

**SINGAPORE MEDIATION CENTRE
CODE OF CONDUCT FOR ADJUDICATORS**

Published pursuant to the prevailing Building and Construction Industry Security of Payment Act

Rule 1 – Behaviour and Decorum

- 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 An Adjudicator shall maintain a professional standard of dress appropriate to the nature and formality of the adjudication proceedings, including hearings and meetings conducted in person or remotely, and site visits.
- 1.3 In the event of any complaint against him/her, the Adjudicator agrees to submit to the proceedings as set out in the prevailing **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 comply and act in accordance with the prevailing Building and Construction Industry Security of Payment Act (the "**Act**"), the prevailing Building and Construction Industry Security of Payment Regulations (the "**Regulations**") and the prevailing SMC Adjudication Rules ("**Adjudication Rules**"), and maintain the integrity and fairness of the adjudication process.
- 2.2 An Adjudicator shall not take up any appointment as Adjudicator if he/she is unable to comply with Rule 2.1 above, and shall withdraw from the process if circumstances render it no longer possible for him/her to do so.

Rule 3 – Conflict of Interest

- 3.1 Before and throughout the adjudication process, an Adjudicator shall promptly disclose any circumstances which render him/her, or which are likely to render him/her, ineligible to act or to continue acting as Adjudicator by virtue of the Regulations.
- 3.2 Where an Adjudicator is or becomes aware that he/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 only if he/she is appropriately qualified or experienced to act as Adjudicator in the matter referred to him/her.
- 4.2 An Adjudicator shall not make or allow to be made on his/her behalf any representation about the Adjudicator's experience or expertise which is misleading or deceptive or likely to mislead or deceive.

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Rule 5 – Natural Justice

- 5.1 The Adjudicator shall ensure that the parties have a reasonable opportunity to address all matters, including the relevant provisions of the Act and 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 Any costs associated with secretarial, administrative or support assistance engaged by an Adjudicator shall not be chargeable to the parties, whether directly or indirectly. For the avoidance of doubt, an Adjudicator who engages any secretary, assistant or support personnel in connection with an adjudication shall ensure that such persons are appropriately supervised, maintain confidentiality, and perform only administrative or support functions.
- 7.5 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. Fees and expenses shall be clearly described and free from excessive, duplicative or unexplained charges. Gross overcharging by an Adjudicator shall amount to a breach under this Code.
- 9.2 An Adjudicator shall maintain accurate and sufficiently detailed records of the time spent on adjudication-related work. At the end of the period provided for making the Determination, an Adjudicator shall furnish to SMC, 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 abide by such practice directions as may be issued from time to time by SMC.

ANNEX F

Rule 11 – Conduct of an Adjudicator

- 11.1 An Adjudicator shall not conduct himself/herself in a manner that will bring SMC into disrepute.

Issued by:

Singapore Mediation Centre
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