IN THE COURT OF APPEAL OF THE REPUBLIC OF SINGAPORE

[2024] SGCA 36

Court of Appeal / Civil Appeal No 16 of 2024

Between

Theodoros Kassimatis KC

… *Appellant*

And

(1) Attorney-General of the Republic of Singapore
(2) Law Society of Singapore

… *Respondents*

In the matter of Originating Application No 696 of 2023

In the matter of Section 15 of the Legal Profession Act 1966

And

In the matter of Court of Appeal / Civil Appeal No 2 of 2023

And

In the matter of Court of Appeal / Summons No 16 of 2023

And

In the matter of an application by Theodoros Kassimatis, King's Counsel of England

Between

Theodoros Kassimatis KC

… *Applicant*

And

(1) Attorney-General of the Republic of Singapore
(2) Law Society of Singapore

… *Respondents*

Court of Appeal / Civil Appeal No 17 of 2024

Between

Edward Fitzgerald KC

… *Appellant*

And

(1) Attorney-General of the Republic of Singapore
(2) Law Society of Singapore

… *Respondents*

In the matter of Originating Application No 811 of 2023

In the matter of Section 15 of the Legal Profession Act 1966

And

In the matter of Court of Appeal / Civil Appeal No 2 of 2023

And

In the matter of Court of Appeal / Summons No 16 of 2023

And

In the matter of an application by Edward Fitzgerald, King's Counsel of England

Between

Edward Fitzgerald KC

… *Applicant*

And

(1) Attorney-General of the Republic of Singapore
(2) Law Society of Singapore

… *Respondents*

JUDGMENT

[Legal Profession — Admission — *Ad hoc*]

Kassimatis, Theodoros KC
v
Attorney-General and another and another appeal

[2024] SGCA 36

Court of Appeal — Civil Appeals Nos 16 and 17 of 2024
Sundaresh Menon CJ, Belinda Ang Saw Ean JCA, Judith Prakash SJ
18 September 2024

25 September 2024 Judgment reserved.

Sundaresh Menon CJ (delivering the judgment of the court):

Introduction

1 These appeals engage an interesting question of law: can foreign counsel, seeking *ad hoc* admission to practise as an advocate and solicitor of the Supreme Court of Singapore and to represent his or her client in a specific case, address the court on the merits of his or her own application for *ad hoc* admission?

2 Two King's Counsel, Mr Theodoros Kassimatis KC ("Mr Kassimatis KC") and Mr Edward Fitzgerald KC ("Mr Fitzgerald KC") (collectively, the "Appellants"), have applied for *ad hoc* admission to practice as advocates and solicitors of the Supreme Court of Singapore under s 15 of the Legal Profession Act 1966 (2020 Rev Ed) (the "LPA"), for the purpose of acting for several accused persons in civil proceedings. The Attorney-General and the Law

Society of Singapore (collectively, the "Respondents") object to their admission.

3 A judge sitting in the General Division of the High Court (the "Judge") dismissed the Appellants' applications in *Kassimatis, Theodoros KC v Attorney-General and another and another matter* [2024] SGHC 24 (the "Judgment").

4 In the course of their applications, a preliminary issue arose as to whether the Appellants were entitled to address the court on the applications given that they had not yet been admitted to practise as advocates and solicitors of the Supreme Court of Singapore (the "Preliminary Objection"). The Judge held that they were not entitled to do so.

5 In these appeals, the Appellants have appealed against various aspects of the Judgment. The oral hearing for these appeals has been scheduled for 9 October 2024. In this judgment, we consider only the appeal against the Judge's decision on the Preliminary Objection and consequently, whether the Appellants can address the court in these appeals. The relevant parties will have the opportunity to address this court on the other aspects of the appeal during the oral hearing on 9 October 2024.

Facts

6 The Appellants, Mr Kassimatis KC and Mr Fitzgerald KC, were appointed Queen's Counsel in March 2017 and January 1995 respectively. Their designations were automatically changed to King's Counsel on 8 September 2022 upon the death of Queen Elizabeth II.

7 Mr Jumaat bin Mohamed Sayed ("Jumaat"), Mr Saminathan Selvaraju ("Saminathan"), Mr Datchinamurthy a/l Kataiah ("Datchinamurthy"), and

Mr Lingkesvaran Rajendaren ("Lingkesvaran") (collectively, the "Claimants") were each accused of an offence under the Misuse of Drugs Act (Cap 185, 2008 Rev Ed) (the "MDA"). They were each convicted at trial and sentenced to suffer the death penalty. Their respective appeals against their conviction were also dismissed.

8 Thereafter, the Claimants filed various civil applications. In one of these civil applications, HC/OA 480/2022 ("OA 480"), the Claimants contended that ss 18(1) and 18(2) of the MDA are incompatible with the presumption of innocence and the Constitution of the Republic of Singapore (2020 Rev Ed). OA 480 was dismissed by the General Division of the High Court in *Jumaat bin Mohamed Sayed and others v Attorney-General* [2022] SGHC 291. The Claimants subsequently filed an appeal against the High Court's decision in CA/CA 2/2023 ("CA 2").

9 Due to the Claimants' failure to file the required documents in time, CA 2 was deemed to be withdrawn. The Claimants then applied in CA/SUM 8/2023 ("SUM 8") to reinstate CA 2 and for an extension of time to file the required documents. SUM 8 was dismissed by a single judge sitting in the Court of Appeal (see *Jumaat bin Mohamed Sayed and others v Attorney-General* [2023] 1 SLR 1437 ("*Jumaat (SUM 8)*")).

10 On 6 June 2023, the Claimants filed CA/SUM 16/2023 ("SUM 16") for the full Court of Appeal to reconsider the matter and to set aside the decision in *Jumaat (SUM 8)* and for CA 2 to be reinstated. On 11 July 2023, the Appellants filed HC/OA 696/2023 ("OA 696") for *ad hoc* admission to practise as advocates and solicitors of the Supreme Court of Singapore. OA 696 was subsequently amended to remove Mr Fitzgerald KC as an applicant upon the

direction of the court. Mr Fitzgerald KC then filed a separate application, HC/OA 811/2023 ("OA 811"), on 11 August 2023 for *ad hoc* admission.

11 In OA 696, Mr Kassimatis KC sought *ad hoc* admission to act for Jumaat and Saminathan in respect of CA 2 and SUM 16. In OA 811, Mr Fitzgerald KC sought *ad hoc* admission to act for Datchinamurthy and Lingkesvaran in respect of CA 2 and SUM 16.

Decision below and the appeals on the Preliminary Objection

12 In OA 696 and OA 811, the Respondents took the position that the Appellants could not address the court on the applications. The Appellants, on the other hand, contended that they were self-represented persons and could therefore do so pursuant to an exception to the general rule, such exception being found in s 34(1)(*e*) of the LPA.

13 The Judge agreed with the Respondents. He held that since the Appellants were seeking *ad hoc* admission in order to act on behalf of the Claimants rather than pursuing their own legal interests, they could not be considered self-represented persons and did not come within the ambit of the exception set out in s 34(1)(*e*) of the LPA, which provides as follows:

> **Qualifications to section 33**
>
> **34.**—(1) Section 33 does not extend to —
>
> …
>
> (*e*) any person acting personally for himself or herself only in any matter or proceeding to which he or she is a party;

14 In turn, s 33 of the LPA provides that:

> **Unauthorised person acting as advocate or solicitor**
>
> **33.**—(1) Any unauthorised person who —
>
> (*a*) acts as an advocate or a solicitor or an agent for any party to proceedings, or, as such advocate, solicitor or agent —
>
> (i) sues out any writ, summons or process;
>
> (ii) commences, carries on, solicits or defends any action, suit or other proceeding in the name of any other person, or in his or her own name, in any of the courts in Singapore; or
>
> (iii) draws or prepares any document or instrument relating to any proceeding in the courts in Singapore; or
>
> (*b*) wilfully or falsely pretends to be, or takes or uses any name, title, addition or description implying that he or she is duly qualified or authorised to act as an advocate or a solicitor, or that he or she is recognised by law as so qualified or authorised,
>
> shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $25,000 or to imprisonment for a term not exceeding 6 months or to both and, in the case of a second or subsequent conviction, to a fine not exceeding $50,000 or to imprisonment for a term not exceeding 12 months or to both.

15 The Judge also referred to the High Court decision of *Re Nicholas William Henric QC and another application* [2002] 1 SLR(R) 751 ("*Re Henric*") and, in particular, this passage at [44]:

> 44 I shall now address the points raised by the Attorney-General. I agree that s 21 [of the Legal Profession Act (Cap 161, 2001 Rev Ed)] contemplates an application by a QC and not the litigants in the case in question. It also assumes that there is an instructing solicitor on record but does not make that a necessary feature of every application. There is no requirement in our law that QC must appear only on instructions from a solicitor. Indeed, a QC is admitted under s 21(1) 'to practise as an advocate *and* solicitor'. The Legal Profession Act does not prohibit a litigant from acting in person (*see s 34(e)*). Accordingly, if a litigant chooses to act in person, he or the QC in question may affirm the affidavit specified in s 21(3). The litigant acting in person may also address the court in the way an instructing advocate and solicitor may. If the litigant chooses

> to affirm the affidavit, he cannot claim to have no or insufficient knowledge of what is required of him in *ad hoc* admissions.
>
> [emphasis in original]

16 The Judge held that the foregoing extract in *Re Henric* established that while a self-represented person could address the court in certain contexts, this did not extend to allowing an applicant for *ad hoc* admission to address the court on his or her own application. First, the High Court in *Re Henric* did not state that such an applicant was able to address the court on the application, and this was not an inadvertent omission. Second, the last sentence of the extract warns a self-represented person that he or she cannot claim to have no or insufficient knowledge if he or she chooses to affirm the affidavit. This would have been unnecessary if the High Court had thought that the applicant for *ad hoc* admission could in his or her own capacity address the court on the application. Third, when the High Court said that the Legal Profession Act (Cap 161, 2001 Rev Ed) does not prohibit a litigant from acting in person, the court referred to what is now s 34(1)(*e*) of the LPA, which applies to the claimant in the underlying dispute, and not the applicant for *ad hoc* admission (see the Judgment at [32]–[36]).

17 In these appeals, the Appellants essentially argue the following in respect of the Preliminary Objection. First, each of the Appellants are party to an application to the court for *ad hoc* admission; it is their own application for *ad hoc* admission and to that extent and in that sense, they *are* the subject matter of the application; it is they who must satisfy the statutory pre-conditions; and it is they who are asking the court for permission to appear before the court. Second, they are not acting as advocates and solicitors in the *ad hoc* admission applications but are acting as self-represented persons. Third, it is said that the Judge had misunderstood *Re Henric*, because the court in *Re Henric* did not

purport to restrict foreign counsel from appearing or addressing the court on his or her own behalf. The Appellants submit that the appropriate relief is therefore for the Judge's decision to be set aside, and for the applications to be remitted to the High Court for redetermination.

Our decision

18 In *Tan Cheng Bock v Attorney-General* [2017] 2 SLR 850 ("*Tan Cheng Bock*") at [54] and *Tan Seng Kee v Attorney-General and other appeals* [2022] 1 SLR 1347 at [161]–[162], this court made clear that the task of statutory interpretation requires a construction of the relevant provision in its context, in light of the statute as a whole, and, as far as possible, to make sense of all the provisions in a coherent way. In our judgment, the critical error which the Appellants have made is keeping an unwavering focus on s 34(1)(*e*) of the LPA. This has led them to overlook the other relevant provisions of the LPA. We explain below.

19 Apart from s 34(1)(*e*) of the LPA, the relevant provisions in the LPA include at least ss 15, 29, 32 and 33. Section 15 provides for the requirements for *ad hoc* admission, and states that:

> **Ad hoc admissions**
>
> **15.**—(1) Despite anything to the contrary in this Act, the court may, for the purpose of any one case, admit to practise as an advocate and solicitor any person who —
>
> (*a*) holds —
>
> (i) His Majesty's Patent as King's Counsel; or
>
> (ii) any appointment of equivalent distinction of any jurisdiction;

> (*b*) does not ordinarily reside in Singapore or Malaysia, but has come or intends to come to Singapore for the purpose of appearing in the case; and
>
> (*c*) has special qualifications or experience for the purpose of the case.
>
> …

20 Section 32(1) of the LPA provides that "a person *must not* practise as an advocate and solicitor … *unless*" his or her name is on the roll, and he or she has in force a practising certificate [emphasis added]. The words in emphasis (namely, "must not" and "unless") are in mandatory terms, and they bar anyone from "practising as an advocate and solicitor". In contrast, s 33(1) of the LPA (see [14] above) imposes a criminal sanction on any "unauthorised person who acts as an advocate or a solicitor or an agent for any party to proceedings, or, as such advocate or solicitor or agent", does certain things, such as commencing a suit or an action.

21 The first point to note is that the scope and effect of ss 32(1) and 33(1) of the LPA are not identical. There may be an overlap between them, but the provisions are not the same. We explain the distinction between these provisions at [24]–[26] below. The fact that there is a difference between the scope and effect of these provisions is important to note because, as can be seen at [13] above, s 34(1)(*e*) of the LPA expressly impacts only s 33. The heading of s 34 of the LPA is "Qualifications to section 33", and s 34(1)(*e*) states that "*Section 33* does not extend to … any person acting personally for himself or herself only in any matter or proceeding to which he or she is a party" [emphasis added]. Section 34 of the LPA could have been drafted to expressly state that Part 4 as a whole, which includes s 32, does not apply in the circumstances set out in the provision. However, it does not. It limits its application to s 33 of the LPA. Hence, whatever may be the true effect of s 34(1)(*e*) in relation to s 33 of

the LPA, which is what the Appellants have focused on, and which we separately address at [28]–[36] below, this has nothing to do with the prohibition that is contained in s 32. In short, there is no basis at all for thinking that s 34 of the LPA permits an unauthorised person to practise as an advocate and solicitor under s 32. It is not, and in truth it cannot be, denied that the Appellants are unauthorised persons as matters now stand, and as that term is defined in s 32(2) of the LPA. Indeed, it is for this reason that they seek *ad hoc* admission under s 15, so that they may practise as advocates and solicitors in the specific matters mentioned at [11] above.

22 This situation is quite different from that of a person who is a self-represented person in the true sense of that term. Such a person is not in any sense *practising* and does not seek to practise as an advocate and solicitor in another specific matter, and who in no way comes within the ambit of the prohibition in s 32 of the LPA. Such a self-represented person might potentially offend the prohibition against the specific acts contemplated in s 33, which explains the necessity for the exemption in s 34.

23 In contrast, the entire foundation of the Appellants' applications for *ad hoc* admission is that they are *legal practitioners*; indeed, they say they are lawyers of distinction with special experience and qualifications. That may well be so, but this glosses over a crucial fact: they are *foreign* legal practitioners. They are not yet admitted to practise in this jurisdiction; and until they are, they cannot arrogate to themselves, that which is exclusively the privilege of those admitted as advocates and solicitors, as provided in s 29(1) of the LPA.

24 We turn to the distinction between one who "practises as an advocate and solicitor" (which is covered by s 32 of the LPA) and one who does "any act as an advocate or solicitor or agent" (which is covered by s 33 of the LPA).

While there is an overlap in the sense that one who practices as an advocate and solicitor will necessarily do some of the acts specified in s 33 of the LPA, the two are not identical. Indeed, it may be noted as a preliminary point that if they were identical in meaning and effect, it would suggest that one or the other of the provisions is otiose, and in construing a statute, a court strives to give meaning to each provision because Parliament does not legislate in vain (see *Law Society of Singapore v Shanmugam Manohar* [2022] 3 SLR 731 at [71] and *Tan Cheng Bock* at [38]).

25 But beyond this, the difference is evident. Conceptually, the former is a broader provision that prohibits the unauthorised practice as an advocate and solicitor, while the latter is a narrower and more specific prohibition targeted at specific acts done, which are within the exclusive preserve of an advocate and solicitor, and these are prohibited regardless of whether they are done in the context of *practising* as an advocate and solicitor. One who offers advice on legal matters or who offers to draft a legal submission for reward will likely be caught by s 33 regardless of whether that is done in the context of practising as an advocate and solicitor or in a context where it is made clear that the service is being provided by one who is not an advocate and solicitor (see *Turner (East Asia) Pte Ltd v Builders Federal (Hong Kong) Ltd and another* [1988] 1 SLR(R) 281 ("*Turner*") at [20]–[26] and *Choo Cheng Tong Wilfred v Phua Swee Khiang and another* [2021] SGHC 154 at [79], [83]–[84] and [114]–[129]). We can also illustrate this by reference to the present case. Both Appellants seek *ad hoc* admission under s 15 of the LPA to act for the Claimants. These are applications by each of the Appellants to *practise* as an advocate and solicitor for the Claimants in CA 2 and SUM 16. But they both additionally seek permission for a junior barrister to assist them. This cannot be permitted by s 15 of the LPA because those juniors do not hold patents as King's Counsel, and it cannot

possibly be granted because there is no room for them to be admitted or to be so permitted, even on an *ad hoc* basis under the LPA. The juniors are prohibited from *practising* as advocate and solicitors under s 32 of the LPA, *and* under s 33, they would be prohibited from doing any of the specified *acts* as an advocate or solicitor, which is what the juniors would likely be doing in assisting with the case. Aside from this, we note that while one may show that one is not in breach of s 33 of the LPA, at least in certain respects, by showing that the acts were not done for reward (see s 33(2) of the LPA), we do not think that this would apply to the prohibition under s 32 against practising as an advocate and solicitor.

26 Indeed, we note that this position in law is also supported by authority. In *Turner*, the High Court had the occasion to consider the proper interpretation of ss 29 and 30 of the Legal Profession Act (Cap 161, 1985 Rev Ed) (the "1985 LPA"), which is *in pari materia* to ss 32 and 33 of the LPA. There, New York attorneys represented a party in arbitral proceedings. The other party applied for an injunction to restrain the New York attorneys from acting in the arbitration. This was on the basis that doing so was a contravention of ss 29 and 30 of the 1985 LPA. It was not disputed that the New York attorneys would provide services such as advising on the rights and liabilities of the party to the arbitration and drafting documents for the arbitration (see *Turner* at [10]). Chan Sek Keong JC (as he then was) held that the New York attorneys' representation of their client would contravene ss 29(1) and/or 30(1) of the LPA 1985 (see *Turner* at [35]). In reaching this conclusion, the court observed that "s 29(1) … is not a mere definition section … Section 29(1) prohibits the practice as an advocate and solicitor and the doing of an act as an advocate and solicitor whereas s 30(1) prescribes specific acts by unauthorised persons" (see *Turner* at [23], [24], [26] and [32]–[34]).

27 We turn next to the Appellants' heavy reliance on s 34(1)(*e*) of the LPA. Our analysis at [24]–[26] displaces this reliance, but we nonetheless consider it further. We begin with s 15 of the LPA (see [19] above). The *ad hoc* admissions process is directed at one who wishes to be admitted "for the purpose of any one case" to "practise as an advocate and solicitor" in that case. Essentially, the application is to do that which one cannot do unless one's name is on the roll, and one has a practising certificate. The applicant, as stated in s 15(1)(*b*) of the LPA, must also be a person who does not reside in Singapore but intends to come here "for the purpose of appearing in that case". It is clear from the text of s 15 of the LPA that there is a necessary link between an application for *ad hoc* admission under s 15 and the underlying case for which such admission is sought.

28 The Appellants maintain in these appeals that they are merely acting as self-represented persons in their own matters and can address the court on the applications in OA 696 and OA 811 and these appeals. In our judgment, the Appellants are mistaken for three reasons.

29 First, the matter in question is an application under s 15 of the LPA, which, on its terms, is concerned with an application *to act for another person or entity in another particular case*. We first reiterate the observations we have made at [23] above. Further, as we have noted at [27] above, this establishes a necessary link between the *ad hoc* application and the underlying matter. It also demonstrates that the party with the real interest in securing the *ad hoc* admission is the client in the underlying matter. The question under s 15 of the LPA is not fundamentally one of whether the applicant is entitled to practise as an advocate and solicitor, although that is an anterior part of the overall inquiry. The real question, however, is whether the client in the underlying matter is entitled to have the applicant, who is a foreign legal practitioner, admitted in

order to represent him or her in that matter. While the form of the application may be that it is made by the foreign counsel, the substance is that it is an application for the benefit of the client in the underlying matter.

30 This explains why the client in the underlying matter may be allowed to argue the application for *ad hoc* admission and any appeal therefrom in person even though he or she is technically a third party to that application (see *Godfrey Gerald QC v UBS AG and others* [2004] 4 SLR(R) 411 at [20]). It also explains why costs for an *ad hoc* admission application are treated as costs of the "interlocutory chapters in the main action" (see *Price Arthur Leolin v Attorney-General and others* [1992] 3 SLR(R) 113 at [15]; *Re Rogers, Heather QC* [2015] 4 SLR 1064 at [66]–[68]). Relatedly, we agree with the Judge below that the extract in [44] of *Re Henric* contemplates that only the Claimants or local counsel can address the court in the *ad hoc* admission applications (see [15]–[16] above).

31 In this vein, we think that comparisons between s 15 of the LPA and an application for admission under s 12 of the LPA for admission as an advocate and solicitor not for a particular matter but to be placed on the roll so that he or she may then obtain the privileges of an advocate and solicitor are not helpful. Unlike an applicant for *ad hoc* admission under s 15 of the LPA, a person applying for admission under s 12 has a personal and direct interest in being admitted because of that person's wish to be admitted to the profession not for the sake of any particular case but for his or her own sake.

32 The purpose of the applications under s 15 of the LPA in this case is to seek *ad hoc* admission in order to represent the Claimants because it is contended that the expertise of the foreign counsel is required by the Claimants. This is not a case of someone acting for oneself but of someone seeking

permission to act for someone else in another matter. In essence, the Appellants are holding themselves out in their personal capacity as having the necessary expertise and advocacy skills to advocate for others; they are not in the same situation as self-represented persons. In our judgment, s 34(1)(*e*) of the LPA does not extend to allowing one to "act personally" when, *in substance*, that person is putting himself or herself out as advocates for the true litigants, which, in essence, is what the Appellants are doing.

33 The Appellants argue that this would result in an "inconsistency" between ss 15(3) and 33 of the LPA. They contend that even though s 15(3) of the LPA states that the applicant for *ad hoc* admission is required to make such application by "originating application supported by an affidavit of the applicant", they would not be allowed to do so, because they would be doing a prohibited act under s 33 (which includes drawing up documents on behalf of someone else to put before the court). We disagree. Such an applicant would be able to file the prescribed applications and swear the affidavits for the *ad hoc* applications because they are *expressly* permitted to do so under s 15 of the LPA. But what the Appellants seek to do is to go further and *address the court* on behalf of the Claimants, who are the true litigants and the parties with the real interest in being represented by the Appellants, and this, they are prohibited from doing (under ss 32 and 33 read with s 34(1)(*e*) of the LPA, as explained in the foregoing paragraphs).

34 Second, the Appellants' arguments overlook the distinction between the prohibition in s 33 of the LPA against *acts*, and the more general prohibition in s 32(1) against a person *practising* as an advocate and solicitor (as explained at [24]–[26] above). As we have observed in the foregoing paragraphs, while the persons seeking admission are the Appellants, the parties with the real interest in these matters are the clients in the underlying matters, namely, the Claimants.

By addressing the court on the subject of their applications for *ad hoc* admissions, the Appellants would be *practising* as an advocate and solicitor by appearing for and advancing the interests of the Claimants in having the Appellants represent them as their advocates and solicitors. This also sets apart an applicant applying for *ad hoc* admission application under s 15 of the LPA from an applicant applying for admission under s 12, as the latter has a personal and direct interest in the application (see [31] above). In that sense, an applicant applying for admission under s 12 of the LPA is a self-represented person who would not come within the ambit of s 32 (see [22] above). Further, as we have also noted, the Appellants' attempt to rely on s 34(1)(*e*) of the LPA is misplaced in any case because, in our judgment, that provision does not avail the Appellants in the present circumstances, and also because that only applies to exempt their *acts* under s 33, which is distinct from, and does not displace, the prohibition against *practising* as an advocate under s 32.

35 Third, the question of whether to grant an application for *ad hoc* admission is not just a matter of form. There are requirements that cover the applicant's formal qualifications and those which require the court to be satisfied that there is a "special reason" for admitting foreign counsel (see generally ss 15(1) and 15(2) of the LPA read with r 47(1) of the Legal Profession (Admission) Rules 2024, which re-enacts r 32(1) of the Legal Profession (Admission) Rules 2011). Additionally, there are other questions to be considered, such as the *necessity* for the applicant to be admitted having regard to the matters specified in para 3 of the Legal Profession (Ad Hoc Admissions) Notification 2012 (S 132/2012) (see *Re Wordsworth, Samuel Sherratt QC* [2016] 5 SLR 179 at [27], [35]–[39] and *Re BSL* [2018] SGHC 207 at [6]).

36 These are hurdles that have been put in place to ensure that foreign counsel cannot represent parties to litigation unless these conditions are met, and they illustrate two important points. First, at its heart, an application under s 15 of the LPA is primarily concerned with the rights of the parties to the underlying litigation and *not* with the rights or interests of the applicants for *ad hoc* admission. Second, and more broadly, these potentially difficult issues and hurdles, which concern questions of domestic policy, should be dealt with by the court with the assistance of *local counsel*, not foreign counsel, because it cannot be gainsaid that the former are best placed to assist the court on such matters. Until the threshold for admission is crossed, foreign counsel cannot appear in our courts or practise as advocates and solicitors.

Conclusion

37 For these reasons, we dismiss the appeal against the Preliminary Objection. Consequently, the Appellants cannot themselves address the court on the appeals. However, it remains possible for local counsel to be engaged to address the court on the other issues in the appeals, including the issue of

whether the Appellants' applications for *ad hoc* admissions should be allowed. The Claimants may also address the court on the appeals in person.

38 Unless the Claimants notify us within seven days that they will be represented by local counsel, we will hear them on the remaining issues in the appeals.

Sundaresh Menon
Chief Justice

Belinda Ang Saw Ean
Justice of the Court of Appeal

Judith Prakash
Senior Judge

The appellants in CA/CA 16/2024 and CA/CA 17/2024 in person;
The claimants in HC/OA 480/2022 in person;
Hay Hung Chun, Theong Li Han and Poh Hui Jing Claire (Attorney-General's Chambers) for the first respondent in CA/CA 16/2024 and CA/CA 17/2024;
Christopher Anand s/o Daniel, Yeo Yi Ling Eileen and Saadhvika Jayanth (Advocatus Law LLP) for the second respondent in CA/CA 16/2024 and CA/CA 17/2024.