

Pegasus Trust (Outgoing) Scholarship to Singapore

- *Salman Hassanally 2019 Pegasus Scholar*

Main article

On arrival at the award-winning Changi airport, it was impossible not to admire the world's largest indoor waterfall. I soon came to learn that although small, Singapore punches above its weight in most things, and has its fair share of impressive features and landmarks. Its status as a regional hub for law is all-the-more remarkable given its independence from Malaysia in 1965.

Owing to the fact that Singapore was under British rule for a period of nearly 150 years, its legal system is founded on English law; and it was only in 1993 that appeals to the Privy Council were abolished. Being a relatively-young country with a relatively-small population, there are many legislative provisions which have yet to be litigated in Singaporean Courts. Accordingly, whilst there is a growing body of Singapore case law, precedents from the commonwealth, and particularly from England and Wales, are regularly cited and remain highly persuasive. This is especially true for commercial/chancery law, which hasn't been impacted as heavily by EU law as areas such as employment, immigration and taxation, which in any event have a more domestic dimension and are generally less international.

On my very first day at Rajah & Tann, after being introduced to the members of the commercial litigation team, headed by Francis Xavier SC, I was tasked with researching whether a resolution passed at an EGM convened by a single director, in contravention of the company's Articles of Association, was valid. This in turn involved undertaking a detailed analysis of the existing law concerning section 392 of the Companies Act (Singapore), and section 1322 of the Corporations Act (Australia) which is similarly worded. The exercise made me appreciate just how hard the job of a commonwealth lawyer is: they are required to keep up not just with the evolution of law in their own country, but also in other commonwealth jurisdictions.

Over the subsequent weeks, I was involved with a host of other company disputes. The nature of the work afforded me plenty of exposure to the Court of Appeal, Singapore's highest court, and the High Court, with one of the hearings listed at 7.30am. I was determined to visit Singapore's other court, the State Court – which hears everything from criminal matters to family, tax, and general civil matters – before I left, and my colleagues were only too eager to assist in arranging a case for me to observe.

Upon learning that I wanted to expand my practice to incorporate arbitration, Mr Xavier SC provided me with the details of a dispute for which he was acting as the sole arbitrator, and asked me to write an award in respect of the preliminary dispute concerning where the seat of the arbitration should be. Having never undertaken an arbitration, and only having a vague recollection of it from the BPTC, I spent most of the weekend learning about the nuts and bolts of international arbitration. It was immensely satisfying to read Mr Xavier SC's final award, and to note the similarities with my draft.

Owing to my enthusiasm for arbitration, Mr Xavier SC invited me to spend a week observing an arbitration at Maxwell Chambers concerning a casino located in Cambodia. I was informed that owing to Thailand's prohibition on gambling there are numerous casinos located along its border, and disputes were often settled by way of arbitration in Singapore.

My time with Rajah & Tann passed quickly, in large part due to the hospitality and kindness shown to me by my colleagues. Whilst with the firm, I learnt about areas of company law I never knew existed, and got to grips with conducting arbitrations in accordance with the SIAC rules.

Prior to my arriving in Singapore, there was little I was required to do other than source my accommodation. Due to Singapore's prohibition on short-term rentals this took me longer than I anticipated, however, I was delighted to eventually find a place which was conveniently located on the Singapore River within a 10-minute walk from the Rajah & Tann office¹.

During my time in Singapore, there always seemed to be something going on, whether that be annual food festival, the Singapore bicentennial (marking 200 years since the arrival of Stamford Raffles), National Day (celebrating independence from Malaysia), the Ghost Festival, or celebrations for Eid alAdha (an Islamic public holiday). This meant that by simply exploring the streets of Singapore, it was very easy to imbibe the local culture and traditions.

Following my placement, I was fortunate enough to be able to travel to Indonesia where I tried my hand at scuba diving, in the crystal-clear waters off the coast of Banda Aceh, and spotted native orangutans in the dense rainforests of Sumatra.

The opportunity to learn about the law, as well as the culture, of Singapore was a unique and unrivalled experience, and one which I will never forget. I am incredibly grateful to Rajah & Tann for hosting me, and to the Pegasus Trust for facilitating the opportunity.

¹ Shortly after my scholarship ended, Rajah & Tann relocated to a new office space at Marina One.