

# USER GUIDE: CORPORATE SELF-REPRESENTATION

For individuals seeking to represent companies, limited liability partnerships and unincorporated associations in civil proceedings in the State Courts under the Rules of Court 2021



# PURPOSE OF THE USER GUIDE

The contents of this guide are for reference purposes only and they are not binding on the Court.

This guide is not intended to give you legal advice but to help you better understand the general requirements for an application to the Court for permission to represent **a company, a variable capital company, a limited liability partnership, or unincorporated association (other than a partnership or a registered trade union)** in civil proceedings in the State Courts (referred in this Guide as an “entity”).

If you are unsure of your legal rights or options, you may wish to consider seeking legal advice. In this regard, you may wish to:

- a) visit the **Legal Services Regulatory Authority** website at <https://eservices.mlaw.gov.sg/lra/search-lawyer-or-law-firm/> (telephone number: 1800 225 5529) for an online directory of the names, addresses and other useful information of all practising lawyers in Singapore; and/or
- b) visit the **Law Society of Singapore** website at <https://www.lawsociety.org.sg> (telephone number: +65 6538 2500) for a list of lawyers featured by them; and/or
- c) visit the **Legal Aid Bureau** website at <https://lab.mlaw.gov.sg> (telephone number: 1800 225 5529) to ascertain if you qualify for legal aid. Please note that under the Legal Aid and Advice Act, the Legal Aid Bureau provides legal advice/aid on civil matters to Singaporeans and Permanent Residents only; and/or
- d) approach **Pro Bono SG**, located in the Help Centre at Basement 1 of the State Courts or visit their website at <https://www.probono.sg> (telephone number: +65 6536 0650) for informational assistance and to enquire on the availability of legal advice; and/or
- e) access the **Legal Help Finder** at <https://go.gov.sg/legalhelpfinder> or by scanning the QR code to find relevant legal schemes and legal clinics near to you.



# 01 WHO CAN REPRESENT AN ENTITY?

In general, an entity involved in civil proceedings must be represented by lawyers (Order 4 rule 3 of the Rules of Court 2021).

This includes proceedings for civil cases in:

- a) Magistrates' Courts;
- b) District Courts; and
- c) Supreme Court (including the High Court (General Division and Appellate Division) and Court of Appeal).

## Qualifications to represent an entity in court

The Court may, upon an application, grant you permission to represent an entity in court if you:

- a) Are an **officer** of the entity;
- b) Have been authorised by the entity to do so; and
- c) Have sufficient executive or administrative capacity or are a proper person to represent the entity in that matter or proceeding.

## Who is an “officer” of the entity?



### A company or variable capital company

A director, secretary or a person employed in an executive capacity by the company or variable capital company.



### A limited liability partnership

A partner or manager of the limited liability partnership.



### An unincorporated association (which is not a partnership or registered trade union)

The president, secretary or any member of the committee of the unincorporated association.

# 02 HOW TO APPLY TO REPRESENT AN ENTITY IN COURT?

The application must be made via a **Summons** (Form 1 of the Rules of Court 2021) accompanied by a supporting **affidavit**.

## Step-by-step guide

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### File the application

- To file your summons and affidavit, please visit the Service Bureau during office hours at either:
  - a) Level 2, State Courts Towers (No. 1 Havelock Square, Singapore 059724); or
  - b) Level 1, Supreme Court Building (1 Supreme Court Lane, Singapore 178879).
- You are strongly encouraged to book an appointment online before your visit. Scan the QR code for the online appointment link and Service Bureau contact details.



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### Collect the endorsed documents

- The Service Bureau will notify you via email or SMS of whether the Court accepts your application documents.
- If the Court accepts your application documents, you will be asked to return to the Service Bureau to collect an endorsed version of the documents. This will include the date and time of a hearing that you must attend.

3

### Serve the application

- In general, you will need to serve a copy of the endorsed documents on the other parties in the case in accordance with Order 7 of the Rules of Court 2021.\*
- This involves giving them a copy of the document in any of the following ways:
  - i. By leaving the document at the other party's address.
  - ii. By post.
  - iii. In any other manner as agreed between the parties or as directed by the Court.
- This informs them of the application and the hearing.

*\*The requirement to serve a copy of the documents may not apply where the proceedings are on a "without notice" basis (eg, in an originating application without notice).*

# 03 HOW TO PREPARE AN AFFIDAVIT?

An affidavit is a written statement of fact that must be sworn or affirmed before a Commissioner for Oaths before it is filed.

## It should include all relevant information, such as:

- ✓ The proposed representative's position as an officer in the entity.
- ✓ The date that the proposed representative was authorised to act for the entity.
- ✓ How (ie, the manner by which) the proposed representative is authorised to act on behalf of the entity in that matter or proceeding.
- ✓ Why permission should be given for the proposed representative to act on behalf of the entity.
- ✓ The reasons why the entity cannot hire a qualified lawyer to represent it in the proceedings.
  - *These may include information about how complicated the case is, what the issues in dispute are, how weak or strong the entity's case is and the amount of the claim.*
- ✓ Information about the proposed representative's credibility and ability to handle the case on the entity's behalf.
  - *This is to satisfy the Court that the proposed representative will be able to assist the Court, understand any orders or directions that the Court may give, and ensure compliance with the Court's orders or directions.*
  - *Information that should be provided include the person's qualifications and language abilities, whether the person resides in Singapore and whether the person is an undischarged bankrupt.*
- ✓ A copy of the document of the entity authorising the representative to act on its behalf in that matter or proceeding.
- ✓ Other documents that should be exhibited to support the application.
  - *For instance, if the affidavit states that the entity is unable to engage a lawyer because of lack of access to financial resources, then documentary proof relating to the financial position of the entity should be exhibited.*

# 04 WHAT ARE THE ESTIMATED FEES?

The estimated filing fees vary depending on the type of court, as outlined below:

ITEM / SERVICE	ESTIMATED FEE	
	MAGISTRATE'S COURT	DISTRICT COURT
File a summons	\$10	\$20
File an affidavit	<ul style="list-style-type: none"><li>• (Up to 10 pages) \$10</li><li>• (More than 10 pages) \$1 per page</li></ul>	

**NOTE:** This table does not include eLitigation fees payable for processing and transmission. Refer to the Fourth Schedule to the Rules of Court 2021 for the full list of fees.

# 05 WHAT SHOULD YOU EXPECT FROM THE HEARING?

**On the date and time appointed for the hearing of the application:**

- The parties are to attend the hearing at the specified venue in the State Courts.
- The proposed representative who is seeking the Court's permission to represent the company should be ready to address the Court on all relevant issues arising in the application.

**NOTE:** Hearings may from time to time be re-scheduled at the discretion of the Court. The Court will communicate such re-scheduling by way of correspondence from the Court with the parties to the matter.

All scheduled hearings will be available online on a weekly basis at: <https://www.judiciary.gov.sg/hearing-list>

# 06 WHAT CAN THE JUDGE ORDER ON THE APPLICATION?

1. **The Court may allow or dismiss the application and/or make any other appropriate orders.**
2. **The Court may allow the proposed representative to represent the entity subject to certain conditions, depending on the facts of the case, such as:**
  - i. That the proposed representative be contacted on all matters in the legal proceedings and service of court papers.
  - ii. That the proposed representative undertake to be personally responsible for the legal costs that the Court may make against the entity.
  - iii. That the proposed representative should provide information on their assets to meet any potential costs orders which may be made against the entity.



# SG Courts