

**SINGAPORE MEDIATION CENTRE
ADJUDICATION UNDER THE BUILDING AND CONSTRUCTION
INDUSTRY SECURITY OF PAYMENT ACT (CAP. 30B)**

ADJUDICATION PROCEDURE RULES

1 The Adjudication Process

- 1.1 The adjudication process administered by the Singapore Mediation Centre ("SMC") is governed by the Building and Construction Industry Security of Payment Act (Cap. 30B) ("the Act"), the Building and Construction Industry Security of Payment Regulations 2005 ("the Regulations") and the Adjudication Procedure Rules ("the Rules") as set out herein.
- 1.2 These Rules are enacted pursuant to section 28(4) of the Act.
- 1.3 For the avoidance of doubt, any reference to Adjudicator shall refer to the Adjudicator appointed in respect of either the Adjudication Application or the Adjudication Review Application, as the case may be.

2 Lodgment of Documents

- 2.1 All documents to be lodged with SMC shall be lodged by hand at the following address:-

Singapore Mediation Centre
1 Supreme Court Lane
Level 4
Singapore 178879

- 2.2 All documents to be lodged with SMC shall be lodged during the opening hours of **9.00 am to 4.30 pm from Monday to Friday (except public holidays) and 9.00 am to 12.00 noon on the eves of Christmas, New Year and Chinese New Year**. SMC reserves the right to reject documents submitted after opening hours. If however SMC accepts such documents, they shall be treated as being lodged the next working day.
- 2.3 All documents shall be completed and lodged (together with the prescribed fees as specified in the Fee Schedule) in the form prescribed by SMC as set out in **Annex A**. Documents are considered lodged only

upon acceptance by SMC. SMC shall be entitled to reject incomplete documents.

2.4 All documents lodged with SMC should be clearly type-written and/or printed on A4 sized paper. SMC shall be entitled to reject all documents which are not clearly printed.

2.5 The SMC does not accept lodgment of documents by facsimile or post.

2.6 In addition to documents to be lodged under the Act and the Regulations, parties shall submit a written case summary or any other document as directed by the Adjudicator.

3 Fees

3.1 The initiator of the Adjudication Application or Adjudication Review Application, as the case may be, (herein referred to as "the Applicant") shall pay the Application Fee, Adjudicator Fee (including deposit of Adjudicator Fee) and expenses (collectively referred to as "the Fees") to SMC in accordance with the Fee Schedule in **Annex B**.

3.2 If payment of any of the Fees is made by any other party, SMC is entitled to appropriate such payment for any fees and expenses as partial or full settlement of the Fees payable.

3.3 Where the Applicant is entitled to a refund of the deposit or any part of the deposit, SMC shall endeavour to make the said refund to the Applicant within 14 working days of the following dates:

- a Date of adjudication determination;
- b Date of notice of withdrawal of adjudication (made in accordance with the Act and the Regulations); or
- c Date of termination of the adjudication for any other reason.

4 Appointment of Adjudicator

4.1 Upon lodgment of an Adjudication Application or Adjudication Review Application by the Applicant, SMC will appoint a person or persons to act as the Adjudicator(s).

4.2 SMC, in the selection, will choose a person who, in its view, will be best

placed to serve as the Adjudicator(s).

- 4.3 A person selected as an Adjudicator will disclose any circumstances likely to create an impression of bias or prevent him from acting promptly. SMC, upon receipt of such disclosure, may appoint another person as an Adjudicator.
- 4.4 The Adjudicator shall abide by the terms set out in the Adjudicator Code of Conduct in **Annex C**.
- 4.5 The Adjudicator (or any member of his firm or company) should not act for any of the parties at any time in connection with the subject matter of the adjudication.
- 4.6 The Adjudicator and SMC are not agents of, or acting in any capacity for, any of the parties. The Adjudicator is not an agent of SMC.

5 S M C

- 5.1 SMC will make the necessary arrangements for the adjudication, including:
 - a Appointing the Adjudicator;
 - b Organising a venue and assigning conference date(s) for the adjudication (if necessary); and
 - c Providing general administrative support.

6 Confidentiality

- 6.1 All persons involved in the adjudication shall keep all matters and/or documents related to the adjudication confidential in accordance with the Act and the Regulations.

7 Waiver of Liability

- 7.1 No suit or other legal proceedings shall lie against an Adjudicator with respect to anything done or omitted to be done in good faith in the discharge or purported discharge of his functions or duties under the Act and the Regulations.

- 7.2 No suit or other legal proceedings shall lie against SMC or any person acting under the direction of SMC with respect to anything done or omitted to be done in good faith in the discharge or purported discharge of SMC's functions or duties under the Act and the Regulations.

8 Determinations

- 8.1 All adjudication and adjudication review determinations will be made in writing and shall be binding on the parties in accordance with the Act and the Regulations.
- 8.2 Parties shall only be entitled to the adjudication or adjudication review determination upon full payment of the Fees.

9 Withdrawal and Termination

- 9.1 Where the Adjudication Application or Adjudication Review Application is withdrawn or terminated or the dispute between the Claimant and Respondent is settled, the Applicant shall be liable to pay all fees incurred in relation to the adjudication or adjudication review up to and including the date on which the Adjudication Application or Application Review Application is withdrawn or terminated or dispute settled, as the case may be.

10 Amendments to the Adjudication Procedure Rules

10.1 SMC reserves the right to amend and/or vary these Rules without prior notification, at its sole discretion, in accordance with the Act and Regulations.

Annexes

- Annex A **Adjudication Application Form (AA-1)**

 Adjudication Response Form (AR-1)

 Adjudication Review Application Form (ARA-1)
- Annex B Fee Schedule
- Annex C Adjudicator Code of Conduct
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