

SINGAPORE MEDIATION CENTRE

Code of Conduct of Adjudicators

*Published pursuant to section 28(4)(b) and (e) of the
Building and Construction Industry Security of Payment Act (Cap 30B, 2006 Rev Ed)*

Rule 1 – Behaviour

- 1.1 An Adjudicator shall at all times conduct himself/herself honourably and with dignity and not behave in a manner which might reasonably be perceived as conduct diminishing the standing of or unbecoming of an Adjudicator of the Singapore Mediation Centre's ("SMC") Register of Adjudicators.
- 1.2 In the event of any complaint against him/her, the Adjudicator agrees to submit to the proceedings as set out in the **SMC Disciplinary Rules for Adjudicators** and to afford all assistance to enable any panel, committee and tribunal to determine the merits of the complaint.

Rule 2 – Integrity and Fairness

- 2.1 An Adjudicator shall at all times maintain the integrity and fairness of the adjudication process.
- 2.2 An Adjudicator shall not take up any appointment as Adjudicator if he is unable to do so, and shall withdraw from the process if circumstances render this no longer possible.

Rule 3 – Conflict of Interest

- 3.1 Before and throughout the adjudication process, an Adjudicator shall disclose all interests, relationships and matters likely to affect the adjudicator's independence or impartiality or which might reasonably be perceived as likely to do so.
- 3.2 Where an Adjudicator is or becomes aware that he or she is incapable of maintaining the required degree of independence or impartiality, the Adjudicator shall promptly take such steps as may be required in the circumstances, which may include withdrawal from the adjudication process.

Rule 4 – Competence

- 4.1 An Adjudicator shall accept an appointment or act only if appropriately qualified or experienced.
- 4.2 An Adjudicator shall not make or allow to be made on his or her behalf any representation about the Adjudicator's experience or expertise which is misleading or deceptive or likely to mislead or deceive.

Rule 5 – Information

- 5.1 Where appropriate and having regard to whether the parties are represented by professionals familiar with the adjudication process, the Adjudicator shall ensure that the parties have an opportunity to address the relevant provisions of the SOP Act and the SOP Regulations on which an adjudication determination turns.

Rule 6 – Communication

- 6.1 An Adjudicator shall communicate with those involved in the adjudication process only in such manner appropriate to the process.

Rule 7 – Conduct of the Adjudication

- 7.1 An Adjudicator shall prepare appropriately for the adjudication concerned.
- 7.2 An Adjudicator shall not be influenced by outside pressure or self-interest.
- 7.3 An Adjudicator shall not delegate any duty to decide to any other person unless permitted to do so by the parties or under the Act.
- 7.4 An Adjudicator shall not unduly delay the completion of the adjudication process.

Rule 8 – Trust and Confidence

- 8.1 An Adjudicator shall abide by the relationship of trust which exists between those involved in the adjudication and (unless otherwise agreed by all the parties, or permitted or required by applicable law), both during and after completion of the adjudication process, shall not disclose or use any confidential information acquired in the course of or for the purposes of the process.

Rule 9 – Fees

- 9.1 An Adjudicator shall charge only reasonable fees and expenses having regard to all the circumstances of the case and adjudication process.
- 9.2 At the end of the period provided for making the adjudication determination, an Adjudicator shall furnish together with the draft determination a reasonably detailed statement showing the time expended on the adjudication.

Rule 10 – Practice Directions

- 10.1 An Adjudicator shall endeavour to abide by such practice directions as may be issued from time to time by the Singapore Mediation Centre. In situations where an Adjudicator considers that it is appropriate to depart from a particular practice direction, the Adjudicator shall state the reasons for so doing.

Rule 11 – No Criminal Record

- 11.1 An adjudicator shall not be convicted, in Singapore or elsewhere, of any offence involving fraud or dishonesty punishable on conviction with imprisonment for three months or more.

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