



THE STATUTES OF THE REPUBLIC OF SINGAPORE

SINGAPORE CONVENTION ON MEDIATION ACT 2020

2020 REVISED EDITION

This revised edition incorporates all amendments up to and including 1 December 2021 and comes into operation on 31 December 2021.

Prepared and Published by

THE LAW REVISION COMMISSION
UNDER THE AUTHORITY OF
THE REVISED EDITION OF THE LAWS ACT 1983

Singapore Convention on Mediation Act 2020

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An Act to give effect to the United Nations Convention on International Settlement Agreements Resulting from Mediation, also known as the Singapore Convention on Mediation, opened for signature on 7 August 2019 in Singapore.

[12 September 2020]

Short title

1. This Act is the Singapore Convention on Mediation Act 2020.

Interpretation

- 2.—(1) In this Act, unless the context otherwise requires —
“Convention” means the United Nations Convention on
International Settlement Agreements Resulting from

Mediation, also known as the Singapore Convention on Mediation, opened for signature on 7 August 2019 in Singapore, a copy of the English text of which is set out in the Schedule;

“international settlement agreement” means a settlement agreement to which this Act applies under section 3;

“mediation” means a process (whether referred to by the expression “mediation” or “conciliation” or any term of similar import) —

(a) by which the parties to the mediation attempt to reach an amicable settlement of their dispute with the assistance of one or more third parties (called in this Act the mediator); and

(b) in which the mediator lacks the authority to impose a solution upon the parties to the dispute;

“parties”, in relation to a mediation, does not include any mediator conducting the mediation;

“settlement agreement” means an agreement resulting from mediation and concluded in writing by the parties to the mediation to resolve a commercial dispute.

(2) For the purposes of the definition of “settlement agreement” in subsection (1) —

(a) a settlement agreement is in writing if the contents of the settlement agreement are recorded in any form; and

(b) the requirement that a settlement agreement be in writing is met by an electronic communication if the information contained in the communication is accessible to be useable for subsequent reference.

(3) For the purposes of this Act, a reference to a State is to be read in conformity with articles 12 and 13 of the Convention.

(4) A reference in this Act to the High Court is, on or after 2 January 2021, a reference to the General Division of the High Court.

(5) A reference in this Act to the Court of Appeal is, on or after 2 January 2021, a reference to the Appellate Division of the High Court or the Court of Appeal.

Application of Act

3.—(1) Subject to subsection (2), this Act applies to a settlement agreement which, at the time of its conclusion, is international within the meaning of article 1, paragraph 1(a) and (b), read with article 2, paragraph 1, of the Convention.

(2) This Act does not apply to —

- (a) a settlement agreement mentioned in article 1, paragraph 2 or 3 of the Convention; or
- (b) a settlement agreement in relation to which a reservation by Singapore under article 8 of the Convention has been made and the reservation is not withdrawn.

(3) Articles 12 and 13 of the Convention apply to the interpretation of the articles of the Convention mentioned in subsections (1) and (2).

(4) This Act binds the Government.

Applications in respect of international settlement agreements

4.—(1) Subject to this Act, a party to an international settlement agreement may —

- (a) apply to the High Court to record the agreement as an order of court for the purposes of —
 - (i) enforcing the agreement in Singapore; or
 - (ii) invoking the agreement in any court proceedings in Singapore involving a dispute concerning a matter that the party to the international settlement agreement claims was already resolved by the agreement, in order to prove that the matter has already been resolved; or
- (b) in any proceedings in the High Court (whether exercising its original or appellate jurisdiction), or in any proceedings in the Court of Appeal —