

**Choice of Court Agreements Act
(CHAPTER 39A)**

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CHOICE OF COURT AGREEMENTS ACT

(CHAPTER 39A)

(Original Enactment: Act 14 of 2016)

REVISED EDITION 2017

(30 November 2017)

An Act to give effect to the Convention on Choice of Court Agreements done at The Hague on 30 June 2005 and for connected purposes.

This revised edition incorporates all amendments up to 1 November 2017.

[1 October 2016]

PART 1

PRELIMINARY

Short title

1. This Act is the Choice of Court Agreements Act.

General interpretation

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

“chosen court” means a court, of a Contracting State, designated in an exclusive choice of court agreement;

“Contracting State” —

- (a) means a State that is a party to the Convention; and
- (b) includes, in an appropriate case —
 - (i) a Regional Economic Integration Organisation that is a party to the Convention; and
 - (ii) a member State, of a Regional Economic Integration Organisation that is a party to, and has made a declaration under Article 30(1) of, the Convention;

“Convention” means the Convention on Choice of Court Agreements done at The Hague on 30 June 2005;

“court of origin”, in relation to a foreign judgment for which recognition or enforcement is sought under this Act, means the court that has given the foreign judgment;

“foreign judgment” means a judgment given by a court of a Contracting State (other than Singapore), being —

- (a) a chosen court; or
- (b) a court to which a chosen court has transferred, in accordance with the law or practice relating to the allocation of jurisdiction or transfer of cases among courts in that Contracting State, the case to which the judgment relates;

“judgment” means —

- (a) a final court decision (by whatever name called) on the merits, a consent order, a consent judgment or a judgment given by default; or
- (b) a determination by a court of any costs or expenses relating to any such court decision, consent order, consent judgment or judgment given by default;

“judicial settlement” —

- (a) means a contract approved by, or concluded before, a court of a Contracting State (other than Singapore), in the course of proceedings, being a contract —
 - (i) between the parties to proceedings before that court;
 - (ii) by which those parties end those proceedings; and
 - (iii) that is recorded by that court in an official document; but
- (b) does not include a consent order or consent judgment;

“law of Singapore” means any written law or any rule of law that applies in Singapore;

“State of origin” —

- (a) in relation to a foreign judgment for which recognition or enforcement is sought under this Act, means the Contracting State of the court of origin of the foreign judgment; or
- (b) in relation to a judicial settlement for which enforcement is sought under this Act, means the Contracting State of the court that recorded

the judicial settlement.

(2) Where the High Court is designated in an exclusive choice of court agreement, the designation is to be construed as including the Singapore International Commercial Court unless a contrary intention appears in the agreement.

(3) Unless the context otherwise requires, where different systems of law apply in different territorial units in a Contracting State (other than a Regional Economic Integration Organisation) —

- (a) any reference to the law or procedure of that Contracting State is to be construed as a reference, where appropriate, to the law or procedure in force in the relevant territorial unit of that Contracting State;
- (b) any reference to residence in that Contracting State is to be construed as a reference, where appropriate, to residence in the relevant territorial unit of that Contracting State;
- (c) any reference to the court or courts of that Contracting State is to be construed as a reference, where appropriate, to the court or courts in the relevant territorial unit of that Contracting State; and
- (d) any reference to a connection with that Contracting State is to be construed as a reference, where appropriate, to a connection with the relevant territorial unit of that Contracting State.

Meaning of “exclusive choice of court agreement”

3.—(1) An exclusive choice of court agreement is an agreement between 2 or more parties that —

- (a) is concluded or documented —
 - (i) in writing; or
 - (ii) by any other means of communication that renders the information communicated accessible so as to be usable for subsequent reference; and
- (b) designates, for the purpose of deciding any dispute that arises or may arise in connection with a particular legal relationship, the courts, or one or more specific courts, of one Contracting State to the exclusion of the jurisdiction of any other court.

(2) A choice of court agreement between 2 or more parties that satisfies the following