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ACTS SUPPLEMENT

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The following Act was passed by Parliament on 4 February 2020 and assented to by the President on 17 February 2020:—

SINGAPORE CONVENTION ON MEDIATION ACT 2020

(No. 4 of 2020)

ARRANGEMENT OF SECTIONS

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- The Schedule — United Nations Convention on
International Settlement Agreements
Resulting from Mediation
-

REPUBLIC OF SINGAPORE

No. 4 of 2020.

I assent.

Ⓛs

HALIMAH YACOB,
President.
17 February 2020.

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, and to make related amendments to certain other Acts.

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

Short title and commencement

1. This Act is the Singapore Convention on Mediation Act 2020 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

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 the date of commencement of the Supreme Court of Judicature (Amendment) Act 2019 (Act 40 of 2019), 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 the date of commencement of the Supreme Court of Judicature (Amendment) Act 2019, 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.