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SUPREME COURT OF JUDICATURE ACT (CHAPTER 322)

SUPREME COURT OF JUDICATURE (SINGAPORE CONVENTION ON MEDIATION) RULES 2020

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In exercise of the powers conferred by section 80 of the Supreme Court of Judicature Act and all other powers enabling us under any written law, we, the Rules Committee, make the following Rules:

Citation and commencement

1. These Rules are the Supreme Court of Judicature (Singapore Convention on Mediation) Rules 2020 and come into operation on 12 September 2020.

Definition

2.—(1) In these Rules, “Act” means the Singapore Convention on Mediation Act 2020 (Act 4 of 2020), and any reference to a section, unless otherwise expressly provided, is a reference to that section in the Act.

(2) An expression used in these Rules that is used in the Act has the same meaning as in the Act.

Application of Rules of Court

3. Subject to the provisions of these Rules, the Rules of Court (R 5) apply to any application or other proceeding before the court under the Act.

Applications under section 4(1)(a) or 8

4.—(1) An application to the High Court —

(a) for leave to record an international settlement agreement as an order of the High Court under section 4(1)(a); or

(b) to set aside an order of the High Court under section 8,

must, where the action is pending, be made by summons in the action, and in any other case, by originating summons, unless the court otherwise directs.

(2) Service out of the jurisdiction of an originating summons under this rule is permissible with leave of court.

(3) An application for the grant of leave under this rule must be supported by an affidavit stating the ground on which the application is made and showing in what place or country the person to be served is, or probably may be found; and no such leave may be granted unless it appears to the court that the case is a proper one for service out of the jurisdiction under this rule.

(4) Order 11, Rules 3, 4 and 6 of the Rules of Court apply in relation to any originating summons mentioned in paragraph (2).

Applications under section 4(1)(b)

5. An application to the High Court or the Court of Appeal to invoke an international settlement agreement in any proceedings in the High Court or the Court of Appeal (as the case may be) under section 4(1)(b) may be made by summons in the action supported by an affidavit exhibiting the documents and providing the evidence set out in section 6.

Recording of international settlement agreement as order of court

6.—(1) An application to the High Court for leave to record an international settlement agreement as an order of court may be made *ex parte* and must be supported by an affidavit —

- (a) stating for which of the purposes under section 4(1)(a) the application is being made;
- (b) stating the extent to which the requirements of the Act are complied with, so that the High Court may grant leave to record the international settlement agreement as an order of the High Court under section 5;
- (c) exhibiting the documents and providing the evidence set out in section 6; and
- (d) stating the name and the usual or last known place of abode or business of the applicant and any person against whom the international settlement agreement is sought to be enforced or invoked.

(2) An order giving leave must be drawn up by or on behalf of the applicant and must be served on any person against whom the international settlement agreement is sought to be enforced or invoked by delivering a copy to that person personally or by sending a copy to that person at the person's usual or last known place of abode or business or in such other manner as the court may direct.

(3) Service of the order out of the jurisdiction is permissible without leave, and Order 11, Rules 3, 4 and 6 of the Rules of Court apply in relation to such an order.

(4) Subject to paragraph (5), this rule has effect in relation to a body corporate as if, for any reference to the place of abode or business of the applicant or any person against whom the international settlement agreement is sought to be enforced or invoked, there were substituted a reference to the registered or principal address of the body corporate.

(5) Nothing in this rule affects any written law which provides for the manner in which a document may be served on a body corporate.

(6) An order giving leave may not be enforced until after the expiration of the period within which an application to set aside the order may be made under rule 7 or, if an application is made within that period to set aside the order of court, until after the application to set aside the order is finally disposed of.

(7) The court may order that an order giving leave be served on other interested parties to the international settlement agreement.

Application to set aside order giving leave to record international settlement agreement as order of court

7.—(1) An application to the High Court to set aside an order giving leave to record an international settlement agreement as an order of court under section 8 must be made within a period of 6 weeks after the service of the order giving leave.

(2) The affidavit in support must —

- (a) state the grounds in support of the application;
- (b) exhibit documents relied on by the applicant;
- (c) set out any evidence relied on by the applicant; and
- (d) be served with the originating summons or summons, as the case may be.

(3) The court may order that an order to set aside an order giving leave to record an international settlement agreement as an order of court be served on other interested parties to the international settlement agreement.

Made on 10 September 2020.

SUNDARESH MENON
Chief Justice.

LUCIEN WONG
Attorney-General.

TAY YONG KWANG
Judge of Appeal.

STEVEN CHONG
Judge of Appeal.

BELINDA ANG SAW EAN
Judge.

QUENTIN LOH
Judge.

VINODH COOMARASWAMY
Judge.

VINCENT HOONG SENG LEI
Presiding Judge of the State Courts.

JAMES LEONG
District Judge.

FRANCIS XAVIER, SC
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(To be presented to Parliament under section 80(6) of the Supreme
Court of Judicature Act).