

New Arbitration Rules of the Singapore International Arbitration Centre (SIAC) to Enter into Force

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INTRODUCTION

On 1 January 2025, the 2025 Arbitration Rules of the Singapore International Arbitration Centre (the “2025 SIAC Rules”) will enter into force. This is the first revision of the SIAC Rules since the introduction of the 2016 SIAC Rules on 1 August 2016.

The 2025 SIAC Rules contain a host of new provisions. Most prominently, these include a wider application of the existing expedited procedure rules; a new streamlined procedure for low value disputes; new powers for tribunals in related arbitrations to coordinate proceedings; codification of existing practices for the preliminary determination of factual or legal issues; and refinements to the emergency arbitration procedure. Overall, these new mechanisms and improvements will assist SIAC arbitration users to deploy arbitration procedures best suited to the resolution of their particular dispute.

APPLICABILITY OF THE 2025 SIAC RULES

The 2025 SIAC Rules apply by default to arbitrations commenced on or after 1 January 2025 regardless of when the arbitration agreement was entered into. This means that innovations in the 2025 SIAC Rules that did not exist when parties entered into their arbitration agreement will nonetheless be available. However, if the arbitration agreement references a specific version of the rules (e.g., the 2016 SIAC Rules or the 2010 SIAC Rules), then that version of the Rules will apply.

EXPANDED AVAILABILITY OF EXPEDITED ARBITRATION

Expedited arbitration is aimed at simplifying the conduct of an arbitration so that it can be concluded in a shorter timeframe with reduced legal costs. Typically, SIAC expedited arbitration involves the appointment of a sole arbitrator, who decides the dispute on the basis of written submissions and documentary evidence, often without document production, and issues a final award within six months of their appointment.

Under the 2025 SIAC Rules, expedited arbitration is available where the parties have agreed to use the procedure. If they have not, expedited arbitration is only available where the amount in dispute does not exceed SGD 10 million (increased from SGD 6 million under the previous iteration of the rules), or the circumstances of the case warrant its use, and the SIAC President determines the procedure should apply. The changes to the threshold will likely see an increase in the number of expedited arbitrations.

NEW STREAMLINED PROCEDURE

The new streamlined procedure provides an alternative to expedited arbitration for low-value disputes. It is available either where parties agree to its application, or the amount in dispute does not exceed SGD 1 million (unless the SIAC President determines the procedure should not apply).

Under the streamlined procedure, the parties have three days to agree on a sole arbitrator, failing which the SIAC President appoints one. Following their appointment, the sole arbitrator is tasked with the rapid conduct of proceedings. This includes holding a case management conference within five days of their appointment and issuing the final award within three months. As with the expedited arbitration procedure, it is open to the sole arbitrator to decide the case solely on the basis of written submissions and documentary evidence.

COORDINATED ARBITRATION PROCEEDINGS

Most commercial arbitration rules, including the SIAC Rules, contain procedures enabling the consolidation of related arbitrations in certain circumstances. Where related arbitrations are not consolidated, on occasion the same tribunal may be appointed in two or more proceedings, which remain conducted separately. Timing

issues can arise where the same factual or legal issue needs to be determined in each set of proceedings, with the risk of inconsistent decisions.

The 2025 SIAC Rules address this issue by providing that where the same tribunal is constituted in two or more arbitrations, and a common question of law or fact arises, a party may apply to the tribunal for coordination of the arbitrations. The tribunal is empowered to decide whether the arbitrations will be conducted concurrently, sequentially, or heard together, or whether one of the arbitrations should be suspended pending a determination in any of the other arbitrations. This is an important provision, which should assist both parties and tribunals to reduce the complex risks associated with fragmentation in the resolution of disputes through arbitration.

PRELIMINARY DETERMINATION AND EARLY DISMISSAL PROCEDURES

Arbitration rules generally confer flexibility on tribunals to adopt procedures deemed appropriate for the circumstances of the case. This includes preliminary issue determinations, pursuant to which tribunals make final determinations on specific factual or legal issues at an early stage of proceedings. This can have the benefit of narrowing the issues in dispute between the parties.

The 2025 SIAC Rules expressly empower tribunals to adopt preliminary determinations upon the request of a party. If the parties do not agree on the use of this procedure, the tribunal must be satisfied that time and cost will be saved through determination of the issue on a preliminary basis, or the circumstances of the case otherwise warrant this approach. If the tribunal proceeds with a preliminary determination, it has 90 days to issue its decision.

The preliminary determination procedure exists alongside the early dismissal procedure introduced in the 2016 SIAC Rules (and which remains in the 2025 SIAC Rules). This enables the dismissal of claims or defences on the basis they are manifestly without merit or outside the tribunal's jurisdiction. The 2025 SIAC Rules have reduced the timeframe for the conduct of the early dismissal procedure from 60 days to 45 days.

IDENTIFICATION OF ISSUES FOR DETERMINATION

The new rules also introduce a requirement for tribunals to consult with the parties to identify the issues to be determined in the arbitration and to record these in the form of a procedural order. This is similar to the requirement in the ICC Rules for tribunals to include a list of issues in the terms of reference for the arbitration (unless the tribunal

considers it inappropriate). This new requirement in the 2025 SIAC Rules should assist both parties and tribunals at an early stage of proceedings to narrow the disputed issues, sideline irrelevant issues, and reduce the time and cost involved in resolving the dispute. Parties' cases often evolve during proceedings, including following document production, and this new provision recognises that tribunals may need to reconsider the list of issues at appropriate stages of the arbitration.

REFINED EMERGENCY ARBITRATION PROCEDURE

Emergency arbitration has become an increasingly popular option for parties to seek urgent interim relief without recourse to domestic courts whilst awaiting the constitution of the tribunal. The procedure is now available under most commercial arbitration rules of leading arbitral institutes.

Under the 2016 SIAC Rules, parties are required to file their Notice of Arbitration either prior to or alongside their application for emergency arbitration. The Notice of Arbitration is a significant document, setting out the basis of a claimant's case, and it may take some time to prepare. The 2025 SIAC Rules permit the Notice of Arbitration to be filed within seven days of an application for emergency arbitration, giving claimants additional time to prepare this document to ensure it accurately portrays their case.

On occasion, emergency arbitrators may consider it appropriate to issue preliminary or interim orders pending their final decision on the need for emergency relief. A claimant may also desire to obtain such orders on an ex parte basis without notice to the respondent. The new rules empower emergency arbitrators to issue protective preliminary orders on an ex parte basis. An emergency arbitrator is required to determine an application for a protective preliminary order within 24 hours, following which the claimant has 12 hours to provide the order and all related documents to all other parties. The emergency arbitrator must permit any party against whom a protective preliminary order is issued an opportunity to present its objection to the order at the earliest practicable time.

This new power is a significant addition to the SIAC Rules. Under most emergency arbitration rules (with the notable exception of the 2021 Swiss Rules of International Arbitration), emergency arbitrators do not have the power to issue ex parte relief. Under the 2020 LCIA Rules, emergency arbitrators are entitled to issue relief without hearing from the respondent, but the respondent must first have been notified of the commencement of emergency arbitration. In some circumstances, urgent measures will only be effective if they can be obtained ex parte, particularly where there is a risk of

dissipation of assets or destruction of property or evidence if the respondent is tipped off. The ability of claimants to obtain ex parte relief in SIAC emergency arbitrations significantly improves the utility of the procedure. This is likely to increase the number of parties bypassing the courts and instead turning to emergency arbitrators for urgent measures required before the tribunal has been constituted.

SETTLEMENT AND MEDIATION

In recent years, Singapore has been actively promoting the use of alternative dispute resolution, and in particular, mediation. The Singapore International Mediation Centre (“SIMC”), in conjunction with SIAC, developed the SIAC-SIMC Arbitration-Mediation-Arbitration Protocol (the “Protocol”). This contains a three-stage dispute resolution process. The first stage is the commencement of arbitration before SIAC. The second stage is for the arbitration to be stayed and the case submitted to mediation at SIMC. The third stage is for the matter to be referred back to arbitration either for the recording of an agreed settlement in an enforceable consent award, or for the arbitration to continue where settlement has not been reached.

The 2025 SIAC Rules contain several provisions aimed at encouraging the use of mediation as a settlement tool at different stages of the arbitration process. Parties are invited to comment on the use of mediation (including under the Protocol) when filing their initial submissions. Tribunals are invited to raise the prospect of settlement (including mediation under the Protocol) at the first case management conference and are conferred with the express power to suspend proceedings to enable parties to pursue mediation or other dispute resolution methods.

THIRD-PARTY FUNDING

Following the last edition of the SIAC Rules in 2016, Singapore amended its laws to permit the use of third-party funding in international arbitration and related litigation (see our update [here](#)). The 2025 SIAC Rules introduce new provisions for cases involving third-party funding. Funded parties are required to disclose their use of third-party funding and the identity of the funder. Tribunals are empowered to order the disclosure of details of funding agreements and may take the agreement into account in apportioning costs. Parties are precluded from entering into funding agreements once the tribunal is in place if this may create a conflict of interest with any member of the tribunal.

NEW ADMINISTRATIVE PROVISIONS

There are various new administrative provisions contained in the 2025 SIAC Rules. This includes incorporation of SIAC's online case management system (SIAC Gateway). The SIAC Registrar is also empowered to hold an administrative conference to discuss procedural or administrative matters with the parties prior to the constitution of the tribunal. Previously, such matters were typically addressed in correspondence.

Tribunals are to be faced with more onerous deadlines for the submission of awards. Within 30 days of the last written or oral submission, tribunals will be required to provide time estimates for the provision of draft awards to SIAC for scrutiny and to submit draft awards within 90 days of the last submission (subject to any extension agreed by the SIAC Registrar). This requirement should encourage tribunals to avoid delays in the drafting of awards and give parties greater certainty as to the expected timing of decisions.

CONCLUSION

The 2025 SIAC Rules represent a comprehensive revision to the previous edition of the rules. Whilst the fundamentals of SIAC arbitration remain unchanged, the introduction of several unique procedural innovations, along with the conferral of additional duties and powers on tribunals, will impact the manner in which SIAC arbitrations are conducted.

Many parties rely on boilerplate arbitration agreements to include in their contracts when selecting arbitration as a dispute resolution mechanism. Well-drafted arbitration clauses can save costs and time at the inception of a dispute, facilitate a more efficient arbitration, and even deter breaches of the agreement by providing an effective dispute resolution mechanism. Boilerplate SIAC arbitration agreements should be reviewed to ensure compatibility with the 2025 SIAC Rules. It bears emphasis that no single arbitration clause is suitable for all contracts, and our checklist of issues to consider in drafting an arbitration clause, with suggested text, is available in our [Debevoise Arbitration Clause Handbook](#).

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