

**International Arbitration (Amendment) Act 2009
(No. 26 of 2009)**

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**REPUBLIC OF SINGAPORE
GOVERNMENT GAZETTE
ACTS SUPPLEMENT**

Published by Authority

The following Act was passed by Parliament on 19th October 2009 and assented to by the President on 30th October 2009:—

INTERNATIONAL ARBITRATION (AMENDMENT) ACT 2009

(No. 26 of 2009)

I assent.

S R NATHAN,
President.
30th October 2009.

Date of Commencement: 1st January 2010

An Act to amend the International Arbitration Act (Chapter 143A of the 2002 Revised Edition) and to make related amendments to the Arbitration Act (Chapter 10 of the 2002 Revised Edition).

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 may be cited as the International Arbitration (Amendment) Act 2009 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Amendment of section 2

2. Section 2(1) of the International Arbitration Act (referred to in this Act as the principal Act) is amended —

- (a) by deleting the definition of “arbitration agreement” and substituting the following definition:

“ “arbitration agreement” means an agreement in writing referred to in Article 7 of the Model Law and includes —

- (a) an agreement made by electronic communications if the information contained therein is accessible so as to be useable for subsequent reference; and
 - (b) an agreement deemed or constituted under subsection (3) or (4);”; and
- (b) by inserting, immediately after the definition of “award”, the following definitions:

“ “data messages” means information generated, sent, received, or stored by electronic, magnetic, optical or similar means, including, but not limited to, electronic data interchange (EDI), electronic mail, telegram, telex or telecopy;

“electronic communications” means any communication that the parties make by means of data messages;”.

Amendment of section 12

3. Section 12 of the principal Act is amended by deleting subsection (7).

New section 12A

4. The principal Act is amended by inserting, immediately after section 12, the following section:

“Court-ordered interim measures

12A.—(1) This section shall apply in relation to an arbitration —

- (a) to which this Part applies; and
- (b) irrespective of whether the place of arbitration is in the territory of Singapore.

(2) Subject to subsections (3) to (6), for the purpose of and in relation to an arbitration referred to in subsection (1), the High Court or a Judge thereof shall have the same power of making an order in respect of any of the matters set out in section 12(1)(c) to (i) as it has for the purpose of and in relation to an action or a matter in the court.

(3) The High Court or a Judge thereof may refuse to make an order under subsection (2) if, in the opinion of the High Court or Judge, the fact that the place