對當事人及顧問的實際影響

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選擇新加坡為仲裁地

就亞洲商業交易而言，新加坡提供以《示範法》為本的法例、經驗豐富的法院、一個地位穩固的機構及龐大的仲裁員人才庫。如果當事人來自不同的亞洲司法管轄區、資產可能須在新加坡追蹤，或合約受英國法律或新加坡法律管轄，新加坡便是自然之選。一家向印尼或印度買家出售貨物的日內瓦貿易公司，可能發現對方較易接受新加坡而非歐洲的仲裁地，同時又能保留一套其往來銀行熟悉的普通法合約法。

這項選擇帶來的後果，應在草擬合約時便處理妥當。仲裁地決定哪些法院可以撤銷裁決，以及以甚麼理由撤銷。仲裁機構及其規則決定程序、費用及緊急濟助的工具。如果當事人沒有明確選擇仲裁協議的準據法，新加坡法院會採用其三階段測試。

草擬新加坡仲裁條款的核對清單

- 明確訂明仲裁地為新加坡，並把仲裁地與聆訊地點區分。

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- 選擇仲裁機構及規則（《2025年SIAC規則》、國際商會規則、以SIAC為委任機構的聯合國國際貿易法委員會規則），並提述現行版本。
- 明確訂明仲裁協議的準據法，以免須採用*BCY v BCZ*案的三階段測試。
- 訂定仲裁員人數、委任方式及仲裁語言。
- 考慮應否適用精簡程序或快速程序，並參照100萬新加坡元及1,000萬新元的門檻。
- 為相關合約訂立相容的條款，以便仍可根據SIAC規則合併或協調仲裁。
- 核實對方的資產位於《紐約公約》締約國，並留意任何互惠保留。
- 處理保密、第三方資助及SIAC規則所要求的披露。
- 就商品及航運合約而言，查核是否適用標準格式條款（GAFTA、BIMCO、SCMA），以及應否修改。
- 如果對方或其擁有人可能受到制裁，須考慮對付款、費用及強制執行的影響。

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