



## SINGAPORE INTERNATIONAL ARBITRATION CENTRE'S DRAFT RULES SEEKS TO INTRODUCE SIAC GATEWAY & NEW STREAMLINED PROCEDURE

Disputes | September 2023



<https://unsplash.com/photos/RNsKphkdBTk> (Michael Fousert)

### **On 22 August 2023, the SIAC announced the public consultation on the Draft 7<sup>th</sup> Edition of the SIAC Rules.**

1. The consultation period from 22 August 2023 to 21 November 2023 seeks to obtain comments and input from stakeholders (which include arbitration practitioners, arbitrators, business entities, in-house counsel, government representatives and academics). At this time, the current version is the 6<sup>th</sup> Edition of the SIAC Rules which came into effect on 1 August 2016.
2. The Registrar's Report makes mention of how the draft of the 7<sup>th</sup> Edition ("Draft") "*draws from SIAC's experience of administering more than 3,000 international cases under the SIAC Rules 2016 which involved parties from 106 jurisdictions across a range of seats and governing laws*" and how the provisions of the Draft have been "*carefully crafted with a view to enhancing the user experience and raising the bar on efficiency, expedition and cost-effectiveness.*" A copy of the Draft is published on the SIAC website at <https://siac.org.sg/siac-announces-public-consultation-on-the-draft-7th-edition-of-the-siac-arbitration-rules>.
3. The following are some of the notable changes and improvements that have been previewed in the Draft.

## **SIAC Gateway**

4. There is an introduction of the SIAC Gateway which is a case management system hosted online by the SIAC. This seeks to be one of the first points of contact as Rule 6.1 provides that a claimant may file the notice online via the SIAC Gateway.
5. The SIAC Gateway will play a central and pivotal role on how documents and communications will be received and/or delivered during the lifecycle of the arbitration.
  - (a) Under Rule 2.1, the term "*written communications*" is given a very broad definition as follows:

Include notices, and any notification, communication or proposal, data messages, electronic communications, applications, pleadings, witness statements, expert reports, decisions, rulings, orders, awards, and other correspondence and documents that are produced, submitted or exchanged in the arbitration.
  - (b) Under Rule 4.2, upon notification of the commencement of the arbitration, the Registrar may direct that parties shall be required to upload all written communications to the SIAC Gateway.
  - (c) Under Rule 4.3(b), any written communications shall be deemed received if uploaded to the SIAC Gateway.
  - (d) Under Rule 4.6, all written communications to the parties shall be deemed received by the parties on the day that they were delivered in accordance with Rule 4.3.

## **Streamlined Procedure**

6. Further, there is a new "Streamlined Procedure" that parties could utilise. Under Rule 13, it is provided that at the time the notice of arbitration or the response to notice of arbitration is filed, or any time prior to the constitution of the tribunal, a party may file an application for the Streamlined Procedure to be applied.
7. The Streamlined Procedure applies where parties opt in and agree to its application. Alternatively, it may be applicable where the amount in dispute does not exceed the equivalent amount of S\$1,000,000.00, or where the circumstances of the case warrant its application. The President of the SIAC will determine if the application for Streamlined Procedure is to be granted.
8. The procedure and timelines in relation to the Streamlined Procedure is set out in Schedule 2 to the Draft. In this regard, certain features are of note.
  - (a) A sole arbitrator is to be appointed. The parties must jointly nominate the sole arbitrator within 3 days and if this is not possible or if any party makes a request, the President will appoint the sole arbitrator within 3 days.
  - (b) Any challenge to the appointment of the sole arbitrator is also to be filed within 3 days from the date of the notice of appoint of the tribunal or the circumstances under Rule 26.1 are known or reasonably been known to the party making the challenge.
  - (c) Within 3 days of the date of constitution of the tribunal, a case management conference

shall be conducted to discuss the timetable for the conduct of the proceedings which includes the determination of any interlocutory applications.

- (d) Unless the tribunal decides otherwise, after considering the views of the parties, the arbitration shall be decided based on written submissions and any documentary evidence. Requests for document production are disallowed. Further, parties will not be entitled to file any factual or expert witness evidence.
- (e) The final award is to be made within 3 months from the date of constitution of the tribunal. Only the Registrar of the SIAC may extend the period for the making of the final award.
- (f) As a general rule, the fees payable to the tribunal and SIAC are capped at 50% of the maximum amounts as calculated with reference to the Schedule of Fees.

### Key Takeaways

- The SIAC is seeking to make this latest iteration of its rules that much more attractive and user friendly.
- The introduction of an online case management portal hosted by the SIAC for the purposes of administering and managing all the arbitration cases underscores the SIAC's commitment to efficient resolution of disputes.
- The Streamlined Procedure keeps the arbitration moving on an expedited timeline and seeks to promote both efficiency and cost-effectiveness for the parties. In particular, the Streamlined Procedure is an option which provides a faster process for resolution of qualifying cases, in comparison to the existing Expedited Procedure.

For more information, or should you have any queries or require assistance, please feel free to contact our Darrell Low at [dlow@bihlilee.com.sg](mailto:dlow@bihlilee.com.sg), Aileen Chua at [achua@bihlilee.com.sg](mailto:achua@bihlilee.com.sg) or your usual contact at our firm.



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