

CLLS LITIGATION COMMITTEE

Response to the Consultation on implementing the Singapore Convention on Mediation

The City of London Law Society ("CLLS") represents approximately 17,000 City lawyers through individual and corporate membership including some of the largest international law firms in the world. These law firms advise a variety of clients from multinational companies and financial institutions to Government departments, often in relation to complex, multi-jurisdictional legal issues.

The CLLS responds to a variety of consultations on issues of importance to its members through its 19 specialist committees. This response has been prepared by the CLLS Litigation Committee.

This note sets out our views and comments on the proposed implementation of the United Nations Convention on International Settlement Agreements Resulting from Mediation (the "**Singapore Convention**"), as attached to the consultation published by the Ministry of Justice in September 2025 (the "**Consultation Paper**"). The Committee is aware that other expert panels are likely to comment upon the issues raised in the Consultation Paper. In particular the authors have had sight of a final draft response from the Law Society Private International Law working group (LSPIL). The LSPIL has been considering its response to the Consultation Paper in detail and raises a number of important points. For efficiency we have not, in the main, repeated those points in this paper.

Introduction

We support the UK's commitment to maintaining and strengthening its position as a centre for dispute resolution and promoting both our legal and mediation sectors by implementing the Singapore Convention.

The Consultation paper notes 11 questions. Where we make no comment below it can be treated as an affirmation of your stated approach, or that we do not have a useful alternative proposal to make.

Question 1

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?

We agree with the proposed approach to give the court discretion to determine registration applications on a without notice basis. We invite you to consider a requirement that registration applications be supported by a witness statement affirming that the requirements for registration under the Singapore Convention and the applicable court rules have been satisfied. This is consistent with the regime for enforcing arbitration awards under CPR 62.18(6) and we expect that such a witness statement would provide the Judge assessing the application with a degree of assurance that she is in a position validly to determine the application on a without notice basis. In the absence of a supporting statement the Judge might reasonably err in favour of seeking submissions from the respondent, resulting in cost and delay. We note this issue may be dealt with by way of the relevant court rules in each jurisdiction.

It is common, if not universal, practice for the terms of a settlement resulting from a mediation to be confidential. It is unclear how the proposed registration model will cater for this. One practical approach would be to treat orders for enforcement in the same way as the Courts currently make Tomlin Orders; that is, have the substantive, operative terms to be enforced appended to the order in a confidential annex.

Question 3

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?

We consider that requiring a party to register a mediated settlement agreement before it can be invoked in other legal proceedings may introduce a disproportionate level of procedural complexity, additional

cost and delay. In particular, there is a risk that court proceedings will need to be stayed while a registration application is made, and any subsequent set-aside application dealt with.

While we recognise the objective of enabling specific courts to develop expertise in handling the registration of settlement agreements, we expect that the registration criteria will be sufficiently straightforward that other courts are able to apply them without significant risk of inconsistency.

Question 4

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.

We consider that all challenges to registration decisions should be by way of set-aside application, whether or not submissions were requested from the respondent in the first instance.

As noted in the Consultation Paper, this approach would reduce procedural complexity for courts and litigants. It would minimise the burden placed on respondents until such time as it has been prima facie established that a settlement agreement enforceable under the Singapore Convention exists.

Providing for different routes of challenge depending on whether responses were invited from the respondent may also encourage the courts to default to inviting responses from respondents in all cases.

Question 7

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?

In our view, the requirement for separate registration introduces unnecessary duplication into the enforcement process, and undermines the stated aim of efficient enforcement.

We consider that a settlement agreement which has been registered in one of the UK jurisdictions pursuant to the Singapore Convention should benefit from the regime in section 18 of the Civil Jurisdiction and Judgments Act 1982. As noted in the Consultation Paper, this approach is adopted in respect of an arbitration award given in a part of the UK which has become enforceable in the same manner as a judgment in that part of the UK.