

Passing of the Apostille Bill in Singapore and removing the need to have some foreign public documents legalised

Singapore's Parliament passed the Apostille Bill on 2 November 2020, paving the way for the Hague Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents (the "**Apostille Convention**") to have domestic force.

Currently, various states require foreign public documents to be "certified" by the relevant competent authority in the state of origin before they are recognised and accepted. In Singapore, the legalisation of public documents issued by Singapore authorities falls under the purview of the Ministry of Foreign Affairs ("**MFA**"). Under this process, documents undergo "legalisation" before they are recognised and accepted by a foreign state. However, the legalisation process is often time-consuming and may increase the costs of producing and using public documents in a foreign state.

The Apostille Bill does away with the need to "legalise" public documents where both states are Contracting Parties to the Apostille Convention.¹ Instead, a Convention certificate called an "apostille" will be issued by the state's designated competent authority. This apostille certifies the "origin" of the public documents produced by the state, and Contracting Parties are required to accept the apostille as sufficient verification of the public document's origin. Under section 7 of the Apostille Bill, the "origin" of a foreign public document refers to (a) the authenticity of the signature on the document; (b) the capacity in which the signatory of the document acts as; and (c) the identity of the seal/stamp on the document (where appropriate).

Hence, when Singapore becomes a Contracting Party to the Apostille Convention in 2021, foreign public documents affixed with apostilles from other Contracting Parties would be accepted in Singapore without the need for legalisation. Likewise, other Contracting Parties would be required to accept public documents from Singapore if simply affixed with an apostille from Singapore's designated competent authority.

The Apostille Bill also prescribes for the Singapore Academy of Law ("**SAL**") to be Singapore's competent authority under the Apostille Convention. SAL is empowered to issue apostilles to certify public documents issued by Singapore authorities.

¹ As of 2 December 2020, there are a total of 119 Contracting Parties to the Apostille Convention. Some of these Contracting Parties include the United Kingdom, the United States, Japan, and South Korea.

If the other state is not a Contracting Party to the Apostille Convention, that foreign state may still require for public documents to be legalised before they are accepted for use. SAL will now be the authority responsible for the legalisation of public documents issued by Singapore authorities in such scenarios. Given SAL's role in handling authentication services, the consolidation of legalisation and authentication functions under SAL would likely bring about more convenience to parties who may still require legalisation services. The transfer of legalisation functions from MFA to SAL is currently expected to be completed by January 2021.



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This article is intended to discuss the Apostille Bill, and it is not intended to be comprehensive nor should it be construed as legal advice. This article is updated as of 2 December 2020.