

SCMA (BIMCO) Arbitration Clause (2009)

“This Contract shall be governed by and construed in accordance with English or Singapore law* [please delete law which is not to apply; if none or both deleted, English law to apply].

Any dispute arising out of or in connection with this Contract, including any question regarding its existence, validity or termination, shall be referred to and finally resolved by arbitration in Singapore in accordance with the Arbitration Rules of the Singapore Chamber of Maritime Arbitration (“SCMA”)** in force at the commencement of the arbitration, which rules are deemed to be incorporated by reference in this clause.

A party wishing to refer a dispute to arbitration shall serve on the other party a written Notice of Arbitration in accordance with SCMA Rule 4.

The reference shall be to three arbitrators, unless the parties have agreed to the appointment of a sole arbitrator. However, the reference shall be to a sole arbitrator if the SCMA Small Claims Procedure applies to the dispute, which is if the aggregate amount of the claim and/or counterclaim in dispute is less than USD75,000 or is unlikely to exceed USD75,000 or, despite the amount in dispute being greater than this sum, the parties agree in writing that the claim shall be dealt with under the SCMA Small Claims Procedure.

If three arbitrators are to be appointed, each party shall appoint one arbitrator, and the two arbitrators thus appointed shall appoint the third arbitrator. Where a party fails to appoint the arbitrator within 30 days of receipt of a request to do so from the other party, or if the two arbitrators fail to agree on the appointment of the third arbitrator within 30 days of their appointment, the appointment shall be made, upon the request of a party, by the Chairman of SCMA.

If a sole arbitrator is to be appointed, the parties may agree who shall be appointed the sole arbitrator and if the parties are unable to agree on the appointment within 30 days from the date of service of the Notice of Arbitration, the Chairman of SCMA shall appoint the sole arbitrator upon the application of any of the parties.

* Please select English or Singapore law

**The SCMA Rules are accessible from www.scma.org.sg