Singapore arbitration update:

Proposed amendments to the International Arbitration Act and New WIPO Centre

Proposed amendments to the International Arbitration Act

The Ministry of Law recently reviewed the legislative framework for Singapore's international arbitration regime in consultation with arbitration industry experts (including partner, Nick Peacock, of Herbert Smith's Singapore office) to ensure that Singapore's laws continue to be aligned with international developments and accord with current practice in international arbitration.

Following its review, the Ministry of Law has proposed amendments to the International Arbitration Act (Cap 143A) ("IAA") and has invited interested parties to provide feedback on the draft International Arbitration (Amendment) Bill.¹


There was strong support during the consultation for the proposal to enable Singapore courts to grant interim relief in aid of arbitrations seated outside of Singapore. While there was general support for the amendments made in the 2006 Model law, there was a mixed response in relation to the adoption of the 2006 UNCITRAL Model Law as a whole. In particular, to the question of whether arbitrators should be given the power to grant ex parte orders, some proposed a more cautious approach.

Due to the lack of industry consensus, the Ministry of Law decided not to adopt the 2006 Model Law as a whole. However, some of the main features of the 2006 Model Law were incorporated in the draft bill.

The key proposed amendments are as follows:

- A new Section 12A is proposed to empower Singapore courts to grant interim orders in aid of arbitrations which are seated outside of Singapore. This change would be in line with the new Article 17J of the 2006 Model Law.
- It is proposed to amend Section 2 of the IAA to modernise the definition of an arbitration agreement. The amended section would make it clear that Singapore recognises that an arbitration agreement can be made by "electronic communications" such as electronic emails or electronic data interchange. The amended section would further include definitions of "data messages" and "electronic communications" as defined in Option I of Article 7 of the 2006 Model Law.
- A new Section 19C is proposed to empower the Minister for Law to designate entities to authenticate, on a non-mandatory basis, "made in Singapore" arbitration awards for the purposes of overseas enforcement.

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This change would facilitate the enforcement of awards in countries in which courts require that awards be duly authenticated before allowing enforcement.

New Singapore office of the WIPO Arbitration and Mediation Centre (WIPO Centre)

On 28 July 2009, Mr. K Shanmugam, Minister for Law and Second Minister for Home Affairs signed an agreement with Mr. Francis Gurry, Director General of the World Intellectual Property Organization (WIPO), which paved the way for the establishment of the Singapore Office of the WIPO Arbitration and Mediation Centre (WIPO Centre). The centre will open in January 2010 and will be located at Maxwell Chambers – Singapore’s integrated international dispute resolution centre.

The centre will focus on promoting alternative dispute resolution (ADR) services in the Asia Pacific Region in particular for intellectual property disputes and is the first WIPO Centre outside WIPO’s headquarters in Geneva.

The wider consultation period closes on 17 August 2009. Details on how to provide feedback on the proposed amendments can be found at the following link click here.

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