

## LAUNCH OF SCMA RULES 4TH EDITION

SINGAPORE, 1 December 2021 — The Singapore Chamber of Maritime Arbitration (“SCMA”) is pleased to announce the launch of the 4<sup>th</sup> edition of SCMA Arbitration Rules which will apply to all arbitrations commencing on and after 1 January 2022.

SCMA held a public consultation in 2020 and invited feedback on possible amendments to the SCMA Rules which were last amended in October 2015. Acting on industry-wide responses and views, the 4<sup>th</sup> Edition of the Rules ensures that they remain relevant and attractive, and reinforces the cost efficiency in choosing SCMA to resolve maritime and trade disputes.

### Changes made

The key philosophy behind the SCMA Rules is to ensure that disputants are provided with all the requisite tools and guidance to ensure a user-friendly, cost-effective, efficient, and as far as possible, fuss-free approach to resolution of disputes by arbitration. To this end, some of the amendments introduced are as follows:

- Keeping up with the way that business is increasingly conducted by electronic and digital means, the new Rules allow for service of documents by electronic mailing. Also included are provisions to allow the signing of arbitration awards electronically. It is also made explicit that hearings and case management conferences, if held, may be conducted virtually.
- It is now enshrined in the Rules that two arbitrators may proceed with the conduct of an arbitration and the third arbitrator may be appointed just before the oral evidential hearing, if one is indeed held. In the case of documents-only arbitrations, two arbitrators may see an arbitration and an award to their conclusion without the appointment of a third arbitrator.
- Oral hearings are no longer mandatory. The discretion to hold a hearing lies with the Tribunal, save that a hearing shall be held if any party requests for one.
- To prevent an abuse of process by late change of representatives in arbitration, the Tribunal is now empowered to withhold approval to such change where the conduct of proceedings or the enforceability of any award might be prejudiced.

- Arbitration proceedings will be deemed to be closed after the lapse of three months from the date of any final written submissions of final hearing. This provides greater certainty on the length of the arbitral process.
- An Expedited Procedure with a threshold of US\$300,000 in the new Rules replaces the Small Claims Procedure that had a threshold of US\$150,000 in the previous edition of the Rules. The Expedited Procedure is meant to be a quick and cost-effective method to resolve a dispute using a sole arbitrator, with the issuance of an award within 21 days, if no oral hearing is required.
- To ensure greater certainty and transparency in the appointment of arbitrators, the newly introduced SCMA Standard Terms of Appointment now applies to all SCMA arbitrations by default, unless otherwise agreed.

### **SCMA Rules 4<sup>th</sup> edition**

Justice Chao Hick Tin, Chairman of SCMA, said, “The 4th edition of the SCMA Rules have been launched after extensive review of feedback obtained during last year’s public consultation. On behalf of the SCMA Board, I would like to extend my sincere thanks to members of the SCMA Procedure Committee for their hard work and efforts in updating the SCMA Rules. We hope that users will find the new Rules practical and useful.”

To view the SCMA Rules 4<sup>th</sup> edition, please go to: <https://scma.org.sg/rules#4th>.



## **About the Singapore Chamber of Maritime Arbitration**

The Singapore Chamber of Maritime Arbitration is a specialist arbitration institution which provides a neutral, cost-effective and flexible framework for maritime and international trade arbitrations that is responsive to the needs of industry users. Its global and regional members hail from all sectors of maritime, trade and arbitration communities. SCMA attracts disputants in the region by providing tailored solutions to suit the region's interests.

The Secretariat helms the promotion and development of SCMA across the region. The Secretariat also leads educational and training symposiums to foster thought leadership and encourage pragmatic solutions for maritime and trade businesses. The Registrar and Assistant Registrar provide administrative support to disputants and tribunals, when requested.

### **Contact Information:**

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