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**No. S 696**

**LEGAL PROFESSION ACT  
(CHAPTER 161)**

**LEGAL PROFESSION  
(FOREIGN REPRESENTATION IN  
SINGAPORE INTERNATIONAL COMMERCIAL COURT)  
(AMENDMENT) RULES 2018**

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

**Citation and commencement**

**1.** These Rules are the Legal Profession (Foreign Representation in Singapore International Commercial Court) (Amendment) Rules 2018 and come into operation on 1 November 2018.

**Amendment of rule 1**

**2.** Rule 1 of the Legal Profession (Foreign Representation in Singapore International Commercial Court) Rules 2014 (G.N. No. S 851/2014) (called in these Rules the principal Rules) is amended by deleting the word “Foreign”.

**Amendment of rule 2**

**3.** Rule 2 of the principal Rules is amended —

(a) by deleting the words “rule 3(2)(a), (b), (c) or (d)” in the definition of “pertinent proceedings” and substituting the words “rule 3(2)(b), (c) or (d)”; and

(b) by inserting, immediately after the definition of “registered foreign lawyer”, the following definition:

“ “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;”.

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**Amendment of rule 3**

4. Rule 3(2) of the principal Rules is amended —
- (a) by deleting sub-paragraph (a);
  - (b) by deleting “(a),” in sub-paragraph (d)(i); and
  - (c) by inserting, immediately after the words “registered foreign lawyer,” in sub-paragraph (e)(ii), the words “a named registered law expert,”.

**Amendment of rule 6**

5. Rule 6(2) of the principal Rules is amended by deleting the word “pending” in sub-paragraph (g)(i) and (ii).

**Amendment of rule 7**

6. Rule 7(2) of the principal Rules is amended by deleting sub-paragraph (f) and substituting the following sub-paragraph:

“(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”.

**Amendment of rule 8**

7. Rule 8(2) of the principal Rules is amended by deleting sub-paragraph (f) and substituting the following sub-paragraph:

“(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;”.

**New Part 2A**

8. The principal Rules are amended by inserting, immediately after rule 12, the following Part:

**“PART 2A****REGISTRATION OF LAW EXPERT UNDER  
SECTION 36PA OF ACT****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;
- (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, or of the Court of Appeal, 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
- (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;

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- (b) there is an order of the Singapore International Commercial Court, or of the Court of Appeal, 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
  - (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.

**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 —
      - (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;