

Community Mediation Centres Act (CHAPTER 49A)

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COMMUNITY MEDIATION CENTRES ACT (CHAPTER 49A)

(Original Enactment: Act 10 of 1997)

REVISED EDITION 1998

(30th May 1998)

An Act to provide for the establishment and operation of Community Mediation Centres to

provide mediation services connected with certain disputes.

[9th January 1998]

PART I

PRELIMINARY

Short title

1. This Act may be cited as the Community Mediation Centres Act.

Interpretation

2.—(1) In this Act, unless the context otherwise requires —

“Community Mediation Centre” means a Community Mediation Centre established under [section 3](#);

“Director” means a person holding office or duly acting as Director of a Community Mediation Centre;

“functions” includes powers, authorities and duties;

“mediation” includes —

- (a) the undertaking of any activity for the purpose of promoting the discussion and settlement of disputes;
- (b) the bringing together of the parties to any dispute for that purpose, either at the request of one of the parties to the dispute or on the initiative of a Director; and
- (c) the follow-up of any matter the subject of any such discussion or settlement;

“mediation session” means a meeting in accordance with this Act between 2 or more parties who are in dispute on any matter;

“mediator”, in relation to a Community Mediation Centre, means —

- (a) the Director of the Centre; or
- (b) any person for the time being appointed under [section 8](#) as a mediator for the Centre.

(2) A reference in this Act to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.

(3) A reference in this Act to the parties to a mediation session includes a reference to the parties to a dispute in respect of which an application for a mediation session is duly made, but does not include a reference to the mediator conducting the mediation session.

(4) A reference in this Act to the conduct of a mediation session by a mediator includes a reference to the conduct of a mediation session in the presence, or under the supervision, of the mediator.

PART II

COMMUNITY MEDIATION CENTRES

Establishment of Community Mediation Centres

3. Community Mediation Centres shall be established at such premises as the Minister may, by order published in the *Gazette*, determine and shall be operated in accordance with this Act for the purpose of providing mediation services.

Directors

4. The Minister shall appoint a Director for each Community Mediation Centre and the same person may be the Director for more than one Community Mediation Centre.

Delegation by Director

5.—(1) The Director of a Community Mediation Centre may authorise any member of the staff, employee or officer of the Centre to exercise such of the Director's functions (but excluding this power of authorisation) as the Director thinks fit, and the Director may revoke wholly or in part any such authorisation.

(2) function which is authorised to be exercised under this section may, while the authorisation remains unrevoked, be exercised from time to time in accordance with the terms of the authorisation.

(3) An authorisation under this section may be made subject to conditions or limitations.

(4) Notwithstanding any authorisation under this section, the Director may continue to exercise all or any of the functions to which the authorisation relates.

(5) Any act or thing done in the exercise of a function by a person authorised under this section to exercise the function has the same force and effect as if it had been done by the Director.

Place of operation of Community Mediation Centres

6.—(1) The principal office of a Community Mediation Centre shall be at the premises specified in relation to the Centre in the order under [section 3](#).

(2) The activities of a Community Mediation Centre may be conducted at its principal office or at such other places as the Director may approve from time to time.

Records

7.—(1) The Director of a Community Mediation Centre shall ensure that such records relating to the activities of the Centre are made and kept as are necessary or appropriate to enable a proper evaluation of Community Mediation Centres under [section 16](#) to be made.

(2) The records of a Community Mediation Centre relating to any dispute before a mediator in the Centre shall be kept for a period of 3 years after the date of settlement of the dispute before the mediator, or the date of withdrawal from or termination of the mediation, as the case may be.

Mediators

8.—(1) The Minister may, on the recommendation of the Director of a Community Mediation Centre, appoint any person (other than the Director) as a mediator for the Centre and may revoke

any such appointment.

(2) A mediator appointed under [subsection \(1\)](#) is entitled to be paid such remuneration as may be determined by the Minister and shall abide by the terms of any Code of Conduct as may be approved by the Minister.

PART III

MEDIATION

Provision of mediation services

9.—(1) The Director of a Community Mediation Centre is responsible for the provision of mediation services and for the operation and management of the Centre.

(2) Each mediation session shall be conducted by one or more mediators assigned for the purpose by the Director.

(3) Subject to [section 15](#), no dispute shall be accepted for mediation except with the consent of the Director of a Community Mediation Centre who may decline to consent to the acceptance of any dispute for mediation under this Act at the Centre.

(4) A mediation session may be terminated at any time by the mediator or by the Director.

Conduct of mediation sessions

10.—(1) The procedure for commencing and conducting a mediation session at a Community Mediation Centre shall be determined by the Director.

(2) Mediation sessions shall be conducted with as little formality and technicality, and with as much expedition, as possible.

(3) The rules of evidence do not apply to mediation sessions.

(4) A dispute may not be adjudicated or arbitrated upon at a mediation session.

(5) A mediation session shall be conducted in the absence of the public, but persons who are not parties to a mediation session may, with the permission of the Director and the parties, be present at or participate in a mediation session.

Disputes

11.—(1) Subject to [sections 9\(3\)](#) and [15](#), any person may refer to a mediator of a Community Mediation Centre for mediation a case concerning a family, social or community dispute that does not involve a seizable offence under any written law.

(2) A mediation session may be commenced or continued whether or not the dispute is justiciable before any court, tribunal or body and whether or not the dispute is the subject of any legal proceedings.

(3) For the purposes of this Act, persons may be treated as being in dispute on any matter if they are not in agreement on the matter (whether or not any relevant negotiations are still in progress).

Mediation to be voluntary

12.—(1) Attendance at and participation in a mediation session is voluntary.

(2) A party to a mediation session may withdraw from the mediation session at any time.

(3) Attendance at, participation in or withdrawal from, a mediation session conducted under this Act shall not affect any rights or remedies that a party to a dispute has apart from this Act.

Settlement or agreement to be reduced to writing

13.—(1) The terms of any settlement or agreement reached at, or drawn up pursuant to, a mediation session shall, if the mediator thinks fit, be reduced to writing and signed by or on behalf of the parties to the mediation session.

(2) No settlement or agreement shall be binding on the parties to a mediation session unless it has been reduced to writing with a statement signed by or on behalf of the parties to this effect.

Representation by agent

14.—(1) A party to a mediation session is not entitled to be represented by an agent unless —

(a) it appears to the Director that —

(i) an agent should be permitted to facilitate mediation; and

(ii) the agent proposed to be appointed has sufficient knowledge of the matter in dispute to enable the agent to represent the party effectively; and

(b) the Director so approves.

(2) [Subsection \(1\)](#) shall not prevent —

(a) where a body corporate is a party to a mediation session — an officer of the body corporate;

(b) where a corporation that is a body corporate constituted under [section 33 of the Land Titles \(Strata\) Act \(Cap. 158\)](#) is a party to a mediation session — a council or committee member or its managing agent;

(c) where a statutory body is a party to a mediation session — an officer of the statutory body; or

(d) where a society registered under section 4 of the Societies Act (Cap. 311) is a party to a mediation session — an officer of the society as defined in [section 2](#) of that Act,

from representing that company, corporation, body corporate or society, as the case may be.

(3) Where a Director approves of the representation of a party by an agent, the approval of the Director may be given subject to such conditions as the Director considers reasonable to ensure that any other party to the mediation session is not substantially disadvantaged by the agent appearing at the mediation session and, where the Director does so, the entitlement of the agent to represent the party shall be subject to compliance by the agent with those conditions.

Referral of cases by Magistrate

15.—(1) Notwithstanding any provision of this Act or any written law, a Magistrate who takes cognizance of an offence upon receiving a complaint made by a private person under [section 128 of the Criminal Procedure Code \(Cap. 68\)](#) may, if —

- (a) the offence is one for which a summons shall ordinarily issue in the first instance according to the fourth column of Schedule A to the [Criminal Procedure Code](#); and
- (b) the Magistrate is of the opinion either from the nature of the case or the attitude of the parties or both that the matter may more appropriately be resolved by mediation,

refer the complaint to a mediator of a Community Mediation Centre for mediation with the consent of both the complainant and the person complained against.

(2) In making any referral under [subsection \(1\)](#), the Magistrate may order the personal attendance of the complainant or the person complained against before a mediator of a Community Mediation Centre at a time and place to be specified in the order of the Magistrate.

(3) Any person who fails to comply with the order of the Magistrate made under [subsection \(2\)](#) shall be guilty of contempt of court and action may be taken against him under [section 8 of the Subordinate Courts Act \(Cap. 321\)](#).

(4) In a referral by a Magistrate under this section, the mediator of a Community Mediation Centre shall record and notify the Magistrate of the outcome of the mediation to enable the Magistrate to take such further action as he thinks fit under the provisions of the [Criminal Procedure Code](#).

PART IV

MISCELLANEOUS

Evaluation

16. The Minister may cause or arrange for an evaluation to be made, at such times and in respect of such periods as the Minister thinks fit, of the Community Mediation Centres and of their operation and activities.

Exoneraton from liability

17.—(1) No matter or thing done or omitted to be done by —

- (a) a mediator; or
- (b) a Director or any member of the staff, employee or officer of a Community Mediation Centre,

shall, if the matter or thing was done in good faith for the purpose of executing the provisions of this Act and did not involve any fraud or wilful misconduct, subject any of them to any action, liability, claim or demand.

(2) No person shall be concerned to inquire whether or not any circumstance has arisen requiring or authorising a person to act in the office of a Director, and anything done or omitted to be done by that person while so acting shall be as valid and effectual and shall have the same consequences as if it had been done or omitted to be done by that Director.

Subpoena in litigation or arbitration

18.—(1) A registrar shall not, for the purpose of any court proceedings which relates to or is connected with a dispute referred to a mediator of a Community Mediation Centre, issue —

- (a) a writ of subpoena ad testificandum for the attendance before the court of the mediator, the Director or any member of the staff, employee or officer of the Community Mediation Centre; or
- (b) a writ of subpoena duces tecum for the production to the court of any of the records or documents of the Centre,

unless the registrar is satisfied that, having regard to all the circumstances of the case, such attendance or production is necessary for the fair disposal of the case or to save costs.

(2) Where an order is made by the registrar under [subsection \(1\)\(b\)](#), it shall be sufficient compliance for the Centre to produce certified true copies of any of the records or documents and such copies shall, subject to [section 19](#), be admissible as evidence of the facts stated or contained therein.

(3) For the purposes of this section —

“court” includes an arbitral tribunal.

“registrar” means —

- (a) the Registrar, the Deputy Registrar or an Assistant Registrar of the Supreme Court in all cases where proceedings are taken in the Supreme Court; and
- (b) the registrar or a deputy registrar of the subordinate courts in all cases where proceedings are taken in a subordinate court;

Privilege

19.—(1) Subject to [subsection \(2\)](#), the like privilege with respect to defamation exists with respect to —

- (a) a mediation session; or
- (b) a document or other material sent to, or produced at, a Community Mediation Centre for the purpose of enabling a mediation session to be arranged,

as exists with respect to judicial proceedings and a document produced in judicial proceedings.

(2) The privilege conferred by [subsection \(1\)](#) shall not extend to a publication made otherwise than —

- (a) at a mediation session;
- (b) as provided by [subsection \(1\)\(b\)](#); or
- (c) as provided by [section 20](#).

(3) Evidence of anything said or of any admission made in a mediation session is not admissible in any proceedings before any court, tribunal or body.

(4) A document prepared for the purposes of, or in the course of, or pursuant to, a mediation session, or any copy thereof is not admissible in evidence in any proceedings before any court, tribunal or body.

(5) [Subsections \(3\)](#) and [\(4\)](#) shall not apply with respect to any evidence or document —

- (a) where the persons in attendance at or named during the mediation session and, in the case of a document, all persons named in the document consent to admission of the

evidence or document;

- (b) in proceedings instituted with respect to any act or omission in connection with which a disclosure has been made pursuant to [section 20\(c\)](#); or
- (c) if the court is satisfied that, having regard to all the circumstances of the case, the admission of the evidence or document is necessary for the fair disposal of the case or to save costs.

(6) In this section, “mediation session” includes any step taken in the course of making arrangements for a mediation session or in the course of the follow-up of a mediation session.

Secrecy

20. A person who is a mediator, a Director, a member of the staff of the Community Mediation Centre or a person making an evaluation under [section 16](#) or carrying out research referred to in [paragraph \(e\)](#) may disclose information obtained in connection with the administration or execution of this Act only as follows:

- (a) with the consent of the person from whom the information was obtained;
- (b) in connection with the administration or execution of this Act;
- (c) where there are reasonable grounds to believe that disclosure is necessary to prevent or minimise the danger of injury to any person or damage to any property;
- (d) where the disclosure is reasonably required for the purpose of referring any party or parties to a mediation session to any person, agency, organisation or other body and the disclosure is made with the consent of the parties to the mediation session for the purpose of aiding in the resolution of a dispute between those parties or assisting any such parties in any other manner;
- (e) where the disclosure does not reveal the identity of a person without the consent of the person and is reasonably required for the purposes of research carried out by, or with the approval of, the Director or an evaluation pursuant to [section 16](#); or
- (f) in accordance with any order of the court or a requirement imposed by or under any written law.

Annual report

21.—(1) The Director shall prepare and submit to the Minister a report on the activities, operations and use of the Community Mediation Centres during the period of 12 months beginning on 1st April of each year and ending on 31st March of the succeeding year.

(2) The Minister shall lay the report, or cause it to be laid, before Parliament.

Public servants

22. The Director and all members of the staff, employees and officers of the Community Mediation Centres shall be deemed to be public servants for the purposes of the [Penal Code \(Cap. 224\)](#).

Power to make regulations

23.—(1) The Minister may make regulations to —

- (a) regulate the practice and procedure of the Community Mediation Centres;
- (b) provide for the training and accreditation of mediators of the Community Mediation Centres; and
- (c) prescribe all matters as are necessary or expedient for the proper administration, or to achieve the objects and purposes, of this Act.

(2) All regulations made under this section shall be presented to Parliament as soon as possible after publication in the *Gazette*.

LEGISLATIVE HISTORY

COMMUNITY MEDIATION CENTRES ACT (CHAPTER 49A)

This Legislative History is provided for the convenience of users of the [Community Mediation Centres Act](#). It is not part of this Act.

1. Act 10 of 1997—Community Mediation Centres Act 1997

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| Date of Second and Third Readings | : | 7.10.97 |
| Date of commencement | : | 9.1.98 |

2. [1998 Revised Edition](#)—[Community Mediation Centres Act](#)

| | | |
|-------------------|---|-------------|
| Date of operation | : | 30 May 1998 |
|-------------------|---|-------------|