

**LEGAL SYSTEMS IN ASEAN – SINGAPORE**  
**CHAPTER 4 – THE LEGAL PROFESSION**

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## A. INTRODUCTION

Unlike the legal profession in England, which is divided into barristers and solicitors, the Singapore legal profession is a fused profession.<sup>1</sup> In 1996,<sup>2</sup> a new prestigious rank in the legal profession called Senior Counsel was created; which is analogous to the rank of Queen’s Counsel in England.<sup>3</sup>

With a view to position Singapore as a legal hub in the region, the legal profession has undergone important changes in recent years. Key to these changes are the liberalisation in legal services, the revised *ad hoc* admission of foreign lawyers and the institution of the Singapore International Commercial Court.

### ***Fused Profession***

As mentioned above, the Singapore legal profession is a fused profession. Each lawyer who is called to the Bar bears the title ‘Advocate and Solicitor’ and has the exclusive right of audience to appear before all courts of justice in Singapore.<sup>4</sup> A lawyer cannot practise law in Singapore without a practising certificate regardless of the area of practice, foreign law or otherwise.<sup>5</sup> In practice, some lawyers specialise in litigation whereas others focus on solicitors’ work and do not appear in court. There are also lawyers called *locum* solicitors who practise law as an advocate and solicitor engaged on a temporary or freelance basis by one or more law firms.<sup>6</sup>

### ***Senior Counsel***

The appointment of Senior Counsel is conferred to an advocate and solicitor by virtue of his or her ability, standing at the Bar, or special knowledge or experience in law. The appointment is made by a selection committee constituted under section 30 of the Legal Profession Act (hereafter LPA) comprising the Chief Justice, the Attorney-General and the Judges of Appeal.<sup>7</sup> The selection committee appoints Senior Counsel on the basis of applications received from persons who have had a minimum of ten years’ experience as advocates and

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<sup>1</sup> Legal Profession Act (Chapter 161, 2009 Revised Edition) (hereafter LPA), section 29(1).  
<sup>2</sup> Section 30 was introduced by the Legal Profession (Amendment) Act 1996 (No 40 of 1996). The Legal Profession (Amendment) Act 1989 (No 15 of 1989) had earlier introduced s 28A on the appointment of Senior Counsel but no appointment was made under the 1989 provisions except for the statutory appointments of the persons who held the offices of Attorney-General and Solicitor-General in 1989 (Mr Tan Boon Teik and Mr Koh Eng Tian).  
<sup>3</sup> LPA (n 1) s 30.  
<sup>4</sup> *ibid* s 29(1).  
<sup>5</sup> It is an offence under the LPA, *ibid* s 33, punishable by a fine and/or imprisonment of up to six months for a first-time offender. See, generally, the LPA, *ibid* s 25.  
<sup>6</sup> LPA, *ibid* s 2(1).  
<sup>7</sup> LPA, *ibid* s 30.

solicitors or as Legal Service officers or both.<sup>8</sup> The committee may appoint a member of the Bar as a Senior Counsel if they are of the opinion that, by virtue of the person's ability, standing at the Bar or special knowledge or experience in law, the person is deserving of such distinction.

Senior Counsel rank in precedence after the Attorney-General and the Solicitor-General according to their seniority of appointment as Senior Counsel.<sup>9</sup> While the rank is essentially a recognition of outstanding advocacy, there have been occasions where appointments were made *honoris causa*. Such appointments are awarded to non-advocates who have made outstanding contributions to the development of the law. The appointment is a recognition of eminence and no application need be made.<sup>10</sup> As of 2018, a total of 81 Senior Counsel have been appointed.

## B. INSTITUTIONS

The institutions governing the admission into, and the conduct of, the legal profession in Singapore are the following:

- Singapore Institute of Legal Education.
- Supreme Court of Singapore.
- Law Society of Singapore.
- Singapore Academy of Law.
- Attorney-General's Chambers.
- Legal Services Regulatory Authority.

### ***Singapore Institute of Legal Education***

The Singapore Institute of Legal Education (SILE) is a statutory body established under the LPA.<sup>11</sup> The functions of the Institute include:<sup>12</sup>

- (a) registering qualified persons seeking admission as advocates and solicitors;
- (b) providing training, education and examination of qualified persons intending to practise law in Singapore and foreign lawyers intending to be registered for practice in Singapore; and
- (c) co-ordinating and exercising supervision over continuing professional development for the legal profession in Singapore.

The SILE also runs the mandatory Continuing Professional Development scheme whereby all advocates and solicitors holding on to a practicing certificate and certain registered foreign lawyers must satisfy the requirements under the

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<sup>8</sup> See the form for 'Application for Appointment as Senior Counsel' which can be obtained from the website of the Singapore Academy of Law at <<http://www.sal.org.sg>>.

<sup>9</sup> LPA (n 1) s 31.

<sup>10</sup> See the form for 'Application for Appointment as Senior Counsel' (n 8).

<sup>11</sup> LPA (n 1) s 3.

<sup>12</sup> *ibid* s 8(1).

scheme. The scheme was introduced to ensure the continual development of members of the Bar. The scheme allots a certain number of mandatory points a year for particular activities a lawyer may choose to participate in. Such activities include:

- (a) attending a conference, lecture, seminar or workshop accredited by the SILE; and
- (b) teaching or contributing in the Part A and B courses (see below on Admission to the Bar).

### ***Supreme Court of Singapore***

All advocates and solicitors, and legal officers, are officers of the Supreme Court.<sup>13</sup> Advocates and solicitors are admitted by a Judge of the Supreme Court, usually the Chief Justice, at a 'mass call'. The Registrar of the Supreme Court issues, upon application, the practising certificates authorising the lawyer to practise as an advocate and solicitor in Singapore.<sup>14</sup> The Registrar also maintains a register of practitioners.

All advocates and solicitors are subject to the control of the Supreme Court and are liable on due cause shown to a court of three Judges of the Supreme Court, to be struck off the roll or suspended from practice for any period not exceeding 5 years or censured.<sup>15</sup>

### ***Law Society of Singapore***

The Law Society of Singapore was established to maintain and improve the standards of conduct and learning of the legal profession in Singapore, and to bridge the Bar with the government and society, among others.<sup>16</sup> The Society is managed by a body of persons called the Council of the Society which consists of 15 elected members, as well as a certain number of statutory members.<sup>17</sup> Elections to the Council are held every year and all lawyers who hold practising certificates vote at the elections in the category of their seniority at the Bar. Voting is compulsory by law.<sup>18</sup> The members of the Council elect from amongst themselves a President and two Vice-Presidents of the Law Society.<sup>19</sup> Members of the Society include certain foreign lawyers, for example, those who are members by reason of or admitted to under section 40A of the LPA.<sup>20</sup>

The purposes of the Law Society and the powers of the Council are described in the LPA.<sup>21</sup> Some of the important purposes of the Law Society are to represent, protect and assist members of the legal profession in Singapore; to protect and

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<sup>13</sup> *ibid* s 82(1).

<sup>14</sup> *ibid* s 25(2).

<sup>15</sup> *ibid* s 83.

<sup>16</sup> See generally the LPA, *ibid* s 38.

<sup>17</sup> *ibid* s 47–49.

<sup>18</sup> *ibid* s 50.

<sup>19</sup> *ibid* s 56.

<sup>20</sup> *ibid* s 39.

<sup>21</sup> *ibid* s 38.

assist the public in Singapore in all matters touching on the law; and to establish a scheme whereby needy persons on non-capital criminal charges can be represented by lawyers.

The Council is empowered to make rules to regulate the practice and conduct of lawyers, to manage the Law Society and its funds, and to deal with complaints of misconduct against lawyers.<sup>22</sup> To assist the Council in carrying out its statutory functions, the Council has appointed various committees and permanent staff including a Chief Executive.

### ***Singapore Academy of Law***

The Singapore Academy of Law (SAL) is a statutory body that was established by the Singapore Academy of Law Act in 1988.<sup>23</sup> At the time of its inception, Parliament had envisaged an institution patterned after the English Inns of Court, to develop among the legal profession in Singapore a collegiate spirit which is necessary for pride in the profession and in its standards and practices befitting an honourable profession.

The SAL has a broad set of functions.<sup>24</sup> Over the years, it has evolved from a membership-based body to a service-based institution. It is now also the law reporting agency in Singapore; a continuing legal education provider; a legal publications body; an appointing body for Senior Counsel, commissioners for oaths and notaries public; a promoter of legal information technology and the keeper of stakeholding monies in Singapore.<sup>25</sup> Through its subsidiary, the Singapore Mediation Centre, it also plays a specialised and unique role in the promotion of mediation as alternative means for the resolution of civil, commercial and trade disputes.

### ***Attorney-General's Chambers***

The office of the Attorney-General of Singapore is established by the Constitution of Singapore.<sup>26</sup> In addition to being the Public Prosecutor, the Attorney-General advises the Government upon such legal matters and performs such other duties of a legal character, as may be referred or assigned to him by the President or the Cabinet.

In relation to the legal profession, the Attorney-General's Chambers also undertakes particular functions under the LPA, for instance, in matters such as the admission of advocates and solicitors to the Bar,<sup>27</sup> applications for *ad hoc* admission of Queen's Counsel or counsel of similar standing,<sup>28</sup> applications to reinstate to the Bar advocates and solicitors who were previously struck off the

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<sup>22</sup> *ibid* ss 58 and 59.

<sup>23</sup> Singapore Academy of Law Act (Cap 294A, 1997 Rev Ed).

<sup>24</sup> *ibid* s 4.

<sup>25</sup> 'Introduction' (Singapore Academy of Law website) <<https://www.sal.org.sg/About-Us/Introduction>> accessed 31 May 2018.

<sup>26</sup> Constitution of the Republic of Singapore (1985 Rev Ed, 1999 Reprint), Article 35(1).

<sup>27</sup> LPA (n 1) s 12(4).

<sup>28</sup> *ibid* s 15.

rolls,<sup>29</sup> and applications for a practicing certificate to practise in a Singapore law practice.<sup>30</sup>

### **Legal Services Regulatory Authority**

The Legal Services Regulatory Authority (LSRA) was established as a department under the Ministry of Law in 2018. The LSRA is helmed by the Director of Legal Services, who oversees the regulation of all law practice entities and the registration of foreign lawyers in Singapore.<sup>31</sup>

The LSRA performs the following key functions, some of which were previously undertaken by the Attorney-General's Chambers' Legal Profession Secretariat and the Law Society:

- (a) Licensing and registration of all law practice entities.
- (b) Setting and reviewing the business criteria and licence conditions relevant to different law practice structures, and overseeing the compliance by law practice entities of the business criteria and licence conditions.
- (c) Approving collaborative arrangements of Singapore law practices involving foreign ownership, profit-sharing or concurrent practice (*ie*, a lawyer practising in more than one firm).
- (d) Registering foreign-qualified lawyers and regulated non-practitioners.

## **C. SINGAPORE PRACTICE STRUCTURES**

Practising lawyers have a wide variety of structures in which to practise law. They may practise in sole proprietorships, in general partnerships, in limited liability law partnerships and in limited law corporations. In addition, a solicitor may practise on a temporary or freelance basis as a *locum* solicitor and several small law firms can form a group law practice. Large firms specialising in corporate and banking and finance may also practise jointly with international law firms through joint law ventures and formal law alliances. Generally, applications have to be made to the Director of Legal Services to obtain the relevant licence.<sup>32</sup>

The choice between the various practice structures would depend, in part, on the prevailing tax rates. Broadly speaking, limited law corporations are taxed according to corporate tax rates whereas sole proprietors, general partnerships and limited liability law partnerships are taxed according to personal tax rates.

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<sup>29</sup> *ibid* s 102.

<sup>30</sup> *ibid* ss 25A and 36B. See the webpages in the 'Our Roles' section of the Attorney-General's Chambers website <<https://www.agc.gov.sg>> accessed 31 May 2018.

<sup>31</sup> 'Legal Services Regulatory Authority' (Ministry of Law website, 16 March 2018) <<https://www.mlaw.gov.sg/eservices/lspa/lspa-home/>> accessed 31 May 2018.

<sup>32</sup> LPA (n 1) Part IXA.

### ***Sole Proprietors and General Partnerships***

A lawyer may practise alone or in partnership with other lawyers, or as an employed legal assistant in a law firm. The firm is owned by the partners and the legal assistants are salaried employees. Although there are a number of large firms, the vast majority of firms are small and medium-sized.

Up to 1 March 1997, there was nothing to prevent a newly qualified lawyer from setting up his or her own law firm. This was changed in 1997 when the LPA was amended. A lawyer admitted on or after 1 March 1997, cannot practise as a sole proprietor or partner unless the lawyer has successfully completed the requisite legal practice management course and has, since being admitted as a solicitor, been employed for not less than three continuous years or three out of a continuous period of five years in a Singapore law practice.<sup>33</sup> A solicitor may be exempted from this restriction if the Minister for Law is satisfied that a solicitor has gained substantial experience in law in Singapore or elsewhere.<sup>34</sup>

### ***Limited Liability Law Partnerships***

With the enactment of the Limited Liability Partnerships Act,<sup>35</sup> lawyers can now take advantage of this new business vehicle to practise law. Although the structure and management of a limited liability partnership (hereafter LLP) is closer to that of a general partnership than a limited law corporation (explained below), the LLP is a separate legal entity from its partners.<sup>36</sup> The liability of partners is limited to the amount of their contributions to the property of the LLP. A partner is not personally liable, directly or indirectly, by way of indemnification, contribution, assessment or otherwise, for an obligation of the LLP solely by reason of being a partner of the LLP.<sup>37</sup> The partners of the LLP are also not vicariously responsible for the negligence and other wrongful acts of their employees. But lawyers practising in an LLP continue to be personally liable for their own professional negligence.<sup>38</sup>

### ***Limited Law Corporations***

A limited law corporation (hereafter LLC) is an exempt private limited company incorporated under the Companies Act.<sup>39</sup> Generally, the shares in such a corporation have to be held by a lawyer.<sup>40</sup> The liabilities of shareholders of the LLC are limited to their share contributions. The directors and shareholders are not vicariously responsible for the negligence and other wrongful acts of their employees. But lawyers practising in a LLC continue to be personally liable for their own professional negligence.

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<sup>33</sup> *ibid* s 75C.

<sup>34</sup> *ibid* s 75C(2).

<sup>35</sup> Cap 163A, 2006 Rev Ed (hereafter LLPA).

<sup>36</sup> *ibid* s 4.

<sup>37</sup> *ibid* s 8.

<sup>38</sup> The regulatory requirements for an LLP can be found in the LPA (n 1) Pt IXA, Division 2.

<sup>39</sup> Companies Act (Cap 50, 2006 Rev Ed). See also 'Law Corporations' (Law Society of Singapore website) <<http://www.lawsociety.org.sg/Archived/Practice-Structure/Law-Corporations>> accessed 31 May 2018.

<sup>40</sup> LPA (n 1) s 159; Legal Profession (Law Practice Entities) Rules 2015 (S 699/2015) rule 37.

A law corporation that is not a sole-director law corporation must have a separate mandatory insurance cover arranged by the Council of the Law Society to an amount of S\$2 million to cover itself in respect of civil liability. Each advocate and solicitor of a law corporation must also be insured in respect of civil liability for a total sum of S\$2 million. In the case of a sole-director law corporation, the amount of mandatory cover insurance is S\$1 million for the law corporation and S\$1 million for each of the advocates and solicitors of the sole director corporation.<sup>41</sup>

#### **D. FOREIGN PRACTICE STRUCTURES**

The regulation of foreign lawyers in Singapore is vested in the LSRA rather than the Law Society. Thus, applications to obtain a licence or to register a foreign firm have to be made to the Director of Legal Services of the LSRA.

The scope and nature of the services provided by a foreign firm in Singapore depends on the practice structure of that firm, and there are a variety of practice structures which a foreign firm can adopt.<sup>42</sup> In particular, certain structures allow a foreign firm to practice Singapore law and represent clients in court. Of interest would be the generally liberal stance towards the provision of international arbitration-related services; this will be elaborated separately below.

##### ***Foreign Law Practice***

A foreign law practice (hereafter FLP) is allowed to provide, in and from Singapore, the following types of services:

- (a) Foreign law-related legal services in all areas of legal practice that the FLP is competent to offer; and
- (b) Legal services relating to Singapore law only in the limited context of international commercial arbitration or in relation to the Singapore International Commercial Court (hereafter SICC), through certain types of registered lawyers.

##### ***Qualifying Foreign Law Practice***

The Qualifying Foreign Law Practice (hereafter QFLP) scheme was introduced in 2008, and allows foreign law practices which obtain a QFLP licence to provide in or from Singapore:

- (a) Foreign law-related legal service in all areas of legal practice that the QFLP is competent to offer; and

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<sup>41</sup> Legal Profession (Professional Indemnity Insurance) Rules (Cap 161, R 11, 2002 Rev Ed) r 4(1).

<sup>42</sup> In general, see 'Types of Licence or Registration' (Ministry of Law website, 29 March 2018) <<https://www.mlaw.gov.sg/content/minlaw/en/legal-industry/licensing-or-registration-of-law-practice-entities/types-of-licence-or-registration.html>> accessed 31 May 2018.



- (b) Singapore law-related legal services in the ‘permitted areas of legal practice’ through certain types of registered lawyers.

### ***Joint Law Ventures***

A joint law venture (hereafter JLV) is a legal entity formed between a Singapore law practice (hereafter SLP), and either a foreign law practice or a qualifying foreign law practice.

A JLV is allowed to provide in or from Singapore:

- (a) Foreign law-related legal services in all areas of legal practice that the JLV is competent to offer; and
- (b) Singapore law-related legal service in the ‘permitted areas of legal practice’ through certain types of registered lawyers.

However, it should be noted that the constituent FLP or QFLP can only practise law in or from Singapore through the JLV, and not through the constituent FLP or QFLP itself.

### ***Formal Law Alliance***

A formal law alliance (hereafter FLA) is an arrangement between a Singapore law practice and a foreign law practice which enable them to collaborate while remaining freestanding law premises. An FLA arrangement allows the member law practices to share office premises, resources and client information as well as to co-brand and bill for permitted matters. However, the member law practices remain distinct entities and may only provide legal services that the respective law practices and their lawyers are allowed to provide under the LPA.

The FLA scheme was conceived as a means to facilitate cooperation between two or more independent law practice entities that are capable of dealing with each other as equal partners. The relevant legal framework for approval of these applications is interpreted and applied by the LSRA in this context.

## **E. ADMISSION TO THE BAR**

### ***Requirements for Admission as Advocates and Solicitors***

Persons who wish to be admitted to the Singapore Bar must meet the requirements of being a ‘qualified person’ within the meaning of section 2 of the LPA and satisfy the other requirements of the Act, which are that they must have:<sup>43</sup>

- (a) attained the age of 21 years;
- (b) be of good character;

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<sup>43</sup> LPA (n 1) s 13.

- (c) satisfactorily served the practice training period applicable;
- (d) attended such courses of instruction as the Board of Directors of the Singapore Institute of Legal Education may prescribe; and
- (e) passed such examinations as may be prescribed by the Board.

Depending on one's law degree, the process for admission varies. Apart from the approved universities in Singapore, the legislation currently recognises certain law degrees from Australia, New Zealand, the United Kingdom and the United States of America.

### ***Meaning of 'Qualified Person'***

To be a qualified person,<sup>44</sup> an aspiring lawyer must hold one of the following approved Singapore law degrees:

- (a) A Bachelor of Laws (LLB) degree from the National University of Singapore (with at least a lower second class honours).
- (b) A Bachelor of Laws or Doctor of Jurisprudence (JD) degree from the Singapore Management University (with at least a grade point average of 3.00).
- (c) A Bachelor of Laws or Doctor of Jurisprudence from the Singapore University of Social Science (with at least a grade point average of 3.50).

The following overseas law degrees are also recognised for the purposes of being a qualified person:

- (a) **Universities in Australia.** Australian National University, Flinders University, Monash University, Murdoch University, University of Melbourne, University of New South Wales, University of Queensland, University of Sydney, University of Tasmania, University, and University of Western Australia.
- (b) **Universities in New Zealand.** University of Auckland and Victoria University of Wellington.
- (c) **Universities in the United Kingdom.** University of Birmingham, University of Bristol, University of Cambridge, University of Durham, King's College London, London School of Economics and Political Science, Queen Mary University of London, University College (University of London), University of Oxford, and University of Warwick.

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<sup>44</sup> See generally the Legal Profession (Qualified Persons) Rules (Cap 161, R 15, 2002 Rev Ed).

- (d) **Universities in the United States.** Harvard University, Columbia University, New York University, and University of Michigan.

It should be noted that for graduates of the approved overseas university, the person must be a citizen or permanent resident of Singapore to be a qualified person. No similar requirement exists for graduates of the approved Singapore universities.

### ***Part A and Part B Bar Examinations***

After one becomes a qualified person, the next step is to complete the appropriate preparatory course and take the bar examinations. For graduates of the overseas approved universities, the graduate must first complete the Part A course and examinations before attempting the Part B course and examinations. For graduates of the approved Singapore universities, the graduate must complete the Part B preparatory course and take the examinations.<sup>45</sup>

### ***Practice Training Period***

The final step to admission as an advocate and solicitor is for the qualified person to serve a practice training period of six months. At the end of the practice training period, the aspiring lawyer then attends a special hearing before a Supreme Court Judge to be 'called to the Bar'.

### ***Foreign Practitioner Examinations***

Foreign lawyers may apply to the Director of Legal Services for registration to practise in permitted areas of Singapore law. However, they must pass the foreign practitioner examinations (hereafter FPE).<sup>46</sup>

The permitted areas include areas such as banking and finance, mergers and acquisitions, and intellectual property law. Foreign lawyers must have at least three years of relevant practice or work, which may be gained in Singapore or overseas, before they can apply to sit for the FPE.

## **F. AD HOC ADMISSION**

The *ad hoc* admission of foreign counsel is governed by section 15 of the LPA. This section provides that any person who holds Her Majesty's Patent as Queen's Counsel or any appointment of equivalent distinction of any jurisdiction, who does not ordinarily reside in Singapore or Malaysia but has come to or intends to come to Singapore for the purposes of appearing in a case, and has special qualifications or experience for the purpose of the case, may be admitted as an advocate and solicitor. Section 15 of the LPA is further supplemented by the Legal Profession (Ad Hoc Admissions) Notification 2012,<sup>47</sup> which provides the matters to be considered in deciding on the admission of a person under section 15 for a

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<sup>45</sup> See generally the website of the Singapore Institute of Legal Education <<http://www.sile.edu.sg>> accessed 31 May 2018.

<sup>46</sup> *ibid.*

<sup>47</sup> S 132/2012.

particular case. These matters include, the nature of the factual and legal issues involved, the necessity for the services of a foreign senior counsel, the availability of any Senior Counsel or other advocate and solicitor from Singapore with appropriate experience, and whether, having regard to the circumstances of the case, it is reasonable to admit a foreign senior counsel for the case.

The Court will first consider the mandatory requirements stated in section 15 of the LPA before turning to consider the matters in the Notification in exercising its decision to admit foreign counsel. The discretion is to be exercised in accordance with the broad principle that foreign senior counsel is to be admitted only on the basis of need.<sup>48</sup>

There is a question of whether eminent foreign counsel from jurisdictions that do not adopt an honour rank system (for example, the United States) would fall under section 15 of the LPA.<sup>49</sup> It may be argued that section 15 ought to be read purposively in such an instance.<sup>50</sup> With the recent introduction of the Singapore International Commercial Court (hereafter SICC), this difficulty may be circumvented as the admission of foreign counsel for SICC cases does not require an application to be made under section 15 of the LPA; this will be elaborated separately below.

#### **G. LAWYERS APPEARING BEFORE THE SINGAPORE INTERNATIONAL COMMERCIAL COURT AND SINGAPORE INTERNATIONAL ARBITRATION CENTRE**

The SICC was set up to build upon the successes of the Singapore International Arbitration Centre. It seeks to offer litigants the option of having their disputes adjudicated by a panel of experienced judges comprising specialist commercial judges from Singapore and international judges from both civil and common law traditions. Some of these international judges include the former president of the Supreme Court of the United Kingdom, Lord Neuberger of Abbotsbury; the former Chief Justice of Canada, Justice Beverley McLachlin PC; and the former Chief Justice of Australia, Justice Robert French.<sup>51</sup>

As the name suggests, the cases that come before the SICC are international in flavour and commercial in nature. Given the shape of such cases, foreign lawyers are permitted audience before the SICC subject to the registration requirements laid out in section 36P of the LPA and other considerations. The main category of cases in which registered foreign lawyers may represent parties is offshore

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<sup>48</sup> *Re Beloff Michael Jacob QC* [2014] 3 *Singapore Law Reports* 424 (Court of Appeal, Singapore).

<sup>49</sup> A similar question arose before the Hong Kong courts in *Re Brewer III* [2009] 1 *Hong Kong Law Reports & Digest* 550.

<sup>50</sup> The author offers no conclusive opinion on this matter; see also Lau Kwan Ho, 'Creating Access to Quality Legal Representation – The Queen's Counsel (Re)Appears in Singapore' (2012) 42 *Hong Kong Law Journal* 481.

<sup>51</sup> 'Judges' (Singapore International Commercial Court website, 8 March 2017) <<https://www.sicc.gov.sg/Judges.aspx?id=30>> accessed 31 May 2018.

cases – cases that bear no substantial connection to Singapore.<sup>52</sup> The SICC may, on the application of a party, also make an order allowing any question of foreign law to be determined on the basis of submission instead of proof. Such an order may be made in both offshore and non-offshore cases. The order would specify one or more persons who may make submissions on the relevant questions of foreign law on behalf of each party. The person specified in the order may be registered foreign lawyers.<sup>53</sup>

A key benefit to litigating in the SICC is that the judgment rendered would be a judgment of the Supreme Court. This facilitates the process of recognition and enforcement of the SICC judgment in foreign jurisdictions.

The Singapore International Arbitration Centre was established as a not-for-profit global arbitration institution which provides case management services to the international business community. In terms of its international administered caseload, the SIAC is amongst the top five institutions in the world.<sup>54</sup> There are no restrictions on foreign law firms or foreign counsel acting in arbitrations in Singapore.<sup>55</sup>

In general, Singapore takes a pro-arbitration stance. There is minimal curial intervention by the Singapore courts in an arbitration. Further, as a signatory to the 1958 New York Convention,<sup>56</sup> awards from Singapore enjoy ready recognition and enforcement in other contracting states.

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The views expressed in this article are that of the authors alone. They do not necessarily reflect the views or opinions of the ASEAN Law Association or the organisation which the authors are currently associated with.

This article was edited by Dr Jack Tsen-Ta Lee, Deputy Research Director, Singapore Academy of Law, with copyediting and research assistance by Shu Kit, a third-year LLB student from the School of Law, Singapore Management University.

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<sup>52</sup> ‘Singapore International Commercial Court User Guides’ (SICC website, 9 December 2015) <[https://www.sicc.gov.sg/documents/docs/SICC\\_User\\_Guides.pdf](https://www.sicc.gov.sg/documents/docs/SICC_User_Guides.pdf)> accessed 31 May 2018.

<sup>53</sup> *ibid.*

<sup>54</sup> Mark Mangan, Lucy Reed and John Choong, *A Guide to the SIAC Arbitration Rules* (Oxford University Press 2014) 16.

<sup>55</sup> ‘Frequently Asked Questions’ (Singapore International Arbitration Centre website, 2017) <<http://www.siac.org.sg/faqs>> accessed 31 May 2018.

<sup>56</sup> Convention on the Recognition and Enforcement of Foreign Arbitral Awards, 330 UNTS 38, concluded on 10 June 1958.