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No. S 294

SUPREME COURT OF JUDICATURE ACT 1969

SINGAPORE INTERNATIONAL COMMERCIAL COURT (AMENDMENT) RULES 2022

In exercise of the powers conferred by section 80 of the Supreme Court of Judicature Act 1969 and all other powers enabling us under any written law, we, the Rules Committee, make the following Rules:

Citation and commencement

1. These Rules are the Singapore International Commercial Court (Amendment) Rules 2022 and come into operation on 3 April 2022.

Amendment of Order 3

2. Order 3 of the Singapore International Commercial Court Rules 2021 (G.N. No. S 924/2021) (called in these Rules the principal Rules) is amended by deleting the word “leave” in Rules 6(8) and 7(2)(c) and substituting in each case the word “permission”.

New Order 15A

3. The principal Rules are amended by inserting, immediately after Order 15, the following Order:

“ORDER 15A

REQUESTS FOR OPINIONS ON QUESTIONS OF
FOREIGN LAW

Definitions (O. 15A, r. 1)

1. In this Order, unless the context otherwise requires —
- “foreign country” means a country or territory outside Singapore;
 - “specified court” means a court that is specified in Rule 5;

“specified foreign country” means a foreign country that is specified in Rule 4.

Transmission to foreign court of request for opinion on question of foreign law and for clarification (O. 15A, r. 2)

2.—(1) Where in any proceedings before the Court there arises any question relating to the law of any specified foreign country or to the application of such law, the Court may, on the application of one or more of the parties or on its own motion, transmit to a specified court in that specified foreign country a request for an opinion on that question (called in this Rule the initial request), and any subsequent request for a clarification that is relevant to the opinion (called in this Rule a subsequent request), if all of the parties consent —

- (a) to the transmission of the initial request and any subsequent request;
- (b) to the admission as evidence in the proceedings of any opinion provided by the specified court pursuant to the initial request and any clarification provided by that court pursuant to any subsequent request; and
- (c) to the dispensation with cross-examination of the maker of the opinion and clarification mentioned in sub-paragraph (b).

(2) An application under paragraph (1) must be made by summons.

Request for opinion on question of foreign law and for clarification (O. 15A, r. 3)

3.—(1) An initial request transmitted under Rule 2 must —

- (a) specify the court hearing the proceedings in which the question of law arose;
- (b) state the nature of the proceedings in which the question of law arose;
- (c) state the question that is to be determined in relation to the law of the foreign country; and

(d) state the facts, assumptions and other relevant information upon which the question is to be determined.

(2) An initial request and any subsequent request transmitted under Rule 2 must not identify the proceedings in which the question of law arose, or the parties to those proceedings.

Specified foreign country (O. 15A, r. 4)

4. For the purposes of this Order, the People’s Republic of China is a specified foreign country.

Specified court (O. 15A, r. 5)

5. For the purposes of this Order, the Supreme People’s Court of the People’s Republic of China is a specified court.”.

Amendment of Order 28

4. Order 28 of the principal Rules is amended by deleting the word “leave” in Rule 2(3)(f) and substituting the word “permission”.

Made on 29 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.

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(To be presented to Parliament under section 80(6) of the Supreme Court of Judicature Act 1969).