

## Fiona Cain Authors Article in Hellenic Shipping News: 'New SCMA Rules: Reflecting the New World of Arbitration'

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The Singapore Chamber of Maritime Arbitration (SCMA) provides a framework for maritime and international trade arbitrations.

SCMA arbitration based in Singapore is the default choice for dispute resolution under the Singapore Standard Code of Practice for Bunkering and the Singapore Ship Sale Form.

It is also listed as one of the default choices in BIMCO's Law and Arbitration Clause 2020 and the NYPE Time Charter 2015 and therefore a popular choice for maritime arbitrations.

The SCMA recently launched the 4th edition of their rules, which will govern any SCMA arbitration commenced on or after 1st January 2022.

### What has Changed?

The new rules make changes to the procedure throughout the arbitration process starting with the service of documents.

Under Rule 3.1, any notice or communication sent by email with proof of delivery or receipt is deemed to have been effectively served and received. Service in person, by courier or post is still permitted but no longer essential.

Rule 44 introduces an Expedited Procedure for claims/counterclaims which do not exceed US\$300,000 in value.

This replaces the Small Claims Procedure, which had a lower claim/counterclaim value of US\$150,000. The Expedited Procedure aims, where no oral hearing is required, for the sole arbitrator to issue their award within 21 days.

## Appointment of Arbitrators

In terms of the procedure for the appointment of arbitrators, it is no longer necessary to appoint a third arbitrator in order for the arbitration to proceed.

Instead, SCMA arbitrations may now progress following the appointment of two arbitrators until such time as the two arbitrators cannot agree on any matter relating to the arbitration, or until just before the oral evidential hearing, when a third arbitrator should be appointed (Rule 8.4).

As a result, the appointment of a third arbitrator is no longer required if the case proceeds on documents only and the tribunal agree on the award.

In addition, the SCMA has introduced the SCMA Standard Terms of Appointment. Under Rule 40.2, an arbitrator is appointed under the rules and the parties are deemed to have agreed to these terms, unless there has been express agreement to the contrary.

The terms address independence and impartiality, the arbitrator's fees and expenses and security for the arbitrator's fees.

The new rules also provide at Rule 4.4 that, once the tribunal has been constituted, it is no longer possible for a party to change their legal representatives without the tribunal's approval.

Excerpted from *Hellenic Shipping News*. Read more [here](#).