

SICC NEWS

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www.sicc.gov.sg

The Year 2017 in Review

The Singapore International Commercial Court (“SICC”) Conference 2018 (“the Conference”) was held on 9 and 10 January 2018. The Conference is scheduled at the start of each year and presents a timely opportunity for the Judges and International Judges to come together and take stock of the progress made in the past year, as well as to chart the course for the year ahead.



(From left to right) Chief Justice Sundaresh Menon giving his opening remarks at the SICC Conference 2018; Both local and international judges, as well as judicial commissioners, were in attendance; Justice Quentin Loh sharing some of the SICC’s key developments in 2017

The following summarises the key updates provided at the Conference by Justice Quentin Loh, Judge-in-charge of the SICC, and Ms Teh Hwee Hwee, Divisional Registrar of the SICC.

The SICC bench

As announced by the Chief Justice at the Opening of the Legal Year 2018, there have been a number of developments to the SICC Bench. Of the 12 International Judges (“IJs”) who were first appointed in 2015, 11 would be serving a second term. IJ Irmgard Griss did not seek re-appointment following her election into the Austrian Parliament, and we are very grateful for her contributions to the SICC during her term.

Four new IJs have been appointed to the SICC Bench. They are highly respected jurists, not just in their home jurisdictions, but internationally as well. They are:



Justice Robert French, retired immediate past Chief Justice of the High Court of Australia



Justice Beverly McLachlin PC, retired immediate past Chief Justice of Canada



Justice Lord Neuberger of Abbotsbury, retired immediate past President of the Supreme Court of the United Kingdom



Justice Sir Jeremy Cooke, former Judge-in-charge of the Commercial Court of England and Wales

With the new appointments, the SICC Bench has a total of 15 IJs. (To read more about them, please visit <http://goo.gl/mb5JU>)

The SICC in numbers

17 
international and
commercial cases

17 
published
written judgments

73 
Registered
Foreign Lawyers

The SICC’s caseload has steadily increased since its launch in 2015. It closed 2017 with a total of 17 international and commercial cases that had been transferred from the High Court. Nine of these cases were added to its docket in 2017, which is more than the combined number of cases added in 2015 and 2016.

In relation to judgments, the SICC closed 2017 with 17 published written judgments, of which 11 were rendered in 2017. This includes the Court of Appeal’s first written judgment arising from an appeal from the SICC. The majority of these judgments were released within three months of the date of the last hearing, confirming observations that the SICC has been producing sound and expeditious judgments.

Finally, true to its vision of being an international court, the SICC continues to attract foreign lawyers who apply to become Registered Foreign Lawyers (“RFLs”). As at 31 January 2018, there were 73 RFLs (including 23 Queen’s Counsel, 2 Senior Counsel and 1 Senior Advocate) hailing from diverse jurisdictions.

Strengthening judicial ties: MOUs, MOGs and exchanges

The Supreme Court and the SICC also strengthened judicial ties with a number of foreign courts in 2017, amongst other things, through signing various Memoranda of Understanding (“MOU”) relating to judicial cooperation and Memoranda of Guidance (“MOG”) on the enforcement of money judgments. The foreign courts with which these instruments were concluded in 2017 were Supreme People’s Court of Vietnam, Abu Dhabi Global Market Courts, Qatar International Court and Dispute Resolution Centre, Supreme Court of Bermuda, Supreme People’s Court of the People’s Republic of China and Supreme Court of Victoria.

The signing of the MOU on legal and judicial cooperation with the Supreme People’s Court of the People’s Republic of China on 21 August 2017 was immediately followed by the inaugural Singapore-China Legal and Judicial Roundtable – a first-ever roundtable between China and an Asian country. The theme of the Roundtable was “Judicial Justice in the New Century”, and the areas discussed included the recognition and enforcement of civil and commercial judgments between Singapore and China, judges’ training, as well as future plans for legal and judicial cooperation to support the “Belt and Road” Initiative.

In addition, the SICC has hosted delegates from foreign judiciaries and agencies, and also participated in the Standing International Forum of Commercial Courts in London. These frequent exchanges have resulted in the cross-pollination of ideas and helped the SICC to establish a close working relationship with our international counterparts.

Developments in practice and procedure

The Supreme Court of Judicature (Amendment) Bill was passed in Parliament on 9 January 2018, the first day of the Conference. The Bill clarified that the SICC has the same jurisdiction as the High Court to hear proceedings relating to international commercial arbitration under the International Arbitration Act. It also removed the pre-action certification procedure. These changes are expected to come into force later this year.

Justice Loh and Ms Teh also provided further updates on enhancements being made to ensure that the SICC continues to draw from the best practices in civil and common law jurisdictions, as well as arbitration. These enhancements will be implemented through amendments to the existing rules in the Rules of Court and SICC Practice Directions, the introduction of new optional protocols, and the publication of new User Guides.

Finally, it was noted that the Asian Business Law Institute (ABLI) published a compendium of reports on the recognition and enforcement of foreign judgments in the ten ASEAN member states, Australia, China, India, Japan and South Korea entitled “*Recognition and Enforcement of Foreign Judgments in Asia*”. The compendium marks an important step in the convergence of enforcement rules across jurisdictions in the region.

Concluding observations

2017 saw many positive developments for the SICC. There have also been numerous positive commentaries on the SICC. For instance, Professor Lucy Reed, Director of Centre for International Law, National University of Singapore, observed in a lecture delivered in Montreal, Canada, that the SICC “is uniquely genuinely international among the existing offerings”, and is a forward-looking institution offering a “marriage of valuable attributes of litigation and arbitration”. Similarly, Simmons & Simmons observed that the SICC is an “innovative commercial court designed for international commercial cases”, offering a “more flexible procedure” and the option of having disputes adjudicated by “experienced commercial judges from Singapore and international judges from common law and civil law jurisdictions”. An article in Asian Legal Business also touched on the rise in commercial disputes stemming from the “Belt and Road” Initiative, noting that the SICC is “well suited to play a role in the resolution of such disputes”.

There is much to look forward to this year as the SICC continues to strengthen its premise as an effective, trusted neutral destination for international dispute resolution.



SICC Out & About

SICC actively seeks and welcomes opportunities to engage with legal practitioners, judiciary officers as well as academia, and these past few months bear testament to that.

Chief Justice Headlines the Distinguished Speaker Series

The Singapore International Chamber of Commerce (Chamber) held the first event of this year's Distinguished Speaker Series at the Supreme Court of Singapore on 10 January 2018. The speaker for the evening was Chief Justice Sundaresh Menon (CJ Menon) and he spoke on "The Rule of Law and the Singapore International Commercial Court". The session was attended by about 50 members of the Chamber, including many members of its legal services committee.

CJ Menon spoke about the way in which the rule of law plays a critical role in the growth and development of business, using Singapore's development as a regional dispute resolution hub as an illustration. A key theme of his speech was the importance of the enforcement of legal standards – in his words, "laws are only as good as their enforcement" – and the integral role of the courts in maintaining the rule of law.

CJ Menon noted that while arbitration is the preferred dispute resolution mechanism for many Singapore businesses, the Singapore International Commercial Court (SICC) could hold its own as "a viable dispute resolution option for Singapore businesses with transnational commercial operations". He highlighted six unique features of the SICC, of which two are: (a) its pool of eminent international judges from both civil and common law traditions and (b) the fact that its judgments "will enjoy the benefit of existing enforcement agreements which Singapore has with other jurisdictions, including Australia, Hong Kong, India, the UK, and almost all member states of the European Union".

Managing Director of Ashurst ADTLaw and Chamber Board Member Ms Dawn Tan said, "CJ Menon expertly wove together the disparate key challenges



facing Singapore's legal sector, and the strategic imperatives Singapore has developed to address these. One such key initiative is the SICC, which has emerged as a compelling alternative to international arbitration. As a Singapore-born and bred commercial lawyer, I felt a great sense of pride in these developments, which will go a long way toward growing Singapore's stature as a hub for foreign trade and investment, and international dispute resolution."

The dialogue session that followed was moderated by Mr Stephen Revell, Managing Partner of Freshfields Bruckhaus Deringer Singapore (Freshfields), who is also a board member of the Chamber as well as the Chairman of its Legal Services Committee. The discussion was spirited and enlightening, and many questions were fielded by the audience. After the dialogue, Mr Revell commented, "CJ's remarks underscored not only what an innovative approach the SICC is and how it is pushing Singapore forward as the dispute centre for Asia, but also emphasised Singapore's strong support for cross-border business. I can think of no other example anywhere in the world where the support for the legal sector is as strong as Singapore and where that support is so intertwined with Singapore's support for business."

To read CJ's full speech, please visit <http://goo.gl/jJpfNa>

News

ABLI releases its first publication

The Asian Business Law Institute (ABLI) has launched its first publication, *Recognition and Enforcement of Foreign Judgments in Asia*, which features 15 country reports, covering the ten ASEAN Member States plus Australia, China, India, Japan and South Korea. This milestone report is written by legal academics and practitioners in their respective countries on how foreign judgments in civil and commercial matters are recognised and enforced in Asia.

The main objective of this first-of-its-kind project is to facilitate cross-border transactions by lowering transaction costs and associated legal friction through the greater portability of judgments in this region. As there is increasing trade, with closer economic ties among Asian states, a harmonisation of rules relating to the enforcement of foreign judgments.



Please click on image to access the free download or visit <http://goo.gl/xZsGoa>

Latest Judgments

The SICC has issued a total of 18 written judgments to date.

A full list of these judgments may be accessed at www.sicc.gov.sg/HearingsJudgments.aspx?id=72.

The following are the latest three since the previous issue of SICC News was published in December 2017:

- [27 Dec 2017] Grounds of decision for **B2C2 Ltd v Quione Pte Ltd**:
[www.sicc.gov.sg/documents/judgments/2017_SGHC\(I\)_11.pdf](http://www.sicc.gov.sg/documents/judgments/2017_SGHC(I)_11.pdf)
- [24 Jan 2018] Grounds of decision for **Macquarie Bank Limited v Graceland Industry Ltd**:
[www.sicc.gov.sg/documents/judgments/2017_SGHC\(I\)_12.pdf](http://www.sicc.gov.sg/documents/judgments/2017_SGHC(I)_12.pdf)
- [14 Feb 2018] Grounds of decision for **Bachmeer Capital Limited v Ong Chih Ching and 7 Ors**:
[www.sicc.gov.sg/documents/judgments/2018_SGHC\(I\)_01.pdf](http://www.sicc.gov.sg/documents/judgments/2018_SGHC(I)_01.pdf)

A Meeting of Top Legal Minds at the Supreme Court of Singapore



On 1 February 2018, some of Singapore's and even the world's top legal minds gathered at the scenic Viewing Gallery of the Supreme Court for an illuminating evening of discussion on the merits and successes of the SICC, as well as its possible challenges. It was a seminar entitled "The Singapore International Commercial Court's potential to advance the rule of law in global commerce: perspectives from bench and bar", and jointly organised by Freshfields Bruckhaus Deringer Singapore, the SICC and the Singapore branch of the International Law Association (ILA).

Justice Quentin Loh, Judge-in-charge of the SICC, delivered the opening remarks, and expounded on the Court's latest developments such as Singapore's role in the Standing International Forum of Commercial Courts. This was followed by a panel discussion with renowned panellists comprising Justice Sir Vivian Ramsey (IJ of the SICC), Mr Aik Hin Peh (Partner, Allen & Gledhill), Professor Lucy Reed (Director of the Centre for International Law, National University of Singapore), Mr Francis Xavier, SC (Partner and Regional Head of Dispute Resolution, Rajah & Tann Singapore) and Mr Nicholas Lingard (Partner

and Head of International Arbitration Group in Asia, Freshfields). Mr Robert Kirkness (Counsel, Freshfields and also registered foreign lawyer of the SICC) moderated the discussion.

Justice Ramsey kickstarted the discussion by highlighting unique features of the SICC like the appeal process, published judgments, and transparent and flexible procedures. Prof Reed did a quick comparison of the SICC and other commercial courts around the world, and concluded that the SICC is truly international in nature. Mr Xavier SC also particularly highlighted the SICC's effective case management strategies, which enable cases to proceed expeditiously.

Close to 40 attendees were deeply engaged by the discussion, and many stayed on after the session to continue the conversations with the panellists and network with the legal practitioners and in-house counsel who attended. Ms Marina Chin, Joint Managing Partner of Tan Kok Quan Partnership commended the panellists for covering "thought-provoking issues with practical soundbites all pointing to the conclusion that the SICC will be an alternative forum of choice".

News

A Note from the Senior Minister of State for Law and Finance

Senior Minister of State (SMS) for Law and Finance, Indraneel Rajah S.C., issued a note titled "The Supreme Court of Judicature (Amendment) Bill and the Singapore International Commercial Court" to announce that the Bill was passed in Parliament on 9 January 2018. The Bill clarifies that the SICC has the same jurisdiction as the High Court to hear proceedings relating to international commercial arbitration under the International Arbitration Act. SMS Indraneel further outlined the successes of the SICC over the past three years and the multiple avenues available to enforce SICC judgments. She concluded that the demand for dispute resolution in Asia will grow due to increasing economic activity within the region, and "the SICC is well-positioned to meet the growth of international litigation".

Please visit <http://goo.gl/UndU2e> to access the Note.

Registered Foreign Lawyers

As at 31 January 2018, the SICC has 73 registered foreign lawyers (RFLs) on its register. Foreign lawyers are welcome to apply to be registered with the SICC. To view the full list of RFLs and find out more about registration, please visit www.sicc.gov.sg/ForeignLawyer.aspx?id=101

SICC Model Clauses

The SICC has model clauses available, including clauses for submission of disputes to the jurisdiction of the SICC (both pre- and post-dispute) and in relation to the parties' rights of appeal. You may view them here: www.sicc.gov.sg/documents/docs/SICC_Model_Clauses.pdf

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