

Natural Forum and the Elusive Significance of Jurisdiction Agreements

Tiong Min Yeo (National University of Singapore) has posted “**Natural Forum and the Elusive Significance of Jurisdiction Agreements**” on SSRN. Here’s the abstract:

*The Singapore court’s power to stay its proceedings by reason of its “not being the appropriate forum the proceedings ought not to be continued” is underpinned by the common law principle enunciated in *The Spiliada* that generally a trial should be heard in its natural forum, i.e., the forum best suited to try the case for the interests of all the parties and the ends of justice. The approach in *forum non conveniens* is undisputed. A defendant who has been served with process within the jurisdiction seeking a stay of proceedings has to show that there is another available and competent forum which is clearly the more appropriate forum for the trial of the action. At this stage the court looks primarily to factors of convenience and expense and the connections of the parties and the issues in the case to determine the forum with which the action has the most real and substantial connection. If no clearly more appropriate forum is shown to exist, stay would ordinarily be refused. If there is such a forum, then the local proceedings will be stayed unless the circumstances show that the stay would deprive the plaintiff of substantial justice; the mere deprivation of the legitimate advantages of the plaintiff in having the trial in the forum is not decisive.*

You can download the article from **here**.