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Growth of SIAC caseload

Contract dates: 2011 SIAC arbitrations
SIAC Statistics (2011)

- 405 active cases (as of 31 December 2011). 188 new cases
- Average claim value 2011: SGD7.03m (c USD5.48m). Highest SGD304m (USD237m)
- Nationality of parties (no. of filings):
  - Singapore (37% subsidiaries of international companies)
  - India
  - Hong Kong
  - China = Indonesia
  - UK
- Tribunal appointments:
  - 86.3% sole arbitrator
  - 13.7% three member tribunals
- Arbitrator nationalities (top 4):
  - Singaporean
  - British
  - Indian
  - Malaysian

SIAC 2010 Rules
Expedited Procedure

Introduced in 2010 edition of SIAC Rules

Reflects growing trend towards expedited procedures among global arbitration institutions

- Expedited Procedure: 8% of SIAC administered cases filed in 2011
- Any party may apply to SIAC for expedited procedure if:
  - amount in dispute is SGD5m or less (most typical);
  - parties agree to use procedure; or
  - exceptional urgency
  - SIAC Chairman makes determination and if considered appropriate:
    - case will be referred to sole arbitrator;
    - parties can agree to documents-only arbitration;
    - award made within 6 months from constitution of Tribunal; and
    - reasons of Tribunal will be in summary unless parties have agreed no reasons will be given
Emergency Arbitrators

A tool for emerging jurisdictions?

• Emergency Arbitrator – 2 cases in 2011. E.g.:-
  ➢ Cargo of coal sitting in Chinese port few days before Chinese New Year
  ➢ Applicant contacted SIAC in morning indicating intention to file application (given pending holiday period)
  ➢ Filed papers at 2pm. Arbitrator appointed at 5pm
  ➢ Preliminary directions same evening
  ➢ Hearing scheduled for next day and order made

• Award must be written (giving reasons) and is binding pending decision by Tribunal
  ➢ unless claim is withdrawn or
  ➢ Tribunal not constituted within 90 days

• Applicant required to pay initial fee/deposit

• Costs determined and allocated in EA’s award
  ➢ Cap fixed at 20% of sole arbitrator’s max. fees

• Applications for EA made after Notice of Arbitration

• EA appointed within one business day of receipt of application

• Challenges to appointment made within one business day

• No fixed period for EA’s award
Multiple Parties, Contracts and Consolidation

- Appointment in multi-party situations (Rule 9)
- No provisions for:-
  - Multi-contract
  - Consolidation of claims
- Joinder of third parties (Rule 24(b))

Other Features of Interest

- Confidentiality:-
  - Tribunal and parties treat matters relating to proceedings and award as confidential at all times (Rule 35)
  - "Matters relating to the proceedings" given a wide definition
- Default seat:-
  - Singapore
  - Nb/ model form clause
- Domestic arbitrations:-
  - Separate statutory regime
  - Some additional provisions in Rules
International Arbitration (Amendment) Act 2012

Four areas of reform to current IAA:

- Relaxation of requirement that arbitration agreement be in writing
- Court review of negative jurisdictional rulings
- Clarification of tribunal’s power to award interest
- Recognition of emergency arbitrator orders