

Singapore Court Clarifies The Law Relating To Service Of Process On Foreign Parties

The Singapore High Court set out in detail the various methods available to a plaintiff for foreign service...

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[High Court](#) has clarified the law in relation to service of court process on a foreign party to Singapore proceedings. In *Humpuss Sea Transport Pte Ltd (in compulsory liquidation) v PT Humpuss Intermoda Transportasi TBK and another* [2015] SGHC 144, the Court overruled their previous stance on foreign service of process via private means in *Ong & Co. v Chow YL Carl* [1987] SLR(R) 281.

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The Humpuss decision is an important step in the development of Singapore as an international hub for the resolution of cross-border disputes

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In a comprehensive judgment, Steven Chong J also took the opportunity to definitively clarify the position in relation to foreign service of process, and his judgment in *Humpuss* leaves the state of the law in no doubt: not only does Singapore permit service overseas through private means, private service is the “default” position. The judgment also confirms that the Court has discretion to cure invalid service in limited circumstances.

The High Court set out in detail the various methods available to a plaintiff for foreign service (depending on where the defendant is domiciled), the circumstances in which service will be valid or invalid, and when it might be appropriate for the court to exercise its discretion to cure invalid service.

Chong J clarified that service of process on foreign parties is not confined to the methods prescribed under O11 r4(2) of the Rules.

Chong J took the opportunity to comprehensively restate the law on service outside jurisdiction, paying particular attention to the manner of service. In summary:

The Importance Of Proper Service

The validity of service falls to be determined by reference to Singapore law (specifically, O 11). The burden of proof is on the plaintiff to establish that the method of service employed complies with O 11.

The Relevance of Foreign Law

The provisions of foreign law are only relevant insofar as the laws of Singapore make compliance with foreign laws relevant.

Foreign law on service may be relevant in either a restrictive or permissive capacity under the Rules. Rule 3(2) will not permit service – official or private – in a foreign country where service is contrary to

the law of that country (restrictive). Rule 3(3) permits service (other than personal service) via methods specifically provided for by the foreign jurisdiction for the service of foreign process (permissive). See also: "Clarity in Effecting Service Outside of Jurisdiction: Humpuss Sea Transport Pte Ltd v PT Humpuss Intermoda Transportasi TBK [2015] SGHC 144", [Singapore Law Blog](#) (18 June 2015).

The Humpuss decision is an important step in the development of Singapore as an international hub for the resolution of cross-border disputes, says John A. DeMarr, P.I., a licensed [California private investigator](#) since 1985, and president of John A. DeMarr Private Investigators.

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