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LEGAL PROFESSION ACT (CHAPTER 161)

LEGAL PROFESSION (REPRESENTATION IN SINGAPORE INTERNATIONAL COMMERCIAL COURT) RULES 2014

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

PART 1

PRELIMINARY

Citation and commencement

1. These Rules may be cited as the Legal Profession (Representation in Singapore International Commercial Court) Rules 2014 and shall come into operation on 1 January 2015.

[S 696/2018 wef 01/11/2018]

Definitions

2. In these Rules, unless the context otherwise requires —

“Code of Ethics” means the Code of Ethics set out in the First Schedule;

“conducting solicitor” means a solicitor appointed under section 36Q(7) or 36S(9)(c) or (10)(b) of the Act to conduct proceedings before a complaints committee;

“foreign registration authority” means a foreign authority having the function conferred by law of authorising or registering persons to practise law in a state or territory other than Singapore;

“Form” means a form set out, and so numbered, in the Second Schedule;

“full registration” means full registration under section 36P of the Act;

“offshore case” has the same meaning as in Order 110 of the Rules of Court (Cap. 322, R 5);

“pertinent proceedings” means any relevant proceedings under rule 3(2)(e) that are not also relevant proceedings under rule 3(2)(b), (c) or (d);

[S 696/2018 wef 01/11/2018]

“registered foreign lawyer” means a foreign lawyer registered under section 36P of the Act, and includes, for the purposes of rule 38(2), a foreign lawyer whose registration under section 36P of the Act is cancelled or suspended, or lapses, after the commencement of proceedings under section 36S of the Act against the foreign lawyer;

“registered law expert” means a law expert registered under section 36PA of the Act, and includes, for the purposes of rule 38(2), a law expert whose registration under section 36PA of the Act is cancelled or suspended, or lapses, after the commencement of proceedings under section 36S of the Act against the law expert;

[S 696/2018 wef 01/11/2018]

“relevant appeal” and “relevant proceedings” have the same meanings as in section 36O(1) of the Act;

“restricted registration” means restricted registration under section 36P of the Act;

“Secretariat” means the Secretariat established by the Supreme Court to provide administrative support to a complaints committee;

“secretary” means the secretary of a complaints committee appointed by the Chief Justice under section 36S(7) of the Act;

“Singapore International Commercial Court” has the same meaning as in section 36O(1) of the Act.

Definitions of “relevant appeal” and “relevant proceedings” in section 36O(1) of Act

3.—(1) For the purposes of the definition of “relevant appeal” in section 36O(1) of the Act, a relevant appeal is any appeal to the Court of Appeal or the Appellate Division of the High Court from any judgment given or order made by the Singapore International Commercial Court in any relevant proceedings.

[S 1041/2020 wef 02/01/2021]

(2) For the purposes of the definition of “relevant proceedings” in section 36O(1) of the Act, the following proceedings in the Singapore International Commercial Court are relevant proceedings:

- (a) *[Deleted by S 696/2018 wef 01/11/2018]*
- (b) an offshore case;
- (c) an action —
 - (i) which was treated pursuant to Order 110 of the Rules of Court as an offshore case, but which the Singapore International Commercial Court has decided is not, or is no longer an offshore case; and
 - (ii) in which the Singapore International Commercial Court has allowed, under Order 110, Rule 37(5)(b) of the Rules of Court, a party to continue to be represented by a registered foreign lawyer or by a solicitor registered under section 36E of the Act;

[S 277/2015 wef 15/05/2015]

[S 691/2015 wef 18/11/2015]
- (d) an application under Order 52 of the Rules of Court to punish for —
 - (i) contempt of the Singapore International Commercial Court committed in connection with any proceedings referred to in sub-paragraph (b) or (c); or

[S 696/2018 wef 01/11/2018]

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- (ii) contempt of the Court of Appeal or the Appellate Division of the High Court committed in connection with any appeal to the Court of Appeal or the Appellate Division of the High Court from any judgment given or order made by the Singapore International Commercial Court in any proceedings referred to in sub-paragraph (b) or (c);
[S 1041/2020 wef 02/01/2021]
- (e) an action in respect of which the Singapore International Commercial Court, the Court of Appeal or the Appellate Division of the High Court has made —
- (i) an order that a question of foreign law be determined on the basis of submissions instead of proof; and
- (ii) an order permitting a named registered foreign lawyer, a named registered law expert, or a named solicitor registered under section 36E of the Act, to make submissions on the question of foreign law on behalf of a party.
- [S 277/2015 wef 15/05/2015]*
[S 691/2015 wef 18/11/2015]
[S 696/2018 wef 01/11/2018]
[S 1041/2020 wef 02/01/2021]

PART 2

REGISTRATION OF FOREIGN LAWYER UNDER SECTION 36P OF ACT

Qualifications and requirements for registration and renewal of registration

4.—(1) For the purposes of section 36P(3) of the Act, an application may be made for a foreign lawyer to be granted full registration if —

- (a) at the time the application is made, the foreign lawyer is duly authorised or registered to practise law in a foreign jurisdiction by a foreign registration authority of that jurisdiction;

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- (b) the foreign lawyer has at least 5 years' experience in advocacy before any court or tribunal;
 - (c) the foreign lawyer is sufficiently proficient in the English language to conduct any relevant proceedings or relevant appeal;
 - (d) the foreign lawyer has not been disbarred, struck off, suspended, ordered to pay a penalty, censured or reprimanded in the foreign lawyer's capacity as a legal practitioner by whatever name called in any jurisdiction; and
 - (e) the foreign lawyer gives an undertaking that if the Singapore International Commercial Court, the Court of Appeal or the Appellate Division of the High Court makes an order permitting the foreign lawyer to make submissions on a question of foreign law in, and on behalf of a party to, any pertinent proceedings or any relevant appeal from any judgment given or order made in those proceedings, the foreign lawyer will appear, and give advice and prepare documents, in those proceedings or in that appeal, solely for the purposes of making submissions on that question of foreign law.

[S 1041/2020 wef 02/01/2021]

(2) For the purposes of section 36P(3) of the Act, an application may be made for a foreign lawyer to be granted restricted registration if —

- (a) the foreign lawyer is sufficiently proficient in the English language to conduct any relevant proceedings or relevant appeal;
- (b) the foreign lawyer has not been disbarred, struck off, suspended, ordered to pay a penalty, censured or reprimanded in the foreign lawyer's capacity as a legal practitioner by whatever name called in any jurisdiction;
- (c) there is an order of the Singapore International Commercial Court, the Court of Appeal or the Appellate Division of the High Court permitting the foreign lawyer to make submissions, in any relevant proceedings under

rule 3(2)(e) or in any relevant appeal from any judgment given or order made in those proceedings, on a question of foreign law on behalf of a party to those proceedings or that appeal; and

[S 1041/2020 wef 02/01/2021]

- (d) the foreign lawyer undertakes to appear, and to give advice and prepare documents, only in those proceedings or in that appeal, and solely for the purposes of making submissions on that question of foreign law.
- (3) An application may be made for the renewal of the full registration of a foreign lawyer if —
- (a) at the time the application is made, the foreign lawyer is duly authorised or registered to practise law in a foreign jurisdiction by a foreign registration authority of that jurisdiction;
- (b) the foreign lawyer has not been disbarred, struck off, suspended, ordered to pay a penalty, censured or reprimanded in the foreign lawyer’s capacity as a legal practitioner by whatever name called in any jurisdiction; and
- (c) the foreign lawyer gives an undertaking that if the Singapore International Commercial Court, the Court of Appeal or the Appellate Division of the High Court makes an order permitting the foreign lawyer to make submissions on a question of foreign law in, and on behalf of a party to, any pertinent proceedings or any relevant appeal from any judgment given or order made in those proceedings, the foreign lawyer will appear, and give advice and prepare documents, in those proceedings or in that appeal, solely for the purposes of making submissions on that question of foreign law.

[S 1041/2020 wef 02/01/2021]

(4) An application may be made for the renewal of the restricted registration of a foreign lawyer if —

- (a) the foreign lawyer has not been disbarred, struck off, suspended, ordered to pay a penalty, censured or

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- reprimanded in the foreign lawyer's capacity as a legal practitioner by whatever name called in any jurisdiction;
- (b) there is an order of the Singapore International Commercial Court, the Court of Appeal or the Appellate Division of the High Court permitting the foreign lawyer to make submissions on a question of foreign law in, and on behalf of a party to —
- (i) any pending relevant proceedings under rule 3(2)(e);
or
 - (ii) any pending relevant appeal from any judgment given or order made in relevant proceedings under rule 3(2)(e); and
- [S 1041/2020 wef 02/01/2021]*
- (c) the foreign lawyer undertakes to appear, and to give advice and prepare documents, only in those proceedings or in that appeal, and solely for the purposes of making submissions on that question of foreign law.

Application for full registration

5.—(1) An application to the Registrar for a foreign lawyer to be granted full registration must —

- (a) contain the following particulars of the foreign lawyer:
- (i) the foreign lawyer's name, nationality and designation;
 - (ii) the name of the law practice (if any) in which the foreign lawyer practises, and the jurisdiction in which that law practice provides legal services;
 - (iii) the address of —
 - (A) the foreign lawyer's place of business in Singapore, if any; or
 - (B) the foreign lawyer's overseas place of business, if the foreign lawyer has no place of business in Singapore;

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- (iv) the electronic mail address of the foreign lawyer;
 - (b) state that the foreign lawyer agrees that —
 - (i) any letter, notice or document may be served on the foreign lawyer by the secretary, the Secretariat or any other person —
 - (A) in accordance with rule 27(1)(b) or (c), at that address or any other address provided under rule 12(4) in place of that address; or
 - (B) in accordance with rule 27(1)(e), at that electronic mail address or any other electronic mail address provided under rule 12(4) in place of that electronic mail address; and
 - (ii) such service is to be treated as good and sufficient service of the letter, notice or document on the foreign lawyer;
 - (c) be made in Form 1; and
 - (d) be accompanied by the appropriate non-refundable fee specified in the Third Schedule.
- (2) The application must be supported by an affidavit of the foreign lawyer which —
- (a) confirms the particulars of the foreign lawyer referred to in paragraph (1)(a);
 - (b) states that the foreign lawyer has at least 5 years' experience in advocacy before any court or tribunal;
 - (c) exhibits a document setting out the foreign lawyer's experience in advocacy;
 - (d) states that the foreign lawyer is sufficiently proficient in the English language to conduct any relevant proceedings or relevant appeal;
 - (e) states that the foreign lawyer has read and understood, and agrees to abide by, the Code of Ethics;

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- (f) states the jurisdictions in which the foreign lawyer is duly authorised or registered to practise law;
 - (g) exhibits 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 in which the foreign lawyer is based, or the jurisdiction the law of which the foreign lawyer most frequently practises, attesting to the good standing of the foreign lawyer;
 - (h) states that the foreign lawyer has not been disbarred, struck off, suspended, ordered to pay a penalty, censured or reprimanded in the foreign lawyer's capacity as a legal practitioner by whatever name called in any jurisdiction; and
 - (i) exhibits an undertaking by the foreign lawyer that if the Singapore International Commercial Court, the Court of Appeal or the Appellate Division of the High Court makes an order permitting the foreign lawyer to make submissions on a question of foreign law in, and on behalf of a party to, any pertinent proceedings or any relevant appeal from any judgment given or order made in those proceedings, the foreign lawyer will appear, and give advice and prepare documents, in those proceedings or in that appeal, solely for the purposes of making submissions on that question of foreign law.

[S 1041/2020 wef 02/01/2021]

Application for restricted registration

6.—(1) An application to the Registrar for a foreign lawyer to be granted restricted registration must —

- (a) contain the following particulars of the foreign lawyer:
 - (i) the foreign lawyer's name, nationality and designation;
 - (ii) the name of the law practice (if any) in which the foreign lawyer practises, and the jurisdiction in which that law practice provides legal services;

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- (iii) the address of —
 - (A) the foreign lawyer's place of business in Singapore, if any; or
 - (B) the foreign lawyer's overseas place of business, if the foreign lawyer has no place of business in Singapore;
 - (iv) the electronic mail address of the foreign lawyer;
 - (b) state that the foreign lawyer agrees that —
 - (i) any letter, notice or document may be served on the foreign lawyer by the secretary, the Secretariat or any other person —
 - (A) in accordance with rule 27(1)(b) or (c), at that address or any other address provided under rule 12(4) in place of that address; or
 - (B) in accordance with rule 27(1)(e), at that electronic mail address or any other electronic mail address provided under rule 12(4) in place of that electronic mail address; and
 - (ii) such service is to be treated as good and sufficient service of the letter, notice or document on the foreign lawyer;
 - (c) be made in Form 2; and
 - (d) be accompanied by the appropriate non-refundable fee specified in the Third Schedule.
- (2) The application must be supported by an affidavit of the foreign lawyer which —
- (a) confirms the particulars of the foreign lawyer referred to in paragraph (1)(a);
 - (b) states that the foreign lawyer is sufficiently proficient in the English language to conduct any relevant proceedings or relevant appeal;

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- (c) states that the foreign lawyer has read and understood, and agrees to abide by, the Code of Ethics;
 - (d) states the jurisdictions in which the foreign lawyer is duly authorised or registered to practise law;
 - (e) exhibits 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 in which the foreign lawyer is based, or the jurisdiction the law of which the foreign lawyer most frequently practises, attesting to the good standing of the foreign lawyer;
 - (f) states that the foreign lawyer has not been disbarred, struck off, suspended, ordered to pay a penalty, censured or reprimanded in the foreign lawyer's capacity as a legal practitioner by whatever name called in any jurisdiction;
 - (g) exhibits a copy of an order of the Singapore International Commercial Court, the Court of Appeal or the Appellate Division of the High Court permitting the foreign lawyer to make submissions on a question of foreign law in, and on behalf of a party to —
 - (i) any relevant proceedings under rule 3(2)(e); or
[S 696/2018 wef 01/11/2018]
 - (ii) any relevant appeal from any judgment given or order made in relevant proceedings under rule 3(2)(e);
[S 696/2018 wef 01/11/2018]
[S 1041/2020 wef 02/01/2021]
 - (h) exhibits a document setting out the foreign lawyer's qualifications and experience in relation to that question of foreign law; and
 - (i) exhibits an undertaking by the foreign lawyer to appear, and to give advice and prepare documents, only in those proceedings or in that appeal, and solely for the purposes of making submissions on that question of foreign law.

Application for renewal of full registration

7.—(1) An application to the Registrar for the renewal of the full registration of a foreign lawyer must —

- (a) contain the following particulars of the foreign lawyer:
 - (i) the foreign lawyer's name, nationality and designation;
 - (ii) the name of the law practice (if any) in which the foreign lawyer practises, and the jurisdiction in which that law practice provides legal services;
 - (iii) the address of —
 - (A) the foreign lawyer's place of business in Singapore, if any; or
 - (B) the foreign lawyer's overseas place of business, if the foreign lawyer has no place of business in Singapore;
 - (iv) the electronic mail address of the foreign lawyer;
- (b) state that the foreign lawyer agrees that —
 - (i) any letter, notice or document may be served on the foreign lawyer by the secretary, the Secretariat or any other person —
 - (A) in accordance with rule 27(1)(b) or (c), at that address or any other address provided under rule 12(4) in place of that address; or
 - (B) in accordance with rule 27(1)(e), at that electronic mail address or any other electronic mail address provided under rule 12(4) in place of that electronic mail address; and
 - (ii) such service is to be treated as good and sufficient service of the letter, notice or document on the foreign lawyer;
- (c) be made in Form 3; and

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- (d) be accompanied by the appropriate non-refundable fee specified in the Third Schedule.
- (2) The application must be supported by an affidavit of the foreign lawyer which —
- (a) confirms the particulars of the foreign lawyer referred to in paragraph (1)(a);
 - (b) states any changes to any information provided in support of the foreign lawyer's last application under rule 5(1) or paragraph (1);
 - (c) states that the foreign lawyer has read and understood, and agrees to abide by, the Code of Ethics;
 - (d) exhibits 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 in which the foreign lawyer is based, or the jurisdiction the law of which the foreign lawyer most frequently practises, attesting to the good standing of the foreign lawyer;
 - (e) states that the foreign lawyer has not been disbarred, struck off, suspended, ordered to pay a penalty, censured or reprimanded in the foreign lawyer's capacity as a legal practitioner by whatever name called in any jurisdiction;
 - (f) states whether the registration of the foreign lawyer that is the subject of the application, any earlier full registration or restricted registration of the foreign lawyer under section 36P of the Act, or any earlier registration of the foreign lawyer as a law expert under section 36PA of the Act, has been cancelled or suspended and, if so, the details of and circumstances relating to the cancellation or suspension; and
- [S 696/2018 wef 01/11/2018]*
- (g) exhibits an undertaking by the foreign lawyer that if the Singapore International Commercial Court, the Court of Appeal or the Appellate Division of the High Court makes an order permitting the foreign lawyer to make submissions on a question of foreign law in, and on

behalf of a party to, any pertinent proceedings or any relevant appeal from any judgment given or order made in those proceedings, the foreign lawyer will appear, and give advice and prepare documents, in those proceedings or in that appeal, solely for the purposes of making submissions on that question of foreign law.

[S 1041/2020 wef 02/01/2021]

Application for renewal of restricted registration

8.—(1) An application to the Registrar for the renewal of the restricted registration of a foreign lawyer must —

(a) contain the following particulars of the foreign lawyer:

(i) the foreign lawyer's name, nationality and designation;

(ii) the name of the law practice (if any) in which the foreign lawyer practises, and the jurisdiction in which that law practice provides legal services;

(iii) the address of —

(A) the foreign lawyer's place of business in Singapore, if any; or

(B) the foreign lawyer's overseas place of business, if the foreign lawyer has no place of business in Singapore;

(iv) the electronic mail address of the foreign lawyer;

(b) state that the foreign lawyer agrees that —

(i) any letter, notice or document may be served on the foreign lawyer by the secretary, the Secretariat or any other person —

(A) in accordance with rule 27(1)(b) or (c), at that address or any other address provided under rule 12(4) in place of that address; or

(B) in accordance with rule 27(1)(e), at that electronic mail address or any other electronic mail address provided under

rule 12(4) in place of that electronic mail address; and

(ii) such service is to be treated as good and sufficient service of the letter, notice or document on the foreign lawyer;

(c) be made in Form 4; and

(d) be accompanied by the appropriate non-refundable fee specified in the Third Schedule.

(2) The application must be supported by an affidavit of the foreign lawyer which —

(a) confirms the particulars of the foreign lawyer referred to in paragraph (1)(a);

(b) states any changes to any information provided in support of the foreign lawyer's last application under rule 6(1) or paragraph (1);

(c) states that the foreign lawyer has read and understood, and agrees to abide by, the Code of Ethics;

(d) exhibits 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 in which the foreign lawyer is based, or the jurisdiction the law of which the foreign lawyer most frequently practises, attesting to the good standing of the foreign lawyer;

(e) states that the foreign lawyer has not been disbarred, struck off, suspended, ordered to pay a penalty, censured or reprimanded in the foreign lawyer's capacity as a legal practitioner by whatever name called in any jurisdiction;

(f) states whether the registration of the foreign lawyer that is the subject of the application, any earlier full registration or restricted registration of the foreign lawyer under section 36P of the Act, or any earlier registration of the foreign lawyer as a law expert under section 36PA of the Act, has been cancelled or suspended and, if so, the details

of and circumstances relating to the cancellation or suspension;

[S 696/2018 wef 01/11/2018]

(g) exhibits a copy of an order of the Singapore International Commercial Court, the Court of Appeal or the Appellate Division of the High Court permitting the foreign lawyer to make submissions on a question of foreign law in, and on behalf of a party to —

(i) any pending relevant proceedings under rule 3(2)(e);
or

(ii) any pending relevant appeal from any judgment given or order made in relevant proceedings under rule 3(2)(e);

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(h) exhibits a document setting out the foreign lawyer's qualifications and experience in relation to that question of foreign law; and

(i) exhibits an undertaking by the foreign lawyer to appear, and to give advice and prepare documents, only in those proceedings or in that appeal, and solely for the purposes of making submissions on that question of foreign law.

Registrar may grant or refuse application

9.—(1) The Registrar may grant or refuse an application made under rule 5(1), 6(1), 7(1) or 8(1) in respect of a foreign lawyer.

(2) The Registrar must, within 14 days after the later of the date on which the application is made or the date on which all information required to process the application is submitted to the Registrar —

(a) inform the foreign lawyer whether the Registrar has granted the application; and

(b) if the Registrar has not granted the application, invite the foreign lawyer to submit on why the application should be granted.

(3) The Registrar must, before refusing the application, give the foreign lawyer a reasonable opportunity to be heard by the Registrar.

(4) The decision of the Registrar to grant or refuse the application is final.

Period of validity or renewal of registration

10.—(1) Every registration under section 36P of the Act is valid for one year, unless the registration is sooner cancelled or suspended under section 36P(7) or (9) or 36U of the Act.

(2) Every renewal of a registration under section 36P of the Act is for one year, unless the registration is sooner cancelled or suspended under section 36P(7) or (9) or 36U of the Act.

Certificate of registration

11.—(1) Subject to paragraph (3), if an application under rule 5(1) or 6(1) is granted, the Registrar may issue a certificate of registration for the period of validity of the full registration or restricted registration (as the case may be).

(2) Subject to paragraph (3), if an application under rule 7(1) or 8(1) is approved, the Registrar may issue a certificate of registration for the period of the renewal of the full registration or restricted registration (as the case may be).

(3) The Registrar may, on application by a registered foreign lawyer and on payment of the appropriate non-refundable fee (if any) specified in the Third Schedule —

- (a) issue the foreign lawyer a certificate of registration;
- (b) amend the foreign lawyer's certificate of registration; or
- (c) issue a certified true copy of the foreign lawyer's certificate of registration.

(4) When a foreign lawyer's full registration or restricted registration is cancelled under section 36P(7) or (9) or 36U of the Act, the foreign lawyer's certificate of registration shall cease to be in force.

Registers of registered foreign lawyers

12.—(1) The Registrar is to maintain, in such form and manner as the Registrar thinks fit —

- (a) a register of every foreign lawyer who is granted full registration; and
- (b) a register of every foreign lawyer who is granted restricted registration.

(2) Upon the grant of full registration to a foreign lawyer, the Registrar is to enter in the register under paragraph (1)(a) the following particulars of the foreign lawyer:

- (a) the foreign lawyer's name, nationality and designation;
- (b) the name of the law practice (if any) in which the foreign lawyer practises, and the jurisdiction in which that law practice provides legal services;
- (c) the address of —
 - (i) the foreign lawyer's place of business in Singapore, if any; or
 - (ii) the foreign lawyer's overseas place of business, if the foreign lawyer has no place of business in Singapore;
- (d) the electronic mail address of the foreign lawyer.

(3) Upon the grant of restricted registration to a foreign lawyer, the Registrar is to enter in the register under paragraph (1)(b) the following particulars of the foreign lawyer:

- (a) the foreign lawyer's name, nationality and designation;
- (b) the name of the law practice (if any) in which the foreign lawyer practises, and the jurisdiction in which that law practice provides legal services;
- (c) the address of —
 - (i) the foreign lawyer's place of business in Singapore, if any; or
 - (ii) the foreign lawyer's overseas place of business, if the foreign lawyer has no place of business in Singapore;

(d) the electronic mail address of the foreign lawyer.

(4) A registered foreign lawyer must, within 7 days after there is any change to any particulars of the foreign lawyer provided in an application under rule 5(1), 6(1), 7(1) or 8(1), notify the Registrar in writing of the change.

(5) If a foreign lawyer fails to comply with paragraph (4), the Registrar may take into account the failure when deciding whether to grant or refuse a later application under rule 5(1), 6(1), 7(1) or 8(1) in respect of the foreign lawyer.

(6) The Registrar may do any of the following in relation to the register under paragraph (1)(a) or the register under paragraph (1)(b):

- (a) correct any error in the register;
- (b) make any necessary alteration to the register as a result of any change in circumstances or particulars;
- (c) upon the request of a registered foreign lawyer, remove the name of that foreign lawyer from the register.

(7) The Registrar may make any information in the register under paragraph (1)(a) or the register under paragraph (1)(b) available to any person in such form and manner as the Registrar thinks fit.

PART 2A

REGISTRATION OF LAW EXPERT UNDER SECTION 36PA OF ACT

[S 696/2018 wef 01/11/2018]

Qualifications and requirements for registration and renewal of registration

12A.—(1) For the purposes of section 36PA(2) of the Act, an application may be made for a law expert to be registered if —

- (a) at the time the application is made, the law expert is not a foreign lawyer;

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- (b) the law expert is sufficiently proficient in the English language to conduct any relevant proceedings or relevant appeal;
- (c) the law expert has not been disbarred, struck off, suspended, ordered to pay a penalty, censured or reprimanded in the capacity of a legal practitioner by whatever name called in any jurisdiction;
- (d) there is an order of the Singapore International Commercial Court, the Court of Appeal or the Appellate Division of the High Court permitting the law expert to make submissions, in any relevant proceedings under rule 3(2)(e) or in any relevant appeal from any judgment given or order made in those proceedings, on a question of foreign law on behalf of a party to those proceedings or that appeal; and
- [S 1041/2020 wef 02/01/2021]*
- (e) the law expert undertakes to appear, and to give advice and prepare documents, only in those proceedings or in that appeal, and solely for the purposes of making submissions on that question of foreign law.
- (2) An application may be made for the renewal of the registration of a law expert if —
- (a) the law expert has not been disbarred, struck off, suspended, ordered to pay a penalty, censured or reprimanded in the capacity of a legal practitioner by whatever name called in any jurisdiction;
- (b) there is an order of the Singapore International Commercial Court, the Court of Appeal or the Appellate Division of the High Court permitting the law expert to make submissions on a question of foreign law in, and on behalf of a party to —
- (i) any pending relevant proceedings under rule 3(2)(e);
or

- (ii) any pending relevant appeal from any judgment given or order made in relevant proceedings under rule 3(2)(e); and

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- (c) the law expert undertakes to appear, and to give advice and prepare documents, only in those proceedings or in that appeal, and solely for the purposes of making submissions on that question of foreign law.

[S 696/2018 wef 01/11/2018]

Application for registration as law expert

12B.—(1) An application to the Registrar for a law expert to be registered must —

- (a) contain the following particulars of the law expert:
 - (i) the law expert’s name, nationality and designation;
 - (ii) the name of the law practice (if any) that employs or is affiliated with the law expert, and the jurisdiction in which that law practice provides legal services;
 - (iii) the name of any other institution or organisation that employs or is affiliated with the law expert;
 - (iv) the address of —
 - (A) the law expert’s place of business in Singapore, if any; or
 - (B) the law expert’s overseas place of business, if the law expert has no place of business in Singapore;
 - (v) the electronic mail address of the law expert;
- (b) state that the law expert agrees that —
 - (i) any letter, notice or document may be served on the law expert by the secretary, the Secretariat or any other person —

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- (A) in accordance with rule 27(1)(b) or (c), at that address or any other address provided under rule 12G(3) in place of that address; or
 - (B) in accordance with rule 27(1)(e), at that electronic mail address or any other electronic mail address provided under rule 12G(3) in place of that electronic mail address; and
- (ii) such service is to be treated as good and sufficient service of the letter, notice or document on the law expert;
- (c) be made in Form 4A; and
 - (d) be accompanied by the appropriate non-refundable fee specified in the Third Schedule.
- (2) The application must be supported by an affidavit of the law expert that —
- (a) confirms the particulars of the law expert mentioned in paragraph (1)(a);
 - (b) states that the law expert is sufficiently proficient in the English language to conduct any relevant proceedings or relevant appeal;
 - (c) states that the law expert has read and understood, and agrees to abide by, the Code of Ethics;
 - (d) states that the law expert is not a foreign lawyer;
 - (e) states that the law expert has not been disbarred, struck off, suspended, ordered to pay a penalty, censured or reprimanded in the capacity of a legal practitioner by whatever name called in any jurisdiction;
 - (f) exhibits a copy of an order of the Singapore International Commercial Court, the Court of Appeal or the Appellate Division of the High Court permitting the law expert to make submissions on a question of foreign law in, and on behalf of a party to —

- (i) any relevant proceedings under rule 3(2)(e); or
- (ii) any relevant appeal from any judgment given or order made in relevant proceedings under rule 3(2)(e);

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- (g) exhibits a document setting out the law expert's qualifications and experience in relation to that question of foreign law; and
- (h) exhibits an undertaking by the law expert to appear, and to give advice and prepare documents, only in those proceedings or in that appeal, and solely for the purposes of making submissions on that question of foreign law.

[S 696/2018 wef 01/11/2018]

Application for renewal of registration of law expert

12C.—(1) An application to the Registrar for the renewal of the registration of a law expert must —

- (a) contain the following particulars of the law expert:
 - (i) the law expert's name, nationality and designation;
 - (ii) the name of the law practice (if any) that employs or is affiliated with the law expert, and the jurisdiction in which that law practice provides legal services;
 - (iii) the name of any other institution or organisation that employs or is affiliated with the law expert;
 - (iv) the address of —
 - (A) the law expert's place of business in Singapore, if any; or
 - (B) the law expert's overseas place of business, if the law expert has no place of business in Singapore;
 - (v) the electronic mail address of the law expert;

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- (b) state that the law expert agrees that —
- (i) any letter, notice or document may be served on the law expert by the secretary, the Secretariat or any other person —
 - (A) in accordance with rule 27(1)(b) or (c), at that address or any other address provided under rule 12G(3) in place of that address; or
 - (B) in accordance with rule 27(1)(e), at that electronic mail address or any other electronic mail address provided under rule 12G(3) in place of that electronic mail address; and
 - (ii) such service is to be treated as good and sufficient service of the letter, notice or document on the law expert;
- (c) be made in Form 4B; and
- (d) be accompanied by the appropriate non-refundable fee specified in the Third Schedule.
- (2) The application must be supported by an affidavit of the law expert that —
- (a) confirms the particulars of the law expert mentioned in paragraph (1)(a);
 - (b) states any changes to any information provided in support of the law expert's last application under paragraph (1) or rule 12B(1);
 - (c) states that the law expert has read and understood, and agrees to abide by, the Code of Ethics;
 - (d) states that the law expert is not a foreign lawyer;
 - (e) states that the law expert has not been disbarred, struck off, suspended, ordered to pay a penalty, censured or reprimanded in the capacity of a legal practitioner by whatever name called in any jurisdiction;

- (f) states whether the registration of the law expert that is the subject of the application, any earlier registration of the law expert under section 36PA of the Act, or any earlier full registration or restricted registration of the law expert as a foreign lawyer under section 36P of the Act, has been cancelled or suspended and, if so, the details of and circumstances relating to the cancellation or suspension;
- (g) exhibits a copy of an order of the Singapore International Commercial Court, the Court of Appeal or the Appellate Division of the High Court permitting the law expert to make submissions on a question of foreign law in, and on behalf of a party to —
- (i) any pending relevant proceedings under rule 3(2)(e);
or
 - (ii) any pending relevant appeal from any judgment given or order made in relevant proceedings under rule 3(2)(e);

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- (h) exhibits a document setting out the law expert's qualifications and experience in relation to that question of foreign law; and
- (i) exhibits an undertaking by the law expert to appear, and to give advice and prepare documents, only in those proceedings or in that appeal, and solely for the purposes of making submissions on that question of foreign law.

[S 696/2018 wef 01/11/2018]

Registrar may grant or refuse application

12D.—(1) The Registrar may grant or refuse an application made under rule 12B(1) or 12C(1) in respect of a law expert.

(2) The Registrar must, within 14 days after the later of the date on which the application is made or the date on which all information required to process the application is submitted to the Registrar —

- (a) inform the law expert whether the Registrar has granted the application; and

(b) if the Registrar has not granted the application, invite the law expert to submit on why the application should be granted.

(3) The Registrar must, before refusing the application, give the law expert a reasonable opportunity to be heard by the Registrar.

(4) The decision of the Registrar to grant or refuse the application is final.

[S 696/2018 wef 01/11/2018]

Period of validity or renewal of registration

12E.—(1) Every registration under section 36PA of the Act is valid for one year, unless the registration is sooner cancelled or suspended under section 36PA(5) or (7) or 36U of the Act.

(2) Every renewal of a registration under section 36PA of the Act is for one year, unless the registration is sooner cancelled or suspended under section 36PA(5) or (7) or 36U of the Act.

[S 696/2018 wef 01/11/2018]

Certificate of registration

12F.—(1) Subject to paragraph (3), if an application under rule 12B(1) is granted, the Registrar may issue a certificate of registration for the period of validity of the registration.

(2) Subject to paragraph (3), if an application under rule 12C(1) is approved, the Registrar may issue a certificate of registration for the period of the renewal of the registration.

(3) The Registrar may, on application by a registered law expert and on payment of the appropriate non-refundable fee (if any) specified in the Third Schedule —

- (a) issue the law expert a certificate of registration;
- (b) amend the law expert's certificate of registration; or
- (c) issue a certified true copy of the law expert's certificate of registration.

(4) When a law expert's registration is cancelled under section 36PA(5) or (7) or 36U of the Act, the law expert's certificate of registration ceases to be in force.

[S 696/2018 wef 01/11/2018]

Register of registered law experts

12G.—(1) The Registrar is to maintain, in such form and manner as the Registrar thinks fit, a register of every law expert who is registered under section 36PA of the Act.

(2) Upon the registration of a law expert, the Registrar is to enter in the register under paragraph (1) the following particulars of the law expert:

- (a) the law expert's name, nationality and designation;
- (b) the name of the law practice (if any) that employs or is affiliated with the law expert, and the jurisdiction in which that law practice provides legal services;
- (c) the name of any other institution or organisation that employs or is affiliated with the law expert;
- (d) the address of —
 - (i) the law expert's place of business in Singapore, if any; or
 - (ii) the law expert's overseas place of business, if the law expert has no place of business in Singapore;
- (e) the electronic mail address of the law expert.

(3) A registered law expert must, within 7 days after there is any change to any particulars of the foreign lawyer provided in an application under rule 12B(1) or 12C(1), notify the Registrar in writing of the change.

(4) If a law expert fails to comply with paragraph (3), the Registrar may take into account the failure when deciding whether to grant or refuse a later application under rule 12B(1) or 12C(1) in respect of the law expert.

(5) The Registrar may do any of the following in relation to the register under paragraph (1):

- (a) correct any error in the register;
 - (b) make any necessary alteration to the register as a result of any change in circumstances or particulars;
 - (c) upon the request of a registered law expert, remove the name of that law expert from the register.
- (6) The Registrar may make any information in the register under paragraph (1) available to any person in such form and manner as the Registrar thinks fit.

[S 696/2018 wef 01/11/2018]

PART 3

COMPLAINTS AGAINST REGISTERED FOREIGN LAWYERS AND REGISTERED LAW EXPERTS

[S 696/2018 wef 01/11/2018]

Division 1 — Constitution of appointing committee and complaints committee

Prescribed provisions of Act

13.—(1) The provisions of the Act which are prescribed for the purposes of section 36Q(1)(b) of the Act are sections 36B, 36C, 36D and 36P of the Act.

[S 691/2015 wef 18/11/2015]

(2) The provisions of the Act which are prescribed for the purposes of section 36S(5)(c) of the Act are sections 36B, 36C, 36D and 36P of the Act.

[S 691/2015 wef 18/11/2015]

Division 2 — Complaints

Contents of complaint

14. Every complaint of the conduct of a registered foreign lawyer or registered law expert made under section 36S(2) of the Act must contain the following information:

- (a) the name of the foreign lawyer or law expert;

[S 696/2018 wef 01/11/2018]

(b) the name of the law practice (if any) in which the foreign lawyer practises, or that employs or is affiliated with the law expert;

[S 696/2018 wef 01/11/2018]

(ba) the name of any other institution or organisation that employs or is affiliated with the law expert;

[S 696/2018 wef 01/11/2018]

(c) the address of —

(i) the place of business in Singapore of the foreign lawyer or law expert, if any; or

[S 696/2018 wef 01/11/2018]

(ii) the overseas place of business of the foreign lawyer or law expert, if the foreign lawyer or law expert has no place of business in Singapore;

[S 696/2018 wef 01/11/2018]

(d) the telephone and facsimile numbers (if known to the complainant) of —

(i) the place of business in Singapore of the foreign lawyer or law expert, if any; or

[S 696/2018 wef 01/11/2018]

(ii) the overseas place of business of the foreign lawyer or law expert, if the foreign lawyer or law expert has no place of business in Singapore;

[S 696/2018 wef 01/11/2018]

(e) the electronic mail address or addresses of the foreign lawyer or law expert (if known to the complainant);

[S 696/2018 wef 01/11/2018]

(f) the identification number or passport number of the foreign lawyer or law expert (if known to the complainant).

[S 696/2018 wef 01/11/2018]

[S 696/2018 wef 01/11/2018]

Division 3 — Subsequent proceedings before complaints committee

Application of Division

15. This Division applies if —

- (a) a complaints committee is of the opinion that there is a prima facie case for an investigation into a complaint of the conduct of a registered foreign lawyer or registered law expert; or

[S 696/2018 wef 01/11/2018]

- (b) a complaints committee is directed by a Judge under section 36T(5) of the Act to hear and investigate a complaint of the conduct of a registered foreign lawyer or registered law expert on the basis that there is a prima facie case for an investigation into the complaint.

[S 696/2018 wef 01/11/2018]

Subsequent proceedings, statement of the case and defence

16.—(1) The conducting solicitor appointed to conduct the subsequent proceedings before the complaints committee must, within 14 days after the date on which the solicitor is appointed (or such longer period as the complaints committee may allow), furnish the secretary with 5 copies, and the foreign lawyer or law expert with one copy, of the statement of the case against the foreign lawyer or law expert.

[S 696/2018 wef 01/11/2018]

(2) The statement of the case must —

- (a) contain the following information on the foreign lawyer or law expert:
- (i) the name of the foreign lawyer or law expert;
 - (ii) the name of the law practice (if any) in which the foreign lawyer practises, or that employs or is affiliated with the law expert;
 - (iii) the name of any other institution or organisation that employs or is affiliated with the law expert;

(iv) the address of —

(A) the place of business in Singapore of the foreign lawyer or law expert, if any; or

(B) the overseas place of business of the foreign lawyer or law expert, if the foreign lawyer or law expert has no place of business in Singapore;

[S 696/2018 wef 01/11/2018]

(b) specify the charge or charges preferred against the foreign lawyer or law expert;

[S 696/2018 wef 01/11/2018]

(c) state the facts concisely in numbered paragraphs as in a statement of claim in civil proceedings; and

(d) state the name of the conducting solicitor.

(3) The foreign lawyer or law expert may appear before the complaints committee either in person or by a solicitor.

[S 696/2018 wef 01/11/2018]

(4) The foreign lawyer or law expert must, within 14 days after the date on which the statement of the case is served on the foreign lawyer or law expert, furnish the secretary with 5 copies, and the conducting solicitor with one copy, of the defence of the foreign lawyer or law expert.

[S 696/2018 wef 01/11/2018]

Discovery

17.—(1) Each party must, within 21 days after the date on which the statement of the case is served on the foreign lawyer or law expert, furnish the secretary with 5 copies, and the other party with one copy, of the list of documents on which the party furnishing the list intends to rely.

[S 696/2018 wef 01/11/2018]

(2) Each party may inspect the documents included in the list furnished by the other party within 7 days after the date the list is furnished.

(3) A copy of any document mentioned in the list furnished by a party must, on request and on payment by the other party of a

reasonable charge for that copy, be furnished to the other party within 3 days after the request is received.

Evidence

18.—(1) At a complaints committee hearing, the evidence-in-chief of a witness must be given by way of affidavit.

(2) Unless the complaints committee otherwise orders or the parties otherwise agree, the witness must attend the complaints committee hearing for cross-examination.

(3) Where a witness does not attend the complaints committee hearing for cross-examination, the affidavit of the witness is not to be received in evidence unless —

(a) the complaints committee gives leave for the affidavit to be received in evidence; or

(b) the attendance of the witness at the hearing has been dispensed with by order of the complaints committee or by agreement between the parties.

(4) Unless the complaints committee otherwise orders, the evidence-in-chief of all witnesses is limited to one affidavit for each witness.

(5) Each party must, within 2 months after the date on which the statement of the case is served on the foreign lawyer or law expert, furnish the secretary with 5 copies, and the other party with one copy, of —

(a) each of the affidavits of evidence-in-chief of the furnishing party's witnesses;

(b) the bundle of documents which the furnishing party will be relying on or referring to in the course of the complaints committee hearing; and

(c) the bundle of authorities which the furnishing party will be relying on or referring to in the course of the complaints committee hearing.

[S 696/2018 wef 01/11/2018]

Subpoenas

19. A request for a subpoena must be made at the Registry of the Supreme Court in accordance with Order 38, Rules 14 to 19 of the Rules of Court (Cap. 322, R 5).

Complaints committee may give directions by letter

20.—(1) The complaints committee may give the parties directions for the conduct of the matter by way of a letter served in accordance with rule 27.

(2) A letter containing the directions of the complaints committee must be signed by the secretary or, in the absence of the secretary, by an individual who is authorised by the secretary to sign the letter on behalf of the secretary.

Pre-hearing conferences

21. The complaints committee may, of its own motion or on the application of any party, direct the parties to attend a pre-hearing conference, in order that the complaints committee may make such orders or give such directions as the complaints committee thinks fit for the just, expeditious and economical disposal of the matter.

Convening of complaints committee hearing

22.—(1) Subject to paragraph (2), the complaints committee hearing is to be convened within 12 weeks after the date on which the statement of the case is served on the foreign lawyer or law expert.

[S 696/2018 wef 01/11/2018]

(2) The Chief Justice may, on the application of the complaints committee, extend the period within which the complaints committee hearing is to be convened.

(3) The complaints committee must make an application under section 36S(12)(b) of the Act if the granting of an application under paragraph (2) will necessitate an extension of the period specified in section 36S(11) of the Act.

(4) The secretary is to notify the parties of the date or dates fixed for the complaints committee hearing by serving a notice of the hearing in Form 5 (where the complaint is against a registered foreign lawyer)

or Form 6 (where the complaint is against a registered law expert), in accordance with rule 27.

[S 696/2018 wef 01/11/2018]

Complaints committee to hear matters in camera

23.—(1) The complaints committee is to hear all matters in camera.

(2) Despite paragraph (1), the complaints committee may permit a person whom the complaints committee considers (in its discretion) to be an interested party, or the person's solicitor, to be present.

Failure to appear

24. If the foreign lawyer or law expert fails to appear at the complaints committee hearing, the complaints committee may, upon proof that the secretary has served the notice under rule 22(4) on the foreign lawyer or law expert, proceed with the hearing in the absence of the foreign lawyer or law expert.

[S 696/2018 wef 01/11/2018]

Adjournments

25. The complaints committee may, of its own motion or on the application of any party, adjourn the complaints committee hearing as the complaints committee thinks fit.

Amendments of or additions to statement of case

26.—(1) If it appears to the complaints committee that the allegations in the statement of the case should be amended or added to, the complaints committee may permit the amendment of or addition to the statement of the case.

(2) If the amendment or addition is permitted at the complaints committee hearing, and the amendment or addition is such as to take the foreign lawyer or law expert by surprise or prejudice the conduct of the case of the foreign lawyer or law expert, the complaints committee must grant such adjournment of the complaints committee hearing as the complaints committee thinks fit.

[S 696/2018 wef 01/11/2018]

(3) If the complaints committee permits the amendment of or addition to the statement of the case, the complaints committee must

also permit the foreign lawyer or law expert to amend the defence of the foreign lawyer or law expert.

[S 696/2018 wef 01/11/2018]

Service of letters, notices and documents

27.—(1) Service of any letter, notice or document on the foreign lawyer or law expert may be effected by —

- (a) serving the letter, notice or document personally on the foreign lawyer or law expert;
- (b) leaving the letter, notice or document in an envelope addressed to the foreign lawyer or law expert at the address for service of the foreign lawyer or law expert;
- (c) sending the letter, notice or document by registered or ordinary post to the foreign lawyer or law expert at the address for service of the foreign lawyer or law expert;
- (d) serving the letter, notice or document on the solicitor (if any) of the foreign lawyer or law expert; or
- (e) sending an electronic copy of the letter, notice or document by electronic mail to the electronic mail address of the foreign lawyer provided under rule 5(1), 6(1), 7(1), 8(1) or 12(4), or to the electronic mail address of the law expert provided under rule 12B(1), 12C(1) or 12G(3).

[S 696/2018 wef 01/11/2018]

(2) When the secretary or the Secretariat serves any letter, notice or document on the foreign lawyer or law expert in accordance with paragraph (1)(a), (b), (c), (d) or (e), such service is to be treated as good and sufficient service of the letter, notice or document on the foreign lawyer or law expert.

[S 696/2018 wef 01/11/2018]

(3) When the secretary or the Secretariat serves any letter, notice or document on the foreign lawyer or law expert in accordance with paragraph (1)(b), such service is to be treated as effected on the date on which the letter, notice or document is left at the address for service of the foreign lawyer or law expert.

[S 696/2018 wef 01/11/2018]

(4) When the secretary or the Secretariat serves any letter, notice or document on the foreign lawyer or law expert in accordance with paragraph (1)(c), such service is to be treated as effected on the earlier of —

(a) the date on which the letter, notice or document is delivered by the postal authority to the foreign lawyer or law expert; or

[S 696/2018 wef 01/11/2018]

(b) such of the following periods after the date on which the letter, notice or document is posted as may be relevant:

(i) 4 working days, if the address for service is in Singapore;

(ii) 14 days, if the address for service is overseas.

[S 696/2018 wef 01/11/2018]

(5) Where the complaints committee, on the application or instigation of any party, orders or directs the secretary or the Secretariat to serve a letter, notice or document in a manner that is not prescribed in this rule, that party must bear the expenses incurred or to be incurred by the secretary or the Secretariat (as the case may be) in effecting service in the manner ordered or directed by the complaints committee.

(6) In this rule, “address for service”, in relation to a foreign lawyer or law expert, means the address provided under rule 5(1), 6(1), 7(1), 8(1), 12(4), 12B(1), 12C(1) or 12G(3) of —

(a) the place of business in Singapore (if any) of the foreign lawyer or law expert; or

(b) the overseas place of business of the foreign lawyer or law expert, if the foreign lawyer or law expert has no place of business in Singapore.

[S 696/2018 wef 01/11/2018]

Failure to comply with directions or orders

28. The complaints committee may, in its discretion, draw such inferences as it considers appropriate from the failure of any party to comply with —

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- (a) any of the provisions contained in this Division; or
 - (b) any order made or direction given by the complaints committee.

Complaints committee may dispense with certain matters

29. The complaints committee may dispense with any requirements of this Division relating to letters, notices, documents, service or time, in any case where it appears to the complaints committee to be just to do so.

Extension of time

30. The complaints committee may extend any period under this Division (other than rule 22(1)) for doing anything, even though the application for extension is not made until after the expiration of that period.

Application of Evidence Act

31.—(1) The Evidence Act (Cap. 97) applies to proceedings before the complaints committee in the same manner as that Act applies to civil and criminal proceedings.

(2) The complaints committee may, in its discretion, accept as conclusive a finding of fact of a court of competent jurisdiction in Singapore to which proceedings the foreign lawyer or law expert was a party.

[S 696/2018 wef 01/11/2018]

Procedure

32.—(1) Subject to this Division, the complaints committee has power to regulate its own proceedings, and in doing so, the complaints committee is to have regard to the practice and procedure of the courts.

(2) Where a complaints committee has been appointed in connection with 2 or more matters involving the same foreign lawyer or law expert, the complaints committee may hear the matters at the same time or one immediately after another.

[S 696/2018 wef 01/11/2018]

Division 4 — Miscellaneous matters

Prescribed person

33. The person prescribed for the purposes of section 36S(18) and (19) of the Act is the secretary or, in the absence of the secretary, an individual who is authorised by the secretary to act on behalf of the secretary for those purposes.

Fees relating to record of proceedings

34.—(1) The prescribed fee payable under section 36S(19) of the Act for a copy of the record of proceedings of a complaints committee comprises —

- (a) a processing charge of —
 - (i) \$30, in any case where the copy is to be made available within 3 working days after the date the request for the copy is received by the Secretariat; or
 - (ii) \$20, in any other case; and
- (b) such of the following compilation charges as may be applicable:
 - (i) if the copy is issued in the form of one or more CD-ROMs of documents in digital or other electronic machine-readable form, \$0.30 per readable page of document;
 - (ii) if the copy is issued in the form of one or more bound volumes of paper documents —
 - (A) \$0.30 per page of document; and
 - (B) \$5 per volume of documents.

(2) Where the secretary is required under section 36T(4) of the Act to file in court the record of proceedings of a complaints committee for the purposes of an application under section 36T(1) of the Act, the person making the application must reimburse the Secretariat for all court fees incurred by the Secretariat in connection with the filing of the record of proceedings.

Utilisation of deposit under section 36S(23) of Act

35.—(1) This rule applies where a complaints committee has required a complainant to deposit a sum with the Registrar under section 36S(23) of the Act.

(2) Where the complaints committee makes an order under section 36S(16) of the Act for the payment of costs by the complainant —

- (a) the sum deposited with the Registrar is to be applied for the payment of those costs; and
- (b) any balance of the sum deposited with the Registrar is to be returned to the complainant.

PART 4

GENERAL

Documents, etc., to be in English

36.—(1) Every Form for an application under these Rules must be completed in English.

(2) Every affidavit filed in support of an application under these Rules must be in English.

(3) Every complaint made under section 36S(2) of the Act must be in English.

(4) Every document submitted in support of an application under these Rules or a complaint made under section 36S(2) of the Act must be in English or be accompanied by an English translation of the document.

Power to waive or modify condition or requirement

37. The Registrar may, at any time in the Registrar's discretion, waive or modify —

- (a) any condition imposed by the Registrar under section 36P(6) or 36PA(4) of the Act; or

[S 696/2018 wef 01/11/2018]

(b) any requirement imposed by Part 2 or 2A or rule 14.

[S 696/2018 wef 01/11/2018]

Code of Ethics

38.—(1) Every registered foreign lawyer who is granted full registration must comply with the Code of Ethics.

[S 696/2018 wef 01/11/2018]

(1A) Every registered foreign lawyer who is granted restricted registration must comply with the Code of Ethics insofar as it applies, with the necessary modifications, to a foreign lawyer who is granted restricted registration.

[S 696/2018 wef 01/11/2018]

(1B) Every registered law expert must comply with the Code of Ethics insofar as it applies, with the necessary modifications, to a registered law expert.

[S 696/2018 wef 01/11/2018]

(2) For the purposes of section 36S(1) of the Act, due cause may be shown by proof that —

(a) a registered foreign lawyer who is granted full registration has contravened any provision of the Code of Ethics;

(b) a registered foreign lawyer who is granted restricted registration has contravened any provision of the Code of Ethics, insofar as it applies, with the necessary modifications, to a foreign lawyer who is granted restricted registration; or

(c) a registered law expert has contravened any provision of the Code of Ethics, insofar as it applies, with the necessary modifications, to a registered law expert.

[S 696/2018 wef 01/11/2018]

FIRST SCHEDULE

Rule 2

CODE OF ETHICS

Application

1.—(1) This Code of Ethics applies to every registered foreign lawyer.

FIRST SCHEDULE — *continued*

(2) This Code of Ethics applies, with the necessary modifications, to —

- (a) every foreign lawyer who is granted restricted registration; and
- (b) every registered law expert,

as it applies to a registered foreign lawyer.

[S 696/2018 wef 01/11/2018]

Definitions

2. In this Code of Ethics, unless the context otherwise requires —

“client” means either of the following persons:

- (a) any person who, as a principal or on behalf of another person, retains or employs, or is about to retain or employ, a registered foreign lawyer, a foreign lawyer who is granted restricted registration, or a registered law expert;
- (b) any person who is or may be liable to pay the costs of any of the following persons:
 - (i) a registered foreign lawyer;
 - (ii) a foreign lawyer who is granted restricted registration;
 - (iii) a registered law expert;
 - (iv) the law practice of a registered foreign lawyer or a foreign lawyer who is granted restricted registration;
 - (v) the law practice, or any other institution or organisation, that employs or is affiliated with a registered law expert;

[S 696/2018 wef 01/11/2018]

“Court” means —

- (a) the Singapore International Commercial Court constituted as a division of the General Division of the High Court under section 18A of the Supreme Court of Judicature Act (Cap. 322);
or
- (b) the Court of Appeal or the Appellate Division of the High Court, when constituted to hear any relevant appeal;

[S 1041/2020 wef 02/01/2021]

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“registered foreign lawyer” means a foreign lawyer who is granted full registration;

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FIRST SCHEDULE — *continued*

“witness” includes an expert witness.

Duties to Court and client

3. Every registered foreign lawyer —

- (a) has a duty of loyalty to each client whom the registered foreign lawyer represents; and
- (b) has an obligation to present the client’s case to the Court in a manner which is consistent with the interests of justice and the ethical responsibilities of the registered foreign lawyer.

Party representation

4. A registered foreign lawyer who represents a client in any relevant proceedings or relevant appeal —

- (a) must, at the earliest opportunity, inform the Court and every other party to the proceedings or appeal of the identity of the registered foreign lawyer and that the registered foreign lawyer represents the client; and
- (b) must promptly inform the Court and every other party to the proceedings or appeal of any change in such representation.

Acting when material witness

5.—(1) Where after a registered foreign lawyer acts for a client in a matter, it becomes known or apparent to the registered foreign lawyer that the registered foreign lawyer will be required to give evidence material to the determination of any contested issue before the Court in that matter —

- (a) the registered foreign lawyer must cease to act in that matter; but
- (b) the law practice of which the registered foreign lawyer is a member, or any other member of that law practice, may continue to represent the client, unless doing so would prejudice the administration of justice.

(2) Where before a registered foreign lawyer acts for a party in a matter, it becomes known or apparent to the registered foreign lawyer that the registered foreign lawyer will be required to give evidence material to the determination of any contested issue before the Court in that matter —

- (a) the registered foreign lawyer must not act for any party in that matter; but
- (b) the law practice of which the registered foreign lawyer is a member, or any other member of that law practice, may represent a party in that matter, unless doing so would prejudice the administration of justice.

FIRST SCHEDULE — *continued*

Relationship with Court or client

6.—(1) A registered foreign lawyer must not appear before the Court in a matter where —

- (a) by reason of the registered foreign lawyer's relationship with a judge of the Court or any individual sitting with the Court, the impartial administration of justice may appear to be prejudiced; or
- (b) by reason of the registered foreign lawyer's relationship with a client, it will be difficult for the registered foreign lawyer to maintain the professional independence of the registered foreign lawyer.

(2) Where sub-paragraph (a) or (b) of sub-paragraph (1) applies, the registered foreign lawyer must notify the Court of the relationship referred to in the applicable sub-paragraph, and cease to participate in the whole, or such part, of the matter as the Court may direct.

Communication with Court

7.—(1) Subject to sub-paragraph (2), a registered foreign lawyer must not have any ex parte communication with the Court, or with a judge of the Court, concerning any 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 ex parte communications with the Court, in relation to any ex parte application for relief, in accordance with any practice directions issued in respect of ex parte applications.

(3) If, despite paragraph (1), a registered foreign lawyer has any ex parte communication with the Court, or with a judge of the Court, regarding any issue in any 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.

Submissions to Court

8.—(1) A registered foreign lawyer must not knowingly make any false submission of fact or law to the Court.

(2) If a registered foreign lawyer learns that the registered foreign lawyer has made a false submission of fact or law to the Court, the registered foreign lawyer must promptly correct the submission, unless the registered foreign lawyer is

FIRST SCHEDULE — *continued*

precluded from doing so by any obligation to maintain confidentiality or any privilege as between the registered foreign lawyer and a client.

(3) A registered foreign lawyer must not in any way knowingly mislead or attempt to mislead —

- (a) the Court;
- (b) any solicitor, any other registered foreign lawyer or any witness in any relevant proceedings or relevant appeal; or
- (c) any officer of, or any other person or organisation involved in or associated with, the Court.

Evidence

9.—(1) A registered foreign lawyer must not present any evidence which the registered foreign lawyer knows to be false.

(2) Where a registered foreign lawyer is or becomes aware that a client will give, or has given, false evidence to the Court —

- (a) the registered foreign lawyer may cease to act for the client; or
- (b) if the registered foreign lawyer continues to act for the client, the registered foreign lawyer must conduct the case in a manner that does not perpetuate the falsehood.

(3) Where a registered foreign lawyer is or becomes aware that a witness for a client will give, or has given, false evidence to the Court —

- (a) the registered foreign lawyer must promptly advise the client of —
 - (i) the need to take such remedial measures as may be appropriate in the circumstances; and
 - (ii) the consequences of failing to take such measures;
- (b) unless the registered foreign lawyer is precluded from doing so by any obligation to maintain confidentiality or any privilege as between the registered foreign lawyer and the client, the registered foreign lawyer —
 - (i) must promptly take such remedial measures as may be appropriate in the circumstances; or
 - (ii) may cease to act for the client, if the circumstances so warrant.

(4) For the purposes of sub-paragraph (3), the appropriate remedial measures may include one or more of the following measures:

- (a) advising the witness to testify truthfully;

FIRST SCHEDULE — *continued*

- (b) taking reasonable steps to deter the witness from giving false evidence;
- (c) urging the witness to correct or withdraw the false evidence;
- (d) correcting or withdrawing the false evidence.

Information exchange and disclosure

10.—(1) A registered foreign lawyer must, as soon as practicable, inform a client of the need to preserve, so far as reasonably possible, every document which is potentially relevant to any relevant proceedings or relevant appeal to which the client is a party.

(2) The registered foreign lawyer must not make any application or request for the discovery or production of any document, or raise any objection to any such application or request, for an improper purpose, such as to harass or to cause delay.

(3) The registered foreign lawyer must explain to the client the need to produce, and the potential consequences of failing to produce, any document which the client has undertaken, or has been ordered, to produce.

(4) The registered foreign lawyer must advise the client to take, and must assist the client in taking, reasonable steps to ensure —

(a) that reasonable efforts have been made to search for each document that the client has undertaken, or has been ordered, to produce; and

(b) that the client produces —

(i) every document which the client relies on;

(ii) every document which the client is requested to produce (not being a document which the client objects to producing, for instance, on the ground of privilege); and

(iii) every document which the client is ordered by the Court to produce.

(5) The registered foreign lawyer must not suppress or conceal, or advise a client to suppress or conceal, any document which has been requested for by any other party to the relevant proceedings or relevant appeal, or which the client has undertaken, or has been ordered, to produce.

(6) If, during the course of the relevant proceedings or relevant appeal, the registered foreign lawyer becomes aware of the existence of any document which should have been but was not produced, the registered foreign lawyer must advise the client of the need to produce the document and of the consequences of failing to do so.

FIRST SCHEDULE — *continued*

(7) In this paragraph, “document” includes an electronic document that would, unless preserved under sub-paragraph (1), be deleted in accordance with a document retention policy or in the ordinary course of business.

Approaching of potential witness

11.—(1) Before seeking any information from a potential witness, a registered foreign lawyer must inform the potential witness of —

- (a) the identity of the registered foreign lawyer;
- (b) the identity of the party whom the registered foreign lawyer represents; and
- (c) the reason for which the information is sought.

(2) The registered foreign lawyer must inform the potential witness that the potential witness has the right —

- (a) to inform or instruct the potential witness’ own legal counsel about the communication between the registered foreign lawyer and the potential witness; and
- (b) to discontinue that communication.

Preparation of witness’ affidavit, etc.

12.—(1) A registered foreign lawyer may —

- (a) assist any witness in the preparation of the witness’ affidavit or witness statement; and
- (b) assist any expert witness in the preparation of the witness’ expert report.

(2) A registered foreign lawyer must ensure that —

- (a) any affidavit or witness statement prepared with the assistance of the registered foreign lawyer and submitted by a witness reflects the witness’ own account of the relevant facts, events and circumstances; and
- (b) any expert report prepared with the assistance of the registered foreign lawyer and submitted by an expert witness reflects the expert witness’s own analysis and opinion.

(3) A registered foreign lawyer must not invite or encourage any witness (including an expert witness) to give false evidence.

FIRST SCHEDULE — *continued*

Communication with witness

13.—(1) Subject to sub-paragraph (2), a registered foreign lawyer may meet or interact with any witness in order to discuss and prepare the witness' prospective testimony in any relevant proceedings.

(2) Except with the leave of the Court, a registered foreign lawyer must not interview a witness called on behalf of a client in any relevant proceedings before the Court (called in this sub-paragraph the relevant witness), or discuss with the relevant witness the evidence of the relevant witness or any other witness, while the relevant witness is under cross-examination in those proceedings.

Respect for Court and related responsibilities

14.—(1) A registered foreign lawyer must always be respectful to the Court.

(2) When participating in any relevant proceedings, a registered foreign lawyer must always be courteous to the Court and to every other person involved in those proceedings.

(3) When acting for a client in any relevant proceedings before the Court, a registered foreign lawyer —

- (a) must not express the registered foreign lawyer's personal opinion of the client's conduct or allow the registered foreign lawyer's personal feelings to affect the registered foreign lawyer's duty to the Court;
- (b) must not knowingly or recklessly advance any submission, opinion or proposition which the registered foreign lawyer knows, or ought reasonably to know, is contrary to the law;
- (c) must disclose to the Court every relevant fact, item of evidence, item of information or other matter which the registered foreign lawyer is required by law to disclose to the Court in those proceedings; and
- (d) must disclose to the Court every relevant legal authority (including every adverse legal authority), and every procedural irregularity, of which the registered foreign lawyer is aware.

(4) A registered foreign lawyer must honour the terms of any professional undertaking given to the Court, a solicitor, a person admitted under section 15 of the Act, any other registered foreign lawyer, a client or any other person.

(5) A registered foreign lawyer must not give an undertaking to the Court, unless the registered foreign lawyer —

- (a) believes that the undertaking is necessary; and
- (b) is convinced (at the time the undertaking is given) that the registered foreign lawyer is able to honour the undertaking.

FIRST SCHEDULE — *continued*

(6) A registered foreign lawyer must not publish, and must not take any step which may lead to the publication of, any material concerning any current relevant proceedings or relevant appeal, whether or not on behalf of a client, if such publication —

- (a) amounts to contempt of the Court; or
- (b) is calculated to interfere with the fair trial of the proceedings or the fair hearing of the appeal, or to prejudice the administration of justice.

Duty to rectify contravention of Code of Ethics

15. Where a registered foreign lawyer has unknowingly contravened any provision of this Code of Ethics, and the registered foreign lawyer subsequently becomes aware of the contravention, unless the registered foreign lawyer is precluded from doing so by any obligation to maintain confidentiality or any privilege as between the registered foreign lawyer and a client, the registered foreign lawyer must —

- (a) disclose the contravention to the Court; and
- (b) take reasonable steps to rectify the contravention.

Code of Ethics to prevail over foreign rules on ethics or professional conduct

16. Where a registered foreign lawyer acts in any relevant proceedings before the Court, the registered foreign lawyer must comply with the provisions of this Code of Ethics, despite any provision to the contrary in any rules of ethics or professional conduct to which the registered foreign lawyer is subject in any other state or territory in which the registered foreign lawyer is duly authorised or registered to practise law.

SECOND SCHEDULE

Rule 2

FORMS

FORM 1

APPLICATION FOR
FULL REGISTRATION OF FOREIGN LAWYER

A. PERSONAL DETAILS	
First name:	Last name:

SECOND SCHEDULE — *continued*

Passport number:	Nationality:
Date of birth:	
B. CONTACT DETAILS (FOREIGN)	
Address of place of business (for service of any letter, notice or document):	
Contact number:	Electronic mail address (for service of any letter, notice or document):
C. CONTACT DETAILS (LOCAL) (if any)	
Address of place of business (for service of any letter, notice or document):	
Contact number:	Electronic mail address (for service of any letter, notice or document):
D. PRACTICE DETAILS	
Name of law practice:	Designation:
Please state the jurisdiction in which the above-named law practice provides legal services.	
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.	
I hereby declare that I am of good standing in the jurisdiction in which I am based or the jurisdiction the law of which I most frequently practise.	
Yes _____ No _____	
E. EDUCATIONAL QUALIFICATIONS (TERTIARY EDUCATION AND ABOVE)	
Please list your education qualifications from tertiary level and above, including the institution, degree awarded and year of graduation. <i>(e.g. National University of Singapore, Bachelor of Laws, 1998)</i>	
F. SERVICE OF DOCUMENTS	
I agree that —	

SECOND SCHEDULE — *continued*

- (a) any letter, notice or document may be served on me by the secretary of a complaints committee, the Secretariat for complaints committees or any other person —
- (i) in accordance with rule 27(1)(b) or (c) of the Legal Profession (Representation in Singapore International Commercial Court) Rules 2014, at the address set out in Part B or C of this Form or any other address provided under rule 12(4) of those Rules in place of that address; or
 - (ii) in accordance with rule 27(1)(e) of those Rules, at the electronic mail address set out in Part B or C of this Form or any other electronic mail address provided under rule 12(4) of those Rules in place of that electronic mail address; and
- (b) such service is to be treated as good and sufficient service of the letter, notice or document on me.

Yes _____ No _____

G. DOCUMENTS

I enclose the following documents together with my application:

- _____ A copy of my passport information
- _____ A copy of my academic certificates
- _____ A copy of my supporting affidavit which —
 - (a) confirms my particulars set out in this Form;
 - (b) states that I have at least 5 years' experience in advocacy before a court or tribunal;
 - (c) exhibits a document setting out my experience in advocacy;
 - (d) states that I am sufficiently proficient in the English language to conduct any relevant proceedings or relevant appeal;
 - (e) states that I have read and understood, and agree to abide by, the Code of Ethics;
 - (f) states the jurisdictions in which I am duly authorised or registered to practise law;
 - (g) exhibits a certificate issued, not earlier than 6 months before the date on which the application is made, by a foreign registration authority of

SECOND SCHEDULE — *continued*

the jurisdiction in which I am based, or the jurisdiction the law of which I most frequently practise, attesting to my good standing;

- (h) states that I have not been disbarred, struck off, suspended, ordered to pay a penalty, censured or reprimanded in my capacity as a legal practitioner by whatever name called in any jurisdiction; and
- (i) exhibits an undertaking by me that if the Singapore International Commercial Court, the Court of Appeal or the Appellate Division of the High Court makes an order permitting me to make submissions on a question of foreign law in, and on behalf of a party to, any pertinent proceedings (as defined in rule 2 of the Legal Profession (Representation in Singapore International Commercial Court) Rules 2014) or any relevant appeal from any judgment given or order made in those proceedings, I will appear, and give advice and prepare documents, in those proceedings or in that appeal, solely for the purposes of making submissions on that question of foreign law.

[S 1041/2020 wef 02/01/2021]

[S 696/2018 wef 01/11/2018]

Signature

Date

FORM 2
APPLICATION FOR
RESTRICTED REGISTRATION OF FOREIGN LAWYER

A. PERSONAL DETAILS	
First name:	Last name:
Passport number:	Nationality:
Date of birth:	
B. CONTACT DETAILS (FOREIGN)	
Address of place of business (for service of any letter, notice or document):	

SECOND SCHEDULE — *continued*

Contact number:	Electronic mail address (for service of any letter, notice or document):
C. CONTACT DETAILS (LOCAL) (if any)	
Address of place of business (for service of any letter, notice or document):	
Contact number:	Electronic mail address (for service of any letter, notice or document):
D. PRACTICE DETAILS	
Name of law practice:	Designation:
Please state the jurisdiction in which the above-named law practice provides legal services.	
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.	
I hereby declare that I am of good standing in the jurisdiction in which I am based or the jurisdiction the law of which I most frequently practise.	
Yes _____ No _____	
E. EDUCATIONAL QUALIFICATIONS (TERTIARY EDUCATION AND ABOVE)	
Please list your education qualifications from tertiary level and above, including the institution, degree awarded and year of graduation. <i>(e.g. National University of Singapore, Bachelor of Laws, 1998)</i>	
F. SERVICE OF DOCUMENTS	
I agree that —	
(a) any letter, notice or document may be served on me by the secretary of a complaints committee, the Secretariat for complaints committees or any other person —	
(i) in accordance with rule 27(1)(b) or (c) of the Legal Profession (Representation in Singapore International Commercial Court) Rules 2014, at the address set out in Part B or C of this Form or	

SECOND SCHEDULE — *continued*

any other address provided under rule 12(4) of those Rules in place of that address; or

- (ii) in accordance with rule 27(1)(e) of those Rules, at the electronic mail address set out in Part B or C of this Form or any other electronic mail address provided under rule 12(4) of those Rules in place of that electronic mail address; and

(b) such service is to be treated as good and sufficient service of the letter, notice or document on me.

Yes _____ No _____

G. DOCUMENTS

I enclose the following documents together with my application:

____ A copy of my passport information

____ A copy of my academic certificates

____ A copy of my supporting affidavit which —

- (a) confirms my particulars set out in this Form;
- (b) states that I am sufficiently proficient in the English language to conduct any relevant proceedings or relevant appeal;
- (c) states that I have read and understood, and agree to abide by, the Code of Ethics;
- (d) states the jurisdictions in which I am duly authorised or registered to practise law;
- (e) exhibits a certificate issued, not earlier than 6 months before the date on which this application is made, by a foreign registration authority of the jurisdiction in which I am based, or the jurisdiction the law of which I most frequently practise, attesting to my good standing;
- (f) states that I have not been disbarred, struck off, suspended, ordered to pay a penalty, censured or reprimanded in my capacity as a legal practitioner by whatever name called in any jurisdiction;
- (g) exhibits a copy of an order of the Singapore International Commercial Court, the Court of Appeal or the Appellate Division of the High Court permitting me to make submissions on a question of foreign law in, and on behalf of a party to —

SECOND SCHEDULE — *continued*

- (i) any relevant proceedings under rule 3(2)(e) of the Legal Profession (Representation in Singapore International Commercial Court) Rules 2014; or
- (ii) any relevant appeal from any judgment given or order made in relevant proceedings under rule 3(2)(e) of those Rules;
- (h) exhibits a document setting out my qualifications and experience in relation to the question of foreign law on which I am permitted to make submissions; and
- (i) exhibits an undertaking by me to appear, and to give advice and prepare documents, only in those proceedings or in that appeal, and solely for the purposes of making submissions on that question of foreign law.

[S 1041/2020 wef 02/01/2021]

[S 696/2018 wef 01/11/2018]

Signature

Date

FORM 3

APPLICATION FOR RENEWAL OF
FULL REGISTRATION OF FOREIGN LAWYER

A. PERSONAL DETAILS	
First name:	Last name:
Passport number:	Nationality:
Date of birth:	RFL No.:
B. CONTACT DETAILS (FOREIGN)	
Address of place of business (for service of any letter, notice or document):	
Contact number:	Electronic mail address (for service of any letter, notice or document):

SECOND SCHEDULE — *continued*

C. CONTACT DETAILS (LOCAL) (if any)	
Address of place of business (for service of any letter, notice or document):	
Contact number:	Electronic mail address (for service of any letter, notice or document):
D. PRACTICE DETAILS	
Name of law practice:	Designation:
Please state the jurisdiction in which the above-named law practice provides legal services.	
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.	
I hereby declare that I am of good standing in the jurisdiction in which I am based or the jurisdiction the law of which I most frequently practise.	
Yes _____ No _____	
E. SERVICE OF DOCUMENTS	
I agree that —	
(a) any letter, notice or document may be served on me by the secretary of a complaints committee, the Secretariat for complaints committees or any other person —	
(i) in accordance with rule 27(1)(b) or (c) of the Legal Profession (Representation in Singapore International Commercial Court) Rules 2014, at the address set out in Part B or C of this Form or any other address provided under rule 12(4) of those Rules in place of that address; or	
(ii) in accordance with rule 27(1)(e) of those Rules, at the electronic mail address set out in Part B or C of this Form or any other electronic mail address provided under rule 12(4) of those Rules in place of that electronic mail address; and	
(b) such service is to be treated as good and sufficient service of the letter, notice or document on me.	

SECOND SCHEDULE — *continued*

Yes _____ No _____

F. DOCUMENTS

I enclose the following document together with my application:

_____ A copy of my supporting affidavit which —

- (a) confirms my particulars set out in this Form;
- (b) states any changes to any information provided in support of my last application;
- (c) states that I have read and understood, and agree to abide by, the Code of Ethics;
- (d) exhibits a certificate issued, not earlier than 6 months before the date on which this application is made, by a foreign registration authority of the jurisdiction in which I am based, or the jurisdiction the law of which I most frequently practise, attesting to my good standing;
- (e) states that I have not been disbarred, struck off, suspended, ordered to pay a penalty, censured or reprimanded in my capacity as a legal practitioner by whatever name called in any jurisdiction;
- (f) states whether the registration which is the subject of this application, any earlier full registration or restricted registration granted to me under section 36P of the Act, or any earlier registration as a law expert granted to me under section 36PA of the Act, has been cancelled or suspended and, if so, the details of and circumstances relating to the cancellation or suspension; and
- (g) exhibits an undertaking by me that if the Singapore International Commercial Court, the Court of Appeal or the Appellate Division of the High Court makes an order permitting me to make submissions on a question of foreign law in, and on behalf of a party to, any pertinent proceedings (as defined in rule 2 of the Legal Profession (Representation in Singapore International Commercial Court) Rules 2014) or any relevant appeal from any judgment given or order made in those proceedings, I will appear, and give advice and prepare documents, in those proceedings or in that appeal, solely for the purposes of making submissions on that question of foreign law.

[S 1041/2020 wef 02/01/2021]

[S 696/2018 wef 01/11/2018]

 SECOND SCHEDULE — *continued*

 Signature

 Date

 FORM 4
 APPLICATION FOR RENEWAL OF
 RESTRICTED REGISTRATION OF FOREIGN LAWYER

A. PERSONAL DETAILS	
First name:	Last name:
Passport number:	Nationality:
Date of birth:	RFL No.:
B. CONTACT DETAILS (FOREIGN)	
Address of place of business (for service of any letter, notice or document):	
Contact number:	Electronic mail address (for service of any letter, notice or document):
C. CONTACT DETAILS (LOCAL) (if any)	
Address of place of business (for service of any letter, notice or document):	
Contact number:	Electronic mail address (for service of any letter, notice or document):
D. PRACTICE DETAILS	
Name of law practice:	Designation:
Please state the jurisdiction in which the above-named law practice provides legal services.	
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.	

SECOND SCHEDULE — *continued*

I hereby declare that I am of good standing in the jurisdiction in which I am based or the jurisdiction the law of which I most frequently practise.

Yes _____ No _____

E. SERVICE OF DOCUMENTS

I agree that —

- (a) any letter, notice or document may be served on me by the secretary of a complaints committee, the Secretariat for complaints committees or any other person —
- (i) in accordance with rule 27(1)(b) or (c) of the Legal Profession (Representation in Singapore International Commercial Court) Rules 2014, at the address set out in Part B or C of this Form or any other address provided under rule 12(4) of those Rules in place of that address; or
 - (ii) in accordance with rule 27(1)(e) of those Rules, at the electronic mail address set out in Part B or C of this Form or any other electronic mail address provided under rule 12(4) of those Rules in place of that electronic mail address; and
- (b) such service is to be treated as good and sufficient service of the letter, notice or document on me.

Yes _____ No _____

F. DOCUMENTS

I enclose the following document together with my application:

_____ A copy of my supporting affidavit which —

- (a) confirms my particulars set out in this Form;
- (b) states any changes to any information provided in support of my last application;
- (c) states that I have read and understood, and agree to abide by, the Code of Ethics;
- (d) exhibits a certificate issued, not earlier than 6 months before the date on which this application is made, by a foreign registration authority

SECOND SCHEDULE — *continued*

- of the jurisdiction in which I am based, or the jurisdiction the law of which I most frequently practise, attesting to my good standing;
- (e) states that I have not been disbarred, struck off, suspended, ordered to pay a penalty, censured or reprimanded in my capacity as a legal practitioner by whatever name called in any jurisdiction;
- (f) states whether the registration which is the subject of this application, any earlier full registration or restricted registration granted to me under section 36P of the Act, or any earlier registration as a law expert granted to me under section 36PA of the Act, has been cancelled or suspended and, if so, the details of and circumstances relating to the cancellation or suspension;
- (g) exhibits a copy of an order of the Singapore International Commercial Court, the Court of Appeal or the Appellate Division of the High Court permitting me to make submissions on a question of foreign law in, and on behalf of a party to —
- (i) any pending relevant proceedings under rule 3(2)(e) of the Legal Profession (Representation in Singapore International Commercial Court) Rules 2014; or
 - (ii) any pending relevant appeal from any judgment given or order made in relevant proceedings under rule 3(2)(e) of those Rules;
- (h) exhibits a document setting out my qualifications and experience in relation to the question of foreign law on which I am permitted to make submissions; and
- (i) exhibits an undertaking by me to appear, and to give advice and prepare documents, only in those proceedings or in that appeal, and solely for the purposes of making submissions on that question of foreign law.

[S 1041/2020 wef 02/01/2021]

[S 696/2018 wef 01/11/2018]

Signature

Date

SECOND SCHEDULE — *continued*

FORM 4A
APPLICATION FOR
REGISTRATION OF LAW EXPERT

A. PERSONAL DETAILS	
First name:	Last name:
Passport number:	Nationality:
Date of birth:	
B. CONTACT DETAILS (FOREIGN)	
Address of place of business (for service of any letter, notice or document):	
Contact number:	Electronic mail address (for service of any letter, notice or document):
C. CONTACT DETAILS (LOCAL) (if any)	
Address of place of business (for service of any letter, notice or document):	
Contact number:	Electronic mail address (for service of any letter, notice or document):
D. PRACTICE DETAILS	
Name of law practice (if any) that employs or is affiliated with you:	Designation:

SECOND SCHEDULE — *continued*

Please state the jurisdiction in which the above-named law practice provides legal services.	
Name of any other institution or organisation that employs or is affiliated with you:	Designation:
E. EDUCATIONAL QUALIFICATIONS (TERTIARY EDUCATION AND ABOVE)	
Please list your education qualifications from tertiary level and above, including the institution, degree awarded and year of graduation. <i>(e.g. National University of Singapore, Bachelor of Laws, 1998)</i>	
F. SERVICE OF DOCUMENTS	
I agree that —	
(a) any letter, notice or document may be served on me by the secretary of a complaints committee, the Secretariat for complaints committees or any other person —	
<ul style="list-style-type: none"> (i) in accordance with rule 27(1)(b) or (c) of the Legal Profession (Representation in Singapore International Commercial Court) Rules 2014, at the address set out in Part B or C of this Form or any other address provided under rule 12G(3) of those Rules in place of that address; or (ii) in accordance with rule 27(1)(e) of those Rules, at the electronic mail address set out in Part B or C of this Form or any other electronic mail address provided under rule 12G(3) of those Rules in place of that electronic mail address; and 	
(b) such service is to be treated as good and sufficient service of the letter, notice or document on me.	

SECOND SCHEDULE — *continued*

Yes _____ No _____

G. DOCUMENTS

I enclose the following documents together with my application:

_____ A copy of my passport information

_____ A copy of my academic certificates

_____ A copy of my supporting affidavit that —

- (a) confirms my particulars set out in this Form;
- (b) states that I am sufficiently proficient in the English language to conduct any relevant proceedings or relevant appeal;
- (c) states that I have read and understood, and agree to abide by, the Code of Ethics;
- (d) states that I am not a foreign lawyer;
- (e) states that I have not been disbarred, struck off, suspended, ordered to pay a penalty, censured or reprimanded in the capacity of a legal practitioner by whatever name called in any jurisdiction;
- (f) exhibits a copy of an order of the Singapore International Commercial Court, the Court of Appeal or the Appellate Division of the High Court permitting me to make submissions on a question of foreign law in, and on behalf of a party to —
 - (i) any relevant proceedings under rule 3(2)(e) of the Legal Profession (Representation in Singapore International Commercial Court) Rules 2014; or
 - (ii) any relevant appeal from any judgment given or order made in relevant proceedings under rule 3(2)(e) of those Rules;
- (g) exhibits a document setting out my qualifications and experience in relation to the question of foreign law on which I am permitted to make submissions; and
- (h) exhibits an undertaking by me to appear, and to give advice and prepare documents, only in those proceedings or in that appeal, and

SECOND SCHEDULE — *continued*

solely for the purposes of making submissions on that question of foreign law.
--

[S 1041/2020 wef 02/01/2021]

Signature

Date

[S 696/2018 wef 01/11/2018]

FORM 4B

APPLICATION FOR RENEWAL OF
REGISTRATION OF LAW EXPERT

A. PERSONAL DETAILS	
First name:	Last name:
Passport number:	Nationality:
Date of birth:	Law Expert Registration No.:
B. CONTACT DETAILS (FOREIGN)	
Address of place of business (for service of any letter, notice or document):	
Contact number:	Electronic mail address (for service of any letter, notice or document):

SECOND SCHEDULE — *continued*

C. CONTACT DETAILS (LOCAL) (if any)	
Address of place of business (for service of any letter, notice or document):	
Contact number:	Electronic mail address (for service of any letter, notice or document):
D. PRACTICE DETAILS	
Name of law practice (if any) that employs or is affiliated with you:	Designation:
Please state the jurisdiction in which the above-named law practice provides legal services.	
Name of any other institution or organisation that employs or is affiliated with you:	Designation:
E. SERVICE OF DOCUMENTS	
I agree that —	
(a) any letter, notice or document may be served on me by the secretary of a complaints committee, the Secretariat for complaints committees or any other person —	
(i) in accordance with rule 27(1)(b) or (c) of the Legal Profession (Representation in Singapore International Commercial Court) Rules 2014, at the address set out in Part B or C of this Form or	

SECOND SCHEDULE — *continued*

any other address provided under rule 12G(3) of those Rules in place of that address; or

- (ii) in accordance with rule 27(1)(e) of those Rules, at the electronic mail address set out in Part B or C of this Form or any other electronic mail address provided under rule 12G(3) of those Rules in place of that electronic mail address; and

(b) such service is to be treated as good and sufficient service of the letter, notice or document on me.

Yes _____ No _____

F. DOCUMENTS

I enclose the following document together with my application:

_____ A copy of my supporting affidavit that —

- (a) confirms my particulars set out in this Form;
- (b) states any changes to any information provided in support of my last application;
- (c) states that I have read and understood, and agree to abide by, the Code of Ethics;
- (d) states that I am not a foreign lawyer;
- (e) states that I have not been disbarred, struck off, suspended, ordered to pay a penalty, censured or reprimanded in the capacity of a legal practitioner by whatever name called in any jurisdiction;
- (f) states whether the registration that is the subject of this application, any earlier registration as a law expert granted to me under section 36PA of the Act, or any earlier full registration or restricted registration as a foreign lawyer granted to me under section 36P of the Act, has been cancelled or suspended and, if so, the details of and circumstances relating to the cancellation or suspension;
- (g) exhibits a copy of an order of the Singapore International Commercial Court, the Court of Appeal or the Appellate Division of the High Court permitting me to make submissions on a question of foreign law in, and on behalf of a party to —

SECOND SCHEDULE — *continued*

- (i) any pending relevant proceedings under rule 3(2)(e) of the Legal Profession (Representation in Singapore International Commercial Court) Rules 2014; or
- (ii) any pending relevant appeal from any judgment given or order made in relevant proceedings under rule 3(2)(e) of those Rules;
- (h) exhibits a document setting out my qualifications and experience in relation to the question of foreign law on which I am permitted to make submissions; and
- (i) exhibits an undertaking by me to appear, and to give advice and prepare documents, only in those proceedings or in that appeal, and solely for the purposes of making submissions on that question of foreign law.

[S 1041/2020 wef 02/01/2021]

Signature

Date

[S 696/2018 wef 01/11/2018]

FORM 5

NOTICE OF COMPLAINTS COMMITTEE HEARING

IN THE MATTER OF _____,
A FOREIGN LAWYER REGISTERED UNDER
SECTION 36P OF THE LEGAL PROFESSION ACT

NOTICE OF COMPLAINTS COMMITTEE HEARING

1. Notice is hereby given that the complaints committee proceedings against _____ have been fixed for hearing on/from _____ to _____.

2. The complaints committee will sit at the Supreme Court Building, and the hearing will begin on _____ at _____ a.m./p.m.

Dated this _____ day of _____ 20 _____.

(Signature)

 SECOND SCHEDULE — *continued*

Secretary of complaints committee.

FORM 6

NOTICE OF COMPLAINTS COMMITTEE HEARING

 IN THE MATTER OF _____,
 A LAW EXPERT REGISTERED UNDER
 SECTION 36PA OF THE LEGAL PROFESSION ACT
 NOTICE OF COMPLAINTS COMMITTEE HEARING

1. Notice is given that the complaints committee proceedings against _____ have been fixed for hearing on/from _____ to _____.
2. The complaints committee will sit at the Supreme Court Building, and the hearing will begin on _____ at _____ a.m./p.m.

Dated _____ 20 _____.

(Signature)

Secretary of complaints committee.

[S 696/2018 wef 01/11/2018]

THIRD SCHEDULE

Rules 5(1), 6(1), 7(1), 8(1), 11(3),
12B(1), 12C(1) and 12F(3)

FEES

<i>First column</i>	<i>Second column</i>
1. Fee for application for full registration	\$300
2. Fee for application for restricted registration	\$300
3. Fee for application for renewal of full registration	\$300
4. Fee for application for renewal of restricted registration	\$300
4A. Fee for application for registration of law expert	\$300
4B. Fee for application for renewal of registration of law expert	\$300

THIRD SCHEDULE — *continued*

5. Fee for issue of certified true copy of certificate of registration \$8 per document plus \$5 per page

[S 696/2018 wef 01/11/2018]

Made on 26 December 2014.

SUNDARESH MENON
Chief Justice.

V K RAJAH SC
Attorney-General.

BELINDA ANG SAW EAN
Judge.

TAY YONG KWANG
Judge.

QUENTIN LOH
Judge.

STEVEN CHONG
Judge.

VINODH COOMARASWAMY
Judge.

SEE KEE OON
Presiding Judge of the State Courts.

FOO TUAT YIEN
District Judge.

CAVINDER BULL SC
Advocate and Solicitor.

ANG CHENG HOCK SC
Advocate and Solicitor.

[RSCS R7/7 Vol. 15; AG/LLRD/SL/161/2013/2 Vol. 2]

(To be presented to Parliament under section 131 of the Legal Profession Act).