



(From left to right) Justice Quentin Loh,
Chief Justice Sundaresh Menon, Ms Teh Hwee Hwee

The Year 2018 in Review

The Singapore International Commercial Court (SICC) Conference 2019 (the Conference) was held on 8 and 9 January 2019. The Conference is scheduled at the start of each year and presents a timely opportunity for all the Judges of the SICC to come together and take stock of the progress made in the past year, deliberate on developments in international dispute resolution, as well as to chart the course for the SICC in the year ahead.

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 in numbers

As at the end of 2018, there have been a total of 29 cases. Twenty-eight cases have been transferred from the Singapore High Court to the SICC since the Court was established in 2015. Last year was especially significant for the SICC as not only did it see the highest number of cases transferred but it also received its first fresh filing – which is an achievement considering this took place just after three years of the SICC's establishment. As a result, 12 cases were added to its docket, surpassing the nine cases in 2017.

On another note, the SICC was kept busy as it ended the year with eight written judgments, thereby bringing the total judgment count to 25. The Court of Appeal released six judgments in 2018 with respect to SICC matters, a marked increase from 2017's first written judgment.

In addition, the SICC ended the year with 80 Registered Foreign Lawyers (RFLs) on its register with several more applications in the pipeline. This is reflective of the legal community's recognition and endorsement of the SICC as a trusted and neutral forum for international dispute resolution.

A Snapshot of the SICC

(as at 28 February 2019)





Attendees of the SICC Conference 2019



Professor Lucy Reed, Director of Centre for International Law, was the guest speaker on the various international commercial courts in the world today and their progress



A new International Judge appointed

On 5 January 2019, Justice Lord Jonathan Hugh Mance was appointed International Judge (IJ) of the SICC for a period of two years. He brings to the SICC bench extensive judicial experience, having served on the Bench of the United Kingdom for 25 years. He was most recently the Deputy President of the Supreme Court of the United Kingdom before he retired in June 2018. Justice Lord Mance is widely regarded as one of the leading commercial judges in the world and has written many judgments on international, commercial and European law. His specialisation in commercial law includes insurance and reinsurance, professional negligence, banking and international trade.

With Justice Lord Mance's appointment, the SICC now has 16 IJs from both common law and civil law backgrounds. 5

Amendments to SICC rules and procedures

Effective 1 November 2018, the Rules of Court were amended, and one of which was to regulate proceedings relating to international commercial arbitration that are heard in the SICC as a result of the amendments to section 18D of the Supreme Court of Judicature Act. The SICC Practice Directions were also amended, among other things, to clarify SICC's jurisdiction to hear matters under the International Arbitration Act.

The rules regarding foreign representation in the SICC were also amended to allow law experts to register with the SICC and, once registered, to appear, with the Court's leave, in relevant proceedings in the SICC and relevant appeals in the Court of Appeal to make submissions on questions of foreign law.

A draft of a set of standalone procedural rules for the SICC (SICC New Rules) was presented at the Conference. Consultations on the SICC New Rules will be conducted with relevant stakeholders soon.

Fostering and strengthening judicial ties

The SICC continued to participate in legal conferences organised by various overseas judiciaries. The Standing International Forum of Commercial Courts (SIFoCC) was one such event which saw members of the judiciary from 35 jurisdictions gather in New York, USA, on 27 and 28 September 2018. It was a productive meeting where a draft of a Multilateral Memorandum on Enforcement of money judgments of commercial courts was presented, with the commitment to work towards completion by the next meeting of the Forum in 2020.

Within Singapore, the SICC also hosted several visits to the Supreme Court of Singapore by foreign judiciaries and dignitaries. A notable visit was by the Supreme People's Court (SPC) of the People's Republic of China on 31 August 2018. President of the SPC, Zhou Qiang, met with Chief Justice Sundaresh Menon of the Supreme Court of Singapore for the Second Singapore-China Legal and Judicial Roundtable. The main highlight of their meeting was the landmark signing of a Memorandum of Guidance (MOG) on recognition and enforcement of money judgments in commercial cases. This agreement is significant for the SICC especially in light of the Belt and Road Initiative that has gained traction in many countries around the world.

Looking ahead

Several milestones for the SICC were achieved in 2018, yet there remains much to be done this year, following the end of the Conference. Efforts to leverage technology solutions and emerging technologies for a more efficient and effective court process and justice system continue. There will also be deepening cooperation with other Courts in areas like capacity-building, attachments and exchanges, and possibly more court-to-court MOGs on recognition and enforcement of money judgments. The SICC is focused on, and committed to, enhancing its position as a prime destination for international commercial dispute resolution in Asia Pacific and beyond.

SICC OUT & ABOUT

The SICC Development team often participates in local and overseas conferences in an effort to expand its reach and engage relevant groups. Both the Singapore High Court and International Judges regularly grace and speak at these events as well.

JPRI Conference 2018 in Seoul

Justice Chua Lee Ming (pictured on the right), a judge of the SICC, spoke at the Judicial Policy Research Institute (JPRI) Conference 2018. Held on 4 and 5 December 2018 in Seoul, South Korea, the JPRI Conference was forward-looking and focused on “The Future of Judiciary: A Global Perspective”. Justice Chua joined several eminent international speakers on a session on the first day titled “Specialized Court: International Commercial Court & Maritime Court”, which was moderated by Sung-Keun Yoon, Presiding Judge of the Seoul High Court.

Justice Chua shared on how the SICC is uniquely-different from international arbitration and a national court, and instead marries the advantages of both. For example, the SICC allows for foreign counsel representation which a national court does not, and SICC judgments are appealable, which is a limitation of arbitration. He also spoke as a panellist at the Final Plenary Session on the second day, together with other esteemed members of the international judiciary and academia.



China-Singapore International Commercial Dispute Resolution Conference

The China Council for the Promotion of International Trade (CCPIT) and the Singapore Ministry of Law co-hosted the inaugural China-Singapore International Commercial Dispute Resolution Conference on 24 January 2019 in Beijing, China. Senior Minister of State for Law and Health Edwin Tong (pictured below), led the delegation from Singapore. The main objective of the Conference was to support the development of the Belt & Road Initiative and advance China-Singapore cooperation in international commercial legal services.

The Conference focused on the three avenues for international commercial dispute resolution – litigation, arbitration and mediation. Judge of the SICC, Justice Hoo Sheau Peng (pictured on the right), graced the event as a speaker. Together with Mr Laurence Wong of the SICC Development team, Justice Hoo spoke in the panel session titled “Judicial Support for and Developments in International Commercial Litigation”.

She shared about the pivotal role international commercial courts play in the current business landscape, and highlighted that their open and transparent nature better enables the building up of a body of case law that is credible, commercially-sensitive and authoritative. He also addressed the enforceability of SICC judgments and stated that most of the global financial centres and several of the largest economies of the world would recognise and enforce money judgments of the SICC.



SICC OUT & ABOUT

Knowledge exchanges and collaborations with governmental organisations, and overseas judiciary and academia are commonplace for SICC Development. These are integral in ensuring that we are kept abreast of international developments, both legal and commercial.



Visit from the CCPIT Commercial Legal Service Center


Affiliated to the CCPIT, the Commercial Legal Service Center provides general legal consulting service to both Chinese and overseas companies. It also represents clients for dispute resolution, conducts legal training, mediation, and more. Five members of the Center, including its Director-General, Ms Cai Chenfeng (second from right in above photo), visited the SICC on 10 December 2018 to learn more about the uniqueness of the Court. The SICC Development team shared about its flexible procedures like the options to apply for different levels of confidentiality and adoption of other rules besides Singapore rules of evidence. Furthermore, there is the ability to join third and related parties and the availability of appeal, and more. Hence, the term “arbitration in litigation” would be apt to describe the SICC.



New York University Abu Dhabi comes to the SICC

A group of 15 undergraduate students from the New York University Abu Dhabi visited the SICC on 21 January 2019. It was an enlightening session for them in that it was in line with the international commercial arbitration course they were undertaking. They were fascinated by the SICC’s features and many sought to find out more with questions about the rules and procedures. The students learnt that whilst the SICC is a court based in Singapore, it is not a national court that is bound by local rules. For example, general discovery is not practised in the SICC even though Singapore is a common law jurisdiction, so the rules for document production are similar to that in international arbitration.



Ms Nadine Debbas Achkar, Lecturer for International Commercial Arbitration, said: “We thoroughly enjoyed the presentation. It was enlightening for our students and certainly piqued their interest in this unique court, which stretches the boundaries of what we think international commercial dispute resolution is typically like.” 

Registered Foreign Lawyers

As at 28 February 2019, the SICC has 86 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

Latest Judgments

9 January 2019

BCBC Singapore Pte Ltd & Anor v PT Bayan Resources TBK & Anor [2018] SGHC(I) 01: <https://bit.ly/2Dwbr2J>

Enforcement of SICC Judgments

SICC judgments are enforceable in many jurisdictions, both civil and common law. You may access the Note and read more about it here: <https://goo.gl/2VtHpv>

1 Supreme Court Lane,
Singapore 178879

Tel: +65 6336 0644

Email: SICC_Development@supcourt.gov.sg

Published bimonthly by
Singapore International Commercial Court

To subscribe or unsubscribe to this newsletter,
you may contact us at the same email address.