Despite all these advantages, if both parties wish they can agree to a physical location or a juridical seat other than Singapore.
- A building is now available at Maxwell Chambers in Singapore (www.maxwell-chambers.com) which has specially designed rooms for: arbitration hearings, arbitrators to work and to meet and for the parties to prepare for the hearing. Also video conferencing and extensive translation services. There is no requirement to use these facilities, but they are available if desired.

An Arbitration Framework that Reflects the Needs of Users

- The development of SCMA is determined by the international maritime community. Membership of SCMA is open to all companies and individuals involved in maritime business or academia: ship owners and charterers, cargo interests, insurers, ship brokers, ship agents, ship managers, banks, academics, lawyers and arbitrators. No one sector of the maritime community takes priority as the aim is for SCMA to reflect the wishes of all its users.
- The strategy of the SCMA is overseen by a General Committee of representatives of the maritime community, with functional committees appointed to perform certain tasks.

Rules Familiar to the Maritime Community

- The SCMA Rules follow the approach of the LMAA rather than the ICC. The SCMA is not involved in the management of the arbitration, but is available to facilitate the process when called upon to do so.
- The Rules are kept under constant review to ensure that they are responding to the needs of Users.

Choice of Arbitrators

- The SCMA has a panel of available arbitrators that meet minimum criteria and have comprehensive CVs so that parties are well informed. However the parties are not required to choose an arbitrator from the panel and can choose anyone that they wish.
- Foreign arbitrators can arbitrate in Singapore without a work permit and without withholding tax.

Arbitrators Fees – no scale but transparency

- No mandatory scale of arbitrators' fees – it is for the parties to agree rates with the arbitrator.
- Arbitrators are required to follow a code of ethics and to be transparent about their fees by giving details of hourly rates, hours worked and for what purpose.

No Management Costs

- There are no management costs charged by SCMA.
- A claimant commences arbitration by serving on the respondent – no need to submit papers to SCMA.

- A fee of USD250 is payable to an arbitrator on his appointment, unless otherwise agreed.

Non- intrusive Arbitration Body

- The SCMA is not involved in the management of the arbitration and is non intrusive. However the SCMA is available to facilitate the process when called upon to do so. If a party or a member of the tribunal has a concern, the SCMA can be approached to see whether the concern can be resolved in an unofficial manner.

Three Arbitrators unless parties agree Sole Arbitrator

- Presumption of a panel of three arbitrators, but parties can agree on a sole arbitrator if they choose.

Appointment of Arbitrator by SCMA only if parties cannot agree

- Chairman of SCMA will appoint a third or sole arbitrator if parties cannot agree.
- A party can challenge another party's appointment by application to the Chairman of SCMA on grounds of partiality or lack of qualifications required by agreement of the parties.

Arbitrators' Pupillage Programme

- To enhance the ability and experience of people wishing to be arbitrators, members on of the SCMA panel are encouraged to allow an aspiring arbitrator to observe the arbitration and that arbitrator's work and in exchange may be asked to provide reasonable unpaid assistance.

Maintaining Statistics

- SCMA will maintain basic statistics on the number and type of maritime arbitrations in Singapore. This will increase the awareness of potential users.

Publishing Sanitised Summaries of Awards

- SCMA will seek to obtain the parties agreement to publish a summary of the Award, which will not reveal the identity of the parties and other information not wished. These summaries will help inform future litigants, lawyers and arbitrators.

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