The International Committee of the Singapore International Commercial Court: A Transnational Appeal Mechanism

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To bolster Singapore's position as an international dispute resolution hub, the Singapore International Commercial Court (International Committee) Bill[1] was introduced in Parliament on 14 October 2024 to establish the International Committee of the Singapore International Commercial Court (the SICC), a standalone body, to hear prescribed civil appeals and related proceedings from prescribed foreign jurisdictions.[2] The Bill was passed by Parliament on 12 November 2024. The Singapore International Commercial Court (International Committee) Act 2024 (the "International Committee Act") is uncommenced.[3]

The establishment of this transnational appeal mechanism followed the signing of a bilateral treaty between the Government of Singapore and the Government of the Kingdom of Bahrain on 20 March 2024. This treaty concerned collaboration between the two jurisdictions on two key matters: 1) the establishment of the Bahrain International Commercial Court (the BICC); and 2) the setting up of a mechanism for appeals from the BICC to be heard by the SICC.[4] The remit of the International Committee of the SICC is not limited to appeals from the BICC. Arrangements between Singapore and other foreign jurisdictions may be made for appeals on certain class of civil judgments from a court of the originating foreign jurisdiction to lie to Singapore.

A standalone body

The International Committee Act makes clear that the International Committee is not a court of Singapore. Nor does it exercise the judicial power of Singapore. However, the International Committee will leverage 'the close relationship with the SICC', for instance, the International Committee proceedings will take place in Singapore and it may use the resources and facilities of the Supreme Court of

Singapore.[5]

Constitution

The International Committee will comprise the Chief Justice (who shall be the President of the Committee), the Judges, Judicial Commissioners and Senior Judges of the Supreme Court of Singapore, the International Judges of the SICC, as well as ad hoc members drawn from the court of the jurisdiction from which the appeal arose.[6]

Jurisdiction and Powers

Where arrangements have been made between Singapore and a foreign jurisdiction for appeals on certain civil matters to lie to Singapore, jurisdiction regulations will be promulgated to give effect to these arrangements (including what jurisdiction and powers the International Committee will have) and designate the International Committee as the appellate body to hear these appeals.[7] In other words, the Act envisages and allows for different collaborative arrangements to be entered into between Singapore and different foreign jurisdictions.[8]The contents of the jurisdictional regulations "will be subject to inter-governmental negotiations".[9] The International Committee has jurisdiction to decide any question about its own jurisdiction.[10]

Hearings and Procedure

Save for contrary provision in the jurisdiction regulations or relevant procedural rules, the International Committee will sit in public.[11] The Chief Justice may make rules to govern the procedure and practice to be followed by the International Committee and the registry, including matters concerning: documents-based hearings; for the International Committee to sit in private; costs; the means by which facts may be proved and the way in which factual, exert or opinion evidence may be adduced for the proceedings, etc.[12]

Legal Representation

Singapore lawyers and foreign lawyers and legal experts registered to appear before the SICC may also appear before the International Committee. The SICC model of registration for foreign lawyers and law experts will be extended to apply to the International Committee. Amendments to the Legal Professional Act

1966 will be made to give effect the aforesaid arrangements.[13]

Enforcement of orders and judgments of the International Committee

A judgment or order of the International Committee on an appeal from a court of a foreign jurisdiction is considered a foreign judgment or order from that foreign jurisdiction.[14] Enforcement of the judgment or order in Singapore will follow the existing rules or mechanisms applicable to that jurisdiction,[15] unless the judgment or order does not have effect under the law of that foreign jurisdiction.[16]

Finality of Decision

To ensure finality, a decision of the International Committee is "final and may not be appealed or reviewed by any court".[17]

The International Committee of the SICC is expected to be launched very soon. That it is not a Singapore court, and coupled with the fact that foreign judges could be appointed to hear the proceedings, strengthens the positioning of the International Committee as a truly international (Singapore-based) dispute resolution mechanism.

[1] https://sso.agc.gov.sg/Bills-Supp/36-2024/Published/20241014?DocDate=20241014

[2] https://www.mlaw.gov.sg/enhancing-singapore-s-offerings-as-an-international-dispute-resolution-hub-with-the-sicc-ic-bill/

[3] https://sso.agc.gov.sg/Act/SICCICA2024/Uncommenced/20250612233557?DocDate=20241210

[4] https://www.mlaw.gov.sg/news/press-releases/singapore-bahrain-sign-treaty-on-appeals-from-bicc/

[5] https://www.mlaw.gov.sg/second-reading-speech-by-minister-of-state-murali-pillai-

on-sicc-bill/

[6] The International Committee Act, section 4.

[7] The International Committee Act, section 6.

[8] https://www.mlaw.gov.sg/second-reading-speech-by-minister-of-state-murali-pillai-on-sicc-bill/ paragraph 35.

[9] https://www.mlaw.gov.sg/second-reading-speech-by-minister-of-state-murali-pillai-on-sicc-bill/ paragraph 25.

[10] The International Committee Act, section 7(2).

[11] The International Committee Act, section 8(2).

[12] The International Committee Act, section 10(2).

[13] The International Committee Act, section 14.

[14] The International Committee Act, section 13(1)(*a*).

[15] The International Committee Act, section 13(1)(*b*).

[16] The International Committee Act, section 13(2).

[17] The International Committee Act, section 12. See also https://www.mlaw.gov.sg/second-reading-speech-by-minister-of-state-murali-pillai-on-sicc-bill/, paragraph 28 (it is made clear that the decision of the International Committee may not be reviewed by "any court in Singapore").