

International Arbitration Bill

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Bill No: 14/1994

Read the first time: 25th July 1994

Long Title

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FIRST SCHEDULE Uncitral Model Law on International Commercial Arbitration

SECOND SCHEDULE Convention on the Recognition and Enforcement of Foreign Arbitral Awards Concluded at New York on 10th June 1958

Explanatory Statement

Expenditure of Public Money

Table of Derivations

International Arbitration Bill

Bill No. 14/1994

Read the first time on 25th July 1994.

An Act to make provision for the conduct of international commercial arbitrations based on the Model Law on International Commercial Arbitration adopted by the United Nations Commission on International Trade Law and conciliation proceedings and to give effect to the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards and for matters connected therewith and to repeal the Arbitration (Foreign Awards) Act (Chapter 10A of the 1985 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

PART I

PRELIMINARY

Short title and commencement

1. This Act may be cited as the International Arbitration Act 1994 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

PART II

INTERNATIONAL COMMERCIAL ARBITRATION

Interpretation of Part II

2.—(1) In this Part, unless the context otherwise requires —

“arbitral tribunal” means a sole arbitrator or a panel of arbitrators or a permanent arbitral institution;

“arbitration agreement” means an agreement in writing referred to in Article 7 of the Model Law and includes an arbitration clause contained or incorporated by reference in a bill of lading;

“award” means a decision of the arbitral tribunal on the substance of the dispute and includes any interim, interlocutory or partial award;

“Model Law” means the UNCITRAL Model Law on International Commercial Arbitration adopted by the United Nations Commission on International Trade Law on 21st June 1985, the text in English of which is set out in the First Schedule;

“party” means a party to an arbitration agreement or, in any case where an arbitration does not involve all of the parties to the arbitration agreement, means a party to the arbitration.

(2) Except so far as the contrary intention appears, a word or expression that is used both in this Part and in the Model Law (whether or not a particular meaning is given to it by the Model Law) has, in the Model Law, the same meaning as it has in this Part.

Model Law to have force of law

3.—(1) Subject to this Act, the Model Law, with the exception of Chapter VIII thereof, shall have the force of law in Singapore.

(2) In the Model Law —

“State” means Singapore and any country other than Singapore;

“this State” means Singapore.

Interpretation of Model Law by use of extrinsic material

4.—(1) For the purposes of interpreting the Model Law, reference may be made to the documents of —

(a) the United Nations Commission on International Trade Law; and

(b) its working group for the preparation of the Model Law,

relating to the Model Law.

(2) Subsection (1) shall not affect the application of section 9A of the Interpretation Act [Cap. 1] for the purposes of interpreting this Act.

Application of Part II

5.—(1) This Part and the Model Law shall not apply to an arbitration which is not an international arbitration unless the parties agree in writing that this Part or the Model Law shall apply to that arbitration.

(2) Notwithstanding Article 1(3) of the Model Law, an arbitration is international if —

(a) at least one of the parties to an arbitration agreement, at the time of the conclusion of the agreement, has its place of business in any State other than Singapore; or

(b) one of the following places is situated outside the State in which the parties have their places of business:

(i) the place of arbitration if determined in, or pursuant to, the arbitration agreement;