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No. S 755

LEGAL PROFESSION ACT 1966

**LEGAL PROFESSION
(REPRESENTATION IN SINGAPORE
INTERNATIONAL COMMERCIAL COURT)
(AMENDMENT NO. 2) 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 No. 2) Rules 2022 and come into operation on 1 October 2022.

Amendment of rule 2

2. In 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), before the definition of “Code of Ethics”, insert —

““appellate court” has the meaning given by section 36O(1) of the Act;”.

Amendment of rule 3

3. In rule 3 of the principal Rules —

(a) in paragraphs (1) and (2)(d)(ii), replace “the Court of Appeal or the Appellate Division of the High Court” (wherever it appears) with “the appellate court”;

(b) in paragraph (2), after sub-paragraph (c), insert —

“(ca) any proceedings mentioned in section 18D(2)(c) of the Supreme Court of Judicature Act 1969;”;

- (c) in paragraph (2)(d)(i) and (ii), replace “or (c)” with “, (c) or (ca)”; and
- (d) in paragraph (2)(e), replace “, the Court of Appeal or the Appellate Division of the High Court” with “or the appellate court”.

New rules 3A and 3B

4. In Part 1 of the principal Rules, after rule 3, insert —

“Relevant appeal, relevant proceedings and preliminary proceedings prescribed for purpose of section 36P(1A) of Act

3A.—(1) For the purpose of section 36P(1A) of the Act, a prescribed relevant appeal is any relevant appeal to the appellate court from any judgment given or order made by the Singapore International Commercial Court in any relevant proceedings prescribed in paragraph (2).

(2) The following relevant proceedings in the Singapore International Commercial Court are prescribed for the purpose of section 36P(1A) of the Act:

- (a) any proceedings mentioned in section 18D(2)(c) of the Supreme Court of Judicature Act 1969;
- (b) an application under Order 25 of the Singapore International Commercial Court Rules 2021 to punish for —
 - (i) contempt of the Singapore International Commercial Court committed in connection with any relevant proceedings mentioned in sub-paragraph (a); or
 - (ii) contempt of the appellate court committed in connection with any appeal to the appellate court from any judgment given or order made by the Singapore International Commercial Court in any relevant proceedings mentioned in sub-paragraph (a).

(3) The following preliminary proceedings are prescribed for the purpose of section 36P(1A) of the Act:

- (a) any proceedings that are preliminary to any relevant appeal prescribed in paragraph (1);
- (b) any proceedings that are preliminary to any relevant proceedings prescribed in paragraph (2).

Prescribed factors for representation by foreign lawyer granted full registration in certain prescribed proceedings

3B. The following factors are prescribed for the purpose of section 36P(1B) of the Act:

- (a) the nature of the factual and legal issues involved in the relevant appeal, relevant proceedings or preliminary proceedings prescribed in rule 3A(1), (2) or (3) (as the case may be) (called in this rule the relevant proceedings);
- (b) the role of the foreign lawyer granted full registration in the relevant proceedings;
- (c) the extent of the international elements involved in the relevant proceedings, including —
 - (i) the amount of assets or properties in one or more foreign countries;
 - (ii) the obligations and liabilities that are governed by the laws of one or more foreign countries; and
 - (iii) the governing law of the underlying agreement.”.

Miscellaneous amendments

5.—(1) In the following provisions of the principal Rules, replace “, the Court of Appeal or the Appellate Division of the High Court” with “or the appellate court”:

Rule 4(1)(e), (2)(c), (3)(c) and (4)(b)

Rule 5(2)(i)

Rule 6(2)(g)

Rule 7(2)(g)

Rule 8(2)(g)

Rule 12A(1)(d) and (2)(b)

Rule 12B(2)(f)

Rule 12C(2)(g).

(2) In the First Schedule to the principal Rules, in paragraph 2 (paragraph (b) of the definition of “Court”), replace “the Court of Appeal or the Appellate Division of the High Court” with “the appellate court”.

(3) In the following provisions of the Second Schedule to the principal Rules, replace “, the Court of Appeal or the Appellate Division of the High Court” with “or the appellate court (as defined in section 36O(1) of the Legal Profession Act 1966)”:

Form 1, Part G, paragraph (i)

Form 2, Part G, paragraph (g)

Form 3, Part F, paragraph (g)

Form 4, Part F, paragraph (g)

Form 4A, Part G, paragraph (f)

Form 4B, Part F, paragraph (g).

Made on 16 September 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
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(To be presented to Parliament under section 185 of the Legal Profession Act 1966).