



## HIGHLIGHTS OF THE SIAC RULES 2025

The Singapore International Arbitration Centre (“SIAC”) is pleased to present the 7<sup>th</sup> edition of the Arbitration Rules of the Singapore International Arbitration Centre (“SIAC Rules 2025”) which will come into force on 1 January 2025.

The SIAC Rules 2025 introduce new procedures and enhancements to existing processes aimed at consistently achieving: (a) fairness of the proceedings; (b) efficiency in the conduct of the arbitration proportionate to the amount and complexity of issues in dispute; and (c) enforceability of any award.

Key features of the SIAC Rules 2025 include:

- **Streamlined Procedure** (*Rule 13, Schedule 2*)

The Streamlined Procedure is designed for low value disputes of low complexity. Parties may choose to agree to apply the procedure at any time prior to the constitution of the tribunal. Alternatively, the procedure applies, unless otherwise determined by the President on application by a party, where the amount in dispute is below SGD 1 million.

The procedure requires an award to be made within 3 months from the date of constitution of the tribunal and sets out cues on procedural mechanisms that tribunals may adopt to complete arbitrations within that timeframe. The tribunal’s fees and SIAC administrative fees in arbitrations under the Streamlined Procedure are capped at 50% of the maximum limits under the Schedule of Fees.

Complementing the introduction of the Streamlined Procedure, the threshold for parties to request for the Expedited Procedure (*Rule 14, Schedule 3*) to apply to the conduct of the arbitration has been raised to SGD 10 million. Parties may also agree to the conduct of the arbitration under the Expedited Procedure at any time prior to the constitution of the tribunal. The application of the Expedited Procedure requires an award to be made within 6 months from the date of constitution of the tribunal.

- **Preliminary Determination** (*Rule 46*)

The SIAC Rules 2025 also clarify and make explicit the tribunal’s power to make a final and binding determination of any issue in an arbitration at a preliminary stage. The new Rule 46 codifies the inherent power of tribunals to decide different issues at different stages, and provides a cue to parties and tribunals to confidently leverage such procedural mechanisms to achieve efficiency by considering the determination of issues that may prove to be dispositive at an early stage. Under Rule 46, an application for preliminary determination may be made on the basis that parties agree, the applicant is able to demonstrate that the determination would save time and costs or expedite the resolution of the dispute, or where the tribunal determines that the circumstances warrant it.

Where the tribunal accepts an application for preliminary determination, it must render its decision, ruling, order, or award within 90 days from the date of application. This adds to the existing suite of case management mechanisms available to tribunals under the SIAC Rules to direct the order of proceedings, bifurcate proceedings and direct parties to focus on issues the determination of which could dispose of all or part of the case.

- **Enhancements to the Emergency Arbitrator procedure and introduction of protective preliminary order applications** (*Rule 12.1 and Schedule 1*)

The new Rules introduce enhancements to improve the ability of parties to seek and obtain urgent interim and conservatory measures. Notably, applicants may now request the appointment of an Emergency Arbitrator prior to submitting a Notice of Arbitration, with the Notice now required to be filed within 7 days.

Parties now also have the ability to seek protective preliminary orders directing a party not to frustrate the purpose of the emergency interim or conservatory measure requested, prior to notifying any counterparties of the application seeking the appointment of an Emergency Arbitrator. The Emergency Arbitrator is required to determine the request for a protective preliminary order within 24 hours of their appointment. An applicant is required to promptly transmit any such preliminary order to any counterparties within 12 hours of the order, failing which the protective preliminary order shall expire 3 days after the date on which it was issued. The introduction of this procedure recognises the potential need for immediate and urgent relief to parties in the early stages of a dispute while balancing the need to preserve procedural integrity and fairness.

- **Coordinated Proceedings** (*Rule 17*)

Building on the existing suite of provisions that deal with multi-contract, multi-party disputes, notably, the provisions for consolidation and joinder, the new Rule 17 introduces a mechanism to specifically provide for the coordinated resolution of multiple arbitrations involving common legal or factual issues where the same tribunal has been appointed. Pursuant to new Rule 17, a party may request that the multiple arbitrations be either conducted concurrently or sequentially, be heard together with aligned procedural steps, or that one of the arbitrations be suspended pending the determination of any of the other arbitrations. The provision seeks to provide an additional procedural mechanism to streamline the resolution of multiple complex arbitrations, reduce the risk of conflicting outcomes, and avoid duplication of costs across multiple proceedings.

- **Administrative conference** (*Rule 11*)

In line with SIAC's active case management approach to the administration of arbitrations, new Rule 11 empowers the Registrar to conduct administrative conferences with the parties, prior to the constitution of the tribunal, to discuss any procedural or administrative directions to be made by the Registrar under the Rules.

- **Active promotion of the use of mediation** (*Rules 32.4 and 50.2*)

The Rules continue to encourage the early settlement of disputes, with the inclusion of cues to tribunals to prompt parties to consider amicable dispute resolution methods such as mediation including under the SIAC-SIMC Arb-Med-Arb Protocol, at various stages of an arbitration. In addition to a cue to tribunals to raise the prospect of adopting such methods at the first case management conference (*Rule 32.4*), tribunals are also empowered to make any directions including a suspension of proceedings to allow parties to adopt such amicable dispute resolution methods at any stage of the arbitration (*Rule 50.2*). In addition, parties are encouraged to consider such amicable dispute resolution methods at the inception of the arbitration (*Rules 6.4 and 7.3*).

- **Provisions in respect of third-party funding arrangements** (*Rule 38*)

To assist arbitrators in complying with their duty of disclosure and to preserve the high standards of impartiality and independence of arbitrators and the integrity of proceedings, new Rule 38 requires parties to disclose the existence of any third-party funding agreement and the identity and contact details of the third-party funder. In addition, Rule 38 empowers tribunals to order such disclosures, and take into account any third-party funding agreement in apportioning costs. Rule 38 also prescribes that, following the constitution of the tribunal, a party may not enter into a third-party funding agreement which may give rise to a conflict of interest with any member of the tribunal.

Additional features of the SIAC Rules 2025 include:

- Provision for the integration of SIAC Gateway into case management under the Rules (*Rule 4*). SIAC Gateway is SIAC's cloud-based case management platform offering features such as electronic filing, an integrated online payment system, secure document upload and storage, and real-time case management, for use by parties and tribunals in SIAC arbitrations, at no additional cost. Upon notification of the commencement of the arbitration and at any stage of the arbitration thereafter, after considering the views of the parties and the tribunal, the Registrar may direct the parties to upload all written communications to SIAC Gateway. The Rules also now explicitly recognise that parties may file a Notice of Arbitration online with the Secretariat through SIAC Gateway.
- Provision to allow the Registrar to refer an issue of jurisdiction to the SIAC Court for a *prima facie* determination where a respondent is not participating in proceedings, or any party objects to the existence, validity or applicability of an arbitration agreement prior to the constitution of a tribunal. Where the SIAC Court determines that the arbitration shall not proceed, in whole or in part, the Registrar shall terminate the arbitration in accordance with the decision of the SIAC Court (*Rule 8.1*).
- Provision for the appointment of an independent member to committees of the SIAC Court that are considering challenges to arbitrators, where the challenged arbitrator is a member of the SIAC Court or Board (*Rule 28.6*).
- The ability to obtain security for costs and security for claims (*Rules 48 and 49*).
- A 90-day timeline for tribunals to submit draft awards to the SIAC Secretariat for scrutiny. Under the SIAC Rules 2025, the tribunal must submit a draft award within 90 days of the submission of the last directed oral or written submission in respect of the proceedings to which the award pertains, unless the Registrar determines otherwise (*Rule 53.2*).

- Codification of the power of tribunals to appoint tribunal secretaries including members of the SIAC Secretariat, and the expected and permitted role of tribunal secretaries in arbitrations (*Rule 24*).
- Information Security measures. In recognition of the critical nature of safeguarding sensitive data, the new Rules encourage parties and tribunals to consider and propose effective security measures and relevant best practices on information security, including cybersecurity and cyber resilience. Tribunals have the power to take appropriate measures, including issuing an order or award for sanctions, damages or costs, if a party does not take necessary steps to comply with the information security measures agreed by the parties or directed by a tribunal (*Rule 61*).
- Environmentally conscious arbitrations. The new Rules encourage tribunals to consult with parties on whether it would be appropriate to adopt environmentally sustainable procedures for the arbitration (*Rule 32.4(b)*).
- Numerous other refinements and tweaks to various other provisions of the rules that are intended to permit smoother and more efficient administration and conduct of arbitrations under the SIAC Rules.

The SIAC Rules 2025 were developed following extensive public consultation with SIAC's users and stakeholders, including the SIAC Users Council, arbitration practitioners, arbitrators, business entities, in-house counsel, government representatives, academics, and students. The feedback from this exercise was processed by the SIAC Secretariat working closely with the Court of Arbitration of SIAC. The new Rules reflect SIAC's case management experience from administering more than 3,000 international cases under the SIAC Rules 2016 which involved parties from more than 100 jurisdictions across a range of seats and governing laws.

SIAC is grateful to everyone involved in the development of the SIAC Rules 2025, and remains committed to the consistent delivery of quality and efficient administration of international arbitrations to all its users under these new Rules.