



Civil Mediation Council (CMC) Response to the Ministry of Justice Consultation on the Singapore Convention on Mediation (United Nations Convention on International Settlement Agreements Resulting from Mediation)

Introduction

1. This is the response of the CMC to the Consultation by the Ministry of Justice on the Singapore Convention on Mediation (United Nations Convention on International Settlement Agreements Resulting from Mediation (New York, 2018)) (the “**Singapore Convention**”).
2. The CMC is a registered charity, with a mission to promote and encourage the use of mediation in the resolution of conflicts and disputes. Established in 2003, CMC liaises with government, the Civil Justice Council (CJC), different mediation organisations, employers and other stakeholders to promote mediation as an effective means of conflict resolution and address issues of concern within the mediation process. With 1000 registered individual members and over 80 organisational members including registered service providers and registered mediation training providers, the CMC is the largest registering and regulatory organisation for practising non-family mediators in England and Wales. The largest mediation providers, trainers and mediation organisations are members of the CMC, including Centre for Effective Dispute Resolution (CEDR), Chartered Institute of Arbitrators (Ciarb), and The Royal Institution of Chartered Surveyors (RICS).
3. The CMC provides the public with a trusted directory of mediators across various practice areas including civil and commercial, workplace, community and education. It also supports the administration of the SEND mediator panel and keeps members and the public abreast of developments in mediation, the mediation process and its place in the settling of disputes in a constructive, non-confrontational manner.
4. The CMC sets standards for civil and commercial mediation, including its current work on standards for mediation in the county court. It also sets standards in its other areas of work.

Executive Summary:

5. The CMC strongly supports the implementation of the Singapore Convention in the UK.
6. The CMC responded to previous consultation relating to the Singapore Convention supporting the need for the UK to apply the Singapore Convention. Our reason for doing so was that in our view, the UK should be seen to support a Convention designed to facilitate mediation in international commercial disputes (a) because there is no reason not to do so, (b) it does so in “domestic” disputes and (c) it emphasises the UK’s role as a dispute resolution centre of choice for many parties from outside the jurisdiction.

7. A key component of this is the UK's position as a leading global centre for dispute resolution, which in our view would be enhanced by effective implementation of the Singapore Convention.
8. The CMC has kindly been provided with the submission to this consultation by Michel Kallipetis KC FClarb, which is attached. The CMC adopts and endorses that submission.

Please see CMC's response to the questions from the Consultation below:

Q1: Do you have any views on the proposed registration model for mediated settlement agreements under the Singapore Convention in a) England and Wales; b) Scotland; and/or c) Northern Ireland?

9. In relation to England and Wales, in our view the proposed registration model for mediated settlement agreements under the Singapore Convention as described in the Consultation is appropriate.
10. We endorse the approach described at paragraphs 20 to 23 of the Consultation in particular. The CMC considers that different methods of dispute resolution should have procedural requirements which are appropriate to those processes. Those described in the Consultation appear to be suitable for mediated settlement agreements in this context.

Q2: Do you have any views on the proposal that the relevant court should have discretion to direct that an application be served on the respondent for the opportunity to make representations before a registration decision is made?

11. In our view the proposal that the relevant court should have discretion to direct that an application be served on the respondent in order that they have an opportunity to make representations before a decision in relation to registration is made is an appropriate one.
12. Taking a similar approach to that taken in rules which are already in place for other forms of dispute resolution means that there is consistency in approach across different methods of dispute resolution. Consistency of approach is particularly valuable in the context of international agreements. The proposal strikes a balance between consistency in approach with other methods of dispute resolution and also ensuring that it is appropriate specifically to international mediated settlement agreements.

Q3: With regards to invoking a mediated settlement agreement in other legal proceedings, do you have any views on proposals that a party should be required to register a mediated settlement agreement before it can be presented in other legal proceedings in a) England and Wales; b) Scotland; and/or c) Northern Ireland?

13. We agree with the approach set out in the Consultation at paragraphs 25 to 26.

Q4: There are two possible routes to challenge of a registration decision:

- (i) 'set aside' in all cases or;**

(ii) a hybrid system with ‘set aside’ available where the registration decision was made ex parte and appeal where the registration decision was made following a hearing involving both parties.

Which of these options do you think is the most appropriate route to challenge any Singapore Convention registration decision in a) England and Wales; b) Scotland; c) Northern Ireland? If relevant, we would welcome any examples from your experience of the current processes for challenging orders allowing enforcement of arbitral awards.

14. In relation to England and Wales, the CMC agrees with the approach that is set out at paragraphs 28 to 30. A distinction is drawn in the consultation between cases where the decision has been made without notice and those where a court has considered representations from both parties. The Consultation further identifies that the approach in each of these areas is consistent with that taken in similar circumstances in other parts of the civil justice system.

15. In our view, this is the right approach because it preserves the underlying principles applied to challenges elsewhere in the legislation and procedure rules. There is no reason specific to mediated settlement agreements which would appear to require taking a different approach.

Q5: Do you have any views on the proposal that the implementing legislation should not define or gloss any of the terms used in the Convention, but that such interpretations should be left to the courts to develop?

16. Implementing legislation should follow the Singapore Convention as closely as possible. The Consultation rightly points to the fact that the Singapore Convention is an international treaty which concerns unified rules. Those rules will develop in the courts that apply the Singapore Convention.

Q6: Do you have any views on the proposals for the grounds for refusing relief under the Convention stated above or any comments on the other Article 5 grounds for refusing relief in a) England and Wales; b) Scotland; and/or c) Northern Ireland?

17. The position set out in paragraph 46 of the Consultation is correct. The CMC sets standards for its members on a self-regulatory basis and requires as one of our registration requirements that the European Code of Conduct (at present) is followed. A decision not to make specific provision for applicable standards in the legislation at this stage does not preclude separate legislation or regulation for the adoption of standards at a later stage if it becomes appropriate to do so.

Q7: Do you have any views on the proposal that a mediated settlement agreement registered, and therefore made enforceable under the Convention, should not be automatically enforceable in another part of the UK, but only where it has been registered by the court in that other part?

18. The proposed approach is consistent with the established approach to recognising and enforcing foreign judgments in the UK, and we see no reason why there should be a departure from that approach to PIL in relation to mediated settlement agreements.

Q8: Do you agree that no legislative action is required to ensure that a mediated settlement agreement reached in one part of the UK can be enforced in another part of the UK?

19. We agree with the assessment set out in paragraph 54 of the Consultation that no specific action needs to be taken to provide for these cases.

Q9: Do you have any views as to whether implementation of the Singapore Convention should be extended to include Scotland and Northern Ireland as part of a UK-wide statutory instrument laid in Westminster or through an alternative approach in either or both of these jurisdictions?

Q10: Do you have any views on whether a statutory instrument should tailor implementation in any specific ways for Scotland and Northern Ireland?

20. We do not take a view on these questions. We note that there are highly regarded organisations with mediation expertise in those jurisdictions whose view should be sought on the appropriate approach for those jurisdictions.

Q11: Do you have any additional comments on the implementation of the Singapore Convention in the UK?

21. The CMC has submitted in relation to previous consultations that if the jurisdiction of England and Wales wishes to retain its worldwide reputation for being a leading centre of commercial dispute resolution, it is important that it is seen to endorse the Singapore Convention.
22. In the context of this Consultation, we further note that implementation of the Singapore Convention which ensures that its implementation is consistent with the wording of the Convention is important to contribute to and support the cohesiveness of international interpretation of the Convention.
23. Ensuring that the rules which implement the Singapore Convention are consistent with legal principles which apply in the civil justice system, and applying procedural rules which are fair and consistent with established principles in similar areas also underlines the effectiveness and user-friendliness of the UK as a leading centre for dispute resolution.

Submitted by: Civil Mediation Council

Date: 29 October 2025

Attachments

1. *Defences under Articles 5(1)(e) and (f) of the Singapore Convention* — Michel Kallipetis KC FCI Arb