
First published in the Government *Gazette*, Electronic Edition, on 28 March 2022 at 5 pm.

No. S 218

LEGAL PROFESSION ACT 1966

LEGAL PROFESSION (REPRESENTATION IN SINGAPORE INTERNATIONAL COMMERCIAL COURT) (AMENDMENT) RULES 2022

In exercise of the powers conferred by section 36Y of the Legal Profession Act 1966, we, the Rules Committee, make the following Rules:

Citation and commencement

1. These Rules are the Legal Profession (Representation in Singapore International Commercial Court) (Amendment) Rules 2022 and come into operation on 1 April 2022.

Amendment of rule 2

2. Rule 2 of the Legal Profession (Representation in Singapore International Commercial Court) Rules 2014 (G.N. No. S 851/2014) (called in these Rules the principal Rules) is amended —

- (a) by deleting the words “Order 110 of the Rules of Court (Cap. 322, R 5)” in the definition of “offshore case” and substituting the words “Order 3 of the Singapore International Commercial Court Rules 2021 (G.N. No. S 924/2021)”; and
- (b) by inserting, immediately after the definition of “pertinent proceedings”, the following definition:

““preliminary proceedings” means any proceedings that are preliminary to any relevant appeal or relevant proceedings, as the case may be;”.

Amendment of rule 3**3. Rule 3(2) of the principal Rules is amended —**

- (a) by deleting the words “Order 110 of the Rules of Court” in sub-paragraph (c)(i) and substituting the words “Order 3 of the Singapore International Commercial Court Rules 2021”;
- (b) by deleting the words “Order 110, Rule 37(5)(b) of the Rules of Court” in sub-paragraph (c)(ii) and substituting the words “Order 3, Rule 7(4)(b) of the Singapore International Commercial Court Rules 2021”; and
- (c) by deleting the words “Order 52 of the Rules of Court” in sub-paragraph (d) and substituting the words “Order 25 of the Singapore International Commercial Court Rules 2021”.

Deletion and substitution of rule 19

4. Rule 19 of the principal Rules is deleted and the following rule substituted therefor:

“Orders to attend court and orders to produce documents

19. A request for an order to attend court or an order to produce documents must be made at the Registry of the Supreme Court in accordance with Order 20, Rule 3 of the Singapore International Commercial Court Rules 2021.”.

New rule 39

5. The principal Rules are amended by inserting, immediately after rule 38, the following rule:

“Applications under section 36U(1) of Act

39. The procedure and practice to be followed in connection with an application under section 36U(1) of the Act are set out in the Legal Profession (Proceedings before Court of 3 Supreme Court Judges) Rules 2022 (G.N. No. S 217/2022).”.

Amendment of First Schedule

6. The First Schedule to the principal Rules is amended —
- (a) by deleting the words “relevant proceedings or relevant appeal” in the following provisions and substituting in each case the words “preliminary proceedings, relevant proceedings or relevant appeal”:
 - Paragraph 4
 - Paragraph 4A(1) and (2)(a) and (b)
 - Paragraph 8(3)(b)
 - Paragraph 10(1), (5) and (6)
 - Paragraph 14(6);
 - (b) by deleting the words “relevant proceedings or any relevant appeal” in paragraph 4B(1)(a) and substituting the words “preliminary proceedings, relevant proceedings or relevant appeal”;
 - (c) by deleting paragraph 7 and substituting the following paragraph:

“Communication with Court

7.—(1) Subject to sub-paragraph (2), a registered foreign lawyer must not have any communication with the Court, or with a judge of the Court, in the absence of the other party or parties, concerning any preliminary proceedings, relevant proceedings or relevant appeal —

- (a) which are or is, or will be, before the Court; and
- (b) in respect of which the registered foreign lawyer represents any party or any other interested person.

(2) A registered foreign lawyer may have communications with the Court in the absence of the other party or parties, in relation to any application for relief that is an application without notice, in accordance with any practice directions issued in respect of applications without notice.

(3) If, despite sub-paragraph (1), a registered foreign lawyer has any communication with the Court, or with a judge of the Court, in the absence of the other party or parties, regarding any preliminary proceedings, relevant proceedings or relevant

appeal which are or is, or will be, before the Court, the registered foreign lawyer must inform every other party to the proceedings or appeal of the communication, and the circumstances of the communication, as soon as possible.”;

- (d) by deleting the words “relevant proceedings” in paragraph 13(1) and (2) and substituting in each case the words “relevant proceedings or preliminary proceedings relating to the relevant proceedings”;
- (e) by deleting the words “relevant proceedings” in paragraphs 14(2) and (3) and 16 and substituting in each case the words “preliminary proceedings, relevant proceedings or relevant appeal”; and
- (f) by inserting, immediately after the words “those proceedings” in paragraph 14(2) and (3)(c), the words “or appeal”.

Amendment of Second Schedule

7. The Second Schedule to the principal Rules is amended by deleting the words “Please state the jurisdiction in which you are based or the jurisdiction the law of which you most frequently practise. Please exhibit in your supporting affidavit a certificate issued, not earlier than 6 months before the date on which the application is made, by a foreign registration authority of this jurisdiction, attesting to your good standing.” in Part D of Forms 1, 2, 3 and 4 and substituting in each case the following words:

“(a) Please state the jurisdiction in which you are based; and

[Free text box]

(b) Please state the jurisdiction the law of which you most frequently practise.

[Free text box]

Please exhibit in your supporting affidavit a certificate issued, not earlier than 6 months before the date on which the application is made, by a foreign registration authority of the jurisdiction mentioned in paragraph (a) or (b), attesting to your good standing. Kindly indicate whether you are providing a certificate of good standing issued by a foreign registration authority of the

jurisdiction mentioned in paragraph (a), or by a foreign registration authority of the jurisdiction mentioned in paragraph (b), if different jurisdictions are mentioned in paragraphs (a) and (b).

I am providing a certificate of good standing from [state applicable jurisdiction].”.

Miscellaneous amendments

8. The principal Rules are amended —

- (a) by deleting the word “leave” in the following provisions and substituting in each case the word “permission”:

Rule 18(3)(a)

First Schedule, paragraph 13(2);

- (b) by deleting the words “in camera” wherever they appear in Rule 23 (including the rule heading) and substituting in each case the words “in private”; and

- (c) by deleting the words “working days” in the following provisions and substituting in each case the words “days (other than a Saturday, Sunday or public holiday in Singapore)”:

Rule 27(4)(b)(i)

Rule 34(1)(a)(i).

Saving and transitional provisions

9.—(1) Despite rule 2(a), the definition of “offshore case” in rule 2 of the principal Rules as in force immediately before 1 April 2022 continues to apply to any proceedings commenced by writ of summons or originating summons in the General Division (including the Singapore International Commercial Court) before that date, and any appeal or application to the Court of Appeal arising from any decision made by the General Division (including the Singapore International Commercial Court) in any such proceedings.

(2) Despite rules 3 and 4, rules 3(2) and 19 of the principal Rules as in force immediately before 1 April 2022 continue to apply to any proceedings commenced by writ of summons or originating

summons in the General Division (including the Singapore International Commercial Court) before that date, and any appeal or application to the Court of Appeal arising from any decision made by the General Division (including the Singapore International Commercial Court) in any such proceedings.

*[G.N. Nos. S 277/2015; S 691/2015; S 696/2018;
S 1041/2020; S 383/2021]*

Made on 18 March 2022.

SUNDARESH MENON
Chief Justice.

LUCIEN WONG
Attorney-General.

TAY YONG KWANG
Justice of the Court of Appeal.

STEVEN CHONG
Justice of the Court of Appeal.

BELINDA ANG SAW EAN
Judge of the Appellate Division.

QUENTIN LOH
Judge of the Appellate Division.

VINODH COOMARASWAMY
Judge.

VINCENT HOONG SENG LEI
Presiding Judge of the State Courts.

CHRISTOPHER TAN PHENG WEE
*District Judge and Registrar of the
State Courts.*

SIRAJ OMAR, SC
Advocate and Solicitor.

CHAN TAI-HUI JASON, SC
Advocate and Solicitor.

[SUPCT.RJW.009.0000; AG/LEGIS/SL/161/2020/6 Vol. 1]

(To be presented to Parliament under section 185 of the Legal Profession Act 1966).