法律專業與外國律師

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新加坡的法律執業受《1966年法律專業法》（Legal Profession Act 1966）規管。獲新加坡律師公會認許的執業律師（advocates and solicitors）可執業新加坡法律。外國律師可經註冊在新加坡執業外國法律，外國律師事務所亦可在範圍各異的牌照下營運，包括2008年推出的合資格外國律師事務所牌照，以及聯營律師事務所和正式律師聯盟等架構。已註冊的外國律師亦可在境外案件中於SICC出庭。[1]因此，瑞士或德國律師在新加坡執業，要麼透過本地律師事務所（本書作者即以顧問律師（Of Counsel）身份在KGP Legal LLC執業），要麼透過只限就本國法律提供意見的已註冊外國律師事務所。

例子：一家以蘇黎世為基地的資產管理公司，希望取得法律意見，確認其計劃設立的新加坡附屬公司毋須根據《2001年證券及期貨法》持有資本市場服務牌照。只有獲新加坡認許的律師才可以新加坡法律意見的形式提供該意見。瑞士律師的角色，是按照新加坡律師所需的類別整理事實，並解釋瑞士的牌照狀況，以便各方理解集團架構。其後，瑞士律師會核查新加坡的結論是否與根據《金融機構法》（FinIA; FINIG）所作的瑞士監管分析一致。兩份意見隨後合成一份架構備忘錄，即第P部分第IV章所述的那類備忘錄。

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註釋

1. Legal Profession Act 1966 (2020 Rev Ed)，第2部分（認許）、第9部分（外國律師及外國律師事務所）；Legal Profession (Representation in Singapore International Commercial Court) Rules 2014。 ↩

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