The legal profession and the foreign lawyer

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Legal practice in Singapore is governed by the Legal Profession Act 1966. Advocates and solicitors admitted to the Singapore Bar may practise Singapore law. Foreign lawyers may be registered to practise foreign law in Singapore, and foreign law practices may operate under licences of varying scope, including the Qualifying Foreign Law Practice licence introduced in 2008 and the Joint Law Venture and Formal Law Alliance structures. Registered foreign lawyers may also appear in the SICC in offshore cases.[1] A Swiss or German lawyer therefore works in Singapore either through a local firm, as this book's author does as Of Counsel at KGP Legal LLC, or through a registered foreign law practice limited to advising on the law of the home jurisdiction.

Example: A Zürich-based asset manager wants a legal opinion that its planned Singapore subsidiary does not need a capital markets services licence under the Securities and Futures Act 2001. Only a Singapore-admitted lawyer may give that opinion as Singapore legal advice. The Swiss counsel's role is to frame the facts in the categories a Singapore lawyer needs and to explain the Swiss licensing position so that the group structure is understood. Swiss counsel then checks that the

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Singapore conclusions are consistent with the Swiss regulatory analysis under the Financial Institutions Act (FinIA; FINIG). The two opinions then form a single structuring memorandum of the kind described in Part P, Chapter IV.

Notes

1. Legal Profession Act 1966 (2020 Rev Ed), Part 2 (admission), Part 9 (foreign lawyers and foreign law practices); Legal Profession (Representation in Singapore International Commercial Court) Rules 2014. ↩

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