

Dispute Resolution

Towards the Harmonised Service of Documents Abroad

Singapore Accedes to the Hague Service Convention

Introduction

Cross-border disputes, which are increasingly common in the commercial world, carry a unique set of challenges, both practical and legal. One such challenge is obtaining the involvement of parties in foreign jurisdictions. This requires the service of legal documents, the rules for which may differ from country to country. The Hague Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters ("**Service Convention**") seeks to address this problem by providing a harmonised set of rules for the service of judicial and extrajudicial documents abroad.

On 16 May 2023, Singapore acceded to the Service Convention, making it a Contracting Party. This means that litigants in Singapore will be able to utilise the simplified mechanism for service of documents on parties from other Contracting Parties to the Service Convention, providing for a more streamlined and cost-efficient process.

The Ministry of Law ("**MinLaw**") has stated that the Service Convention will enter into force on 1 December 2023 for Singapore, and that the obligations of the Service Convention will then be implemented through amendments to the relevant rules and regulations.

In this Update, we highlight the key features of the Service Convention and what it will mean for litigants in Singapore.

Key Features of the Service Convention

For countries that are not party to the Service Convention, the service of legal documents abroad would usually involve the use of diplomatic channels, in which a formal request from the court of origin is sent to its foreign ministry. The formal request would then be transmitted to the foreign ministry of the destination country, which would then be forwarded to the destination court for an order of service. Some of the issues arising from such a process would be inefficiency in terms of time and costs, as well as uncertainty due to the different procedural rules in each jurisdiction.

The Service Convention establishes a simplified and consistent mechanism for litigants to effect service of legal documents in other Contracting Parties.



Dispute Resolution

The service process may be summarised as follows:

- Each Contracting Party would designate a Central Authority to receive requests for service from other Contracting Parties.
- An authority or judicial officer who is competent to serve process in the country of origin will send a request in the prescribed form to the Central Authority of the destination country, along with the documents to be served.
- The Central Authority of the destination country would then arrange for service of the documents by an appropriate agency, either by a method prescribed by its own law, or by a method requested by the applicant.
- Once service is effected, the Central Authority will send a standard-form certificate confirming service of the documents to the applicant.

Currently, the Contracting Parties to the Convention include major trading partners of Singapore such as USA, UK, China, Australia, Vietnam and the Philippines.

The advantage of the service procedure under the Service Convention is that it is generally faster and cheaper than the use of diplomatic channels. Further, it provides for greater certainty by its implementation of a standardised procedure.

Accession to the Service Convention

In a press release of 17 May 2023 (available [here](#)), MinLaw has stated that the Service Convention will enter into force on 1 December 2023 for Singapore.

To implement the obligations under the Service Convention, Singapore will amend the relevant rules and regulations, including the Rules of Court 2021, the Singapore International Commercial Court Rules 2021, and the Family Justice Rules. MinLaw has stated that these amendments will be implemented at the same time as when the Service Convention enters into force for Singapore.

MinLaw will be designated as Singapore's Central Authority under the Service Convention.

Further details on the implementation of the Service Convention will be announced in due course.

Concluding Words

Singapore's accession to the Service Convention will allow Singapore to leverage on the harmonised set of rules for the service of documents abroad. This will help ensure that Singapore legal proceedings

Dispute Resolution

are not challenged or stayed due to invalid service, which will facilitate the recognition or enforcement outside of Singapore of judgments that are subsequently issued by the Singapore courts.

In this regard, the process for service of documents under the Service Convention provides greater legal certainty for Singapore litigants to enforce their rights in foreign jurisdictions. It also allows for the more efficient and effective service of documents, meaning savings in time and costs.

For further queries, please feel free to contact our team below.

Contacts



Jansen Chow
Co-Head, Fraud, Asset Recovery
& Investigations
Commercial Litigation

T +65 6232 0624

jansen.chow@rajahtann.com



Ang Leong Hao
Partner
Commercial Litigation

T +65 6232 0466

leong.hao.ang@rajahtann.com

Please feel free to also contact Knowledge Management at eOASIS@rajahtann.com

Regional Contacts

R&T SOK & HENG | *Cambodia*

R&T Sok & Heng Law Office

T +855 23 963 112 / 113

F +855 23 963 116

kh.rajahtannasia.com

RAJAH & TANN | *Myanmar*

Rajah & Tann Myanmar Company Limited

T +95 1 9345 343 / +95 1 9345 346

F +95 1 9345 348

mm.rajahtannasia.com

RAJAH & TANN 立杰上海

SHANGHAI REPRESENTATIVE OFFICE | *China*

Rajah & Tann Singapore LLP

Shanghai Representative Office

T +86 21 6120 8818

F +86 21 6120 8820

cn.rajahtannasia.com

GATMAYTAN YAP PATACSIL

GUTIERREZ & PROTACIO (C&G LAW) | *Philippines*

Gatmaytan Yap Patacsil Gutierrez & Protacio (C&G Law)

T +632 8894 0377 to 79 / +632 8894 4931 to 32

F +632 8552 1977 to 78

www.cagatlaw.com

ASSEGAF HAMZAH & PARTNERS | *Indonesia*

Assegaf Hamzah & Partners

Jakarta Office

T +62 21 2555 7800

F +62 21 2555 7899

Surabaya Office

T +62 31 5116 4550

F +62 31 5116 4560

www.ahp.co.id

RAJAH & TANN | *Singapore*

Rajah & Tann Singapore LLP

T +65 6535 3600

sg.rajahtannasia.com

RAJAH & TANN | *Thailand*

R&T Asia (Thailand) Limited

T +66 2 656 1991

F +66 2 656 0833

th.rajahtannasia.com

RAJAH & TANN | *Lao PDR*

Rajah & Tann (Laos) Co., Ltd.

T +856 21 454 239

F +856 21 285 261

la.rajahtannasia.com

RAJAH & TANN LCT LAWYERS | *Vietnam*

Rajah & Tann LCT Lawyers

Ho Chi Minh City Office

T +84 28 3821 2382 / +84 28 3821 2673

F +84 28 3520 8206

CHRISTOPHER & LEE ONG | *Malaysia*

Christopher & Lee Ong

T +60 3 2273 1919

F +60 3 2273 8310

www.christopherleeong.com

Hanoi Office

T +84 24 3267 6127

F +84 24 3267 6128

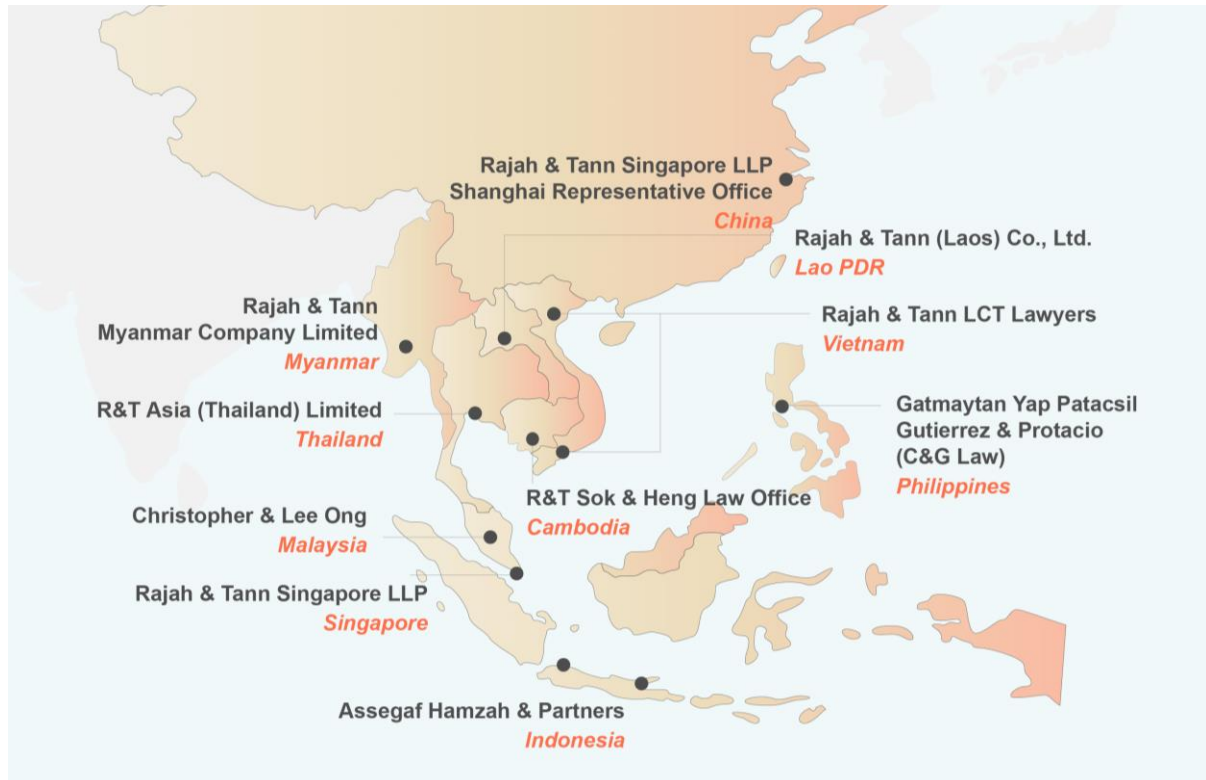
www.rajahtannlct.com

Rajah & Tann Asia is a network of legal practices based in Asia.

Member firms are independently constituted and regulated in accordance with relevant local legal requirements. Services provided by a member firm are governed by the terms of engagement between the member firm and the client.

This update is solely intended to provide general information and does not provide any advice or create any relationship, whether legally binding or otherwise. Rajah & Tann Asia and its member firms do not accept, and fully disclaim, responsibility for any loss or damage which may result from accessing or relying on this update.

Our Regional Presence



Rajah & Tann Singapore LLP is one of the largest full-service law firms in Singapore, providing high quality advice to an impressive list of clients. We place strong emphasis on promptness, accessibility and reliability in dealing with clients. At the same time, the firm strives towards a practical yet creative approach in dealing with business and commercial problems. As the Singapore member firm of the Lex Mundi Network, we are able to offer access to excellent legal expertise in more than 100 countries.

Rajah & Tann Singapore LLP is part of Rajah & Tann Asia, a network of local law firms in Cambodia, China, Indonesia, Lao PDR, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Vietnam. Our Asian network also includes regional desks focused on Brunei, Japan and South Asia.

The contents of this Update are owned by Rajah & Tann Singapore LLP and subject to copyright protection under the laws of Singapore and, through international treaties, other countries. No part of this Update may be reproduced, licensed, sold, published, transmitted, modified, adapted, publicly displayed, broadcast (including storage in any medium by electronic means whether or not transiently for any purpose save as permitted herein) without the prior written permission of Rajah & Tann Singapore LLP.

Please note also that whilst the information in this Update is correct to the best of our knowledge and belief at the time of writing, it is only intended to provide a general guide to the subject matter and should not be treated as a substitute for specific professional advice for any particular course of action as such information may not suit your specific business and operational requirements. It is to your advantage to seek legal advice for your specific situation. In this regard, you may call the lawyer you normally deal with in Rajah & Tann Singapore LLP or email Knowledge Management at eOASIS@rajahtann.com.