



## **SCMA MARITIME ARBITRATOR ACCREDITATION PROGRAM**

### **Module 1: The Legal Framework: Litigation & Maritime Arbitration – 2.5 hours**

- 1. Discussion on Various ADR Solutions – Costs and Time Frames**
- 2. Litigation**
  - a. Why less suited to international commercial parties?
- 3. Arbitration**
  - a. Advantages and disadvantages of arbitration in a maritime context
  - b. Fundamental features of maritime arbitration
    - i. Usage of common law
    - ii. Understanding the commercial perspectives
    - iii. Understanding parties' and insurers' interests
    - iv. Degree of settlement
  - c. Specific issues relating to maritime arbitration
    - i. Back-to-back charterparties and associated issues
    - ii. Potential for impact down and up the chain
    - iii. Potential for conflicts in appointments
    - iv. Managing a volume of arbitrations
    - v. Keeping record of your arbitrations (including non-starters)
  - d. Conduct of specific types of maritime arbitrations
    - i. Effectively disposing of certain types of maritime arbitrations
    - ii. Ordering security for costs (arrest of ship etc.)



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### Module 2: The SCMA Framework – 2.5 hours

#### 1. SCMA Model Arbitration Clauses

- a. What to do with unusual and problematic clauses

#### 2. The SCMA Rules

- a. When does the arbitration commence?
- b. Consolidation and joinder issues
- c. Multi-party proceedings (See also Section 9B, IAA Amendment Act 2020)
- d. Notice of Arbitration & Response
- e. Appointment of Arbitrators
  - i. See SCMA Code of Ethics: <https://scma.org.sg/arbitrators#ethics>
  - ii. Consider IBA Guidelines on Conflicts of Interest
  - iii. Costs of arbitration and arbitrators' fees – SCMA Fund Holding service
  - iv. Challenge to arbitrator
- f. Case Management Meetings
- g. Case statements
- h. The SCMA Questionnaire
- i. Witness Statements & Production of Evidence: Consider IBA Rules on Taking of Evidence
- j. Expert evidence
- k. Hearings – Evidential hearing vs submissions hearing vs documents only
- l. Technology and e-hearings (see SCMA Specimen Directions on Virtual Hearings: <https://scma.org.sg/resources#Virtual>)
- m. The Award
  - i. Procedural formalities and reasons for decision – tips and tricks
  - ii. Corrections to the Award / Additional Award
  - iii. Can an Award be appealed on points of law in Singapore? (See Section 19B, IAA; Section 49, Arbitration Act)
  - iv. Settlement
- n. Confidentiality of Proceedings

#### 3. The Small Claims Procedure

- a. when does it apply and what changes?

#### 4. SCMA Expedited Arbitral Determination of Collision Claims (SEADOCC)

- a. Dealing with evidence
- b. Consider also what sort of disputes cannot be resolved by arbitration

#### 5. Managing Arbitration and Legal Costs of an SCMA Arbitration

- a. Tips on keeping costs low and repeat appointments

#### 6. Managing Arbitration Procedure

- a. Tips on dealing with parties and streamlining procedure