

**RULES FOR SHORTENED ARBITRATION PROCEDURE
OF THE SINGAPORE MARITIME ARBITRATION
ASSOCIATION**

1. Introduction

These provisions shall be known as the SMAA Shortened Arbitration Procedure.

“days” shall refer to calendar days.

2. Application

These Rules shall only apply where the claim or counterclaim does not exceed the sum of US\$50,000.00 (exclusive of any claim or counterclaims for interest and/or cost)

3. Appointment of Arbitrator

(a) If a dispute has arisen, the Claimants shall send Respondents a notice in writing nominating an Arbitrator and requesting the Respondents' agreement to the appointment of the Claimants' nominated Arbitrator to act as the sole Arbitrator. In the event that the Respondents fail to respond within fourteen (14) days from the date on which the notice was sent, the Arbitrator appointed by the Claimants shall become the sole Arbitrator.

(b) If the Respondents do not agree to the Arbitrator nominated by the Claimants acting as a sole Arbitrator, the Respondents shall propose alternative persons to serve as a sole Arbitrator.

Failing agreement on a sole Arbitrator, either party may request the President of the Singapore Maritime Arbitration Association to appoint the sole Arbitrator. The appointment by the President shall be binding upon the parties.

4. Right of appeal excluded

By agreeing to the SMAA Shortened Arbitration Procedure, the parties agree that their right of appeal, if any, to the courts is excluded.

5. Procedure

- (a) Within twenty one days of appointing an Arbitrator the Claimants shall deliver to the Respondents (with a copy to the arbitrator) a letter of claim accompanied by copies of all relevant documents.
- (b) A letter of defence and details of counterclaim (if any) accompanied in each case by copies of all relevant documents shall be delivered by the Respondents to the Claimants (with a copy to the Arbitrator) within twenty-eight days from date of receipt of the letter of claim.
- (c) A letter of reply and defence to counterclaim (if any) shall be delivered by the Claimants to the Respondents (with a copy to the Arbitrator) within twenty-one days from date of receipt of the letter of defence and details of counterclaim (if any).
- (d) Where there is a counterclaim, a letter of reply to defence to counterclaim shall be delivered by the Respondents to the Claimants (with a copy to the Arbitrator) within fourteen days from receipt of the letter of reply and defence to counterclaim.

- (e) If a party fails to provide to the other its letter of defence, or letter of reply and defence to counterclaim or letter of reply to defence to counterclaim within the time limits set out above or set by an extension of time agreed by the parties or granted by the Arbitrator, the Arbitrator shall on application by the other party notify the defaulting party that unless the outstanding letter of submission is served within fourteen days he will proceed to consider the merits of the reference on the basis of the submissions and documents then before the Arbitrator to the exclusion of all other subsequent submissions. Any submissions or documents filed by a defaulting party subsequent to expiry of such extended time limit shall not be admissible except with leave of the Arbitrator.
- (f) There shall be no oral hearing unless the Arbitrator requires the same .
- (g) Where there is an oral hearing the Arbitrator shall have power to allocate the time to be given to each of the parties.

6. Disclosure of documents

- (a) Upon application by a party, the Arbitrator may order the production of such document(s) and may indicate to the party to whom the order is directed that, if without adequate explanation the party fails to produce the documents(s), the Arbitrator may proceed to consider the merits of the reference on the assumption that the contents of that document(s) do not favour that party's case.
- (b) The expression "relevant documents" includes all documents relevant to the dispute, whether or not favourable to the party holding them. It includes witness statements, experts' reports and the like on which he intends to rely, but does not include

documents which are not legally disclosable as a matter of Singapore law..

7. Award

- (a) In a documents-only case, the award will be given within one month of the date when the Arbitrator has received relevant documents and submissions.
- (b) In a case where there is an oral hearing, the award will be given within one month from the date of the close of the hearing.
- (c) The Arbitrator need not provide a reasoned award unless this is asked for by a party .

8. Arbitrators' Fees

- (a) The fixed fee shall be S\$5,000.00 or such standard fee shall be fixed from time to time by the Singapore Maritime Arbitration Association.
- (b) The fixed fee shall be for the following: the appointment fee, consideration of interlocutories, a hearing not exceeding one day, (if required by the Arbitrator pursuant to paragraph 5e), the drafting of the award and the assessment of costs (if any). It does not include expenses such as the hire of hearing rooms and other disbursements not specifically mentioned in this paragraph.
- (c) If the hearing is to be expected to exceed one day, the Arbitrator shall inform the parties in advance of his attendance fees.
- (d) If any party requires a reasoned award, the Arbitrator shall

inform the party what his fees would be for writing the reasoned award. The party requesting the reasoned award shall be liable for the Arbitrator's fees.

9. Costs

The Arbitrator may at his entire discretion give directions with regard to the ultimate responsibility for his fees and expenses and to legal costs. The Arbitrator shall assess legal costs and unless the parties otherwise agree the amount which one party pay be ordered to pay to the other in respect of legal costs shall not exceed S\$10,000.00. Nothing in the foregoing shall in any way affect the liability for costs of the party requesting a reasoned award as set out in 8(d) above.

10. General

The Arbitrator may depart from or vary the above provisions at the Arbitrator's entire discretion.