



REPUBLIC OF SINGAPORE

# GOVERNMENT GAZETTE

## ACTS SUPPLEMENT

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The following Act was passed by Parliament on 4th November 2014 and assented to by the President on 10th December 2014:—

### REPUBLIC OF SINGAPORE

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**No. 42 of 2014.**

I assent.

TONY TAN KENG YAM,  
*President.*  
*10th December 2014.*



An Act to amend the Supreme Court of Judicature Act (Chapter 322 of the 2007 Revised Edition) to establish the Singapore International Commercial Court, and for other purposes, and to make consequential and related amendments to certain other written laws.

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

**Short title and commencement**

1. This Act may be cited as the Supreme Court of Judicature (Amendment) Act 2014 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

**Amendment of section 2**

2. Section 2 of the Supreme Court of Judicature Act (referred to in this Act as the principal Act) is amended by deleting the definitions of “Judge”, “Judge of Appeal” and “Public Prosecutor” and substituting the following definitions:

“ “Judge” means a Judge of the High Court and includes the Chief Justice and any person sitting in the High Court in accordance with section 9;

“Judge of Appeal” includes the Chief Justice and any person sitting in the Court of Appeal in accordance with section 29;”.

**Amendment of section 4**

3. Section 4 of the principal Act is amended by deleting the word “vice-presidents” wherever it appears in paragraphs (b) and (c) and substituting in each case the word “Vice-Presidents”.

**New section 5A**

4. The principal Act is amended by inserting, immediately after section 5, the following section:

**“International Judges**

**5A.** An International Judge of the Supreme Court may only sit in the Singapore International Commercial Court and in appeals from that Court in accordance with sections 9(4)(b) and 29(4), respectively.”.

**Repeal and re-enactment of section 9**

5. Section 9 of the principal Act is repealed and the following section substituted therefor:

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**“Constitution of High Court**

**9.—**(1) The High Court shall consist of —

(a) the Chief Justice; and

(b) the Judges of the High Court.

(2) A Judge of Appeal may, if the Chief Justice so requires, sit in the High Court.

(3) A Judicial Commissioner of the Supreme Court appointed for a specified period may sit in the High Court to hear and determine any case or such classes of cases as the Chief Justice may specify.

(4) The Chief Justice may, from time to time —

(a) require a Senior Judge of the Supreme Court appointed for a specified period to sit in the High Court to hear and determine any case or such classes of cases as the Chief Justice may specify; and

(b) require an International Judge of the Supreme Court appointed for a specified period to sit in the Singapore International Commercial Court to hear and determine any case in that Court or such classes of cases in that Court as the Chief Justice may specify.

(5) A person sitting in the High Court in accordance with subsection (2), (3) or (4), or to hear and determine a case that he was specifically appointed to hear and determine, shall have all the jurisdiction, powers and privileges of a Judge of the High Court sitting in the High Court or in the Singapore International Commercial Court, as the case may be.”.

**Amendment of section 10**

**6.** Section 10 of the principal Act is amended by deleting subsection (3).

**New sub-heading to Part III and new sections 18A to 18M**

**7.** Part III of the principal Act is amended by inserting, immediately after section 18, the following sub-heading and sections:

*“Singapore International Commercial Court***Singapore International Commercial Court**

**18A.** There shall be a division of the High Court known as the Singapore International Commercial Court.

**President of Singapore International Commercial Court**

**18B.**—(1) The Chief Justice may appoint a Judge of Appeal, a Judge of the High Court, a Senior Judge of the Supreme Court or an International Judge of the Supreme Court to be the President of the Singapore International Commercial Court for such period as the Chief Justice may specify.

(2) If no appointment is made under subsection (1), the Chief Justice shall be the President of the Singapore International Commercial Court.

**Act to apply with modifications**

**18C.** Subject to sections 18D to 18M and 80(2A), the provisions of this Act shall apply to proceedings in the Singapore International Commercial Court as they apply to proceedings in the High Court exercising its original civil jurisdiction.

**Jurisdiction of Singapore International Commercial Court**

**18D.** The Singapore International Commercial Court shall have jurisdiction to hear and try any action that satisfies all of the following conditions:

- (a) the action is international and commercial in nature;
- (b) the action is one that the High Court may hear and try in its original civil jurisdiction;
- (c) the action satisfies such other conditions as the Rules of Court may prescribe.

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**Pre-action certificate**

**18E.**—(1) A party intending to bring an action in the Singapore International Commercial Court may apply for a certificate stating all or any of the following matters:

- (a) that the intended action is international and commercial in nature for the purposes of section 18D(a);
- (b) such other matters as the Rules of Court may prescribe.

(2) An application under subsection (1) —

- (a) shall be made by an originating process or such other process as the Rules of Court may prescribe;
- (b) shall be determined by a Judge or the Registrar; and
- (c) may be determined summarily or otherwise in accordance with such procedure as the Rules of Court may prescribe.

(3) A certificate issued under this section is conclusive as to the matters certified in such circumstances as the Rules of Court may prescribe.

**Effect of jurisdiction agreement**

**18F.**—(1) Subject to subsection (2), the parties to an agreement to submit to the jurisdiction of the Singapore International Commercial Court shall be considered to have agreed —

- (a) to submit to the exclusive jurisdiction of the Singapore International Commercial Court;
- (b) to carry out any judgment or order of the Singapore International Commercial Court without undue delay; and
- (c) to waive any recourse to any court or tribunal outside Singapore against any judgment or order of the Singapore International Commercial Court, and against the enforcement of such judgment or order, insofar as such recourse can be validly waived.