

Enforcement Of SICC Judgments

SICC judgments, as judgments of the Supreme Court of Singapore, are widely enforceable throughout the world.

- ⌚ In common law countries, and in certain civil law jurisdictions, there is no need for re-litigation of the merits of the case.
- ⌚ SICC judgments can be registered and enforced in the courts of countries which have reciprocal enforcement arrangements with Singapore.
- ⌚ The 2005 Hague Convention on Choice of Court Agreements, of which Singapore is a contracting State, serves to further enhance the enforcement of SICC judgments across 30 contracting jurisdictions - currently the member States of the EU, Mexico, Montenegro and the UK.

More information on enforceability of SICC judgments can be found at <https://go.gov.sg/enforcement-money-judgments>

Charges At The SICC

Fees are based on factors such as the type of hearing, number of hearing days and the number of judges hearing the case. Detailed fee information can be found in the relevant Rules of Court or the procedural guide at <https://go.gov.sg/sicc-procedural-guide-311221>

The SICC And International Arbitration

As a dispute resolution option, the SICC may be more suitable than existing arbitration services in circumstances where:

- ⌚ You prefer independently appointed adjudicators. In SICC proceedings, the Chief Justice assigns judges from the panel of international and Singapore judges to each case.
- ⌚ Your dispute involves multiple parties and requires third and related parties to be joined to the proceedings.
- ⌚ You prefer that the proceedings take place in open court, with published judgments.
- ⌚ You want the option of appeal, as judgments of the SICC can be appealed to the Singapore Court of Appeal.
- ⌚ You wish to have access to the full array of the Court's interim measures.

Furthermore, Third-Party Funding is an option introduced in June 2021 for proceedings commenced in the SICC, for as long as those proceedings remain in the SICC, and any appeals from those proceedings; and mediation proceedings relating to any proceedings above. This offers businesses an alternative avenue to fund meritorious claims, especially where financial constraints may cause litigants to forgo pursuing their legal rights.



// Singapore has the shortest resolution time worldwide - 164 days for a standardised commercial dispute. Globally, Singapore stands at No. 1 in the ranking of 190 economies on the ease of enforcing contracts. //

Source: World Bank Doing Business Reports 2020

Your Trusted Neutral Venue For International Commercial Dispute Resolution

The burgeoning business and trade in Asia would lead to more frequent and complex cross-border disputes, and as such, a demand for effective dispute resolution services. Singapore is well-placed to provide a trusted neutral venue to meet that increasing demand.

Already well known for its efficiency, competence and integrity, Singapore's world-class judiciary has expanded its capabilities with the Singapore International Commercial Court (SICC). The SICC was established in 2015 to provide parties with efficient and effective resolution of international commercial disputes.



The SICC is a division of the General Division of the Singapore High Court. It offers court-based adjudication of international commercial disputes, even when such disputes have no connection with Singapore and are not governed by Singapore law.

Jurisdiction Of The SICC

Generally, the SICC has jurisdiction to hear and try an action where:

- ⊗ The claims are international and commercial in nature;
- ⊗ The parties have submitted to the SICC's jurisdiction under a written jurisdiction agreement;
- ⊗ The parties do not seek any relief in the form of, or connected with, a prerogative order; and
- ⊗ The proceedings are related to international commercial arbitration under the International Arbitration Act (Cap. 143A) (IAA).*

As a division of the Singapore High Court, there is a right of appeal to the Singapore Court of Appeal, unless parties contract otherwise.

*Since November 2018, the SICC has jurisdiction as a supervisory court to hear matters under the IAA, such as applications for interim reliefs under Section 12A of the IAA and applications to set aside an arbitral award made in Singapore. Parties may benefit from the SICC's expertise among its international judges who come from both civil law and common law jurisdictions, growing jurisprudence and a different basis for costs orders.

Recommended model clauses for submitting to the SICC's jurisdiction are available at <https://go.gov.sg/sicc-model-clauses>

The SICC Advantage

More options for representation

A party to proceedings commenced in the Singapore International Commercial Court (SICC) (including in appeals arising from such proceedings) may be represented by foreign counsel registered with the Court in certain cases, including:

- ⊗ Offshore Cases actions which have no substantial connection to Singapore, excluding any proceedings under the International Arbitration Act that are commenced by way of any originating process, and an action in rem under the Singapore High Court (Admiralty Jurisdiction) Act.
- ⊗ Where leave has been granted to make submissions on any question of foreign law.

Foreign counsel who seek to represent parties in proceedings before the SICC must be registered with the SICC, and will - upon registration - be subject to a Code of Ethics.

Foreign counsel may apply to become a registered foreign lawyer or obtain more information at <https://go.gov.sg/sicc-registration-foreign-lawyers>

Singapore International Commercial Court Bench

A diverse panel of eminent international and local judges. Each case will be adjudicated by experienced specialist commercial judges, with international judges from both civil law and common law traditions.

Procedural Flexibility At The SICC

The SICC adopts international best practices for commercial disputes. Its procedures are flexible and may be tailored to suit parties' preferences in several aspects:

- ⊗ **Determination of foreign law** may be based on submissions by counsel instead of proof by expert witnesses.
- ⊗ Instead of general discovery, the default **document production** rules in the SICC are largely similar to those currently used in international arbitration.
- ⊗ Parties may apply for **confidentiality** orders in respect of the proceedings.
- ⊗ **Rules of evidence** that parties are more familiar with may by consent be sought to be adopted in place of Singapore rules of evidence, for e.g., the International Bar Association Rules on the Taking of Evidence in International Arbitration.
- ⊗ There is no taxation of costs. **Costs** are at the discretion of the Court, with the general principle that the unsuccessful party shall pay the costs of the proceedings to the successful party, subject to proportionality and reasonableness.
- ⊗ **Case Management Conferences** are a key feature of SICC proceedings. The judge plays a critical role in the adjudication process, resulting in robust case management. The judge-led nature of SICC proceedings, which starts at a very early stage of proceedings, streamlines the dispute for an orderly resolution, prevents dilatory practices and delays, and controls overall costs.
- ⊗ **Technology, Infrastructure and Construction List (TIC List)** a specialised list for cases that involve technically complex issues, e.g. building and construction disputes, engineering disputes, claims relating to computer systems and computer software and claims relating to the supply of goods or services for technology, infrastructure and construction projects. Cases will have access to case management features intended to speed up the resolution of technically complex disputes which usually involve numerous contracts signed by multiple parties and voluminous evidence, and optional voluntary protocols such as Simplified Adjudication Process Protocol and Pre-Action Protocol.
- ⊗ The **SICC Rules 2021**, effective 01 April 2022, ensure that the SICC remains progressive and has procedures compatible with, and responsive to, the fast-changing needs and realities of international commerce. A key change is where the commencement of a case in the SICC has been simplified, and there is now a single mode of commencement of proceedings. The Court may thereafter order that a contested claim or counterclaim be decided by one of three default adjudication tracks - the pleadings adjudication track, the statements adjudication track, or the memorials adjudication track. In deciding the applicable adjudication track, the Court may have regard to any agreement between the parties in this regard.

More information on the TIC List can be found at <https://go.gov.sg/tic-list> and on the SICC Rules 2021 can be found at <https://go.gov.sg/sicc-rules-2021>