

PART I PRELIMINARY

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1 Short title

Short title

1.

This Act may be cited as the Legal Profession Act.

2 Interpretation

Interpretation

2.

— (1) In this Act, unless the context otherwise requires —

"Academy" means the Singapore Academy of Law established under the Singapore Academy of Law Act (Cap. 294A);

"active practice" does not include practice as a locum solicitor;

"advocate and solicitor", "advocate" and "solicitor" mean an advocate and solicitor of the Supreme Court;

"Board" means the Board of Legal Education established under section 3;

"client" includes —

(a) in relation to contentious business, any person who, as principal or on behalf of another person, retains or employs, or is about to retain or employ, a solicitor, and any person who is or may be liable to pay a solicitor's, a law corporation's or a limited liability law partnership's costs; and

(b) in relation to non-contentious business —

(i) any person who, as a principal or on behalf of another, or as a trustee, an executor or an administrator, or in any other capacity, has power, express or implied, to retain or employ, and retains or employs or is about to retain or employ, a solicitor, a law corporation or a limited liability law partnership; and

(ii) any person for the time being liable to pay a solicitor, a law corporation or a limited liability law partnership for his or its services any costs;

"contentious business" means business done, whether as an advocate or a solicitor, in or for the purposes of proceedings begun before a court of justice or before an arbitrator;

"costs" includes fees, charges, disbursements, expenses and remuneration;

"Council" means the Council of the Society established under section 47;

"court" means the High Court or a Judge when sitting in open court;

"Disciplinary Committee" means a committee appointed by the Chief Justice under section 90;

"Inquiry Committee" means an Inquiry Committee constituted under section 85 (10);

"Judge" means a Judge of the High Court sitting in chambers;

"law corporation" means a company approved as a law corporation under section 81B;

"lay person" , in relation to an Inquiry Committee or Disciplinary Committee, means an architect, accountant, banker, company director, insurer, professional engineer, medical practitioner or a person who possesses such other qualifications as may be approved by the Chief Justice and the Attorney-General;

"legal officer" means a person appointed as a legal officer in the Singapore Legal Service;

"limited liability law partnership" means a limited liability partnership approved as a limited liability law partnership under section 81Q;

"locum solicitor" means an advocate and solicitor engaged (whether

concurrently or otherwise) on a temporary or freelance basis by one or more law firms, law corporations, limited liability law partnerships or solicitors practising on their own account;

"Malayan practitioner" means any person entitled to practise before a High Court in any part of West Malaysia;

"practising certificate" means a certificate issued by the Registrar under section 25;

"qualified person" means any person who —

(a) before 1st May 1993 —

(i) has passed the final examination for the degree of Bachelor of Laws in the University of Malaya in Singapore, the University of Singapore or the National University of Singapore;

(ii) was and still is a barrister-at-law of England or of Northern Ireland or a member of the Faculty of Advocates in Scotland;

(iii) was and still is a solicitor in England or Northern Ireland or a writer to the Signet, law agent or solicitor in Scotland; or

(iv) was and still is in possession of such other degree or qualification as may have been declared by the Minister under section 7 in force immediately before 1st January 1994 and has obtained a certificate from the Board under that section;

(b) on or after 1st May 1993 possesses such qualifications and satisfies such requirements as the Minister may prescribe under subsection (2); or

(c) is approved by the Board as a qualified person under section 7;

"register of practitioners" means the annual register kept by the Registrar under section 27;

"Registrar" means the Registrar of the Supreme Court and includes the Deputy Registrar and an Assistant Registrar;

"Review Committee" means a Review Committee constituted under section 85 (6);

"roll" means the roll of advocates and solicitors of the Supreme Court kept under section 24;

"Rules Committee" means the Rules Committee constituted under any written law for the time being in force with the power to make rules regulating procedure in the Supreme Court;

"Society" means the Law Society of Singapore established under section 37;

"trust" and "trustee" extend to implied and constructive trusts and to cases where the trustee has a beneficial interest in the trust property and to the duties incident to the office of a personal representative, and "trustee", where the context admits, includes a personal representative.

[11/79; 5/81; 17/84; 30/86; 15/89; 16/93; 41/93; 4/2000]

(2) For the purposes of paragraph (b) of the definition of "qualified person" in subsection (1), the Minister may, after consultation with the Board, make rules to prescribe the qualifications, education and training for persons seeking to be qualified persons under this Act.

[41/93]

(3) Without prejudice to the generality of subsection (2), rules made thereunder may —

(a) prescribe the institutions of higher learning, and the courses provided and qualifications conferred thereby, which may be recognised for the purposes of this Act, and may include provisions for the review by the Board of the syllabus and contents of such courses and examinations leading to such qualifications;

(b) specify the minimum standard of attainment, including the class of honours, to be achieved by persons who possess any of the prescribed qualifications;

(c) prescribe such courses, tests or examinations to be undergone by persons who possess any of the prescribed qualifications;

(d) provide for the exemption of any person or classes of persons from any of the provisions thereof by the Minister or by the Board; and

(e) include such incidental, supplementary or transitional provisions as may be necessary or expedient.

[41/93]

(4) References to an employee of a solicitor or law firm or law corporation or limited liability law partnership shall be construed to include a locum solicitor engaged by the solicitor or law firm or law corporation or limited liability law partnership, as the case may be, and references to being employed by a solicitor or law firm or law corporation or limited liability

law partnership shall be construed accordingly, in the following provisions:

- (a) sections 78, 81D, 81E, 81F, 81H, 81S, 81T and 81U;
- (b) the definition of “specified person” in section 79 (2);
- (c) paragraphs 1 (1) (a) (ii), 5 (1) (d) and 8A (1) (d) of the First Schedule; and
- (d) the Second Schedule.

(5) In the definition of “specified person” in section 79 (2), reference to a member of a law firm shall be construed to include a locum solicitor engaged by the law firm.

(6) Unless it is expressly provided to the contrary —

- (a) references to a partnership in this Act; or
- (b) references to a law firm or firm in this Act, except in Part IXA,

shall not include a reference to a limited liability partnership.

PART II ADMISSION OF ADVOCATES AND SOLICITORS

PART II

ADMISSION OF ADVOCATES AND SOLICITORS

Division 1 — Board of Legal Education

3 Establishment of Board of Legal Education

Establishment of Board of Legal Education

3.

—(1) There shall be established a body to be called the Board of Legal Education.

(2) The Board shall be a body corporate with perpetual succession and a common

seal, with powers subject to the provisions of this Act —

- (a) to sue and be sued in its corporate name;
- (b) to acquire and dispose of property, both movable and immovable; and
- (c) to do and perform such other acts as bodies corporate may by law perform.

4 Purposes of Board

Purposes of Board

4.

The purposes of the Board shall be —

- (a) to register qualified persons seeking admission as advocates and solicitors;
- (b) to provide for the training, education and examination, by the Board or by any other body, of qualified persons intending to practise the profession of law in Singapore;
- (c) to exercise supervision over qualified persons during their period of pupillage and to assist masters and principals with regard to the instruction given to pupils;
- (d) to consider and from time to time make recommendations to the appropriate authorities on the syllabus, the contents of courses of instruction and examinations leading to the qualification of persons as qualified persons; and
- (e) to grant prizes and scholarships and to establish and subsidise lectureships in educational institutions in subjects of study relating to law.

5 General powers of Board

General powers of Board

5.

—(1) In addition to the powers given by the other provisions of this Act, the Board may —

(a) purchase or lease any land or building required for any of the purposes of this Act;

(b) sell, surrender, lease, exchange or mortgage any land or building as may be found most convenient or advantageous;

(c) receive grants from the Government or from public funds or the Society or from any other person;

(d) borrow money whether by way of bank overdraft or otherwise for such of the purposes of the Board as the Board may from time to time consider desirable; and

(e) do all things for which it has power to make rules under subsections (3) and (4) and all things that are necessary to carry into effect the objects of this Part and the purposes of the Board.

(2) The Board may —

(a) invest its moneys in such manner as it thinks fit; and

(b) engage in any financial activity or participate in any financial arrangement for the purpose of managing or hedging against any financial risk that arises or is likely to arise from such investment.

[35/2001]

(3) Subject to the provisions of this Part, the Board shall have power to make rules to carry into effect the objects of this Part.

(4) In particular and without prejudice to the generality of subsection (3), the Board may make rules —

(a) for regulating the meetings and proceedings of the Board;

(b) with respect to the taking and retaining of pupils by masters and the conduct, duties and responsibilities of the parties;

(c) for regulating the manner in which pupils keep dining terms and serve their period of pupillage;

(d) for specifying the subjects in which pupils shall attend courses of instruction;

- (e) for the examination from time to time of pupils;
- (f) for the exemption of pupils from courses of instruction or examination;
- (g) for the appointment of lecturers and examiners and for the payment of fees to them;
- (h) for regulating the procedure whereby qualified persons who have satisfied the provisions of this Act are admitted as advocates and solicitors by the Supreme Court; and
- (i) for prescribing the forms to be used and the fees to be paid for the purposes of this Part.

[35/2001]

6 Senate of Academy may give directions to Board

Senate of Academy may give directions to Board

6.

— (1) The Senate of the Academy may, after consultation with the Board, give such directions, not inconsistent with the provisions of this Act, to the Board as to the exercise and performance by the Board of its functions and powers.

(2) The Board shall give effect to any such direction.

[15/89]

7 Board may approve certain persons as qualified persons

Board may approve certain persons as qualified persons

7.

— (1) The Board may, in its discretion, upon an application made to it by any person who is not otherwise entitled to become a qualified person but who, in

the opinion of the Board, possesses such qualification or expertise as would contribute to, promote or enhance the quality of legal services in Singapore or the economic or technological development of Singapore, approve the person as a qualified person for the purpose of this Act and issue to him a certificate to that effect.

[35/2001]

(2) Notwithstanding section 22, any decision of the Board under subsection (1) shall be final and shall not be subject to appeal or review in any court.

[41/93]

8 Constitution of Board

Constitution of Board

8.

— (1) The Board shall consist of —

(a) the Attorney-General;

(b) the President of the Society;

(c) the Dean of the Faculty of Law of the National University of Singapore and the Dean of the Faculty of Law of the Singapore Management University, in each case, being a qualified person;

(d) 4 advocates and solicitors nominated by the Senate of the Academy after consultation with the Council; and

(e) 3 other members nominated by the Senate of the Academy.

[15/89; 35/2001]

(2) The members of the Board, other than the Attorney-General, the President of the Society and the Deans appointed under subsection (1) (c), shall be nominated to hold office for a term of 3 years.

[35/2001]

(3) If for any reason the Attorney-General, the President of the Society or any of the Deans appointed under subsection (1) (c) is unable to attend a particular meeting of the Board, he may nominate some other legal officer or some other member of the Council or the Faculty of Law of the National University of Singapore or the Faculty of Law of the Singapore Management

University, as the case may be, to attend the meeting and when so attending that alternate member shall be deemed for all purposes to be a member of the Board.

[35/2001]

(4) The persons nominated under subsection (1) shall be eligible for re-nomination.

(5) When any vacancy in the Board occurs by death, resignation, insanity, bankruptcy or otherwise, the Board shall as soon as practicable take the necessary action to have the vacancy filled by the appropriate authority.

(6) Any casual vacancy arising among the nominated members shall be filled by nomination by the appropriate authority and any such new member shall hold office for so long as the member in whose place he is appointed would have held office.

(7) The validity of any proceedings of the Board is not affected by any vacancy among its members or by any defect in their appointment.

9 Chairman Deputy Chairman and Secretary

Chairman, Deputy Chairman and Secretary

9.

— (1) The Board shall every year elect a Chairman and a Deputy Chairman who shall so long as they continue to be members of the Board be eligible for re-election.

(2) The Chairman or, in his absence, the Deputy Chairman shall preside at meetings of the Board.

(3) In the absence of the Chairman and the Deputy Chairman, the members of the Board shall elect an acting Chairman who shall have and exercise all the powers of the Chairman.

(4) The Board shall appoint a Secretary and such other officer as it considers necessary.

10 Meetings of Board

10.

— (1) The Board shall meet at such times and such places as the Chairman or the Deputy Chairman may appoint.

(2) Subject to subsection (3), the Board shall have power to fix a quorum for its meetings and shall have the power to fix a different quorum for different purposes.

(3) The quorum at any meeting to make, revoke, alter, add to or amend any rules made under this Part shall be 7. *Division 2 — Qualified persons*

11 Admission of advocates and solicitors

Admission of advocates and solicitors

11.

— (1) The court may, in its discretion and subject to the provisions of this Act, admit as an advocate and solicitor of the Supreme Court —

(a) any qualified person under the provisions of this Part; or

(b) any Malayan practitioner under section 15.

[17/84]

(2) No person who is a qualified person by reason of his having passed the final examination for a law degree in any university in Singapore pursuant to rules made under section 2(2) shall be admitted as an advocate and solicitor before the law degree is conferred upon him.

(3) A person shall not be disqualified by sex from being admitted and enrolled as an advocate and solicitor.

12 Qualifications for admission

Qualifications for admission

12.

— (1) Subject to section 15, no qualified person shall be admitted as an advocate and solicitor unless he —

(a) has attained the age of 21 years;

(b) is of good character;

(c) has satisfactorily served the prescribed period of pupillage for qualified persons;

(d) has attended such courses of instruction and kept such dining terms as may be prescribed by the Board; and

(e) has passed such examinations as may be prescribed by the Board.

[35/2001]

(2) Notwithstanding subsection (1) (d) and (e), the Board may, in its discretion, exempt a qualified person from attending such courses of instruction, keeping such dining terms and passing such examinations as may be prescribed by the Board if the Board is of the opinion that that qualified person is, by reason of his experience or for other cause, a fit and proper person to be so exempted.

[35/2001]

13 Periods of pupillage

Periods of pupillage

13.

— (1) For the purposes of this Part, a qualified person shall, during his period of pupillage, be known as a pupil and a person with whom a pupil serves his period of pupillage or any part thereof shall be known as a master.

(2) Subject to this section and section 14, the prescribed period of pupillage shall be 6 months.

[10/91]

(3) A pupil shall, before his application for admission is heard, attend and satisfactorily complete a course of instruction organised or recognised by the Board for the purposes of this section unless exempted therefrom under section

12 (2).

(4) No person shall, without the special leave in writing of the Board, hold any office or engage in any employment of whatsoever kind and whether full-time or part-time during his period of pupillage.

(5) Subsection (4) shall not —

(a) apply to service as a legal officer;

(b) apply to service as an Assistant Public Prosecutor in the Attorney-General's Chambers; or

(c) preclude a pupil receiving remuneration from his master.

(6) Where a pupil attends the course of instruction referred to in subsection (3) concurrently with his period of pupillage, the period spent in attendance at such course of instruction shall not be counted for the purpose of subsection (2).

14 Service of pupillage

Service of pupillage

14.

— (1) A pupil shall, subject to the approval of the Board, serve his prescribed period of pupillage —

(a) with an advocate and solicitor in active practice in Singapore of not less than 5 years' standing who, for a total of not less than 5 out of the 7 years immediately preceding the relevant date, has been in such practice or has been a legal officer or both;

(b) with any legal officer in Singapore who is an advocate and solicitor of not less than 5 years' standing who, for 5 out of the 7 years immediately preceding the relevant date, has been a legal officer or has been in active practice in Singapore or both;

(c) with an advocate and solicitor who has at any time held office as the Attorney-General or as a Judge of the Supreme Court; or

(d) partly with an advocate and solicitor under paragraph (a) or (c) and partly with a legal officer under paragraph (b).

[10/91; 40/96]

(2) In any case where subsection (1) (b) or (d) applies, 6 months' pupillage with a legal officer shall count as one month's period of pupillage with an advocate and solicitor.

[10/91; 41/93; 40/96]

(3) For the purposes of this section and section 13 (5), "legal officer" includes a legal officer of the Inland Revenue Authority of Singapore or of such other statutory body or law office in the public service as the Minister may prescribe.

[41/93; 35/2001]

(4) The Board may approve a request that a qualified person serve different parts of his period of pupillage with different masters.

(5) The Board may, in its discretion, exempt a qualified person from pupillage, wholly or for such period as the Board thinks fit, upon application made supported by satisfactory evidence that the applicant —

(a) has been a pupil or read in the chambers of a practising barrister of the United Kingdom or of a member of the Faculty of Advocates in Scotland of more than 7 years' standing;

(b) is a solicitor in England or Northern Ireland or a writer to the Signet, law agent or solicitor in Scotland;

(c) has been engaged in active practice as a legal practitioner by whatever name called in any part of the Commonwealth; or

(d) has attended such course of instruction and successfully passed such examination as may be approved by the Board for the purposes of this section.

[15/89; 35/2001]

15 Admission of Malayan practitioners

Admission of Malayan practitioners

15.

— (1) A Malayan practitioner who is a qualified person but who does not qualify under subsection (2) may be admitted as an advocate and solicitor without being required to serve any period of pupillage or to attend any course of instruction if he passes such examinations as may be prescribed by the Board.

(2) A Malayan practitioner who is a qualified person and who has been in active practice in any part of West Malaysia for a continuous period of not less than 3 years in the 4 years immediately preceding his application for admission may be admitted as an advocate and solicitor without being required to serve any period of pupillage or to attend any course of instruction or to pass any examination.

16 Hong Kong practitioners

Hong Kong practitioners

16.

—(1) The following provisions shall apply to a Hong Kong practitioner who has been admitted as an advocate and solicitor under this section pursuant to a petition filed before 1st January 1995:

(a) he shall not practise as an advocate and solicitor unless he is a partner or associate of or is employed by an advocate and solicitor of at least 12 years' standing;

(b) if he has practised as an advocate and solicitor in accordance with the restriction under paragraph (a) for a period of at least 2 years and has during that period resided in Singapore for at least 12 months in the aggregate, he shall be entitled to practise as an advocate and solicitor without being subject to that restriction.

[17/84]

(2) The Minister may exempt any Hong Kong practitioner from subsection (1) (a) where he is of the opinion that the Hong Kong practitioner is of sufficient standing and experience to be so exempted.

[17/84]

(3) In this section —

"associate" , in relation to an advocate and solicitor, means a person who is neither a partner nor an employee of that advocate and solicitor but carries on practice in the same office and maintains separate accounts;

"Hong Kong practitioner" means any person who is entitled to practise as a barrister or solicitor in Hong Kong.

[17/84]

17 Applications for admission under sections 11 (1)

and 15 (1)

Applications for admission under sections 11 (1) and 15 (1)

17.

—(1) This section shall apply to every person who proposes to apply to be admitted as an advocate and solicitor by virtue of section 11 (1) (a) or 15 (1).

(2) An application for admission by such person shall be made to the court by an originating summons supported by an affidavit referred to in subsection (4).

(3) The applicant shall file his application in the Registrar' s office accompanied by a notice intimating that he has so applied, which notice shall be posted and continue to be posted at the Supreme Court for 6 months before the applicant is admitted as an advocate and solicitor.

(4) Every applicant shall, not less than 12days before his application is to be heard, file an affidavit exhibiting the following documents:

(a) in the case of a person applying for admission by virtue of section 11 (1) (a), a certificate signed by the Secretary of the Board certifying that the applicant has satisfied the relevant requirements under this Act to be a qualified person;

(b) in the case of a person applying for admission by virtue of section 15 (1), true copies of any documentary evidence showing that he is a Malayan practitioner;

(c) 2 recent certificates as to his good character;

(d) a certificate of diligence from each master with whom the applicant served his pupillage in cases where the applicant is required to serve a period of pupillage or in the absence thereof such other evidence as the court may require that he has served the pupillage with diligence; and

(e) a certificate signed by the Secretary of the Board that the applicant has

(i) satisfactorily served the period of pupillage or articles (or has been

exempted therefrom under section 14 (5));

(ii) attended the courses of instruction and kept the dining terms (or has been exempted therefrom under section 12 (2)); and

(iii) passed any examination that may be required in his case under the provisions of this Act.

(5) The affidavit and certificates referred to in this section shall be in the form prescribed by the Board.

18 Applications for admission under section15 (2)

Applications for admission under section15 (2)

18.

— (1) This section shall apply to every person who applies to be admitted as an advocate and solicitor by virtue of section15 (2).

(2) An application for admission by such person shall be made to the court by originating summons supported by an affidavit referred to in subsection (4).

(3) The applicant shall file his application in the Registrar"s office not less than one month before it is to be heard.

(4) The affidavit supporting the application shall exhibit —

(a) a true copy of the order of court admitting and enrolling the applicant as a Malayan practitioner;

(b) a certificate issued by another Malayan practitioner who shall be of not less than 7 years" standing that to his personal knowledge the applicant has been in active practice in West Malaysia for a continuous period of not less than 3years in the 4 years immediately preceding the application; and

(c) a recent certificate issued by the secretary or other officer of the body charged with responsibility for investigating allegations of professional misconduct or breaches of professional discipline in those parts of Malaysia where the applicant has practised that at the date of the certificate no disciplinary proceedings are pending or contemplated against the applicant and that his professional conduct is not under investigation.

(5) The affidavit and certificates referred to in this section shall be in the form prescribed by the Board.

19 Service of documents and objections

Service of documents and objections

19.

— (1) A copy each of every application and affidavit required to be filed under section 17 or 18 together with true copies of each document exhibited thereto shall, within 5 days of the document being filed in the Registrar's office, be served on the Attorney-General, the Board and the Society.

(2) If the Attorney-General, the Board or the Society intends to object to any application, there shall be served on the applicant not less than 3 clear days or such shorter period as the court may allow a notice of objection in which shall be set out in brief terms the grounds of objection.

(3) Any such notice of objection shall be filed in the Registrar's office at any time before the day fixed for the hearing of the application.

(4) It shall not be necessary for the Attorney-General, the Board or the Society to be represented at the hearing of any application unless the Attorney-General, the Board or the Society, as the case may be, intends to object to that application.

20 Caveats and misrepresentations

Caveats and misrepresentations

20.

— (1) Any person may enter a caveat against the admission of any applicant and upon such a caveat being entered, no application for the admission of the applicant shall be heard except after not less than 3 clear days' notice has been given to the person entering the caveat.

(2) Every caveat under this section shall be entered in the Registrar's office and shall contain the full name, occupation and address of the caveator, a

brief statement of the grounds of his objection and an address for service.

(3) If at any time after the admission of any applicant as an advocate and solicitor it is shown to the satisfaction of the court that any application, affidavit, certificate or other document filed by an applicant contains any substantially false statement or a suppression of any material fact, or that any such certificate was obtained by fraud or misrepresentation, the name of the applicant shall be struck off the roll.

21 Ad hoc admissions

Ad hoc admissions

21.

— (1) Notwithstanding anything to the contrary in this Act, the court may, for the purpose of any one case where the court is satisfied that it is of sufficient difficulty and complexity and having regard to the circumstances of the case, admit to practise as an advocate and solicitor any person who —

(a) holds Her Majesty's Patent as Queen's Counsel;

(b) does not ordinarily reside in Singapore or Malaysia but who has come or intends to come to Singapore for the purpose of appearing in the case; and

(c) has special qualifications or experience for the purpose of the case.

[10/91]

(2) The court shall not admit a person under this section in any criminal case unless the court is satisfied that there is a special reason to do so.

[40/96]

(3) Any person applying to be admitted under this section shall do so by originating summons supported by an affidavit of the applicant or of the advocate and solicitor instructing him stating the names of the parties and brief particulars of the case in which the applicant intends to appear.

(4) The originating summons and affidavit or affidavits shall be served on the Attorney-General, the Society and the other party or parties to the case.

(5) At the time of the service, the applicant shall pay the prescribed fee to the Attorney-General and the Society for their costs incurred in the application.

[41/93]

(6) Before admitting a person under this section, the court shall have regard to the views of each of the persons served with the application.

(7) The Registrar shall, on payment of the prescribed fee, issue to every person admitted under this section a certificate to practise specifying in it the case in which the person is permitted to appear.

(8) Any person to whom a certificate to practise has been issued under subsection (7) shall, for the purpose of his employment in that case, be deemed to be a person to whom a certificate to practise has been issued under section 25.

(9) The Registrar shall not enter the names of persons admitted under this section upon the roll but shall keep a separate roll for persons admitted under this section.

(10) In this section, "case" includes any interlocutory or appeal proceedings connected with a case.

22 Review of Board' s decision

Review of Board' s decision

22.

— (1) Any person dissatisfied with any decision of the Board may apply to a Judge for a review of the decision.

(2) If the Board fails to determine any request within 3 months after it has been first submitted to it, the applicant may apply under this section as if the request had been determined adversely to him.

(3) Every application under this section shall be made by summons if the applicant has filed an originating summons, and otherwise by originating summons.

(4) The Judge hearing the application may, in his discretion, adjourn the application into open court.

(5) Every such summons or originating summons, as the case may be, shall be supported by evidence on affidavit and shall be served together with the affidavit on the Board and shall not be heard until after the expiry of 12

days after service on the Board.

(6) At or before the hearing of the application, the Board may submit to the Judge a confidential report which shall not be filed in court but a copy thereof shall be furnished to the applicant.

(7) A confidential report under this section shall be absolutely privileged.

(8) At the hearing, the Judge may dismiss the application or may make such order in accordance with the provisions of this Act as he thinks fit.

(9) A Judge who is a member of the Board shall not hear any application under this section.

23 Hearing of application

Hearing of

application

23.

— (1) Applications for admission as an advocate and solicitor shall, except during a court vacation, be heard on the second Wednesday of every month unless the Chief Justice otherwise orders for any particular month.

(2) No application for admission shall be heard by a Judge who is a member of the Board.

24 Declaration duty and roll

Declaration, duty and roll

24.

— (1) Every person admitted as an advocate and solicitor of the Supreme Court shall make the declaration set out in subsection (2).

(2) Subject to any necessary modification to conform to the religious beliefs of the applicant for admission, the declaration shall be in the following form:

“I, A.B., do solemnly and sincerely declare (and swear) that I will truly and honestly conduct myself in the practice of an advocate and solicitor according to the best of my knowledge and ability and according to law.

(So help me God) ”.

(3) The Registrar shall keep a roll of advocates and solicitors with the dates of their respective admissions.

(4) The name, with the date of admission, of every person admitted shall be entered upon the roll in order of admission.

(5) Every person admitted as an advocate and solicitor shall pay the prescribed fee and the Registrar shall deliver to him an instrument of admission signed by the Chief Justice or the Judge who admitted the applicant.

(6) This section shall not apply to persons admitted under section 21.

PART III PRACTISING CERTIFICATES

PART III PRACTISING CERTIFICATES

25 Practising certificates

Practising certificates

25.

— (1) Every solicitor shall, in every year before he does any act in the capacity of an advocate and solicitor, deliver or cause to be delivered to the Registrar an application for a practising certificate in such form as may be prescribed by and in accordance with rules made under this section, the application to be accompanied by —

(a) a declaration in writing stating —

(i) his full name;

(ii) the name under which he practises if different from his own name, or the name of the solicitor or firm of solicitors or law corporation or limited liability law partnership employing him; and

(iii) the principal and any other address or addresses at which he practises in Singapore;

(b) a certificate from the Council or such other evidence as the Registrar may require that —

(i) he is not in arrears in respect of any contribution to the Compensation Fund, subscription or levy lawfully due to the Society under the provisions of this Act;

(ii) he has paid all the contributions and subscriptions payable prior to the issue of a practising certificate pursuant to sections 46 and 75;

(iii) he has complied with or is exempt from the rules relating to professional indemnity made under section 75A; and

(iv) if he has been ordered by the Council to pay any penalty under Part VII, he has paid the penalty;

(c) a certificate from the Academy that he has paid all moneys, contributions and subscriptions payable by him under the Singapore Academy of Law Act (Cap. 294A) and any rules made thereunder;

(d) an accountant's report pursuant to section 73 or a certificate from the Council stating that owing to the circumstances of his case such a report is unnecessary; and

(e) the prescribed fee.

[10/91; 40/96; 4/2000]

(2) The Registrar shall, subject to sections 25A and 25B, thereupon issue to the solicitor a practising certificate authorising him to practise as an advocate and solicitor in Singapore.

[40/96]

(2A) A practising certificate issued under subsection (2) shall not authorise a solicitor to practise as a locum solicitor unless the practising certificate was issued pursuant to an application by the solicitor in accordance with any rules made under this section relating to practising certificates to practise as a locum solicitor.

(3) Every practising certificate shall be signed or approved by the Registrar and shall, subject to sections 26 (9) and 27B, be in force from the date of issue to the end of the year.

[40/96; 4/2000]

(4) Where the name of a solicitor is removed from or struck off the roll, the

practising certificate, if any, of that solicitor for the time being in force shall expire immediately and the date of the expiry shall be entered by the Registrar on the register of practitioners.

(5) Every practising certificate issued in the month of April shall be deemed to have been in force from the first day of that month.

(6) In this section, "year" means the period from 1st April in any calendar year to 31st March in the next ensuing calendar year.

(7) Subject to the provisions of this Act, the Council may make rules regulating the issue of practising certificates, including (in relation to practising certificates to practise as locum solicitors) rules specifying all or any of the following:

(a) any modification to subsection (1), including any provision requiring a solicitor applying for such a practising certificate to give any undertaking relating to his practice;

(b) any condition that shall apply to such a practising certificate, including conditions relating to the handling of client's money by the solicitor and the supervision of the solicitor;

(c) any training that the solicitor must complete for the purposes of section 26 (1A) (b) and the time within which such training must be completed.

(8) Rules made by the Council under this section shall be signed by the President of the Society and submitted to the Chief Justice and shall come into operation upon the Chief Justice signifying his approval.

25A Power of Attorney-General Registrar and Council with respect to issue of practising certificates in certain circumstances

Power of Attorney-General, Registrar and Council with respect to issue of practising certificates in certain circumstances

25A.

—(1) This section shall apply to any solicitor —

- (a) whose suspension from practice has expired;
- (b) who has been discharged from bankruptcy;
- (c) who has been sentenced to a term of imprisonment in any civil or criminal proceedings in Singapore or elsewhere;
- (d) who has been convicted of an offence involving dishonesty or fraud;
- (e) who has been convicted of an offence in relation to his conduct in his practice of law;
- (f) who has been found guilty of misconduct in any other professional capacity;
- (g) whom the Attorney-General or the Council is satisfied is incapacitated by illness or accident to such extent as to be unable to attend to his practice; or
- (h) whom the Attorney-General or the Council is satisfied has failed to comply with any of the rules made under section 72.

[40/96]

(2) Where a solicitor to whom this section applies makes an application for a practising certificate, the Attorney-General or the Council may, having regard to all the circumstances of the case, in writing request the Registrar —

- (a) to refuse the application for a practising certificate; or
- (b) to issue a practising certificate to the solicitor subject to such conditions as the Attorney-General or the Council may specify,

and the Registrar may, subject to subsections (6) and (7), comply with the request and notify the solicitor in writing.

[40/96]

(3) Without prejudice to the generality of subsection (2) (b) —

(a) conditions may be imposed under that subsection for requiring the applicant to take any specified steps that will, in the opinion of the Attorney-General or the Council, be conducive to his carrying on an efficient practice as a solicitor; and

(b) conditions may be so imposed (whether for the purpose mentioned in paragraph (a) or otherwise) notwithstanding that they may result in expenditure being incurred by the applicant.

[40/96]

(4) Where the Attorney-General or the Council makes a request under subsection (2) by reason only of any such circumstances as are mentioned in subsection (1) (c), (d), (e), (f), (g) or (h), the solicitor concerned may, upon proof of a change in the circumstances or for other good cause, inform the Attorney-General or the Council, as the case may be, of the change or good cause.

[40/96]

(5) The Attorney-General or the Council, as the case may be, shall, upon being so informed under subsection (4), re-consider the request and may in writing request the Registrar —

(a) to grant the application for a practising certificate; or

(b) to remove any condition imposed on the practising certificate under subsection (2) (b),

and the Registrar may comply with the request and notify the solicitor in writing.

[40/96]

(6) Where a practising certificate free of conditions is issued by the Registrar to a solicitor in relation to whom this section applies by reason of any such circumstances as are mentioned in subsection (1), then, except in the case of any circumstances of whose existence the Attorney-General or the Council is unaware at the time the certificate is issued, this section shall not thereafter apply in relation to that solicitor by reason of those circumstances.

[40/96]

(7) The Registrar shall not refuse an application by a solicitor for a practising certificate where —

(a) this section applies to the solicitor by reason only of any such circumstances as are mentioned in subsection (1) (a) or (b); or

(b) disciplinary proceedings against the solicitor under Part VII by reason of any such circumstances as are mentioned in subsection (1) have been disposed of.

[40/96]

25B Appeals in connection with issue of practising certificates

Appeals in connection with issue of practising certificates

25B.

—(1) Where the Registrar has refused to issue a practising certificate or has issued to a solicitor a practising certificate subject to a condition under section 25A, the solicitor may, within one month of being notified by the Registrar of the decision, appeal to a Judge by originating summons.

[40/96]

(2) Any appeal under subsection (1) shall be served on the Attorney-General and the Society, and the Attorney-General and the Society may appear at the hearing to make representations.

[40/96]

(3) On such appeal, the Judge may —

(a) direct the Registrar not to issue a practising certificate to the solicitor;

(b) direct the Registrar to issue a practising certificate to the solicitor free from conditions or subject to such conditions as the Judge thinks fit; or

(c) make such other order as the Judge thinks fit.

[40/96]

(4) No appeal shall lie from any order made by a Judge under this section.

[40/96]

26 Disqualification for practising certificates

Disqualification for practising certificates

26.

—(1) No solicitor shall apply for a practising certificate —

(a) unless he is practising or intends to practise either on his own account or in partnership;

(b) unless he is or is about to be employed in his or their practice by a solicitor or firm of solicitors in practice in Singapore;

(ba) unless he is or is about to be a partner or an employee of a limited liability law partnership;

(c) unless he is or is about to be a director or an employee of a law corporation;

(ca) unless he is practising or intends to practise as a locum solicitor;

(d) if he has, for a period of 3 years or more, held office as a Judge of the Supreme Court or of the Supreme Court of Malaysia or of any High Court in any part of Malaysia;

(e) if he is an undischarged bankrupt;

(f) if he has entered into a composition with his creditors or a deed of arrangement for the benefit of his creditors;

(g) if he has one or more outstanding judgments against him amounting in the aggregate to \$100,000 or more which he has been unable to satisfy within 6 months from the date of the earliest judgment; or

(h) if he has been found under section 7 of the Mental Disorders and Treatment Act (Cap. 178) to be of unsound mind and incapable of managing himself and his affairs.

[16/93; 15/95; 40/96; 4/2000]

(1A) No solicitor shall apply for a practising certificate to practise as a locum solicitor unless he is a citizen or a permanent resident of Singapore, and —

(a) has, for a period of not less than 3 years in the aggregate in the 5 years immediately preceding the application —

(i) practised as a solicitor on his own account or in partnership, as a director of a law corporation, as a partner of a limited liability law partnership or as an employee of a law firm, law corporation or limited liability law partnership; or

(ii) been employed as a legal officer;

(b) has completed such training within such time as the Council may by rules under section 25 prescribe; or

(c) has practised as a locum solicitor at any time within the period of 3 years immediately preceding the application.

(2) Notwithstanding anything in subsection (1), any solicitor who has held office as a Judge of the Supreme Court for a period of 3 years or more shall on application be issued a practising certificate enabling him to practise as a solicitor, but without the right of audience in any court of justice in Singapore.

[10/91]

(3) Subsection (1) shall not apply to —

(a) a solicitor who is employed by the Society, the Board or any statutory board or authority;

(b) a solicitor who is employed as a full-time member of the academic staff of any department of the National University of Singapore or of any department of law in any other institution of higher learning in Singapore and who has been so employed in either case for at least 3 continuous years; or

(c) a State Counsel, Deputy Public Prosecutor or other legal officer of the government of any country or any territory of that country,

if the Attorney-General issues a certificate under his hand to the person and specifies therein the matters in which the person may appear and plead in courts of law.

[35/2001]

(4) Where the Attorney-General has issued a certificate to a solicitor under subsection (3) (a) or (b), the Registrar shall, upon the solicitor complying with the provisions of this Act, issue him a practising certificate specifying therein the matters in which he may appear and plead in courts of law and the conditions (if any) as contained in the Attorney-General's certificate.

[35/2001]

(5) Where the Attorney-General has issued a certificate to a person under subsection (3) (c), the Registrar shall issue him a practising certificate specifying therein the matters in which he may appear and plead in courts of law and the conditions (if any) as contained in the Attorney-General's certificate.

[35/2001]

(6) The Attorney-General may shorten the period referred to in subsection (3) (b) if he is satisfied that the solicitor has gained substantial experience in law for the purposes of that subsection.

[35/2001]

(7) Sections 72 and 73 shall not apply to a solicitor who has been issued with a certificate under subsection (3) (a) or (b).

[35/2001]

(8) The other provisions of this Act shall not apply to a person who has been issued a certificate under subsection (3) (c).

(9) A practising certificate issued to a solicitor shall cease to be in force

(a) when the solicitor ceases to practise or to be employed as provided in this section;

(b) upon the solicitor becoming subject to any disqualification under subsection (1) (e), (f), (g) or (h); or

[40/96]

(c) when the Registrar subsequently issues another practising certificate to the solicitor.

(10) For the purposes of this section, “Judge” shall not include a Judicial Commissioner of the Supreme Court.

[40/96]

27 Register of practitioners

Register of practitioners

27.

— (1) Upon the issue of every practising certificate, the Registrar shall cause to be entered in an annual register kept for that purpose (referred to in this Act as the register of practitioners) the particulars as contained in the declaration delivered under section 25 (1) (a) and any condition imposed on the practising certificate.

[40/96]

(2) Any person may inspect the register of practitioners during office hours without payment.

(3) If there is any change with respect to any solicitor in the particulars referred to in subsection (1) or with respect to the status of his practising certificate, including as to whether it has ceased to be in force under section 26 (9), that solicitor shall within one week thereafter notify the Registrar and the Council, and the Registrar shall thereupon cause the entry in respect of that solicitor in the register of practitioners to be amended.

[40/96]

27A Imposition of conditions while practising certificates are in force

27A.

— (1) Where, at any time during the currency of the practising certificate of a solicitor, section 25A would have effect in relation to him by reason of any such circumstances as are mentioned in section 25A (1) if he were to make an application for a practising certificate at that time, a Judge may, upon an application by the Attorney-General or the Council made by originating summons and served upon the solicitor, direct that the current practising certificate of the solicitor shall have effect subject to such conditions as the Judge thinks fit.

[40/96]

(2) Where an order under subsection (1) has been made against a solicitor by reason only of any such circumstances as are mentioned in section 25A (1) (c), (d), (e), (f), (g) or (h), the solicitor may, upon proof of a change in the circumstances or for other good cause, apply to a Judge by summons for a reconsideration of the matter.

[40/96]

(3) Any application under subsection (2) shall be served on the Attorney-General and the Society, and the Attorney-General and the Society may appear at the hearing to make representations.

[40/96]

(4) At the hearing of the application, the Judge shall consider all the circumstances of the case and may make such order as he thinks fit.

[40/96]

(5) No appeal shall lie from any order made by a Judge under subsection (4).

[40/96]

(6) Section 25A (3) shall apply for the purposes of subsection (1) as it applies for the purposes of section 25A (2) (b).

[40/96]

27B Referral to Disciplinary Committee and suspension of practising certificates

Referral to Disciplinary Committee and suspension of practising certificates

27B.

— (1) Upon an application to a Judge by the Attorney-General or the Council, or on the hearing by a Judge of an application made under section 27A, the

Judge may, where he is satisfied that cause of sufficient gravity for disciplinary action against the solicitor exists —

(a) request the Society under section 85 (3) (b) to refer the matter to a Disciplinary Committee unless the matter had been or is being dealt with under Part VII or is to be dealt with under section 94A; and

(b) order that the solicitor's current practising certificate be suspended. [40/96]

(2) Any application by the Attorney-General or the Council under subsection (1) shall be made by originating summons which shall be served on the solicitor.

[40/96]

(3) Where the Attorney-General or the Council makes an application under subsection (1), the Judge shall have, in addition to his powers under that subsection, the powers exercisable by him under section 27A.

[40/96]

(4) If —

(a) the Disciplinary Committee determines under section 93 (1) (a) that no cause of sufficient gravity for disciplinary action against the solicitor exists under section 83 or determines under section 93 (1) (b) that the solicitor should be reprimanded;

(b) the application under section 98 (1) for an order against the solicitor to show cause is withdrawn or dismissed;

(c) the application under section 98 (5) to make a final order pursuant to an order against the solicitor to show cause is withdrawn or discharged; or

(d) a final order has been made against the solicitor pursuant to an order to show cause,

the suspension of the practising certificate of the solicitor shall terminate immediately.

[40/96]

(5) Nothing in subsection (4) shall be construed as affecting the power of the court of 3 Judges of the Supreme Court to suspend a solicitor from practice on an application to make a final order pursuant to an order to show cause under section 98.

[40/96]

(6) Where the suspension of the practising certificate of a solicitor under this section has terminated by reason only of the expiry of the solicitor's current practising certificate and not by reason of the occurrence of any of the events mentioned in subsection (4), the solicitor shall not apply for

another practising certificate until any of the events mentioned in subsection (4) has occurred; and if a practising certificate has been issued to him, that certificate shall cease to be in force.

[40/96]

(7) No appeal shall lie from any order made by a Judge under this section.

[40/96]

28 Cancellation of practising certificates

Cancellation of practising certificates

28.

— (1) The Council may, if it appears to the Council that a practising certificate has been issued to any solicitor contrary to the provisions of this Act or that the accountant's report submitted by any solicitor does not comply with section 73, apply to a Judge by originating summons for an order directing the Registrar to cancel the certificate.

(2) Such an application shall be served on the advocate and solicitor concerned and upon the hearing thereof the Judge may make such order as he may think fit and may also make such order for the payment of costs as may be just.

(3) Disciplinary proceedings may be taken against any solicitor if in, or in relation to, an application for a practising certificate he makes a false statement material to the application.

PART IV PRIVILEGES OF ADVOCATES AND SOLICITORS

PART IV
PRIVILEGES OF ADVOCATES AND SOLICITORS

29 Privileges of advocates and solicitors

Privileges of advocates and solicitors

29.

—(1) Advocates and solicitors shall, subject to the provisions of any written law, have the exclusive right to appear and plead in all courts of justice in Singapore according to the law in force in those courts; and as between themselves shall, subject to section 31, have the same rights and privileges without differentiation.

[15/89]

(2) Nothing herein shall affect the right which is hereby declared of —

(a) the Attorney-General, the Solicitor-General, State Counsel, Deputy Public Prosecutors and qualified persons appointed temporarily to perform the duties of those persons to appear and plead on behalf of the Government in those courts;

(b) the Public Trustee, the Official Assignee, Assistant Public Trustees and Assistant Official Assignees to appear and plead in those courts under any of the provisions of any law relating to those offices; and

(c) the Director of Legal Aid and Assistant Directors of Legal Aid to appear and plead in those courts under the provisions of the Legal Aid and Advice Act (Cap. 160).

30 Appointment of Senior Counsel

Appointment of Senior Counsel

30.

—(1) A Selection Committee comprising the Chief Justice, the Attorney-General and the Judges of Appeal may appoint an advocate and solicitor or a legal officer as Senior Counsel if the Selection Committee is of the opinion that, by virtue of the person's ability, standing at the Bar or special knowledge or experience in law, he is deserving of such distinction.

[15/89; 40/96]

(2) At every meeting of the Selection Committee, 3 members shall constitute a quorum, and no business shall be transacted unless a quorum is present.

[40/96]

(3) A decision at a meeting of the Selection Committee shall be adopted by a simple majority of the members present and voting except that, in the case of an equality of votes, the Chief Justice shall have a casting vote in addition to his original vote.

[40/96]

(4) Subject to this section, the Selection Committee may establish its own

practice and regulate its own procedure.

[40/96]

(5) The appointment of a Senior Counsel shall be deemed to be revoked if the Senior Counsel —

- (a) is suspended from practice or struck off the roll;
- (b) being a legal officer, is dismissed from the Singapore Legal Service;
- (c) being a member of the Faculty of Law of the National University of Singapore or the Faculty of Law of the Singapore Management University, is dismissed from the Faculty;
- (d) is convicted of an offence by a court of law in Singapore or elsewhere and sentenced to imprisonment for a term of not less than 12 months or to a fine of not less than \$2,000 and has not received a free pardon;
- (e) becomes of unsound mind;
- (f) is an undischarged bankrupt; or
- (g) enters into a composition with his creditors or a deed of arrangement with his creditors.

[40/96]

(6) No person shall be appointed as a Senior Counsel unless he has for an aggregate period of not less than 10 years been an advocate and solicitor or a legal officer or both.

[15/89]

(7) On 21st April 1989, those persons who, on the date immediately preceding that date, are holding office as the Attorney-General and the Solicitor-General shall be deemed to have been appointed as Senior Counsel under this section.

[15/89]

(8) Any person who, on or after the date of commencement of this subsection, holds office as the Attorney-General or the Solicitor-General shall, if he is not a Senior Counsel, be deemed to have been appointed as Senior Counsel under this section on that date or the date on which he is appointed Attorney-General or Solicitor-General, whichever is the later.

31 Order of precedence of Senior Counsel in court

Order of precedence of Senior Counsel in court

31.

— (1) Senior Counsel shall rank in precedence after the Attorney-General and the Solicitor-General according to their seniority of appointment as Senior Counsel.

(2) If 2 or more Senior Counsel are appointed on the same day, they shall take precedence according to the date on which they were admitted as advocates and solicitors.

[15/89]

32 Qualifications to practise

Qualifications to practise

32.

— (1) Subject to this Part, no person shall practise as an advocate and solicitor or do any act as an advocate or a solicitor unless his name is on the roll and he has in force a practising certificate.

(2) A person who is not so qualified is referred to in this Act as an unauthorised person.

(3) A Judge may, if he thinks fit, on the application of a solicitor who is a master under Part II allow his pupil who has completed not less than 4 months of his pupillage to appear on behalf of the master or the firm in which the master is a partner or consultant, or the law corporation in which the master is a director or consultant or an employee, or the limited liability law partnership in which the master is a partner or consultant or an employee, before —

(a) a Judge or the Registrar in chambers;

(b) a District Judge or the Registrar of a District Court in chambers; and

(c) a District Judge or a Magistrate to mention a case or to apply for bail.

[4/2000; 35/2001]

33 Unauthorised person acting as advocate or solicitor

Unauthorised person acting as advocate or solicitor

33.

— (1) Any unauthorised person who —

(a) acts as an advocate or a solicitor or an agent for any party to proceedings or as such advocate, solicitor or agent sues out any writ, summons or process, or commences, carries on, solicits or defends any action, suit or other proceeding in the name of any other person or in his own name in any of the courts in Singapore or draws or prepares any document or instrument relating to any proceeding in the courts in Singapore; or

(b) wilfully or falsely pretends to be, or takes or uses any name, title, addition or description implying that he is duly qualified or authorised to act as an advocate or a solicitor, or that he is recognised by law as so qualified or authorised,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$25,000 or to imprisonment for a term not exceeding 6 months or to both and, in the case of a second or subsequent conviction, to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 12 months or to both.

(2) Without prejudice to the generality of subsection (1), any unauthorised person who, directly or indirectly —

(a) draws or prepares any document or instrument relating to any movable or immovable property or to any legal proceeding;

(b) takes instructions for or draws or prepares any papers on which to found or oppose a grant of probate or letters of administration;

(c) draws or prepares any document or instrument relating to the incorporation or formation of a limited company;

(d) on behalf of a claimant or person alleging himself to have a claim to a legal right writes, publishes or sends a letter or notice threatening legal proceedings other than a letter or notice that the matter will be handed to a solicitor for legal proceedings; or

(e) solicits the right to negotiate, or negotiates in any way for the settlement of, or settles, any claim arising out of personal injury or death founded upon a legal right or otherwise,

shall, unless he proves that the act was not done for or in expectation of any fee, gain or reward, be guilty of an offence.

(3) Any unauthorised person who, for or in expectation of any fee, gain or reward, offers or agrees to place at the disposal of any other person the services of an advocate and solicitor shall be guilty of an offence.

[35/2001]

(4) Subsection (3) shall not apply to any person who offers or agrees to place at the disposal of any other person the services of an advocate and solicitor pursuant to a lawful contract of indemnity or insurance.

(5) Every person who is convicted of an offence under subsection (2) or (3) shall be liable for a first offence to a fine not exceeding \$10,000 or in default of payment to imprisonment for a term not exceeding 3 months and for a second or subsequent offence to a fine not exceeding \$25,000 or to imprisonment for a term not exceeding 6 months or to both.

(6) Any act done by a body corporate which in the case of a person would be an offence under subsection (1), (2) or (3) or is of such a nature or is done in such a manner as to be calculated to imply that the body corporate is qualified or recognised by law as qualified to act as a solicitor, or has the capacity or powers of a law corporation or a limited liability law partnership when in fact the body corporate does not, shall be an offence and the body corporate shall be liable on conviction for a first offence to a fine not exceeding \$25,000 and for a second or subsequent offence to a fine not exceeding \$50,000.

[4/2000]

(7) Where the act mentioned in subsection (6) is done by a director, an officer or employee of the body corporate, the director, officer or employee shall, without prejudice to the liability of the body corporate, be liable to the punishments provided in subsection (5).

(7A) Where an act mentioned in subsection (6) is done by a partner, an officer or employee of a limited liability partnership, that partner, officer or employee shall (without prejudice to the liability of the limited liability partnership) be liable to the punishments provided in subsection (5).

(8) Where any firm does an act which in the case of a person would be an offence under subsection (1), (2) or (3), every member of the firm shall be deemed to have committed that offence unless he proves that he was unaware of the commission of the act.

(9) Any person who does any act in relation to a contemplated or instituted

proceeding in the Supreme Court which is an offence under this section shall also be guilty of a contempt of the court in which the proceeding is contemplated or instituted and may be punished accordingly irrespective of whether he is prosecuted for the offence or not.

(10) In this section, “document” and “instrument” do not include —

- (a) a will or other testamentary document; or
- (b) a transfer of stock containing no limitation thereof.

34 Qualifications to section 33

Qualifications to section 33

34.

Section 33 does not extend to —

- (a) the Attorney-General or the Solicitor-General or any other person acting under the authority of either of them;
- (b) the Public Trustee, the Official Assignee, Assistant Public Trustees and Assistant Official Assignees acting in the course of their duties under any law relating to those offices;
- (c) the Director of Legal Aid and Assistant Directors of Legal Aid acting in the course of their duties under the provisions of the Legal Aid and Advice Act (Cap. 160);
- (d) any other public officer drawing or preparing instruments in the course of his duty;
- (e) any person acting personally for himself only in any matter or proceeding to which he is a party;
- (f) any bona fide and full-time employee of an insurance company negotiating for the settlement of or settling a claim made or contemplated against any person or body corporate in cases where the claim, arising out of personal injury or death, relates to a risk insured by that insurance company;
- (g) Deleted by Act 23/2004, wef 14/09/2004.

(h) any full-time member of the academic staff of any department of the National University of Singapore or of any department of law in any other institution of higher learning in Singapore who is a qualified person rendering any opinion or acting in an advisory capacity on any matter in which he has been instructed by an advocate and solicitor;

(i) any accountant drawing or preparing documents in the exercise of his profession;

(j) any proceeding before the Industrial Arbitration Court or the Syariah Court;

(k) any person merely employed to engross any instrument or proceeding;

(l) any approved company auditor drawing or preparing any instrument which he is empowered to do under any law for the time being in force relating to companies; or

(m) any agent duly authorised to the satisfaction of the Registrar of Trade Marks drawing or preparing documents in any matter relating to trade marks.

[35/2001]

35 Sections 32 and 33 not to extend to arbitration proceedings

Sections 32 and 33 not to extend to arbitration proceedings

35.

— (1) Sections 32 and 33 shall not extend to —

(a) any arbitrator or umpire lawfully acting in any arbitration proceedings;

(b) any person representing any party in arbitration proceedings; or

(c) the giving of advice, preparation of documents and any other assistance in relation to or arising out of arbitration proceedings except for the right of audience in court proceedings.

(2) In this section, “arbitration proceedings” means proceedings in an arbitration which —

(a) is governed by the Arbitration Act (Cap.10) or the International Arbitration Act (Cap.143A); or

(b) would have been governed by either the Arbitration Act or the International Arbitration Act had the place of arbitration been Singapore.

35A Order to repay upon conviction under section 33

Order to repay upon conviction under section 33

35A.

— (1) A court may, on the application of the Public Prosecutor, order any unauthorised person convicted of an offence under section 33(1), (2) or (3) or against whom a court has taken into consideration such an offence in sentencing him —

(a) to repay any fee, gain or reward received in respect of any such offence to the person who made the payment; or

(b) to pay any fee, gain or reward referred to in paragraph (a) to the Law Society for the benefit of the person who made the payment.

(2) The Society shall hold and pay out any moneys received pursuant to an order made under subsection (1) (b) in the manner prescribed under subsection (5).

(3) In any proceedings under subsection (1), a certificate purporting to be issued by the Public Prosecutor certifying the amount of any fee, gain or reward referred to in subsection (1) (a) paid by a person to an unauthorised person shall be prima facie evidence of the amount that the unauthorised person is liable to repay under subsection (1) (a) as at the date of the certificate.

(4) An amount ordered to be paid under subsection (1) shall carry interest as from the date of the order and at the same rate as a judgment debt.

(5) The Council may, with the approval of the Chief Justice, make rules for the purposes of subsection (2).

(6) In this section, “fee, gain or reward” does not include disbursements.

36 No costs recoverable by unauthorised person

No costs recoverable by unauthorised person

36.

— (1) No costs in respect of anything done by an unauthorised person as an advocate or a solicitor or in respect of any act which is an offence under section 33 shall be recoverable in any action, suit or matter by any person whomsoever.

(2) Any payment to an unauthorised person for anything done by that unauthorised person which is an offence under section 33 may be recovered by the person who paid the money in a court of competent jurisdiction.

[35

(3) Subsection (2) shall not entitle any person (referred to in this subsection as “the claimant”) to recover from an unauthorised person any payment that has been repaid to the claimant or paid to the Law Society for the benefit of the claimant under section 35A(1).

PART V THE LAW SOCIETY OF SINGAPORE

PART V
THE LAW SOCIETY OF SINGAPORE

Division 1 — Establishment, purposes and powers of society

37 Establishment of Society

Establishment of Society

37.

— (1) There is hereby established a body to be called the Law Society of Singapore.

(2) The Society shall be a body corporate with perpetual succession and a common seal, and with powers subject to the provisions of this Act —

- (a) to sue and be sued in its corporate name;
- (b) to acquire and dispose of property, both movable and immovable; and
- (c) to do and to perform such other acts as bodies corporate may by law perform.

[36

38 Purposes and powers of Society

Purposes and powers of Society

38.

— (1) The purposes of the Society shall be —

- (a) to maintain and improve the standards of conduct and learning of the legal profession in Singapore;
- (b) to facilitate the acquisition of legal knowledge by members of the legal profession and others;
- (c) to assist the Government and the courts in all matters affecting legislation submitted to it, and the administration and practice of the law in Singapore;
- (d) to represent, protect and assist members of the legal profession in Singapore and to promote in any manner the Society thinks fit the interests of the legal profession in Singapore;
- (e) to establish a library and to acquire or rent premises to house the library, offices of the Society or amenities for the use of members;
- (f) to protect and assist the public in Singapore in all matters touching or ancillary or incidental to the law;
- (g) to make provision for or assist in the promotion of a scheme whereby impecunious persons on non-capital charges are represented by advocates;
- (h) to grant prizes and scholarships and to establish and subsidise lectureships in educational institutions in subjects of study relating to law;

(i) to grant pecuniary or other assistance to any association, institute, board or society in Singapore in the interests of the profession of law or of students for that profession;

(j) to afford pecuniary and other assistance to members or former members and to the wives, widows, children and other dependants, whether of members, former members or deceased members who are in need of any such assistance;

(k) to promote good relations and social intercourse among members and between members and other persons concerned in the administration of law and justice in Singapore; and

(1) to establish and maintain good relations with professional bodies of the legal profession in other countries and to participate in the activities of any international association and become a member thereof.

[30/86]

(2) In addition to the powers given by the other provisions of this Act, the Society may —

(a) purchase or lease any land or building required for any of the purposes of the Society;

(b) sell, surrender, lease, exchange or mortgage any land or building as may be found most convenient or advantageous;

(c) borrow money whether by way of bank overdraft or otherwise for such of the purposes of the Society as the Society may from time to time consider desirable;

(d) exercise such powers or functions as may be conferred upon the Society by this Act or any other written law; and

(e) do all such other things as are incidental or conducive to the achievement or betterment of the purposes of the Society.

[4/2000]

(3) In addition to rules that may be made by the Society under the other provisions of this Act, the Society may, subject to the provisions of this Act, make rules for giving effect to this Part.

[37]

Division 2 — Members of Society and subscriptions

39 Membership

Membership

39.

The membership of the Society shall consist of the following:

- (a) all advocates and solicitors who are members of the Society by reason of section 40;
- (b) all persons admitted to membership of the Society under section 41;
- (c) all persons elected as honorary members under section 42; and
- (d) all persons who are members of the Society by reason of section 40A.

40 Practising solicitors to be members

Practising solicitors to be members

40.

— (1) Every advocate and solicitor who has in force a practising certificate shall without election, admission or appointment become a member of the Society and remain a member under this section so long and only so long as he has in force a practising certificate.

(2) Every advocate and solicitor who has in force a practising certificate on the last day of March in any year shall be deemed to continue to be a member until the last day of April in that year.

(3) Every advocate and solicitor who is a member of the Society under subsection (1) shall be referred to in this Act as a practitioner member.

40A Foreign practitioner members

Foreign practitioner members

40A.

—(1) Every foreign lawyer who is —

- (a) registered under section 130I to practise Singapore law in a Joint Law Venture;
- (b) registered under section 130J to practise Singapore law in a Singapore law firm; or
- (c) granted an approval referred to in section 130L,

shall, without election, admission or appointment, become a member of the Society and remain a member under this section so long and only so long as his registration referred to in paragraph (a) or (b) or his approval referred to in paragraph (c) continues in force.

(2) Every foreign lawyer who is a member of the Society under subsection (1) shall be referred to in this Act as a foreign practitioner member.

41 Non-practitioner members

Non-practitioner members

41.

—(1) Any of the following persons who applies for membership of the Society in the prescribed manner shall be admitted as a member of the Society:

- (a) any advocate and solicitor who does not have in force a practising certificate;
- (b) any foreign lawyer registered under rules made under section 130I; and
- (c) any qualified person ordinarily resident in Singapore.

[35/2001]

(2) Every person who is a member of the Society under subsection (1) shall be referred to in this Act as a non-practitioner member.

42 Honorary members

Honorary members

42.

The Council may elect as honorary members of the Society such persons as it may think fit, either for life or for such period as the Council may in any case consider appropriate.

43 Privileges of membership

Privileges of membership

43.

— (1) Subject to this section and section 44, all members shall have the same rights and privileges.

(2) Only practitioner members shall be eligible to attend and vote at any general meeting but only those practitioner members who are citizens of Singapore shall be elected to the Council.

(3) Practitioner members may by a resolution exclude from a general meeting of the Society or any part thereof all other members.

44 Expulsion and suspension of rights and privileges

Expulsion and suspension of rights and privileges

44.

— (1) Subject to subsection (2), any member of the Society, other than an honorary member, may in the prescribed manner, and upon such grounds, after being given a reasonable opportunity to answer all allegations made against him —

(a) be expelled from membership; or

(b) be deprived of any one or more rights and privileges of membership.

(2) A practitioner member shall not be expelled from membership so long as he

has in force a practising certificate.

(3) A foreign practitioner member shall not be expelled from membership so long as his registration referred to in section 40A(1) (a) or (b) or his approval referred to in section 40A(1) (c) continues in force.

45 Termination of membership

Termination of membership

45.

Any member of the Society, other than an honorary member, who ceases to be qualified for membership shall thereupon cease to be a member.

46 Annual subscription to Society

Annual subscription to Society

46.

— (1) The amount of the annual subscription payable by members of the Society shall, subject to subsection (4), be fixed from time to time by the Council.

(1A) The subscription shall be payable to the Society by every solicitor in each year prior to his application for a practising certificate.

(1B) The subscription shall be payable to the Society by a foreign practitioner member —

(a) if he is registered under section 130I or 130J, not later than 14 days after the date of issue of every certificate of registration by the Attorney-General in respect of his registration under that section; or

(b) if he has been granted an approval referred to in section 130L, but is not registered under section 130I or 130J, not later than 14 days after the date of issue of a certificate of approval by the Attorney-General in respect of that approval and not later than the anniversary of that date of issue in every subsequent year.

(1C) The amount payable in the case of subsection (1B) (a) shall be —

(a) if the certificate of registration issued by the Attorney-General is valid for 12 months, the amount of the annual subscription fixed under subsection (1) for foreign practitioner members;

(b) if the certificate of registration issued by the Attorney-General is valid for 24 months, double the amount of the annual subscription fixed under subsection (1) for foreign practitioner members; or

(c) if the certificate of registration issued by the Attorney-General is valid for 36 months, treble the amount of the annual subscription fixed under subsection (1) for foreign practitioner members.

(1D) The amount payable in the case of subsection (1B) (b) shall be the amount of the annual subscription fixed under subsection (1) for foreign practitioner members.

(2) Subject to this section, in fixing the amount of the subscription, the Council shall be at liberty to divide members into classes, and to provide that different amounts shall be paid by different classes and for different periods and generally to regulate, and to vary from time to time, the subscriptions payable by members or by different classes of members, as the Council may think fit.

(3) The subscriptions payable by members admitted to membership under section 41 shall at no time exceed the lowest subscription payable by practitioner members for the corresponding period.

(3A) The subscriptions payable by foreign practitioner members who are members of the Society by reason of section 40A shall at no time exceed the highest subscription payable by practitioner members for the corresponding period.

(4) The Council may from time to time fix levies payable by practitioner members and foreign practitioner members for any of the purposes of the Society.

(5) The total of the annual subscription payable under subsection (1), the levies payable under subsection (4) and the annual contribution payable under section 75 shall not in any calendar year exceed \$500 per practitioner member without the approval of a general meeting of the Society.

[17/84]

(6) Within one week of the end of each month, the Society shall, out of each annual subscription received by the Society during that month, pay to the Board —

(a) in the case of a subscription paid by a practitioner member of not less than 5 years' standing, a sum of \$120;

(b) in the case of a subscription paid by a practitioner member of less than 5 years' standing, a sum of \$60; and

[17/84]

(c) in the case of a subscription paid by a foreign practitioner member, a sum of \$50.

(7) For the avoidance of doubt, the sum payable to the Board under subsection (6) (c) —

(a) where a foreign practitioner member has paid to the Society double the amount of the annual subscription pursuant to subsection (1C) (b), shall be \$100; and

(b) where a foreign practitioner member has paid to the Society treble the amount of the annual subscription pursuant to subsection (1C) (c), shall be \$150. *Division 3 — Council of Society*

47 Council

Council

47.

— (1) For the proper management of the affairs of the Society and for the proper performance of its functions under this Act, there shall be a Council.

(2) The Council shall consist of statutory members and elected members as provided in sections 48 and 49.

48 Statutory members

Statutory members

48.

— (1) The following persons shall be statutory members of the Council each

time it is constituted:

- (a) the immediate past President of the Society;
- (b) not more than 3 advocates and solicitors appointed by the Minister to sit on the Council; and
- (c) not more than 3 advocates and solicitors appointed by the Council to sit on the Council as soon as practicable after it is constituted.

[35/2001]

(2) Every member of the Council appointed by the Minister under subsection (1) (b) or by the Council under subsection (1) (c) shall hold office for a term of 2 years and may, from time to time, be re-appointed.

[35/2001]

49 Elected members

Elected members

49.

— (1) There shall be 15 elected members of the Council consisting of —

(a) 6 practitioner members, each of whom shall be an advocate and solicitor of not less than 12 years' standing on the day of his nomination for election to the Council;

(b) 5 practitioner members, each of whom shall be an advocate and solicitor of under 12 years' but not less than 7 years' standing on the day of his nomination for election to the Council; and

(c) 4 practitioner members, each of whom shall be an advocate and solicitor of under 7 years' standing on the day of his nomination for election to the Council.

[30/86]

(2) Subject to the provisions of this Act, every elected member of the Council shall hold office as a member of the Council for 2 years.

(3) Subject to subsection (4), a practitioner member who has been struck off the roll or suspended from practising as an advocate and solicitor for a period of 6 months or more or has been convicted of an offence involving fraud

or dishonesty shall not be eligible for election or appointment as a member of the Council.

[30/86]

(4) A practitioner member may, after a period of 5 years following the date of his conviction or the date he was reinstated to the roll or the date of the expiry of his suspension, whichever is the later, with the leave of a court of 3 Judges of the Supreme Court, one of whom shall be the Chief Justice, be eligible for election or appointment as a member of the Council.

[30/86; 41/93]

(5) Where an application for leave under subsection (4) has been refused, the applicant shall not be entitled to make another application under that subsection within a period of 5 years from the date the first-mentioned application was dismissed.

[30/86]

(6) An application for leave under subsection (4) shall be made by originating summons.

[30/86]

(7) The court of 3 Judges shall not give leave under subsection (4) unless —

(a) notice of intention to apply therefor and all documents in support thereof have been served at least 14 clear days before the date of the hearing on the Attorney-General and on the Society, either or both of whom may be represented at the hearing of, and may oppose, the application;

(b) the applicant satisfies the court that his conduct since his conviction, striking-out or suspension did not make him unfit to be a member of the Council; and

(c) the applicant exhibits affidavits of at least 2 practitioner members who are and have been in active practice in Singapore for a total of not less than 5 out of the 7 years immediately preceding the date of the application attesting to the applicant's good behaviour from the date of his conviction, striking-out or suspension and stating whether in their opinion he is a fit and proper person to be a member of the Council.

[30/86]

(8) A practitioner member shall, before his appointment or election as a member of the Council, file a declaration with the Society stating that he is not disqualified from holding office as a member of the Council by virtue of subsection (3) or, if he is so disqualified, stating that he has obtained the leave of the court under subsection (4) for election or appointment as a member of the Council.

[30/86]

(9) Any person who contravenes subsection (8) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

[30/86]

(10) Whenever it is necessary for any reason whatsoever to elect all the elected members of the Council at an annual election —

- (a) 3 members specified in subsection (1) (a);
- (b) 2 members specified in subsection (1) (b); and
- (c) 2 members specified in subsection (1) (c),

chosen by lot at the first meeting of the Council after such election shall hold office for only one year.

(11) Every elected member of the Council shall be eligible for re-election if he is qualified to be a candidate. *Division 4 — Election of Members of Council*

50 Compulsory voting

Compulsory voting

50.

— (1) Every advocate and solicitor who has in force a practising certificate on the date of nomination as provided in section 51 shall vote for the election of the members of the Council as follows:

- (a) if he is an advocate and solicitor of not less than 12 years' standing, he shall vote for the election of the members of the Council under section 49 (1) (a);
- (b) if he is an advocate and solicitor of under 12 years' but not less than 7 years' standing, he shall vote for the election of the members of the Council under section 49 (1) (b); and
- (c) if he is an advocate and solicitor of under 7 years' standing, he shall vote for the election of the members of the Council under section 49 (1) (c).

(2) Every advocate and solicitor who is required to vote for the election of the members of the Council in accordance with subsection (1) and who fails to do so shall not be entitled to apply for a practising certificate unless he —

- (a) satisfies the Registrar that he was not in Singapore at the time of the

election or had a good and sufficient reason for not voting at the last election to the Council; or

(b) pays a penalty of \$500 which shall be credited to the Compensation Fund established under section 75.

[35/2001]

51 Elections

Elections

51.

—(1) The Council shall, in the month of September every year, fix and publish before the end of that month —

(a) the date of nomination which shall be in the second week of the month of October that year;

(b) the date of election which shall be in the last week of the month of October that year;

(c) a convenient place in the Supreme Court building or elsewhere where the ballot shall take place; and

(d) the names of 3 scrutineers.

[17/84]

(2) The annual election of the members of the Council shall take place within 21 days after the annual general meeting and shall, subject to section 53, be conducted in such manner as may be prescribed by rules made under section 59 on the date and place fixed by the Council in accordance with subsection (1).

[35/2001]

(3) If for any reason whatsoever it is necessary to elect all the elected members of the Council, the Council shall fix and publish —

(a) the date of nomination which shall be not less than 7 days or more than 15 days from the date of the notice notifying members of the election;

(b) the date of the election which shall be not less than 10 days or more than 15 days from the date of nomination;

(c) a convenient place in the Supreme Court building or elsewhere where the ballot shall take place; and

(d) the names of 3 scrutineers.

(4) The election under subsection (3) shall, subject to section 53, be conducted in such manner as may be prescribed by rules made under section 59 on the date and place fixed by the Council in accordance with that subsection.

[35/2001]

(5) Any accidental failure on the part of the Council to comply with this section or any rules made with respect to elections to the Council shall not invalidate an election.

52 Nominations

Nominations

52.

Every nomination of a candidate for election —

(a) shall be of a person qualified to be a candidate under section 49;

(b) shall be in writing signed by not less than 2 persons qualified in a like manner under section 49 as the candidate nominated; and

(c) shall name only one candidate and his consent shall be endorsed thereon.

53 Insufficient nominations

Insufficient nominations

53.

— (1) If only so many candidates are nominated for election to the Council as are required to be elected, those candidates shall be deemed to be elected; if fewer, the candidates nominated shall be deemed to have been elected and they together with the statutory members of the Council and the continuing elected members of the Council, if any, shall appoint further members to complete the

required number to satisfy the requirements of section 49 (1).

(2) If, at any election to be held under section 51 (3), no nominations are made for the election of members of the Council, the Chief Justice shall, after consulting the statutory members of the Council, if any, appoint to be members of the Council a sufficient number of persons who satisfy the requirements as to standing set out in section 49 (1).

(3) Members of the Council appointed under subsections (1) and (2) shall for all purposes of this Act be deemed to be elected members.

54 Council' s term of office

Council' s term of office

54.

— (1) Every Council of the Society constituted after an annual election shall take office on 1st January after that election and shall hold office until 31st December in that year or, if such is the case, until a Council takes office under subsection (2).

(2) Every Council constituted after an election under section 51 (3) or after appointments made under section 53 (2) shall take office from the day on which the members of that Council were elected or appointed, as the case may be, and shall hold office until 31st December next following.

55 Casual vacancies

Casual vacancies

55.

— (1) Any casual vacancy arising among the elected members of the Council shall be filled with all convenient speed by the Council by the appointment of a person qualified under section 49 as may be necessary, and any such new member shall hold office for so long as the member in whose place he is appointed would have held office.

(2) The continuing members of the Council may act provided there is a quorum

notwithstanding any vacancy in the Council.

(3) No act done by or by the authority of the Council shall be invalid in consequence of any defect that is afterwards discovered in the election or qualification of the members or any of them. *Division 5 — Officers of Council*

56 President Vice-Presidents and Treasurer

President, Vice-Presidents and Treasurer

56.

— (1) There shall be a President, 2 Vice-Presidents and a Treasurer of the Society who shall be elected by —

(a) members and members-elect of the Council taking office in either case on 1st January after an annual election under section 54 (1) from amongst those members at a meeting of the Council before that date; or

(b) members of the Council taking office under section 54 (2) from amongst those members at the first meeting of the Council.

[40/96]

(2) If any casual vacancy arises in respect of the office of the President, a Vice-President or the Treasurer of the Society, the Council shall, at its next meeting or as soon as possible thereafter, elect one of its members to fill the vacancy.

[40/96]

(3) The President of the Society or in his absence a Vice-President of the Society nominated by the President shall be the chairman of the Council and shall preside at all meetings of the Council and of the Society.

[40/96]

(4) In the absence of the President and the Vice-Presidents of the Society, the Council or the Society, as the case may be, shall elect a chairman from among the respective members.

[40/96]

57 Vacation of office of member of Council

Vacation of office of member of Council

57.

—(1) A statutory member of the Council shall vacate his office if —

(a) he has been struck off the roll or suspended from practising as an advocate and solicitor or has been convicted of an offence involving fraud or dishonesty;

(b) he becomes of unsound mind;

(c) he is an undischarged bankrupt;

(d) he has entered into a composition with his creditors or a deed of arrangement for the benefit of his creditors; or

(e) he has one or more outstanding judgments against him amounting in the aggregate to \$100,000 or more which he has been unable to satisfy within 6 months from the date of the earliest judgment.

[30/86; 15/95]

(2) An elected member shall vacate his office in any of the circumstances specified in subsection (1) and shall also vacate his office if —

(a) being elected under section 49 (1), he ceases for any reason to have in force a practising certificate;

(b) he resigns his seat on the Council; or

(c) he is absent from 3 consecutive meetings of the Council without its consent.

(3) For the purposes of subsection (2), a person appointed under section 53 (1) and (2) or 55 (1) shall be deemed to have been elected under section 49 (1).

[30/86]

(4) Subsections (1) and (2) shall not apply to a member of the Council who has obtained the leave of the court under section 49 (4) prior to his election or appointment as a member of the Council.

[30/86]

Division 6 — Powers of Council

58 General powers of Council

General powers of Council

58.

— (1) The management of the Society and of its funds shall be vested in the Council.

(2) All such powers, acts or things as are not by this Act expressly authorised, directed or required to be exercised or done by the Society in a general meeting may, subject to the provisions of this Act or any resolution passed from time to time by the Society in the general meeting, be exercised or done by the Council.

(3) No resolution of the Society passed under subsection (2) shall invalidate the previous exercise of any power or the previous doing of any act or thing by the Council which would have been valid if the resolution had not been passed.

59 Specific powers of Council

Specific powers of Council

59.

— (1) Without prejudice to the general powers conferred by section 58 or the specific powers to make rules conferred by any other provision of this Act, the Council shall have power —

(a) to make rules to provide for all matters not expressly reserved to the Society in general meeting whether they are expressed among its powers or not;

(b) to answer questions affecting the practice and etiquette of the profession and the conduct of members thereof;

(c) to take cognizance of anything affecting the Society or the professional conduct of its members and to bring before any general meeting of the Society any matter which it considers material to the Society or to the interests of the profession and make any recommendations and take such action as it thinks fit in relation thereto;

(d) to examine and if it thinks fit to report upon current or proposed legislation submitted to it and any other legal matters;

(e) to represent members of the Society or any section thereof in any matter

which may be necessary or expedient;

(f) to found prizes and scholarships for students of law and to lay down the conditions for their award as it thinks fit;

(g) to appoint in its discretion such officers, clerks, agents and servants for permanent, temporary or special services as it may from time to time think fit and to determine their duties and terms of service;

(h) to purchase, rent or otherwise acquire and furnish suitable premises for the use of the Society;

(i) to communicate from time to time with other similar bodies and with members of the profession in other places for the purpose of obtaining and communicating information on all matters likely to prove beneficial or of interest to members;

(j) to institute, conduct, defend, compound or abandon any legal proceedings by and against the Society or its officers or otherwise concerning the affairs of the Society and to compound and allow time for payment or satisfaction of any debts due or of any claims or demands made by or against the Society;

(k) to refer any claims or demands by or against the Society to arbitration and to observe and perform every award made as a result of the arbitration and to nominate arbitrators if so requested;

(l) to make and give receipts, releases and other discharges for moneys payable to and for claims and demands of the Society;

(m) to invest the moneys of the Society in such manner as it thinks fit and engage in any financial activity or participate in any financial arrangement for the purpose of managing or hedging against any financial risk that arises or is likely to arise from such investment;

(n) to form or participate in the formation of any company for the purpose of carrying out all or any of the functions of the Society;

(o) from time to time to borrow or raise money by bank overdraft or otherwise by the issue of debentures or any other securities founded or based upon all or any of the property and rights of the Society or without any such security and upon such terms as to priority or otherwise as the Council thinks fit; and

(p) to exercise all such powers, privileges and discretions as are not by this Act expressly and exclusively required to be exercised by the members of the Society in general meeting.

(2) Rules made by the Council under this section shall not come into operation until they have been approved by the Chief Justice.

60 Appointment of committees of Council

Appointment of committees of Council

60.

—(1) The Council may appoint one or more committees for any such general or special purpose as in the opinion of the Council may be better regulated or managed by means of a committee.

(2) The Council may delegate to any committee so appointed, with or without restrictions or conditions, as it thinks fit, the exercise of any functions exercisable by the Council.

(3) The number and term of office of the members of a committee appointed under this section, and the number of those members necessary to form a quorum, shall be fixed by the Council.

(4) A committee appointed under this section may include persons who are not members of the Council.

(5) If the Council delegates to a committee appointed under this section any of the functions exercisable by the Council, at least half the members of that committee (including the chairman thereof) shall be members of the Council.

61 Power of Council to inspect files of proceedings in bankruptcy of solicitor or winding up of law corporation or limited liability law partnership

Power of Council to inspect files of proceedings in bankruptcy of solicitor or winding up of law corporation or limited liability law partnership

61.

The Council shall be entitled, without payment of any fee, to inspect the file

of proceedings in bankruptcy relating to any solicitor against whom proceedings in bankruptcy have been taken or the file of winding up proceedings against a law corporation or a limited liability law partnership and to be supplied with office or certified copies of the proceedings on payment of the usual charge for those copies.

[4/2000]

62 Power of Council to accept gifts

Power of Council to accept gifts

62.

—(1) The Council may on behalf of the Society accept by way of grant, gift, testamentary disposition or otherwise property or moneys in aid of the finances or purposes of the Society on such conditions as it may determine.

(2) Registers shall be kept of all donations to the Society including the names of donors and any special conditions on which any donation may have been given.

(3) All property, moneys or funds donated to the Society for any specific purpose shall, subject to the law relating to charities, be applied and administered in accordance with the purposes for which they may have been donated and shall be separately accounted for.

63 Representation in court

Representation in court

63.

The Society may be represented or appear in any court by any advocate and solicitor whether he is a member of the Council or not. *Division 7—Proceedings of Council*

64 Meetings of Council

Meetings of Council

64.

— (1) The Council may meet at such time and place and as often as may be necessary.

(2) Five members personally present at any meeting of the Council shall constitute a quorum for the transaction of any business.

(3) A decision of the majority of the members of the Council present and voting at any meeting of the Council shall be deemed to be a decision of the Council.

(4) The chairman or the person lawfully acting as chairman at any meeting of the Council shall have an original as well as a casting vote.

(5) Subject to any rules of the Society, the Council may regulate its own procedure and in particular the holding of meetings, the notice to be given of meetings, the proceedings thereat, the keeping of minutes and the custody, production and inspection of those minutes.

65 Expenses of members

Expenses of members

65.

No fees shall be paid to any member of the Council but a member may be reimbursed from the funds of the Society for out-of-pocket and travelling expenses incurred by him in relation to the affairs of the Society.

66 Proceedings of Council and Inquiry Committee to be confidential

Proceedings of Council and Inquiry Committee to be confidential

66.

— (1) Except insofar as may be necessary for the purpose of giving effect to any resolutions or decisions of the Council and any Inquiry Committee,

confidentiality shall be maintained in all proceedings conducted by the Council, its staff and the Inquiry Committee.

[15/89]

(2) Notwithstanding subsection (1), the Chief Justice or the Attorney-General may require the Council to disclose to him any matter or information relating to any complaint of misconduct or disciplinary action against any advocate and solicitor.

[41/93]

Division 8 — General meetings of Society

67 Annual general meeting

Annual general meeting

67.

— (1) The Council shall each year convene an annual general meeting which shall be held in the month of October of that year.

(2) At least 10 days' prior notice of the annual general meeting shall be given to all members of the Society.

[41/93]

(3) Notwithstanding section 54, every Council that ceases to hold office on 31st December in each year shall cause to be prepared and presented to the annual general meeting —

(a) a report on the activities of the Society; and

(b) proper accounts, duly audited, of all funds, property and assets of the Society,

for the year terminating on 31st December immediately preceding that general meeting.

68 Extraordinary general meeting

Extraordinary general meeting

68.

—(1) The Council may convene a general meeting of the Society other than the annual general meeting at such time or times as the Council thinks expedient or necessary.

(2) Any 25 members of the Society may at any time requisition a general meeting by written notice in that behalf signed by them and deposited with the President or a Vice-President of the Society and the Council shall convene a general meeting to be held within 30 days of the deposit.

(3) Such written notice shall specify the object or objects of the proposed meeting.

(4) If the Council fails to convene a general meeting in accordance with the requisition 14 days after such deposit, to be held within 30 days after the deposit, the requisitioning members may convene that general meeting within 2 months after the deposit.

69 Voting

Voting

69.

At every general meeting, every practitioner member present shall have one vote, and the chairman of that meeting shall also have a casting vote.

70 Convening and procedure

Convening and procedure

70.

—(1) The manner of convening general meetings of the Society and the procedure thereat shall, subject to the provisions of this Act, be regulated by by-laws made by the Society.

(2) The by-laws made under this section shall not provide for a quorum at a general meeting other than the annual general meeting of less than 50 practitioner members personally present.

PART VI PROFESSIONAL PRACTICE, CONDUCT AND DISCIPLINE OF SOLICITORS

PART VI PROFESSIONAL PRACTICE, CONDUCT AND DISCIPLINE OF SOLICITORS

71 Rules as to professional practice etiquette conduct and discipline

Rules as to professional practice, etiquette, conduct and discipline

71.

— (1) Without prejudice to any other power to make rules, the Council may make rules for regulating the professional practice, etiquette, conduct and discipline of advocates and solicitors, including rules empowering the Council to take such action as may be necessary to enable the Council to ascertain whether or not the rules are being complied with.

(2) Such rules shall not come into operation until they have been approved by the Chief Justice who may if he thinks fit consult any of the other Judges before giving his approval.

(3) Disciplinary proceedings may be taken against any advocate and solicitor who contravenes any rules made under this section.

72 Rules as to keeping of accounts by solicitors

Rules as to keeping of accounts by solicitors

72.

— (1) The Council shall make rules —

(a) as to the opening and keeping by solicitors of accounts at banks for clients' money;

(b) as to the keeping by solicitors of accounts containing particulars and

information as to moneys received, held or paid by them for or on account of their clients;

(c) as to the opening and keeping by every solicitor who is a sole trustee, or who is co-trustee only with one or more of his partners, clerks or servants, of an account at a bank for moneys of any trust of which he is such a sole trustee or co-trustee;

(d) as to the keeping by every such solicitor of accounts containing particulars and information as to moneys received, held or paid by him for or on account of any such trust; and

(e) empowering the Council to take such action as may be necessary to enable them to ascertain whether or not the rules are being complied with.

(2) Such rules may provide for the manner in which the matters referred to in subsection (1) shall apply to law corporations or to limited liability law partnerships or to Joint Law Ventures or Formal Law Alliances registered under Part IXA.

[4/2000]

(3) Such rules shall not come into operation until they have been approved by the Chief Justice who may if he thinks fit consult any of the other Judges before giving his approval.

(4) Disciplinary proceedings may be taken against any solicitor who contravenes any rules made under this section.

73 Accountant' s report

Accountant' s report

73.

— (1) Every solicitor shall with every application made by him for a practising certificate, unless he satisfies the Council that owing to the circumstances of his case it is unnecessary to do so, deliver to the Registrar a report signed by an accountant (referred to in this section as an accountant' s report) and shall deliver a copy of the accountant' s report to the Society.

(2) The accountant' s report shall —

- (a) state that in compliance with this section and rules made thereunder the accountant has examined the books, accounts and documents of the solicitor or his firm or the law corporation or the limited liability law partnership for such accounting period as may be specified in the report;
- (b) state whether or not the accountant is satisfied, from his examination of the books, accounts and documents produced to him and from the information and explanations given to him, that during the said accounting period the solicitor or his firm or the law corporation or the limited liability law partnership has complied with any rules made under section 72 (1) (a) and (b);
- (c) state, if the accountant is not satisfied as aforesaid, the matters in respect of which he is not so satisfied;
- (d) contain such information as may be prescribed by rules made by the Council under this section; and
- (e) be delivered to the Society not more than 6 months (or such other period as may be prescribed by any rules made under this section) after the end of the accounting period specified in the report.

[4/2000]

(3) Subject to any rules made under this section, the accounting period for the purposes of an accountant' s report shall —

- (a) begin at the expiry of the last preceding accounting period for which an accountant' s report has been delivered;
- (b) cover not less than 12 months;
- (c) terminate not more than 12 months, or such less period as the said rules may prescribe, before the date of the delivery of the report to the Society; and
- (d) where possible, consistently with paragraphs (a), (b) and (c), correspond to a period or consecutive periods for which the accounts of the solicitor or his firm or the law corporation or the limited liability law partnership are ordinarily made up.

[4/2000]

(4) The Council shall make rules to give effect to this section, and such rules shall prescribe —

- (a) what qualification shall be held by an accountant by whom an accountant' s report may be given; and
- (b) the nature and extent of the examination to be made by the accountant of

the books and accounts of a solicitor or his firm or the law corporation or the limited liability law partnership and of any other relevant documents with a view to the signing of a report to be delivered by the solicitor under this section.

[4/2000]

(5) Such rules may include provision for —

(a) permitting in such special circumstances as may be defined in the rules a different accounting period from that specified in subsection (3); and

(b) regulating any matters of procedure or matters incidental, ancillary or supplemental to this section.

(6) Rules made under this section shall not come into operation until they have been approved by the Chief Justice who shall consult the Attorney-General and may, if he thinks fit, consult any of the other Judges before giving his approval.

(7) Disciplinary proceedings may be taken against any solicitor who fails to comply with this section or any rules made thereunder.

(8) This section shall not apply to a solicitor who applies for a practising certificate to practise as a locum solicitor.

74 Intervention in solicitor' s practice

Intervention in solicitor' s practice

74.

The powers conferred by Part II of the First Schedule shall be exercisable in the circumstances specified in Part I of that Schedule.

[40/96]

75 Compensation Fund

Compensation Fund

75.

— (1) The Society shall maintain and administer in accordance with this

section a fund to be known as the Compensation Fund (referred to in this section as the Fund).

(2) Every solicitor shall, in each year prior to his application for a practising certificate, pay to the Society a contribution of such sum not exceeding \$200 as the Council may, from time to time, determine and the Society shall pay that contribution to the Fund.

(3) A solicitor who applies for a practising certificate between 1st October in any year and 31st March in the next year shall be required to pay only half the contribution determined under subsection (2) if the practising certificate for which he proposes to make an application will remain in force for less than 6 months.

(3A) Every foreign lawyer who is —

(a) registered under section 130J to practise Singapore law in a Singapore law firm; or

(b) granted an approval referred to in section 130L,

shall, while his registration referred to in paragraph (a) or his approval referred to in paragraph (b) continues in force, pay to the Society an annual contribution of such sum (not exceeding the amount applicable to solicitors under subsection (2)) as the Council may from time to time determine and the Society shall pay that contribution to the Fund.

(3B) A foreign lawyer shall pay the contribution required under subsection

(3A) —

(a) if he is registered under section 130J, not later than 14 days after the date of issue of every certificate of registration by the Attorney-General in respect of his registration under that section; or

(b) if he has been granted an approval referred to in section 130L, but is not registered under section 130J, not later than 14 days after the date of issue of a certificate of approval by the Attorney-General in respect of that approval and not later than the anniversary of that date of issue in every subsequent year.

(3C) The amount payable in the case of subsection (3B) (a) shall be —

(a) if the certificate of registration issued by the Attorney-General is valid for 12 months, the amount of the annual contribution determined under subsection (3A);

(b) if the certificate of registration issued by the Attorney-General is valid for 24 months, double the amount of the annual contribution determined under subsection (3A); or

(c) if the certificate of registration issued by the Attorney-General is valid for 36 months, treble the amount of the annual contribution determined under subsection (3A).

(3D) The amount payable in the case of subsection (3B) (b) shall be the amount of the annual contribution determined under subsection (3A).

(4) The Society may invest any moneys which form part of the Fund and are not immediately required for any other purposes.

(5) For the purposes of this section, the Society shall have all the powers vested in trustees under the law for the time being in force in Singapore.

(6) The Society may borrow for the purposes of the Fund from any lender and may charge any investments of the Fund by way of security for such a loan.

(7) The Society may insure with any person authorised by law to carry on insurance business within Singapore for such purpose and on such terms as the Society may consider expedient in relation to the Fund.

(8) There shall be carried to the credit of the Fund —

(a) all annual contributions paid to the Society in pursuance of subsection (2);

(b) all interest, dividends and other income or accretions of capital arising from the investments of the Fund;

(c) the proceeds of any realisation of any investments of the Fund;

(d) all moneys borrowed for the purposes of the Fund;

(e) all sums received by the Society under any insurance effected by the Society under subsection (7); and

(f) any other moneys which may belong or accrue to the Fund or be received by the Council in respect thereof.

(9) All moneys from time to time forming part of the Fund and all investments

of the Fund shall be applicable —

- (a) for payment of any costs, charges and expenses of establishing, maintaining, administering and applying the Fund;
- (b) for payment of any costs, charges and expenses of the Council in ascertaining whether the rules made under section 72 have been complied with, pursuant to the powers given by those rules;
- (c) for payment of any premiums on insurances effected by the Society under subsection (7);
- (d) for repayment of any moneys borrowed by the Society and for payment of interest on any moneys so borrowed;
- (e) for payment of any grants which the Society may make under subsection (11); and
- (f) for payment of any other sums properly payable out of the Fund by virtue of this section.

(10) If in any year there has been neither an application for a grant from the Fund nor a grant made from the Fund, the Council may, in its discretion, transfer from the Fund all interest, dividends and other accretions of capital arising from the Fund or any part thereof to a fund of the Society established for the purposes of purchasing or maintaining a library for the use of the members of the Society.

(11) Where it is proved to the satisfaction of the Council that any person has sustained loss in consequence of dishonesty on the part of —

- (a) any solicitor or employee of a solicitor in connection with that solicitor's practice in Singapore as a solicitor or in connection with any trust in Singapore of which that solicitor is a trustee;
- (b) any officer or employee of a law corporation in connection with legal services performed in Singapore by the law corporation;
- (c) any partner, officer or employee of a limited liability law partnership in connection with legal services performed in Singapore by the limited liability law partnership; or
- (d) any foreign lawyer referred to in subsection (3A) or employee of such a foreign lawyer in connection with that foreign lawyer's practice in a Singapore law firm,

then subject to this section, the Society may, if the Council thinks fit, make a grant to that person out of the Fund for the purpose of relieving or mitigating that loss.

(12) A grant may be made under this section whether or not the solicitor had in force a practising certificate when the act of dishonesty was committed and notwithstanding that subsequent to the commission of that act the solicitor has died or had his name removed from or struck off the roll or has ceased to practise or been suspended from practice or the law corporation or limited liability law partnership had wound up, as the case may be.

[4/2000]

(12A) A grant may be made under this section notwithstanding that subsequent to the commission of that act of dishonesty the foreign lawyer has died or his registration or approval referred to in subsection (3A) has been cancelled or suspended or has expired.

(13) On the making by the Society of any grant under this section to any person in respect of any loss —

(a) the Society shall, to the amount of the grant, be subrogated to any rights and remedies in respect of the loss of the person to whom the grant is made or of the solicitor, foreign lawyer, clerk or servant; and

(b) the person to whom the grant is made shall have no right under bankruptcy or other legal proceedings or otherwise to receive any sum out of the assets of the solicitor, foreign lawyer, clerk or servant in respect of the loss until the Society has been reimbursed the full amount of its grant.

(14) References in subsection (13) (a) and (b) to the person to whom the grant is made or to the solicitor, foreign lawyer, clerk or servant shall include, in the event of his death, insolvency or other disability, references to his personal representative or any other person having authority to administer the estate.

(15) The Council may make rules with respect to the procedure to be followed in giving effect to this section and with respect to any matters incidental, ancillary or supplemental to these provisions or concerning the administration or protection of the Fund.

(16) No grant shall be made under this section in respect of any loss unless notice of the loss is received by the Society in such manner and within such time after the loss first came to the knowledge of the person sustaining the loss as may be prescribed by the rules.

75A Professional indemnity

Professional indemnity

75A.

— (1) The Council may make rules concerning indemnity against loss arising from claims in respect of civil liability incurred —

(a) by an advocate and solicitor or former advocate and solicitor in connection with his practice or with any trust of which he is or formerly was a trustee;

(b) by an employee or former employee of an advocate and solicitor or former advocate and solicitor in connection with that advocate and solicitor's practice or with any trust of which that advocate and solicitor or the employee is or formerly was a trustee; and

(c) by a law corporation or a limited liability law partnership in connection with legal services performed by it or with any trust of which it is a trustee.

[10/91; 4/2000]

(2) For the purposes of providing such indemnity, such rules may —

(a) authorise or require the Society to establish and maintain one or more funds;

(b) authorise or require the Society to take out and maintain insurance with authorised insurers; or

(c) require all advocates and solicitors making application for a practising certificate and all law corporations and limited liability law partnerships to take out and maintain insurance with authorised insurers.

[10/91; 4/2000]

(3) Without prejudice to the generality of subsections (1) and (2), such rules may —

(a) specify the terms and conditions on which indemnity is to be available, and any circumstances in which the right to it is to be excluded or modified;

(b) provide for the management, administration and protection of any fund maintained by virtue of subsection (2) (a) and require all advocates and

solicitors who have in force practising certificates and all law corporations and limited liability law partnerships to make payment to any such fund;

(c) require all advocates and solicitors who have in force practising certificates and all law corporations and limited liability law partnerships to make payments by way of premium on any insurance policy maintained by the Society by virtue of subsection (2) (b);

(d) prescribe the conditions which an insurance policy must satisfy for the purposes of subsection (2) (c);

(e) authorise the Council to determine the amount of any premiums or payments required by such rules, subject to such limits, or in accordance with such provisions, as may be prescribed by those rules;

(f) specify circumstances in which, where an advocate and solicitor or a law corporation or a limited liability law partnership for whom indemnity is provided has failed to comply with such rules or to make payment for such indemnity, the Society or the insurers may take proceedings against the advocate and solicitor or the law corporation or the limited liability law partnership in respect of sums paid by way of indemnity in connection with a matter in relation to which the advocate and solicitor or the law corporation or the limited liability law partnership has failed to comply;

(g) specify the circumstances in which advocates and solicitors or law corporations or limited liability law partnerships are exempt from such rules; and

(h) empower the Council to take such steps as it considers necessary or expedient to ascertain whether or not the rules are being complied with.

[10/91; 4/2000]

(4) Rules made under this section shall not come into operation until they have been approved by the Chief Justice who may if he thinks fit consult any of the other Judges before giving his approval.

[10/91]

(5) The Society shall have power to carry into effect any arrangements which it considers necessary or expedient for the purpose of providing indemnity under this section.

[10/91]

(6) Nothing in this section shall affect the right of any advocate and solicitor or law corporation or limited liability law partnership, in addition to the indemnity provided in rules made under this section, to insure himself or the law corporation or the limited liability law partnership further against loss arising from such claims as may be instituted against him or the law corporation or the limited liability law partnership.

(7) Disciplinary proceedings may be taken against any advocate and solicitor who contravenes any rules made under this section.

75B Redress for inadequate professional services

Redress for inadequate professional services

75B.

The Second Schedule shall have effect with respect to the provision by solicitors of services on or after 1st September 1998 which are not of the quality which it is reasonable to expect of them.

[40/96]

75C Qualification to practise as sole proprietor or in partnership or as director of law corporation

Qualification to practise as sole proprietor or in partnership or as director of law corporation

75C.

— (1) No solicitor may practise as a solicitor on his own account or in partnership (whether in a law firm or a limited liability law partnership) or as a director of a law corporation unless he —

(a) has successfully completed such legal practice management course within such time as the Council may by rules made under section 71 prescribe; and

(b) has, since being admitted as a solicitor, been employed for not less than 3 continuous years or 3 years out of a continuous period of 5 years in the practice of a solicitor in Singapore or in the practice of a law corporation or a limited liability law partnership; or

(c) has been employed as a legal officer for not less than 3 continuous years or 3 years out of a continuous period of 5 years.

[40/96; 4/2000]

(2) The Council may, with the approval of the Minister, exempt a solicitor from subsection (1) (a) or shorten any period referred to in subsection (1) (b)

) and (c) if it is satisfied that the solicitor has gained substantial experience in law in Singapore or elsewhere.

[40/96]

(3) Paragraphs (b) and (c) of subsection (1) shall not apply to a solicitor who was admitted as a solicitor before 1st March 1997.

(4) This section shall not apply to a solicitor who has before 9th March 2007 been in practice as a solicitor on his own account or in partnership (whether in a law firm or a limited liability law partnership) or as a director of a law corporation.

(4A) Deleted by Act 20/2007, wef 01/06/2007.

(5) Any solicitor who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

[40/96]

(6) For the purposes of this section and section 75D, “legal officer” includes a legal officer of the Inland Revenue Authority of Singapore or of such other statutory body or law office in the public service as the Minister may prescribe.

[40/96]

75D Qualification to use title of consultant

Qualification to use title of consultant

75D.

— (1) No solicitor shall take or use the title of consultant unless he has, for a period of not less than 10 years in the aggregate, been —

(a) a solicitor in practice;

(b) a legal officer;

(c) a full-time member of the academic staff of the Faculty of Law of the National University of Singapore or the Faculty of Law of the Singapore Management University; or

(d) holding any combination of occupations referred to in paragraphs (a), (b) and (c).

[40/96]

(2) Any solicitor who contravenes subsection (1) shall be guilty of an offence

and shall be liable on conviction to a fine not exceeding \$10,000.

[40/96]

76 Solicitors who are commissioners for oaths or notaries public

Solicitors who are commissioners for oaths or notaries public

76.

No solicitor who is a commissioner for oaths or a notary public shall do any act as such commissioner or notary, as the case may be, unless he has in force a practising certificate.

77 Solicitor not to act as agent for any unauthorised person

Solicitor not to act as agent for any unauthorised person

77.

— (1) No solicitor shall —

(a) wilfully and knowingly act as agent in any legal proceeding of whatsoever kind or in any matter which under this Act can be done only by a solicitor who has in force a practising certificate for any unauthorised person;

(b) permit his name to be made use of in any such proceeding or matter upon the account or for the profit of any unauthorised person; or

(c) send any process to any unauthorised person, or do any other act enabling any unauthorised person to appear, act or practise or purport to practise in any respect as a solicitor in any such proceeding or matter.

(2) No solicitor shall authorise any unauthorised person to operate any bank account in the name of the solicitor or his firm or the law corporation or the limited liability law partnership and maintained by the solicitor or his firm or the law corporation or the limited liability law partnership in connection with his practice as a solicitor.

[4/2000]

(3) Disciplinary proceedings may be taken against any solicitor who has acted in contravention of subsection (1) or (2).

(4) Any unauthorised person who was enabled by a solicitor to act or practise or purport to practise as a solicitor shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 12 months.

(5) In this section, “unauthorised person” has the meaning assigned to it in section 32.

78 Solicitors’ clerks

Solicitors’ clerks

78.

— (1) No solicitor shall in connection with his practice as such, without the consent of the court obtained on an application by originating summons served upon the Attorney-General and upon the Society, employ or remunerate any person who to his knowledge is an undischarged bankrupt or has been —

(a) struck off a roll of legal practitioners by whatever name called otherwise than at his own request in Singapore or in any part of Malaysia or elsewhere and remains struck off;

(b) suspended from practising as an advocate and solicitor in Singapore or in any part of Malaysia or elsewhere and remains suspended;

(c) convicted of an offence involving dishonesty;

(d) convicted of an offence under section 33 of the Miscellaneous Offences (Public Order and Nuisance) Act (Cap. 184) or under any provision of this Act;

(e) listed as a tout under section 62 of the Subordinate Courts Act (Cap. 321) or section 73 of the Supreme Court of Judicature Act (Cap. 322); or

(f) a person in respect of whom an order under subsection (4) has been made.

[40/96]

(2) No solicitor shall in connection with his practice as such, without the consent of the Attorney-General, employ or remunerate any person who to his knowledge had been employed as a public officer.

(3) Subsection (2) shall not apply to any public officer who is an advocate and solicitor or a qualified person or in respect of whom the consent of the court or the Attorney-General had previously been obtained under subsection (1) or (2), as the case may be.

(4) On application made by or on behalf of the Attorney-General or the Society, the court may make an order directing that, as from a date to be specified in the order, no solicitor shall, in connection with his practice as such, employ or remunerate any person, the subject of the application, who —

(a) has been a party to any act or default of a solicitor in respect of which a complaint has been or might properly have been made against that solicitor under the provisions of this Act; or

(b) has so conducted himself while employed by a solicitor that, had he himself been a solicitor, his conduct might have formed the subject of a complaint under the provisions of this Act against him.

(5) Every application under subsection (4) shall be served upon the person in respect of whom it is made and upon his employer or previous employer if his employer or previous employer is a solicitor not less than 10 days before the application is to be heard.

(6) Every order made under subsection (4) shall be filed in a file to be kept for this purpose by the Registrar, and the file may be inspected by any solicitor without fee.

(7) Before a solicitor employs or remunerates any person (other than an advocate and solicitor or a qualified person) in connection with his practice as such, he shall —

(a) require the person to make a statutory declaration to show that he is not an undischarged bankrupt and that he does not come within the class of persons enumerated in subsection (1) (a) to (f) and had not been employed as a public officer and that he is not a person in respect of whom an order has been made under subsection (4); and

(b) within 14 days of commencing to employ the person, deliver to the Society a certified copy of the statutory declaration so made.

(8) Disciplinary proceedings may be taken against any solicitor who acts in contravention of this section.

79 Acting for housing developer and purchaser prohibited

Acting for housing developer and purchaser prohibited

79.

—(1) Where a solicitor acts for a housing developer in a sale of immovable property developed under a housing development, no specified person shall, in the sale of any immovable property developed under the same housing development, act for the purchaser of the property unless a certificate of fitness for occupation in respect thereof has been issued by the Commissioner of Building Control or other relevant authority.

[10/91; 4/2000]

(2) In subsection (1) —

“develop”, “housing developer” and “housing development” have the meanings assigned to them, respectively, in the Housing Developers (Control and Licensing) Act (Cap. 130);

"sale of immovable property" includes the grant of a lease for a term exceeding 3 years;

"specified person", in relation to a solicitor, means —

(a) the solicitor himself;

(b) any member or assistant of the firm of which the solicitor is a member either as a partner, consultant or an employee;

(c) any director or employee of the law corporation of which the solicitor is a director or an employee; or

[4/2000]

(d) any partner or employee of the limited liability law partnership of which the solicitor is a partner or an employee.

(3) Subsection (1) is without prejudice to any law affecting solicitors who act for parties where there is a conflict of interest or where a conflict of interest may arise.

(4) Disciplinary proceedings may be taken against a solicitor who acts in contravention of subsection (1).

80 Account by solicitor

Account by solicitor

80.

—(1) Where the relationship of solicitor and client exists, or has existed, an originating summons may be issued by the client or his representatives for the delivery of a cash account, or the payment of moneys, or the delivery of securities.

(2) The court or a Judge may order the solicitor to deliver to the applicant a list of the moneys or securities which he has in his custody or control on behalf of the applicant, or to bring into court the whole or any part of the same, within such time as the court or a Judge orders.

(3) In the event of the solicitor alleging that he has a claim for costs, the court or a Judge may make such provision for the payment or security thereof or the protection of the solicitor's lien, if any, as the court or a Judge thinks fit.

81 Interim certificate

Interim certificate

81.

—(1) If, during the taxation of any bill of costs or the taking of any account between solicitor and client, it appears to the Registrar that there must in any event be moneys due from the solicitor or law corporation or limited liability law partnership to the client, the Registrar may make an interim certificate as to the amount so payable by the solicitor or law corporation or limited liability law partnership.

[4/2000]

(2) Upon the filing of such certificate, the court or a Judge may order the moneys so certified to be immediately paid to the client or brought into court.

PART VIA LAW CORPORATIONS

PART VIA LAW CORPORATIONS

81A Interpretation of this Part

Interpretation of this Part

81A.

In this Part, unless the context otherwise requires —

"company" has the same meaning as in the Companies Act (Cap. 50);

"law firm" means a solicitor practising on his own account or a partnership whose members are solicitors but does not include a limited liability law partnership;

"legal services" means the legal services which a solicitor can lawfully perform under this Act;

"solicitor" means an advocate and solicitor who has in force a practising certificate.

[4/2000]

81B Approval for law corporations

Approval for law corporations

81B.

— (1) A solicitor who wishes to have a company or a proposed company approved as a law corporation shall apply to the Council for approval —

(a) of the company as a law corporation; and

(b) of the name or proposed name of the law corporation.

[4/2000]

(2) An application under subsection (1) shall be made in accordance with rules made under section 81N.

[4/2000]

(3) Subject to the provisions of this Part, the Council may, on receiving an application in respect of a company or a proposed company under this section, approve the company or proposed company as a law corporation if —

(a) the memorandum of association of the company or proposed company provides that the primary object of the company or proposed company is to supply legal services and such other class of services as may be prescribed; and

(b) the articles of association of the company or proposed company provide for such matters as may be prescribed.

[4/2000]

(4) If the Council gives approval for a proposed company to be a law corporation, the approval shall not take effect until the company is registered and incorporated under the Companies Act (Cap. 50).

[4/2000]

81C Name of law corporation

Name of law corporation

81C.

— (1) The Council shall not approve the name or proposed name of a law corporation which in its opinion —

(a) is misleading or detracts from the dignity of an honourable profession;

(b) is so similar to that of an existing law corporation, limited liability law partnership, law firm or group practice as to be likely to be confused with it; or

(c) is inconsistent with any of the provisions of any rules on publicity made under section 71 (1).

[4/2000]

(2) Notwithstanding section 27 of the Companies Act, a law corporation which is a limited company need not have the word “Limited” or “Berhad” as part of its name and a law corporation which is a private company need not have the word “Private” or “Sendirian” as part of its name.

[4/2000]

(3) Every law corporation shall have either the words “Law Corporation” or the acronym “LLC” as part of its name and no person, firm or group practice other than an approved law corporation shall have such words as part of its

name.

[4/2000]

(4) The directors of a law corporation shall ensure that every invoice or official correspondence of the law corporation bears the statement that it is incorporated with limited liability.

[4/2000]

(5) No name of a law corporation may be changed without the prior approval in writing of the Council.

[4/2000]

(6) Notwithstanding anything in this section or section 27 of the Companies Act (Cap. 50), where the Council is satisfied that the name of a law corporation has been approved (whether through inadvertence or otherwise and whether originally or by change of name) in contravention of subsection (1), the Council may direct the law corporation to change its name and the law corporation shall comply with that direction within 6 weeks from the date of the direction or such longer period as the Council may allow.

[4/2000]

81D Effect of company becoming law corporation

Effect of company becoming law corporation

81D.

— (1) A law corporation is authorised to do anything that a solicitor can do by law and is required to do all that a solicitor is required to do by law.

[4/2000]

(2) Subsection (1) shall not apply to the doing of anything that can only be done by a solicitor as a natural person.

[4/2000]

(3) A solicitor who provides legal services as a director or an employee of a law corporation shall be subject to the same standards of professional conduct and competence in respect of such services as if he were personally providing the legal services as a solicitor in a law firm.

[4/2000]

(4) The mere fact that a solicitor personally provides legal services as a director or an employee of a law corporation shall not affect the personal liability of that solicitor at law.

[4/2000]

81E Relationship between client and law corporation

Relationship between client and law corporation

81E.

— (1) A law corporation shall have the same rights and shall be subject to the same fiduciary, confidential and ethical requirements with respect to each client of the law corporation that exist at law with respect to a solicitor and his client.

[4/2000]

(2) Solicitor-client privilege exists between a law corporation and a client of the corporation in the same way as it exists between a solicitor and his client and extends to every solicitor who is an officer or employee of the corporation.

[4/2000]

(3) Sections 128 to 131 of the Evidence Act (Cap. 97) on professional communications shall apply to a law corporation, its officers and its employees as it applies to a solicitor.

[4/2000]

81F Professional misconduct

Professional misconduct

81F.

— (1) An act or omission of a solicitor may constitute unsatisfactory professional conduct or professional misconduct even though it is only done or occurs while the solicitor provides legal services through a law corporation.

[4/2000]

(2) The directors of the law corporation who are solicitors shall be jointly liable to disciplinary proceedings under this Act if the business of the law corporation is conducted in a manner unbecoming an honourable profession and where such conduct cannot be attributed to the act or omission of a particular solicitor or solicitors whose identity is known.

[4/2000]

(3) A director or an employee of a law corporation who is a solicitor (whether or not he has in force a practising certificate) shall not —

(a) hold shares in any other law corporation;

(b) be a director or consultant or an employee of any other law corporation;

(c) be a partner or consultant or an employee of any law firm or limited liability law partnership; or

(d) practise as a solicitor on his own account.

[4/2000]

(4) Subsection (3) shall not prevent a locum solicitor engaged by a law corporation from concurrently practising as a locum solicitor in another law corporation or any law firm or limited liability law partnership.

81G Requirements as to alteration of memorandum or articles of association

Requirements as to alteration of memorandum or articles of association

81G.

The directors of a law corporation must ensure at all times that any amendment or alteration to its memorandum or articles of association must comply with all the requirements with respect to law corporations in this Act.

[4/2000]

81H Shares of law corporation

Shares of law corporation

81H.

— (1) No person shall transfer or dispose of any shares in a law corporation except in accordance with this section and the rules made under section 81N.

[4/2000]

(2) All the shares in a law corporation shall be held by solicitors subject to any rules made under section 81N as to any shares or proportion of shares in a law corporation which may be held by such other persons or class of persons as may be prescribed.

[4/2000]

(3) No share in a law corporation may be held by a person as nominee for another person.

[4/2000]

(4) Except with the prior approval of the Council or in circumstances prescribed in the rules made under section 81N, any person who holds shares in a law corporation shall not —

- (a) hold shares in any other law corporation;
- (b) be a director or consultant or an employee of any other law corporation;
- (c) be a partner or consultant or an employee of any law firm or limited liability law partnership; or
- (d) practise as a solicitor on his own account. [4/2000]
- (5) No security may be created over any share in a law corporation. [4/2000]
- (6) A solicitor who, pursuant to disciplinary proceedings under this Act, is suspended from practice or struck off the roll, shall not hold any shares in a law corporation unless the Council, on the solicitor's application, grants him a grace period to transfer or dispose his shares in the law corporation. [4/2000]
- (7) Where a solicitor has been suspended from practice or struck off the roll pursuant to disciplinary proceedings under this Act, he shall not, directly or indirectly, take part in or be concerned in the management or practice of a law corporation. [4/2000]
- (8) Any transfer or disposal made in contravention of subsections (1) to (6) shall be null and void. [4/2000]
- (9) Notwithstanding subsections (2) and (7), where a solicitor has for any reason ceased to hold a practising certificate, the Council may, upon application made by the solicitor or by the law corporation of which he is a member, grant him a grace period of not more than 2 years to transfer his shares in the law corporation. [4/2000]
- (10) The solicitor referred to in subsection (9) shall be treated as a solicitor for the purposes of computing the proportion of any class of shares in the law corporation held by solicitors. [4/2000]
- (11) Notwithstanding subsections (2) and (7), where a solicitor has by reason of death, bankruptcy or incapacity by reason of mental or physical disability ceased to hold a practising certificate, the Council may allow the executor or administrator of the solicitor's estate or the committee of the person and estate or any other person to hold the solicitor's shares in the law corporation of which he was or is a member for a grace period of not more than 2 years. [4/2000]
- (12) The grace period of not more than 2 years referred to in subsection (11) shall commence —

(a) in the case of death, from the date the administrator is appointed or the date the probate or letters of administration are granted;

(b) in the case of bankruptcy, from the date the solicitor is adjudged a bankrupt; or

(c) in the case of incapacity by reason of mental or physical disability, from the date the solicitor becomes incapable to act.

[4/2000]

(13) The solicitor referred to in subsection (9) or the persons referred to in subsection (11) shall not during the grace period of 2 years exercise any voting rights attached to his shares in the law corporation or take part or be concerned in the management or practice of the law corporation.

[4/2000]

81I Additional grounds for winding up law corporation

Additional grounds for winding up law corporation

81I.

— (1) A law corporation may be wound up under the Companies Act (Cap. 50) on any of the following grounds:

(a) the law corporation ceases to satisfy the requirements of this Act or the rules made under section 81N relating to a law corporation; or

(b) the business of the law corporation has been conducted in a manner unbecoming the profession.

[4/2000]

(2) The grounds for winding up referred to in subsection (1) are additional to those prescribed by the Companies Act.

[4/2000]

(3) An application to wind up a law corporation on a ground specified in subsection (1) may be made only by the Attorney-General or the Council.

[4/2000]

81J Right of appeal against decisions of Council under this Part

Right of appeal against decisions of Council under this Part

81J.

— (1) An applicant, for approval by the Council of —

(a) a company or proposed company as a law corporation;

(b) an amendment or alteration to the memorandum or articles of association of a law corporation; or

(c) a change in the name of a law corporation,

may appeal to the High Court against a decision of the Council.

[4/2000]

(2) An applicant making an appeal under subsection (1) must comply with the rules made under section 81N for the purposes of this section.

[4/2000]

(3) On the hearing of an appeal under this section, the High Court may —

(a) confirm the decision of the Council; or

(b) direct the Council to grant the application for approval, either unconditionally or subject to conditions specified by the Court,

and may make such order as to the payment of costs by the Council or by the applicant as it thinks fit.

[4/2000]

81K Register of law corporations

Register of law corporations

81K.

— (1) The Council is required —

(a) to keep a register of all law corporations approved under section 81B in such form and manner as the Council thinks fit and to have custody of the register and all documents relating to it; and

(b) to allow any person to inspect the register in such manner as the Council thinks fit.

[4/2000]

(2) The Council is required to enter on the register of law corporations the name of every law corporation approved under section 81B.

[4/2000]

(3) The Council may cancel the registration of a law corporation which has ceased providing legal services or which has been wound up.

[4/2000]

81L This Part to prevail over inconsistent provisions of memorandum and articles of association

This Part to prevail over inconsistent provisions of memorandum and articles of association

81L.

This Part and any rules made under section 81N for the purposes of this Part shall prevail over any inconsistent provision of the memorandum and articles of association of a law corporation.

[4/2000]

81M Application of Companies Act and other written law to law corporations

Application of Companies Act and other written law to law corporations

81M.

— (1) Nothing in this Part shall affect the operation of the Companies Act (Cap. 50), and the provisions of this Part shall apply with the provisions of the Companies Act.

(1A) In the case of a conflict between any provision of the Companies Act and any provision in this Part, the provision in this Part shall prevail unless otherwise expressly provided in this Part.

(2) A law corporation shall, notwithstanding that the shares in the law corporation are held by more than 20 members, be deemed to be an exempt private company for the purposes of the Companies Act.

[4/2000]

(3) A law corporation shall not be treated for the purposes of the Companies

Act as a public company merely because it has more than 50 members.

[4/2000]

(4) Such provisions of any other written law having effect in relation to solicitors or law firms or limited liability law partnerships as may be prescribed, shall have effect in relation to law corporations with such prescribed modifications as may be necessary or expedient; and such provisions shall be construed accordingly.

(5) In this section, references to this Part include references to rules made under section 81N.

81N Rules on law corporations

Rules on law corporations

81N.

— (1) The Minister may, after consulting the Council, make rules for the purposes of this Part.

[4/2000]

(2) Without prejudice to the generality of subsection (1), any rules made thereunder may provide —

(a) for prescribing anything which may be prescribed under this Part;

(b) for restrictions to be imposed on persons or classes of persons who may become officers of a law corporation or who may hold shares in a law corporation and on the proportion of shares in a law corporation which may be held by such persons or classes of persons;

(c) for the payment of fees on applications made under this Part or any rules made thereunder and for related matters;

(d) for the keeping of accounts by a law corporation and for the matters set out in section 72;

(e) for exempting any person or class of persons from any provision of this Part; and

(f) for such incidental, consequential or supplementary provisions as may be necessary or expedient.

[4/2000]

810 Reference in other written law

Reference in other written law

810.

In any other written law, any reference to a solicitor, an advocate or an advocate and solicitor shall, with such necessary modifications or exceptions as may be prescribed under section 81N, be construed as including a reference to a law corporation.

[4/2000]

PART VIB LIMITED LIABILITY LAW PARTNERSHIPS

PART VIB

LIMITED LIABILITY LAW PARTNERSHIPS

81P Interpretation of this Part

Interpretation of this Part

81P.

In this Part, unless the context otherwise requires —

“law firm”, “legal services” and “solicitor” have the same meaning as is assigned to them in section 81A;

“limited liability partnership agreement”, “manager” and “officer” have the same meaning as is assigned to them in the Limited Liability Partnerships Act 2005 (Act 5 of 2005).

81Q Approval for limited liability law partnerships

Approval for limited liability law partnerships

81Q.

— (1) A solicitor who wishes to have a limited liability partnership or a proposed limited liability partnership approved as a limited liability law partnership shall apply to the Council for approval —

(a) of the limited liability partnership as a limited liability law partnership; and

(b) of the name or proposed name of the limited liability law partnership.

(2) An application under subsection (1) shall be made in accordance with rules made under section 81ZB.

(3) If the Council gives approval for a proposed limited liability partnership to be a limited liability law partnership, the approval shall not take effect until the limited liability partnership is registered under the Limited Liability Partnerships Act 2005 (Act 5 of 2005).

81R Name of limited liability law partnership

Name of limited liability law partnership

81R.

— (1) The Council shall not approve the name or proposed name of a limited liability law partnership which in its opinion —

(a) is misleading or detracts from the dignity of an honourable profession;

(b) is so similar to that of an existing law corporation, limited liability law partnership, law firm or group practice as to be likely to be confused with it; or

(c) is inconsistent with any of the provisions of any rules on publicity made under section 71 (1).

(2) The partners of a limited liability law partnership shall ensure that every invoice or official correspondence of the limited liability law partnership bears the statement that it is incorporated with limited liability.

(3) No name of a limited liability law partnership may be changed without the prior approval in writing of the Council.

(4) Notwithstanding anything in this section or section 19 of the Limited Liability Partnerships Act 2005 (Act 5 of 2005), where the Council is satisfied that the name of a limited liability law partnership has been approved (whether through inadvertence or otherwise and whether originally or by change of name) in contravention of subsection (1), the Council may direct the limited liability law partnership to change its name and the limited liability law partnership shall comply with that direction within 6 weeks from the date of the direction or such longer period as the Council may allow.

81S Effect of becoming limited liability law partnership

Effect of becoming limited liability law partnership

81S.

— (1) A limited liability law partnership is authorised to do anything that a solicitor can do by law and is required to do all that a solicitor is required to do by law.

(2) Subsection (1) shall not apply to the doing of anything that can only be done by a solicitor as a natural person.

(3) A solicitor who provides legal services as a partner or an employee of a limited liability law partnership shall be subject to the same standards of professional conduct and competence in respect of such services as if he were personally providing the legal services as a solicitor in a law firm.

(4) The mere fact that a solicitor personally provides legal services as a partner or an employee of a limited liability law partnership shall not affect the personal liability of that solicitor at law.

81T Relationship between client and limited liability law partnership

Relationship between client and limited liability law partnership

81T.

— (1) A limited liability law partnership shall have the same rights and shall be subject to the same fiduciary, confidential and ethical requirements with respect to each client of the limited liability law partnership that exist at law with respect to a solicitor and his client.

(2) Solicitor-client privilege exists between a limited liability law partnership and a client of the limited liability law partnership in the same way as it exists between a solicitor and his client and extends to every solicitor who is a partner, an officer or an employee of the limited liability law partnership.

(3) Sections 128 to 131 of the Evidence Act (Cap. 97) on professional communications shall apply to a limited liability law partnership, its partners, its officers and its employees as it applies to a solicitor.

81U Professional misconduct

Professional misconduct

81U.

— (1) An act or omission of a solicitor may constitute unsatisfactory professional conduct or professional misconduct even though it is only done or occurs while the solicitor provides legal services through a limited liability law partnership.

(2) The partners of the limited liability law partnership who are solicitors shall be jointly liable to disciplinary proceedings under this Act if the business of the limited liability law partnership is conducted in a manner unbecoming an honourable profession and where such conduct cannot be attributed to the act or omission of a particular solicitor or solicitors whose identity is known.

(3) A partner or an employee of a limited liability law partnership who is a solicitor (whether or not he has in force a practising certificate) shall not

—
(a) hold shares in any law corporation;

(b) be a director or consultant or an employee of any law corporation;

(c) be a partner or consultant or an employee of any law firm or another limited liability law partnership; or

(d) practise as a solicitor on his own account.

(4) Subsection (3) shall not prevent a locum solicitor engaged by a limited liability law partnership from concurrently practising as a locum solicitor in another limited liability law partnership or any law firm or law corporation.

81V Effect of disciplinary action

Effect of disciplinary action

81V.

Where a solicitor has been suspended from practice or struck off the roll pursuant to disciplinary proceedings under this Act, he shall not be a manager of a limited liability law partnership.

81W Additional grounds for winding up limited liability law partnership

Additional grounds for winding up limited liability law partnership

81W.

—(1) A limited liability law partnership may be wound up under the Limited Liability Partnerships Act 2005 (Act 5 of 2005) on any of the following grounds:

(a) the limited liability law partnership ceases to satisfy the requirements of this Act or the rules made under section 81ZB relating to a limited liability law partnership; or

(b) the business of the limited liability law partnership has been conducted in a manner unbecoming the profession.

(2) The grounds for winding up referred to in subsection (1) are additional to those prescribed by the Limited Liability Partnerships Act 2005.

(3) An application to wind up a limited liability law partnership on a ground specified in subsection (1) may be made only by the Attorney-General or the Council.

81X Right of appeal against decisions of Council under this Part

Right of appeal against decisions of Council under this Part

81X.

— (1) An applicant, for approval by the Council of —

(a) a limited liability partnership or proposed limited liability partnership as a limited liability law partnership; or

(b) a change in the name of a limited liability law partnership,

may appeal to the High Court against a decision of the Council.

(2) An applicant making an appeal under subsection (1) must comply with the rules made under section 81ZB for the purposes of this section.

(3) On the hearing of an appeal under this section, the High Court may —

(a) confirm the decision of the Council; or

(b) direct the Council to grant the application for approval, either unconditionally or subject to conditions specified by the Court,

and may make such order as to the payment of costs by the Council or by the applicant as it thinks fit.

81Y Register of limited liability law partnerships

Register of limited liability law partnerships

81Y.

— (1) The Council is required —

(a) to keep a register of all limited liability law partnerships approved under section 81Q in such form and manner as the Council thinks fit and to have custody of the register and all documents relating to it; and

(b) to allow any person to inspect the register in such manner as the Council thinks fit.

(2) The Council is required to enter on the register of limited liability law partnerships the name of every limited liability law partnership approved under section 81Q.

(3) The Council may cancel the registration of a limited liability law partnership which has ceased providing legal services or which has been wound up.

81Z This Part to prevail over inconsistent provisions of limited liability partnership agreement

This Part to prevail over inconsistent provisions of limited liability partnership agreement

81Z.

This Part and any rules made under section 81ZB for the purposes of this Part shall prevail over any inconsistent provision of the limited liability partnership agreement of a limited liability law partnership.

81ZA Application of Limited Liability Partnerships Act and other written law to limited liability law partnerships

Application of Limited Liability Partnerships Act and other written law to limited liability law partnerships

81ZA.

—(1) Nothing in this Part shall affect the operation of the Limited Liability Partnerships Act 2005 (Act 5 of 2005), and the provisions of this Part shall apply with the provisions of the Limited Liability Partnerships Act 2005.

(2) In the case of a conflict between any provision of the Limited Liability Partnerships Act 2005 and any provision in this Part, the provision in this Part shall prevail unless otherwise expressly provided in this Part.

(3) Such provisions of any other written law having effect in relation to solicitors or law firms or law corporations as may be prescribed, shall have effect in relation to limited liability law partnerships with such prescribed modifications as may be necessary or expedient; and such provisions shall be construed accordingly.

(4) In this section, references to this Part include references to rules made under section 81ZB.

81ZB Rules on limited liability law partnerships

Rules on limited liability law partnerships

81ZB.

—(1) The Minister may, after consulting the Council, make rules for the purposes of this Part.

(2) Without prejudice to the generality of subsection (1), any rules made thereunder may provide —

(a) for prescribing anything which may be prescribed under this Part;

(b) for restrictions to be imposed on persons or classes of persons who may be partners in or officers of a limited liability law partnership;

(c) for the payment of fees on applications made under this Part or any rules made thereunder and for related matters;

(d) for the keeping of accounts by a limited liability law partnership and for the matters set out in section 72;

(e) for exempting any person or class of persons from any provision of this Part; and

(f) for such incidental, consequential or supplementary provisions as may be necessary or expedient.

81ZC Reference in other written law

Reference in other written law

81ZC.

In any other written law, any reference to a solicitor, an advocate or an advocate and solicitor shall, with such necessary modifications or exceptions as may be prescribed under section 81ZB, be construed as including a reference to a limited liability law partnership.

PART VII DISCIPLINARY PROCEEDINGS

PART VII

DISCIPLINARY PROCEEDINGS

82 Jurisdiction of Supreme Court over solicitors and legal officers

Jurisdiction of Supreme Court over solicitors and legal officers

82.

— (1) Any person duly admitted as an advocate and solicitor and any legal officer shall be an officer of the Supreme Court.

[41/93]

(2) The provisions of any written law which imposes on officers of the Supreme Court any restrictions as to practice as advocates or solicitors shall not apply to any advocate and solicitor by virtue only of subsection (1).

82A Disciplinary proceedings against legal officers and non-practising solicitors

82A.

— (1) This Part, with the exception of this section and sections 82, 90, 91, 94A, 98 to 102, 104, 105 and 106, shall not apply to any legal officer or any advocate and solicitor who does not at the time of the misconduct have in force a practising certificate (referred to in this section as a non-practising solicitor).

[41/93]

(2) All legal officers and non-practising solicitors shall be subject to the control of the Supreme Court and shall be liable on due cause shown to be punished in accordance with this section.

(3) Such due cause may be shown by proof that a legal officer or a non-practising solicitor, as the case may be —

(a) has been guilty in Singapore or elsewhere of such misconduct unbecoming a legal officer or an advocate and solicitor as an officer of the Supreme Court or as a member of an honourable profession; or

(b) has been adjudicated bankrupt and has been guilty of any of the acts or omissions mentioned in section 124 (5) (a), (b), (c), (d), (e), (f), (h), (i), (k), (l) or (m) of the Bankruptcy Act (Cap. 20).

[15/95]

(4) No application for an order to show cause under this section shall be made unless leave has been granted by the Chief Justice for an investigation to be made into the complaint of misconduct against the legal officer or non-practising solicitor concerned.

(5) An application for such leave shall be made by ex parte originating summons and shall be accompanied by an affidavit setting out the allegations of misconduct against the legal officer or non-practising solicitor.

(6) Where the Chief Justice is of the opinion that the applicant has made out a prima facie case for an investigation into his complaint, the Chief Justice may grant such leave and appoint a Disciplinary Committee under section 90.

(7) The Disciplinary Committee shall hear and investigate into the complaint and submit its findings of fact and law in the form of a report to the Chief Justice.

(8) A copy of the report shall be supplied to the legal officer or non-practising solicitor concerned, and to the Attorney-General if the report relates to a legal officer.

(9) Where the Disciplinary Committee finds that no cause of sufficient gravity for disciplinary action exists under this section against the legal officer or non-practising solicitor concerned, the Chief Justice shall dismiss the complaint.

(10) Where the Disciplinary Committee finds that cause of sufficient gravity for disciplinary action exists under this section against the legal officer or non-practising solicitor concerned, the Chief Justice may appoint an advocate and solicitor or a legal officer to apply by summons in the same proceedings for an order that the legal officer or the non-practising solicitor concerned be struck off the roll, prohibited from applying for a practising certificate, censured or otherwise punished.

(11) Section 98 shall apply, with the necessary modifications, to any application under subsection (10).

(12) On completion of the hearing of the application under subsection (10), the court may —

- (a) censure the legal officer or non-practising solicitor;
- (b) prohibit him from applying for a practising certificate for such period not exceeding 5 years as it may specify;
- (c) order that his name be struck off the roll;
- (d) order him to pay a penalty of not more than \$5,000; or
- (e) make such other order as it thinks fit.

(13) The costs of and incidental to all proceedings under this section shall be in the discretion of the Judge or of the court before whom the hearing has taken place.

(14) Subject to this section, the Rules Committee may make rules for regulating and prescribing the procedure and practice to be followed in connection with proceedings under this section and in the absence of any rule or rules dealing with any point of procedure or practice, the Rules of Court (Cap. 322, R 5) may be followed as nearly as the circumstances permit.

(15) For the avoidance of doubt, nothing in this section shall prevent any legal officer from being subject to disciplinary action by the Legal Service Commission for any act or omission which constitutes a disciplinary offence under this section.

83 Power to strike off roll or suspend or censure

Power to strike off roll or suspend or censure

83.

— (1) All advocates and solicitors shall be subject to the control of the Supreme Court and shall be liable on due cause shown to be struck off the roll or suspended from practice for any period not exceeding 5 years or censured.

[41/93]

(2) Such due cause may be shown by proof that an advocate and solicitor —

(a) has been convicted of a criminal offence, implying a defect of character which makes him unfit for his profession;

(b) has been guilty of fraudulent or grossly improper conduct in the discharge of his professional duty or guilty of such a breach of any usage or rule of conduct made by the Council under the provisions of this Act as amounts to improper conduct or practice as an advocate and solicitor;

(c) has been adjudicated bankrupt and has been guilty of any of the acts or omissions mentioned in section 124 (5) (a), (b), (c), (d), (e), (f), (h), (i), (k), (l) or (m) of the Bankruptcy Act (Cap. 20);

(d) has tendered or given or consented to retention, out of any fee payable to him for his services, of any gratification for having procured the employment in any legal business of himself or any other advocate and solicitor;

(e) has, directly or indirectly, procured or attempted to procure the employment of himself or any advocate and solicitor through or by the instruction of any person to whom any remuneration for obtaining such employment has been given by him or agreed or promised to be so given;

(f) has accepted employment in any legal business through a person who has been proclaimed a tout under any written law relating thereto;

(g) allows any clerk or other unauthorised person to undertake or carry on

legal business in his name, that other person not being under such direct and immediate control of his principal as to ensure that he does not act without proper supervision;

(h) has been guilty of such misconduct unbecoming an advocate and solicitor as an officer of the Supreme Court or as a member of an honourable profession;

(i) carries on by himself or any person in his employment any trade, business or calling that detracts from the profession of law or is in any way incompatible with it, or is employed in any such trade, business or calling;

(j) has contravened any of the provisions of this Act in relation thereto if such contravention warrants disciplinary action; or

(k) has been disbarred, struck off, suspended or censured in his capacity as a legal practitioner by whatever name called in any other country.

[41/93; 15/95]

(3) Pupils shall, with the necessary modifications, be subject to the same jurisdiction as can be exercised over advocates and solicitors under this Part; but in lieu of an order striking him off the roll or suspending him, an order may be made prohibiting the pupil from applying to the court for admission until after a date specified in the order.

(4) The jurisdiction given by subsection (3) shall be exercised by a single Judge.

(5) In any proceedings under this Part, the court may in addition to the facts of the case take into account the past conduct of the person concerned in order to determine what order should be made.

(6) In any proceedings instituted under this Part against an advocate and solicitor consequent upon his conviction for a criminal offence, an Inquiry Committee, a Disciplinary Committee and a court of 3 Judges of the Supreme Court referred to in section 98 shall accept his conviction as final and conclusive.

[15/89; 41/93]

84 Appointment of Inquiry Panel

Appointment of Inquiry Panel

—(1) For the purpose of enabling Inquiry Committees to be constituted in accordance with this Part, the Chief Justice shall appoint a panel (referred to hereinafter as the Inquiry Panel) consisting of such number of advocates and solicitors (whether in practice or not) and lay persons as the Chief Justice may determine.

[30/86; 15/89; 35/2001]

(2) An advocate and solicitor shall be eligible to be appointed as a member of the Inquiry Panel if he has not less than 12 years' standing.

(3) A member of the Inquiry Panel shall be appointed for a term of 2 years and shall be eligible for reappointment.

[15/89]

(4) The Chief Justice may at any time remove from office any member of the Inquiry Panel or fill any vacancy in its membership.

(5) The Chief Justice shall appoint a member of the Inquiry Panel to be the Chairman.

[30/86]

85 Complaints against advocates and solicitors

Complaints against advocates and solicitors

85.

—(1) Any complaint of the conduct of an advocate and solicitor shall in the first place be made to the Society and the Council shall refer the complaint to the Chairman of the Inquiry Panel.

[30/86; 15/89; 41/93]

(2) The Council may on its own motion refer any information touching upon the conduct of an advocate and solicitor to the Chairman of the Inquiry Panel.

[15/89; 41/93]

(3) Any Judge of the Supreme Court or the Attorney-General may at any time refer to the Society any information touching upon the conduct of any advocate and solicitor and the Council shall —

(a) refer the matter to the Chairman of the Inquiry Panel; or

(b) where the Judge or the Attorney-General requests that the matter be referred to a Disciplinary Committee, apply to the Chief Justice to appoint a Disciplinary Committee.

[30/86; 15/89; 41/93; 35/2001]

(4) Notwithstanding subsections (1), (2) and (3), where 2 or more complaints or information touching upon the conduct of an advocate and solicitor have been received by the Council, including any complaint which had been referred to a Disciplinary Committee under section 89, the Council may with the leave of the court refer to the Chairman of the Inquiry Panel one or more complaints or information which in its opinion are more serious in nature first and defer the referral of the remaining complaints or information.

[15/89; 41/93]

(5) Where any complaint or information touching upon the conduct of an advocate and solicitor is referred to the Chairman of the Inquiry Panel, the Council shall inform the advocate and solicitor concerned that it has done so.

[15/89; 41/93]

(6) Where any complaint or information touching upon the conduct of any advocate and solicitor is referred to the Chairman of the Inquiry Panel under subsection (1), (2) or (3), the Chairman shall immediately constitute one or more Review Committees consisting of —

(a) a chairman, being the Chairman himself or a member of the Inquiry Panel who is an advocate and solicitor; and

(b) a legal officer who has not less than 10 years' experience,

to review the complaint or information within 2 weeks of its constitution.

[15/89; 41/93; 35/2001]

(7) A Review Committee may, in the course of a review under subsection (6), require the complainant or the advocate and solicitor concerned to answer any inquiry or to furnish any record that the Review Committee considers relevant for the purpose of the review.

[35/2001]

(8) On the completion of a review under subsection (6), a Review Committee shall —

(a) direct the Council to dismiss the matter if it is unanimously of the opinion that the complaint or information is frivolous, vexatious, misconceived or lacking in substance and give the reasons for the dismissal; or

(b) in any other case, refer the matter back to the Chairman of the Inquiry Panel.

[35/2001]

(9) The Council shall, within 7 days of receiving any direction under subsection (8) (a) —

(a) give effect to the direction to dismiss the matter; and

(b) inform the complainant and the advocate and solicitor concerned of the dismissal of the matter and furnish the complainant with the reasons of the Review Committee in writing.

[35/2001]

(10) Where any complaint or information touching upon the conduct of any advocate and solicitor is referred back to the Chairman of the Inquiry Panel under subsection (8) (b), the Chairman shall immediately constitute an Inquiry Committee consisting of —

(a) a chairman, being a member of the Inquiry Panel who is an advocate and solicitor;

(b) a member of the Inquiry Panel who is an advocate and solicitor;

(c) a member of the Inquiry Panel who is a lay person; and

(d) a legal officer who has not less than 10 years" experience,

to inquire into the complaint or information.

[35/2001]

(11) A member of a Review Committee who has reviewed any matter concerning any advocate and solicitor shall not be a member of an Inquiry Committee inquiring into the same matter.

[35/2001]

(12) An Inquiry Committee may meet for the purposes of its inquiry, adjourn and otherwise regulate the conduct of its inquiry as the members may think fit.

[15/89]

(13) The Chairman of an Inquiry Committee may at any time summon a meeting of the Inquiry Committee.

[15/89]

(14) Any questions arising at any meeting of an Inquiry Committee shall be determined by a majority of votes of the members of the Committee, and in the case of an equality of votes, the Chairman of the Inquiry Committee shall have a second or casting vote.

[15/89]

(15) All the members of an Inquiry Committee shall be present to constitute a quorum for a meeting of the Inquiry Committee.

[15/89]

(16) Any resolution or decision in writing signed by all the members of an Inquiry Committee shall be as valid and effectual as if it had been made or reached at a meeting of the Inquiry Committee where all its members were present.

[15/89]

(17) Every complaint received by the Society shall be supported by such statutory declarations or affidavits as the Chairman of the Inquiry Panel or of an Inquiry Committee may require.

[15/89; 41/93]

(18) An Inquiry Committee may require any person making a complaint to the Society under this Part to deposit with the Society a reasonable sum not exceeding \$500 to cover necessary costs and expenses.

[15/89]

(19) Where the complaint is found to be frivolous or vexatious, the sum so deposited or such part thereof as the Inquiry Committee may determine shall be applied for the payment of those costs and expenses; otherwise the sum so deposited shall be returned to the person making the same.

[15/89; 41/93]

(20) A member of an Inquiry Committee shall, notwithstanding that he has ceased to be a member of the Inquiry Panel on the expiry of his term of office, be deemed to be a member of the Inquiry Panel until such time as the Council has decided that the Inquiry Committee of which he is a member has completed its work.

[15/89]

(21) Any person who makes a complaint to the Society under this Part which he knows to be false in any material particular shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

[35/2001]

86 Inquiry

Inquiry

86.

—(1) Subject to subsections (2), (3) and (4), an Inquiry Committee shall, within 2 weeks of its appointment, commence its inquiry into any complaint or information touching upon the conduct of an advocate and solicitor and report its findings to the Council —

(a) in any case where the members of the Inquiry Committee have decided not to

call upon the advocate and solicitor concerned to offer any explanation or to answer the allegations made against him, not later than 2 months after the date of its appointment; and

(b) in any other case, not later than 2 weeks after the last meeting of the Inquiry Committee or 3 months after the date of its appointment, whichever is earlier.

[30/86; 15/89; 41/93]

(2) Where an Inquiry Committee is of the opinion that it will not be able to report its findings to the Council within the period specified in subsection

(1) (b) due to the complexity of the matter or serious difficulties encountered by the Inquiry Committee in conducting its inquiry, the Inquiry Committee may apply in writing to the Chairman of the Inquiry Panel for an extension of the time to report its findings to the Council.

[15/89]

(3) The Chairman of the Inquiry Panel may grant an extension of time to an Inquiry Committee to report its findings to the Council if he is satisfied that the circumstances of the case justify the grant of an extension of time, except that any extension of time granted shall not extend beyond the period of 6 months from the date of the appointment of that Inquiry Committee.

[15/89]

(4) No application for an extension of time may be made to the Chairman of the Inquiry Panel under subsection (2) on the expiry of 2 months after the date of the appointment of the Inquiry Committee.

[15/89]

(5) Where an Inquiry Committee is satisfied that there are no grounds for disciplinary action under this Part, it shall report to the Council accordingly and state the reasons for its decision.

[15/89]

(6) Where an Inquiry Committee is of the opinion that an advocate and solicitor should be called upon to answer any allegation made against him, the Inquiry Committee shall —

(a) post or deliver to the advocate and solicitor concerned —

(i) copies of any complaint or information touching upon his conduct and of any statutory declarations or affidavits that have been made in support of the complaint or information; and

(ii) a notice inviting him to give within such period (not being less than 14 days) as may be specified in the notice to the Inquiry Committee any written explanation he may wish to offer and to advise the Inquiry Committee if he wishes to be heard by the Committee;

(b) allow the time specified in the notice to elapse;

(c) give the advocate and solicitor concerned reasonable opportunity to be heard if he so desires; and

(d) give due consideration to any explanation (if any) given by him.

[15/89; 41/93]

(7) The report of the Inquiry Committee shall, among other things, deal with the question of the necessity or otherwise of a formal investigation by a Disciplinary Committee and, if in the view of the Inquiry Committee no formal investigation by a Disciplinary Committee is required, the Inquiry Committee shall recommend to the Council —

(a) a penalty sufficient and appropriate to the misconduct committed; or

(b) that the complaint be dismissed.

[15/89]

(8) Where in the course of its inquiry an Inquiry Committee receives information touching on or evidence of the conduct of the advocate and solicitor concerned which may give rise to proceedings under this Part, the Inquiry Committee may, after giving notice to him, decide on its own motion to inquire into that matter and report its findings to the Council.

[15/89; 41/93]

(9) Where in the course of its inquiry an Inquiry Committee receives information touching on or evidence of the conduct of the advocate and solicitor concerned which discloses an offence under any written law, the Inquiry Committee shall record the information in its report to the Council.

[15/89; 41/93]

(10) Where the complainant withdraws his complaint before the Council has referred the complaint to an Inquiry Committee or before the conclusion of the inquiry by an Inquiry Committee, the Council may, notwithstanding such withdrawal, refer the complaint to or direct an Inquiry Committee to continue the inquiry, as the case may be, and the Inquiry Committee shall comply with the direction and all future proceedings thereon shall be taken as if the complaint had been made by the Society.

[41/93]

(11) Subsections (2) to (6) of section 91 shall apply, with the necessary modifications, in relation to an Inquiry Committee as they apply in relation to a Disciplinary Committee and the references in those subsections to a Disciplinary Committee shall be read as references to an Inquiry Committee.

[41/93]

(12) For the purposes of conducting an inquiry, an Inquiry Committee may —

(a) appoint any person to make or assist in the making of whatever preliminary inquiries it thinks necessary;

(b) require the production for inspection by the Inquiry Committee or any person appointed by the Committee of any books, documents or papers which may relate to or be connected with the subject-matter of the inquiry and may require any person to give information in relation to such books, documents or papers; and

(c) require the advocate and solicitor concerned to give all information in relation to any such books, documents or papers which may be reasonably required by the Inquiry Committee or by the person so employed.

[15/89]

(13) Any advocate and solicitor and any other person who refuses or fails, without lawful excuse, to produce to the Inquiry Committee or to any person whom the Committee may appoint for the purposes of an inquiry any books, documents or papers required of him as aforesaid or fails to give any such information relating thereto shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

[15/89]

87 Council' s consideration of report

Council' s consideration of report

87.

—(1) The Council shall consider the report of the Inquiry Committee and according to the circumstances of the case shall, within one month of the receipt of the report, determine —

(a) that a formal investigation is not necessary;

(b) that no cause of sufficient gravity exists for a formal investigation but that the advocate and solicitor should be ordered to pay a penalty under section 88;

(c) that there should be a formal investigation by a Disciplinary Committee; or

(d) that the matter be adjourned for consideration or be referred back to the Inquiry Committee for reconsideration or a further report.

[41/93]

(2) If the Inquiry Committee in its report recommends —

(a) that there should be a formal investigation, then the Council shall

determine accordingly under subsection (1); or

(b) that a formal investigation by a Disciplinary Committee is not necessary, the Council may, if it disagrees with the recommendation, request the Chief Justice to appoint a Disciplinary Committee.

(3) Where the report of the Inquiry Committee discloses the commission of —

(a) any other misconduct by the advocate and solicitor which has not been referred to or inquired into by the Inquiry Committee, the Council shall, if it determines that there should be a formal investigation of such misconduct, have power to prefer such charge against the advocate and solicitor as it thinks fit with respect to that misconduct; or

(b) any offence involving fraud or dishonesty by the advocate and solicitor, the Council shall immediately refer the matter to the police for investigation.

[41/93]

(4) The Council shall inform the advocate and solicitor and the person who made the complaint of the manner in which it has determined the complaint, and in the event of the determination being that a formal investigation is unnecessary, the Council shall on the request of the person furnish him with its reasons in writing.

[41/93]

88 Council' s power to order penalty

Council' s power to order penalty

88.

— (1) If the Council determines under section 87 that no cause of sufficient gravity exists for a formal investigation but that the advocate and solicitor should be ordered to pay a penalty, it may order the advocate and solicitor to pay a penalty of not more than \$5,000.

(2) Section 95 shall apply to any penalty ordered to be paid under subsection (1).

(3) Before the Council makes an order for the payment of a penalty under this section, it shall notify the advocate and solicitor concerned of its intention to do so and give him a reasonable opportunity to be heard by the Council.

(4) Where —

(a) no application is made to set aside an order for the payment of a penalty under subsection (1) or if the order is affirmed or varied by the court under section 95 (3) (a); or

(b) an advocate and solicitor has been reprimanded by the Council under section 94 (3) (a),

the Council shall, at the expense of the advocate and solicitor, publish in the *Gazette* a notice of the order or of the reprimand, as the case may be.

[41/93; 35/2001]

(5) Any notice under subsection (4) shall contain the name of the advocate and solicitor, the nature of the misconduct committed by him and the penalty payable by him or the reprimand, as the case may be.

[41/93]

(6) Where an application is made to a Judge by any person under section 97 (1), the Council shall not publish the notice under subsection (4) until the application has been withdrawn or deemed to have been withdrawn or disposed of by the Judge under section 97 (3).

[41/93]

89 Application to appoint Disciplinary Committee

Application to appoint Disciplinary Committee

89.

— (1) Where the Council determines under section 87 that there should be a formal investigation, the Council shall immediately apply to the Chief Justice to appoint a Disciplinary Committee which shall hear and investigate the matter.

[30/86; 41/93]

(2) Notwithstanding subsection (1), where 2 or more matters are pending against an advocate and solicitor, the Council may apply for one or more matters which in its opinion are more serious in nature to be heard and investigated first and defer the hearing and investigation of the other matters.

[30/86; 41/93]

(3) Where a Disciplinary Committee has been appointed to hear and investigate any matter against an advocate and solicitor under subsection (1) and before the commencement of the hearing of and investigation into that matter there is any other matter pending against the advocate and solicitor, the Chief Justice

may, on the application of the Council, direct that Disciplinary Committee to hear and investigate the other matter or matters.

[30/86; 41/93]

(4) Where, in the course of its investigation of any matter against an advocate and solicitor referred to it under subsection (1) or (3), a Disciplinary Committee receives information touching on or evidence of the conduct of the advocate and solicitor which may give rise to proceedings under this Part, the Disciplinary Committee may, on the application of the Council, prefer such additional charge against the advocate and solicitor as it thinks fit with respect to such misconduct and, after giving notice to him, hear and investigate such charge and section 93 shall apply to such charge accordingly.

[41/93]

90 Appointment of Disciplinary Committee

Appointment of Disciplinary Committee

90.

— (1) The Chief Justice may from time to time appoint one or more committees comprising —

(a) a chairman from a panel appointed by the Chief Justice, being retired Judges or persons who have had not less than 12 years' standing as advocates and solicitors;

(b) an advocate and solicitor who has in force a practising certificate;

(c) a legal officer who has at least 10 years' experience; and

(d) a member of the Inquiry Panel who is a lay person,

to be known for the purposes of this Act as Disciplinary Committees.

[30/86; 35/2001]

(2) A Disciplinary Committee shall be appointed in connection with one or more matters or for a fixed period of time or as the Chief Justice may think fit.

[30/86]

(3) The Chief Justice may at any time revoke the appointment of any Disciplinary Committee or remove any member of a Disciplinary Committee or fill any vacancy in a Disciplinary Committee.

[30/86]

(4) Every Disciplinary Committee shall appoint a solicitor to be the secretary of that Disciplinary Committee.

(5) The production of any written instrument purporting to be signed by the Chief Justice and making an appointment, revocation or removal referred to in this section shall be evidence that such appointment, revocation or removal has been duly made.

(6) The lay person who is a member of a Disciplinary Committee shall not vote on any question or matter to be decided by the Disciplinary Committee and need not be present at every meeting of the Disciplinary Committee.

[30/86]

(7) Except as provided in subsection (6), all members of a Disciplinary Committee shall be personally present to constitute a quorum for the transaction of any business.

[30/86]

(8) Any question arising at any meeting of a Disciplinary Committee shall be determined by a majority of votes of the members of the Committee, and in the case of an equality of votes, the chairman of the Committee shall have a second or casting vote.

[35/2001]

(9) A member of a Disciplinary Committee appointed under subsection (1) (a) who is not a practising advocate and solicitor shall be paid for each case such remuneration as the Chief Justice may determine.

[30/86]

91 Proceedings and powers of Disciplinary Committee

Proceedings and powers of Disciplinary Committee

91.

— (1) The Rules Committee may from time to time make rules for regulating the hearing and investigation of matters before or by a Disciplinary Committee.

[30/86; 15/89]

(2) For the purpose of any complaint or matter heard and investigated by a Disciplinary Committee under this Act —

(a) the Disciplinary Committee may administer oaths; and

(b) the Society or the person making the complaint and the solicitor to whom the complaint relates and (if so instructed by the Disciplinary Committee) the secretary of the Disciplinary Committee may sue out subpoenas to testify or to produce documents.

(3) No person shall be compelled under any such subpoena to produce any document which he could not be compelled to produce at the trial of an action.

(4) The subpoenas referred to in subsection (2) (b) shall be served and may be enforced as if they were subpoenas issued in connection with a civil action in the High Court.

(5) Any person giving evidence before a Disciplinary Committee shall be legally bound to tell the truth.

(6) No fees or other charges shall be payable for any subpoena sued out by the secretary of the Disciplinary Committee under subsection (2) (b).

(7) In sections 172, 173, 174, 175, 177, 179, 182 and 228 of the Penal Code (Cap. 224), “public servant” shall be deemed to include a member of a Disciplinary Committee taking part in any investigation under this section, and in sections 193 and 228 of the Penal Code, “judicial proceeding” shall be deemed to include any such investigation as aforesaid.

92 Complaint made by Judge or Attorney-General

Complaint made by Judge or Attorney-General

92.

Where any Judge of the Supreme Court or the Attorney-General has referred to the Society any information touching upon the conduct of an advocate and solicitor, all references in this Part to a person who made the complaint shall be construed to include a reference to the Attorney-General.

[30/86; 41/93; 35/2001]

93 Findings of Disciplinary Committee

Findings of Disciplinary Committee

93.

— (1) After hearing and investigating any matter referred to it, a Disciplinary Committee shall record its findings in relation to the facts of the case and according to those facts shall determine —

(a) that no cause of sufficient gravity for disciplinary action exists under section 83;

(b) that while no cause of sufficient gravity for disciplinary action exists under that section the advocate and solicitor should be reprimanded or ordered to pay a penalty sufficient and appropriate to the misconduct committed; or

(c) that cause of sufficient gravity for disciplinary action exists under that section.

[35/2001]

(2) In the event of the Disciplinary Committee making a determination under subsection (1) (b) or (c), the Committee may make an order for payment by any party of costs or of such sum as the Committee may consider a reasonable contribution towards costs.

(3) A Disciplinary Committee shall carry out its work expeditiously and the Society may apply to the Chief Justice for directions to be given to the Disciplinary Committee if the Disciplinary Committee fails to make any finding and determination within 6 months from the date of its appointment.

[30/86]

(4) The findings and determination of the Disciplinary Committee under this section shall be drawn up in the form of a report of which —

(a) a copy shall be submitted to the Chief Justice and the Society; and

(b) a copy shall on request be supplied to the advocate and solicitor concerned.

(5) The findings and determination of the Disciplinary Committee shall be published by the Council in the *Singapore Law Gazette* or in such other media as the Council may determine which would adequately inform the public of the findings and determination.

[30/86; 35/2001]

(6) A copy of the entire record of the proceedings of the Disciplinary Committee including its findings and determination shall be made public and copies thereof shall be made available to the members of the public upon payment of the prescribed fee.

[30/86]

94 Society to apply to court if cause of sufficient gravity exists

Society to apply to court if cause of sufficient gravity exists

94.

— (1) If the determination of the Disciplinary Committee under section 93 is that cause of sufficient gravity for disciplinary action exists under section 83, the Society shall without further direction or directions proceed to make an application in accordance with section 98.

(2) If the determination of the Disciplinary Committee under section 93 is that no cause of sufficient gravity for disciplinary action exists under section 83, it shall not be necessary for the Society to take any further action in the matter unless so directed by the court.

(3) If the determination of the Disciplinary Committee under section 93 is that, while no cause of sufficient gravity for disciplinary action exists under section 83, the advocate and solicitor should be reprimanded or ordered to pay a penalty, the Council shall —

(a) if it agrees with the determination, reprimand the advocate and solicitor or order him to pay a penalty of not more than \$10,000, as the case may be; or

(b) if it disagrees with the determination, without further direction or directions proceed to make an application in accordance with section 98.

[41/93; 35/2001]

94A Society to apply to court for cases involving fraud or dishonesty or under section 33

Society to apply to court for cases involving fraud or dishonesty, or under section 33

94A.

— (1) Where an advocate and solicitor has been convicted of an offence involving fraud or dishonesty, whether the offence was disclosed as a result of an investigation under section 87 (3) (b) or otherwise, the Society shall, without further direction or directions, proceed to make an application in accordance with section 98.

[41/93]

(1A) Where an advocate and solicitor has been convicted of an offence under section 33, the Society may, and shall upon a request by the Attorney-General, without further direction or directions, proceed to make an application in

accordance with section 98.

(2) Where there is an appeal against conviction, the Society shall not make an application under subsection (1) or (1A) until the appeal has been withdrawn or deemed to have been withdrawn or disposed of by the appellate court.

[41/93]

(3) This section shall not apply to a legal officer.

95 Provisions as to penalties

Provisions as to penalties

95.

— (1) Within 21 days of being ordered to pay a penalty by the Council, the advocate and solicitor concerned may apply to a Judge to set aside the order.

(2) Such an application shall be made by way of originating summons and shall be served on the Society and shall be heard in chambers unless the Judge of his own motion or on the application of any party sees fit to order a hearing in open court.

(3) Upon the hearing of the application, the Judge may —

(a) affirm or vary the penalty; or

(b) set aside the order for a penalty,

and may make an order for payment of costs by or to either the Society or the applicant as may be just.

(4) If no such application is made or if the order for a penalty is affirmed or varied by the court, the advocate and solicitor shall pay the penalty to the Society.

[35/2001]

(5) Any penalty not paid may be recoverable by the Society as a judgment debt.

96 Procedure for complainant dissatisfied with Council' s decision

Procedure for complainant dissatisfied with Council' s decision

96.

— (1) Where a person has made a complaint to the Society and the Council has determined —

(a) that a formal investigation is not necessary; or

(b) that no sufficient cause for a formal investigation exists but that the advocate and solicitor concerned should be ordered to pay a penalty,

that person, if he is dissatisfied with the determination, may within 14 days of being notified of the Council' s determination apply to a Judge under this section.

[41/93]

(2) Such an application shall be made by originating summons and shall be accompanied by an affidavit or affidavits of the facts constituting the basis of the complaint and by a copy of the complaint originally made to the Society together with a copy of the Council' s reasons in writing supplied to the applicant under section 87 (4).

[41/93]

(3) The application accompanied by a copy of each of the documents referred to in subsection (2) shall be served on the Society.

(4) At the hearing of the application, the Judge may make an order —

(a) affirming the determination of the Council; or

(b) directing the Society to apply to the Chief Justice for the appointment of a Disciplinary Committee,

and such order for the payment of costs as may be just.

(5) If the Judge makes an order directing the Society to apply to the Chief Justice for the appointment of a Disciplinary Committee, the applicant shall have the conduct of proceedings before the Disciplinary Committee and any subsequent proceedings before the court under section 98, and any such proceedings shall be brought in the name of the applicant.

97 Procedure for complainant dissatisfied with Disciplinary Committee' s decision

97.

— (1) Where a Disciplinary Committee has determined —

(a) that no cause of sufficient gravity for disciplinary action exists under section 83; or

(b) that while no cause of sufficient gravity for disciplinary action exists under that section the advocate and solicitor should be reprimanded or ordered to pay a penalty,

and the person who made the complaint, the advocate and solicitor or the Council is dissatisfied with the determination, that person, advocate and solicitor or the Council may, within 14 days of being notified of the Disciplinary Committee' s decision, apply to a Judge under this section.

[30/86; 41/93; 35/2001]

(2) Such an application shall be made by originating summons and shall be served on the Society and the secretary of the Disciplinary Committee who shall thereupon file in court the record and report of the hearing and investigation by the Disciplinary Committee.

(3) Upon the hearing of the application, the Judge, after hearing the applicant and the Disciplinary Committee and, if it desires to be heard, the Society, may make an order —

(a) confirming the report of the Disciplinary Committee;

(b) directing the applicant or the Council to make an application under section 98; or

(c) directing the advocate and solicitor concerned under section 98 (1) to show cause,

and such order for the payment of costs as may be just.

[30/86]

(4) If the Judge makes an order under subsection (3) (b) or (c) on the application of a person other than the Council or advocate and solicitor, the applicant shall have the conduct of proceedings under section 98 and any such proceedings shall be brought in the name of the applicant.

[30/86; 41/93]

98 Order to show cause

Order to show cause

98.

— (1) An application that a solicitor be struck off the roll or suspended from practice or censured or that he be required to answer allegations contained in an affidavit shall be made by originating summons ex parte for an order calling upon the solicitor to show cause.

[30/86]

(2) An application under subsection (1) may be made to a Judge and shall include an application for directions as to service if the solicitor is believed to be outside Singapore.

(3) If the solicitor named in the order is or is believed to be within Singapore, the provisions of the Rules of Court (Cap. 322, R 5) for service of writs of summons shall apply to the service of the order.

(4) If an order to show cause is made, a copy of the affidavit or affidavits upon which the order was made shall be served with the order upon the solicitor named in the order.

(5) An application to make a final order pursuant to an order to show cause must be made by summons in the same proceedings and, unless the Judge otherwise directs, there must be at least 8 clear days between the service of the summons and the day named therein for the hearing.

[41/93]

(6) Any final order, made in cases where personal service of the order to show cause has not been effected, may be set aside on the application of the solicitor on good cause being shown.

(7) The application to make a final order and the showing of cause consequent upon any order to show cause made under subsections (1) and (2) shall be heard by a court of 3 Judges of the Supreme Court, and from the decision of that court there shall be no appeal.

[15/89; 41/93]

(8) The Judge who made the order to show cause shall not thereby be disqualified from sitting as a member of the court of 3 Judges under subsection (7).

(9) The Chief Justice or any other Judge of the Supreme Court shall not be a

member of the court of 3 Judges when the application under subsection (7) is in respect of a complaint made or information referred to the Society by him.

[30/86]

(10) Subject to this section, the Rules Committee may make rules for regulating and prescribing the procedure and practice to be followed in connection with proceedings under this section and under sections 100 and 102, and in the absence of any rule or rules dealing with any point of procedure or practice, the Rules of Court may be followed as nearly as the circumstances permit.

99 Drawing up of order

Drawing up of order

99.

Where an order (whether an order to show cause or a final order) has been made by the court upon an application under section 98 and the order has not been drawn up by the applicant within one week after it was made, the Society may cause the order to be drawn up, and all future proceedings thereon shall be taken as if the application had been made by the Society.

100 Solicitor's application to remove own name

Solicitor's application to remove own name

100.

—(1) Any solicitor may, subject to this section, apply to the court to have his name removed from the roll.

(2) Every such application shall be made by way of originating summons and shall be supported by an affidavit in the prescribed form which shall be served on the Society not less than 2 months before the application is heard.

(3) The Society may for good cause require the applicant to advertise his intention to make the application in such manner as the Society shall direct.

(4) An application under this section shall be heard by a single Judge sitting in open court.

(5) No order shall be made on an application under this section if the Judge is satisfied that —

(a) disciplinary action is pending against the applicant; or

(b) the conduct of the applicant is the subject of inquiry or investigation under the provisions of this Part.

(6) At the hearing of any such application, the Judge may make an order —

(a) directing the Registrar to remove the applicant's name from the roll; or

(b) adjourning the application indefinitely or to such date as to the Judge deems fit,

and such order for the payment of costs as may be just.

101 Adverse orders to be noted on roll

Adverse orders to be noted on roll

101.

— (1) The Society shall give the Registrar notice of every order made under this Part that is adverse to an advocate and solicitor, and the Registrar shall cause a note of the effect of that order to be entered on the roll against the name of the advocate and solicitor concerned.

(2) An order as to costs only need not be so entered on the roll.

102 Replacement on roll of solicitor who has been struck off

Replacement on roll of solicitor who has been struck off

102.

— (1) The court may, if it thinks fit, at any time order the Registrar to replace on the roll the name of a solicitor whose name has been removed from,

or struck off, the roll.

(2) Any application that the name of a solicitor be replaced on the roll shall be by originating summons, supported by affidavit, before a court of 3 Judges of the Supreme Court of whom the Chief Justice shall be one.

[41/93]

(3) The originating summons shall be served on the Society which shall —

(a) appear at the hearing of the application; and

(b) place before the court a report which shall include —

(i) copies of the record of any proceedings as the result of which the name of the solicitor was removed from or struck off the roll; and

(ii) a statement of any facts which have occurred since the name of the solicitor was removed from or struck off the roll and which in the opinion of the Council or any member of the Councils are relevant to be considered or to be investigated in connection with the application.

103 Costs

Costs

103.

— (1) Where under section 93 a Disciplinary Committee determines that no cause of sufficient gravity for disciplinary action exists and further records the opinion that the complaint was frivolous or vexatious, the Disciplinary Committee may by originating summons to be heard before a Judge ask that the court order that the costs of the complaint shall be paid by the person who made the complaint.

(2) Thereupon and after hearing that person, the court may order that those costs or any part thereof shall be paid by that person and any such order shall thereupon be enforceable in the same manner as any other order for costs made in proceedings in the court.

[41/93]

(3) The costs of and incidental to all proceedings under section 98, 100 or 102 shall be in the discretion of the Judge or of the court before whom the hearing has taken place.

(4) Such costs may include the costs of the Society or Disciplinary Committee and may be ordered to be paid by the solicitor by or against whom or by the person by whom any complaint was made or was intended to be made or partly by the solicitor and partly by the other person.

[41/93]

104 Absence of person under inquiry

Absence of person under inquiry

104.

If the person whose conduct is the subject of inquiry fails to attend before the court, a Disciplinary Committee, the Council or the Inquiry Committee, as the case may be, the inquiry or proceedings may be proceeded with without further notice to that person upon proof of service by affidavit or statutory declaration.

105 Provisions as to evidence

Provisions as to evidence

105.

—(1) In any proceedings under this Part, any publication purporting to be printed under the authority of the General Council of the Bar in England or the Law Society in England setting out any rules or decisions made under the authority of those bodies relevant to the subject-matter of the proceedings shall, until the contrary is proved, be the evidence thereof.

(2) Where the person whose conduct is the subject of inquiry does not appear before a Disciplinary Committee and the Committee determines under section 104 to proceed in his absence, and in any other case, with the consent in writing of that person, the Disciplinary Committee may, either as to the whole case or as to any particular fact or facts, proceed and act on evidence by affidavit or statutory declaration.

106 No action in absence of bad faith

No action in absence of bad faith

106.

No action or proceeding shall lie against the Attorney-General, the Society, the Council, a Review Committee, a Disciplinary Committee or an Inquiry Committee or any member thereof for any act or thing done under this Act unless it is proved to the court that the act or thing was done in bad faith or with malice.

[35/2001]

PART VIII REMUNERATION OF SOLICITORS, LAW CORPORATIONS AND LIMITED LIABILITY LAW PARTNERSHIPS

PART VIII

REMUNERATION OF SOLICITORS, LAW CORPORATIONS AND LIMITED LIABILITY LAW PARTNERSHIPS

107 Prohibition of certain stipulations

Prohibition of certain stipulations

107.

— (1) No solicitor shall —

(a) purchase or agree to purchase the interest or any part of the interest of his client or of any party in any suit, action or other contentious proceeding brought or to be brought or maintained; or

(b) enter into any agreement by which he is retained or employed to prosecute any suit or action or other contentious proceeding which stipulates for or contemplates payment only in the event of success in that suit, action or proceeding.

(2) Nothing in this Act shall be construed to give validity to any purchase or agreement prohibited by subsection (1) or to any disposition, contract,

settlement, conveyance, delivery, dealing or transfer which is void or invalid against —

- (a) the Official Assignee under the law relating to bankruptcy;
- (b) a liquidator or receiver under the law relating to the winding up of companies or limited liability partnerships; or
- (c) a creditor in any composition.

(3) A solicitor shall, notwithstanding any provision of this Act, be subject to the law of maintenance and champerty like any other person.

(4) This section shall apply, with the necessary modifications, to a law corporation or a limited liability law partnership.

[4/2000]

108 Orders as to remuneration of solicitors law corporations or limited liability law partnerships for non-contentious business

Orders as to remuneration of solicitors, law corporations or limited liability law partnerships for non-contentious business

108.

— (1) For the purposes of this section, there shall be a committee consisting of the following persons:

- (a) the Chief Justice;
- (b) the Attorney-General;
- (c) the President of the Society; and
- (d) 2 solicitors nominated by the Council.

(2) The committee or any 4 of the members thereof (the Chief Justice being one) may make general orders prescribing and regulating in such manner as they think fit the remuneration of solicitors or law corporations or limited liability law partnerships in respect of non-contentious business and any order made under this section may revoke or alter any previous order so made.

(3) An order made under this section may, as regards the mode of remuneration, prescribe that it shall be according to a scale of rates of commission or percentage, varying or not in different classes of business, or by a gross sum, or by a fixed sum for each document prepared or perused, without regard to length, or in any other mode, or partly in one mode and partly in another, and may regulate the amount of remuneration with reference to all or any of the following, amongst other, considerations:

(a) the position of the party for whom the solicitor or law corporation or limited liability law partnership is concerned in the business, that is, whether as vendor or purchaser, lessor or lessee, mortgagor or mortgagee, and the like;

(b) the place where, and the circumstances in which, the business or any part thereof is transacted;

(c) the amount of the capital money or rent to which the business relates;

(d) the skill, labour and responsibility involved therein on the part of the solicitor or law corporation or limited liability law partnership; and

(e) the number and importance of the documents prepared or perused, without regard to length.

(4) An order made under this section may authorise and regulate —

(a) the taking by a solicitor or a law corporation or a limited liability law partnership from a client of security for payment of any remuneration, to be ascertained by taxation or otherwise, which may become due to him or the law corporation or the limited liability law partnership under any such order; and

(b) the allowance of interest.

(5) So long as an order made under this section is in operation, taxation of bills of costs of solicitors or law corporations or limited liability law partnerships in respect of non-contentious business shall, subject to section 109, be regulated by that order.

(6) Section 131 shall apply to any order made under this section.

109 Agreements with respect to remuneration for non-contentious business

109.

— (1) Whether or not any order is in force under section 108, a solicitor and his client may, either before or after or in the course of the transaction of any non-contentious business by the solicitor, make an agreement as to the remuneration of the solicitor or law corporation or limited liability law partnership in respect thereof.

[4/2000]

(2) An agreement under subsection (1) shall not provide for costs at a scale lower than that provided by any order made under section 108.

(3) The agreement may provide for the remuneration of the solicitor or law corporation or limited liability law partnership by a gross sum, or by commission or percentage, or by salary, or otherwise, and it may be made on the terms that the amount of the remuneration therein stipulated for either shall or shall not include all or any disbursements made by the solicitor or law corporation or limited liability law partnership in respect of searches, plans, travelling, stamps, fees or other matters.

[4/2000]

(4) The agreement shall be in writing and signed by the person to be bound thereby or his agent in that behalf.

(5) The agreement may be sued and recovered on or set aside in the like manner and on the like grounds as an agreement not relating to the remuneration of a solicitor or law corporation or limited liability law partnership .

[4/2000]

(6) If on any taxation of costs the agreement is relied on by the solicitor or law corporation or limited liability law partnership and objected to by the client as unfair or unreasonable, the taxing officer may enquire into the facts and certify them to the court, and if on that certificate it appears just to the court that the agreement should be cancelled, or the amount payable thereunder reduced, the court may order the agreement to be cancelled, or the amount payable thereunder to be reduced, and may give such consequential directions as the court thinks fit.

[4/2000]

110 Remuneration of solicitor who is mortgagee

Remuneration of solicitor who is mortgagee

— (1) If a mortgage is made to a solicitor, either alone or jointly with any other person, the solicitor or the firm of which he is a member, or the law corporation of which he is a member, director or an employee, or the limited liability law partnership of which he is a partner or an employee, shall be entitled to recover from the mortgagor in respect of all business transacted and acts done by him or them in negotiating the loan, deducing and investigating the title to the property, and preparing and completing the mortgage, such usual costs as he or they would have been entitled to receive if the mortgage had been made to a person who was not a solicitor and that person had retained and employed him or them to transact that business and do those acts.

[4/2000]

(2) If a mortgage has been made to, or has become vested by transfer or transmission in, a solicitor, either alone or jointly with any other person, and any business is transacted or acts are done by that solicitor, or by the firm of which he is a member, or by the law corporation of which he is a member, director or an employee, or by the limited liability law partnership of which he is a partner or an employee, in relation to that mortgage or the security thereby created or the property comprised thereunder, then he or they shall be entitled to recover from the person on whose behalf the business was transacted or the acts were done, and to charge against the security, such usual costs as he or they would have been entitled to receive if the mortgage had been made to and had remained vested in a person who was not a solicitor and that person had retained and employed him or them to transact that business and do those acts.

[4/2000]

(3) In this section, “mortgage” includes any charge on any property for securing money or money’s worth.

111 Agreement as to costs for contentious business

Agreement as to costs for contentious business

— (1) Subject to the provisions of any other written law, a solicitor or a law corporation or a limited liability law partnership may make an agreement in writing with any client respecting the amount and manner of payment for the whole or any part of its costs in respect of contentious business done or to be done by the solicitor or the law corporation or the limited liability law

partnership, either by a gross sum or otherwise, and at either the same rate as or a greater or a lesser rate than that at which he or the law corporation or the limited liability law partnership would otherwise be entitled to be remunerated.

[4/2000]

(2) Every such agreement shall be signed by the client and shall be subject to the provisions and conditions contained in this Part.

112 Effect of agreements with respect to contentious business

Effect of agreements with respect to contentious business

112.

— (1) Such an agreement as is mentioned in section 111 shall not affect the amount of, or any rights or remedies for the recovery of, any costs recoverable from the client by, or payable to the client by, any other person, and that person may, unless he has otherwise agreed, require any costs payable or recoverable by him to or from the client to be taxed according to the rules for the time being in force for the taxation of those costs.

(2) Notwithstanding subsection (1), the client shall not be entitled to recover from any other person, under any order for the payment of any costs which are the subject of the agreement, more than the amount payable by the client to his own solicitor or law corporation or limited liability law partnership under the agreement.

[4/2000]

(3) Such an agreement shall be deemed to exclude any further claim of the solicitor or law corporation or limited liability law partnership beyond the terms of agreement in respect of any services, fees, charges or disbursements in relation to the conduct and completion of the business in reference to which the agreement is made, except such services, fees, charges or disbursements (if any) as are expressly excepted by the agreement.

[4/2000]

(4) Subject to the provisions of this Part, the costs of a solicitor or law corporation or limited liability law partnership, in any case where there is such an agreement as is referred to in section 111, shall not be subject to taxation nor to the provisions of section 118.

[4/2000]

(5) A provision in any such agreement that the solicitor or law corporation or limited liability law partnership —

(a) shall not be liable for negligence; or

(b) shall be relieved from any responsibility to which the solicitor or the law corporation or the limited liability law partnership would otherwise be subject as a solicitor or a law corporation or a limited liability law partnership,

shall be wholly void.

113 Enforcement of agreements

Enforcement of agreements

113.

— (1) No action or suit shall be brought or instituted upon any such agreement as is referred to in section 111.

(2) Every question respecting the validity or effect of the agreement may be examined and determined, and the agreement may be enforced or set aside without suit or action on the application by originating summons of any person or the representatives of any person, party to the agreement, or being or alleged to be liable to pay, or being or claiming to be entitled to be paid the costs, fees, charges or disbursements in respect of which the agreement is made, by the court in which the business or any part thereof was done or a Judge thereof, or, if the business was not done in any court, then by the High Court or a Judge thereof.

(3) Upon any such application, if it appears to the court or Judge that the agreement is in all respects fair and reasonable between the parties, it may be enforced by the court or Judge by rule or order, in such manner and subject to such conditions (if any) as to the costs of the summons, motion or petition as the court or Judge thinks fit.

(4) If the terms of the agreement are deemed by the court or Judge to be unfair or unreasonable, the agreement may be declared void.

(5) The court or Judge may thereupon order the agreement to be given up to be cancelled, and may direct the costs, fees, charges and disbursements incurred or chargeable in respect of the matters included therein to be taxed, in the same manner and according to the same rules as if the agreement had not been

made.

(6) The court or Judge may also make such order as to the costs of and relating to the application and the proceedings thereon as the court or Judge thinks fit.

(7) When the amount agreed for under any such agreement has been paid by or on behalf of the client or by any person chargeable with or entitled to pay it, any court or Judge having jurisdiction to examine and enforce the agreement may, on application by the person who has paid the amount within 12 months after payment, if it appears to the court or Judge that the special circumstances of the case require the agreement to be reopened, reopen it, and order the costs, fees, charges and disbursements to be taxed, and the whole or any portion of the amount received by the solicitor or law corporation or limited liability law partnership to be repaid by him, on such terms and conditions as to the court or Judge seems just.

[4/2000]

(8) Where any such agreement is made by the client in the capacity of guardian or of trustee under a deed or will, or of committee of any person or persons whose estate or property will be chargeable with the amount payable under the agreement or with any part of that amount, the agreement shall before payment be laid before the Registrar, who shall examine it and disallow any part thereof, or may require the direction of the court or a Judge to be taken thereon.

(9) If in any such case the client pays the whole or any part of the amount payable under the agreement without the previous allowance of the Registrar or court or Judge as aforesaid, he shall be liable at any time to account to the person whose estate or property is charged with the amount paid, or with any part thereof, for the amount so charged.

(10) The solicitor or law corporation or limited liability law partnership who accepts the payment may be ordered by any court which would have had jurisdiction to enforce the agreement, if it thinks fit, to refund the amount received by him or the law corporation or the limited liability law partnership.

[4/2000]

114 Death or incapability of solicitor after agreement

Death or incapability of solicitor after agreement

114.

—(1) Where a solicitor has made an agreement with his client under section 111 and anything has been done by the solicitor under the agreement, and, before the agreement has been completely performed by him, the solicitor dies or becomes incapable to act, an application may be made to the court by any party thereto or by the representatives of that party.

(2) Where a law corporation has made an agreement with its client under section 111 and anything has been done by the law corporation or any of its directors or employees under the agreement, and, before the agreement has been completely performed by the law corporation or any of its directors or employees, the law corporation is wound up, an application may be made to the court by any party thereto or by the representatives of that party.

[4/2000]

(2A) Where a limited liability law partnership has made an agreement with its client under section 111 and anything has been done by the limited liability law partnership or any of its partners or employees under the agreement, and, before the agreement has been completely performed by the limited liability law partnership or any of its partners or employees, the limited liability law partnership is wound up, an application may be made to the court by any party thereto or by the representatives of that party.

(3) The court shall thereupon have the same power to enforce or set aside the agreement, so far as it may have been acted upon, as if the death or incapacity had not happened.

(4) The court may, even if it thinks the agreement to be in all respects fair and reasonable, order the amount due in respect of the business done thereunder to be ascertained by taxation.

(5) The Registrar in ascertaining that amount shall have regard, so far as may be, to the terms of the agreement.

(6) Payment of the amount found to be due may be enforced in the same manner as if the agreement had been completely performed by the solicitor.

115 Change of solicitor after agreement

Change of solicitor after agreement

115.

—(1) If, after an agreement under section 111 has been made, the client changes his solicitor before the conclusion of the business to which the agreement relates (which he may do notwithstanding the agreement) the solicitor who is a party to the agreement shall be deemed to have become incapable to act under it within the meaning of section 114.

(2) Upon any order being made for taxation of the amount due to that solicitor in respect of business done under the agreement, the court shall direct the Registrar to have regard to the circumstances under which the change of solicitor has taken place.

(3) Upon such taxation, the solicitor shall not be deemed to be entitled to the full amount of the remuneration agreed to be paid to him unless it appears that there has been no default, negligence, improper delay or other conduct on his part affording reasonable ground to the client for his change of solicitor.

PART IX RECOVERY AND TAXATION OF COSTS

PART IX

RECOVERY AND TAXATION OF COSTS

116 Interpretation of this Part

Interpretation of this Part

116.

In this Part —

"court" means the High Court, a Judge when sitting in open court or in chambers, a District Court or a Magistrate' s Court and includes the Registrar;

"Registrar" means the Registrar of the Supreme Court or the Registrar of the Subordinate Courts, and includes —

- (a) the Deputy Registrar of the Supreme Court;
- (b) an Assistant Registrar of the Supreme Court; and

(c) a Deputy Registrar of the Subordinate Courts;

"solicitor" includes the executors, administrators and assignees of the solicitor in question and a law corporation or a limited liability law partnership.

[4/2000; 35/2001]

117 Charging orders

Charging orders

117.

— (1) Any court in which a solicitor has been employed to prosecute or defend any suit, matter or proceeding may —

(a) at any time declare the solicitor entitled to a charge on the property recovered or preserved through his instrumentality for his taxed costs in reference to that suit, matter or proceeding; and

(b) make such orders for the taxation of the costs and for raising money to pay, or for paying, the costs out of that property as it thinks fit.

(2) All conveyances and acts done to defeat, or operating to defeat, the charge referred to in subsection (1) (a) shall, except in the case of a conveyance to a bona fide purchaser for value without notice, be void as against the solicitor.

(3) No order shall be made under subsection (1) if the right to recover the costs is barred by the Limitation Act (Cap. 163).

118 Solicitor not to commence action for fees until one month after delivery of bills

Solicitor not to commence action for fees until one month after delivery of bills

118.

— (1) Subject to the provisions of this Act, no solicitor shall, except by

leave of the court, commence or maintain any action for the recovery of any costs due for any business done by him until the expiration of one month after he has delivered to the party to be charged therewith, or sent by post to, or left with him at his office or place of business, dwelling-house or last known place of residence, a bill of those costs.

(2) The bill referred to in subsection (1) shall —

(a) be signed —

(i) by the solicitor;

(ii) in the case of a partnership, by one of the partners, either in his own name or in the name or style of the partnership, or by a solicitor employed by that solicitor or partnership;

(iii) in the case of a law corporation, by a director of, or by a solicitor employed by, that law corporation; or

(iv) in the case of a limited liability law partnership, by one of the partners of, or by a solicitor employed by, that limited liability law partnership; or

(b) be enclosed in or accompanied by a letter, signed in the like manner, referring to the bill.

[4/2000]

(3) Where a bill is proved to have been delivered in compliance with subsection (1), it shall not be necessary in the first instance for the solicitor to prove the contents of the bill and it shall be presumed until the contrary is shown to be a bill bona fide complying with this Act.

119 Court may authorise action for recovery of fees before expiration of one month after delivery of bills

Court may authorise action for recovery of fees before expiration of one month after delivery of bills

119.

The court may authorise a solicitor to commence an action for the recovery of

his costs and also refer his bill of costs for taxation by the Registrar, although one month has not expired from the delivery of the bill, upon proof to its satisfaction that any party chargeable therewith is about to quit Singapore, or to have a receiving order made against him, or to compound with his creditors or to take any other steps or do any other act which in its opinion would tend to defeat or delay the solicitor in obtaining payment.

120 Order for taxation of delivered bill of costs

Order for taxation of delivered bill of costs

120.

—(1) An order for the taxation of a bill of costs delivered by any solicitor may be obtained on an application made by originating summons or, where there is a pending action, by summons by the party chargeable therewith, or by any person liable to pay the bill either to the party chargeable or to the solicitor, at any time within 12 months from the delivery of the bill, or, by the solicitor, after the expiry of one calendar month and within 12 months from the delivery of the bill.

(2) The order shall contain such directions and conditions as the court thinks proper, and any party aggrieved by any such order may apply by summons that the order be amended or varied.

(3) In any case where a solicitor and his client consent to taxation of a solicitor's bill, the Registrar may proceed to tax the bill notwithstanding that there is no order therefor.

(4) Section 39 of the Subordinate Courts Act (Cap. 321) shall not apply to proceedings brought under this section.

[35/2001]

121 Costs of order for taxation

Costs of order for taxation

121.

—(1) The costs of obtaining an order for taxation of costs, including the

application under section 120 (1), order and service of order, but not including any court fees payable thereon or disbursements, if the order is obtained by the solicitor of the applicant, or by the solicitor, shall, subject to subsection (2), be the sum of \$25 or such other sum as may be prescribed.

(2) If one of the parties holds out and does not agree to taxation, the costs of obtaining an order of court shall be the sum of \$150 or such other sum as may be prescribed.

122 Time limit for taxation of bills of costs

Time limit for taxation of bills of costs

122.

After the expiration of 12 months from the delivery of a bill of costs, or after payment of the bill, no order shall be made for taxation of a solicitor's bill of costs, except upon notice to the solicitor and under special circumstances to be proved to the satisfaction of the court.

[41/93]

123 Applications for taxation to contain submission to pay

Applications for taxation to contain submission to pay

123.

All applications made under section 120 (1) by a party chargeable with or liable for a bill of costs shall, unless the bill has already been paid, contain a submission by that party to pay the amount thereof to the solicitor when taxed.

124 Order for delivery of bill of costs to be obtained as of course

Order for delivery of bill of costs to be obtained as of course

124.

—(1) An order for the delivery of a solicitor's bill of costs, and for delivery of any deeds, documents or other papers in the possession of the solicitor, subject to any lien which the solicitor may have, and for the taxation of the bill when delivered, may be obtained on an application made under section 120 (1).

(2) Upon such application being filed, the Registrar shall mark the order thereon immediately, and draw up the order if necessary.

125 Solicitor to deliver copy of bill of costs

Solicitor to deliver copy of bill of costs

125.

When an application is made by a party other than the party chargeable, the court may order the solicitor to deliver to the party making the application a copy of the bill of costs, upon payment of the costs of making the copy.

126 Preparation of bills of costs as between solicitor and client

Preparation of bills of costs as between solicitor and client

126.

Bills of costs for taxation as between solicitor and client shall be drawn in the manner provided by the Rules of Court (Cap. 322, R 5), and the taxation shall be governed by those Rules.

127 Interest in respect of disbursements and advances

Interest in respect of disbursements and advances

127.

The Registrar may allow interest, at such rate and from such time as he thinks just, on moneys disbursed by a solicitor for his client, and on moneys of the client in the hands of the solicitor and improperly retained by him.

128 How costs of taxation to be borne

How costs of taxation to be borne

128.

— (1) In case any order for taxation is made upon the application of the party chargeable or liable, or of the solicitor, the costs of the order and taxation, except when the order has been made after the expiration of 12 months, shall be paid according to the event of the taxation —

(a) if the bill when taxed is less by a sixth part than the bill delivered, then the solicitor shall pay the costs; or

(b) if the bill when taxed is not less by a sixth part, then the party chargeable or liable, if the application is made by him, or if he attends the taxation, shall pay the costs.

(2) Every order for such a reference shall direct the Registrar to tax the costs of the reference, and to certify what, upon the reference, is found to be due to or from the solicitor in respect of the bill, and of the costs of the reference, if payable.

(3) The Registrar may certify specially any circumstances relating to the bill or taxation.

(4) The court may thereupon make any such order as it thinks right, respecting the payment of the costs of the taxation.

(5) Where such a reference is made, when it is not authorised except under special circumstances, the court may give any special directions relative to the costs of the reference.

129 Interest on client' s money

Interest on client' s money

129.

— (1) Rules made under section 72 shall make provision for requiring a solicitor, in such cases as may be prescribed by those rules, either —

(a) to keep on deposit in a separate account at a bank for the benefit of the client money received for or on account of a client; or

(b) to make good to the client out of the solicitor' s own money a sum equivalent to the interest which would have accrued if the money so received had been so kept on deposit.

(2) The cases in which a solicitor may be required to act in accordance with any rules made under this section may be defined, among other things, by reference to the amount of any sum received or the period for which it is or is likely to be retained or both.

(3) Those rules may include provision for enabling a client (without prejudice to any other remedy) to require that any question arising under those rules in relation to the client' s money be referred to and determined by the Society.

(4) Subject to any rules made under this section, a solicitor shall not be liable by virtue of the relation between solicitor and client to account to any client for interest received by the solicitor on moneys deposited at a bank being moneys received or held for or on account of his clients generally.

(5) Nothing in this section, or in any rules made thereunder, shall —

(a) affect any arrangement in writing, whenever made, between a solicitor and his client as to the application of the client' s money or interest thereon; or

(b) apply to money received by a solicitor being money subject to a trust of which the solicitor is a trustee.

130 Costs of Government

Costs of Government

—(1) Nothing in this Act shall affect the right, which is hereby declared, of the Government when represented by any of such persons as are mentioned in section 29 (2) (a) to recover costs awarded to it in, or respecting, any cause or matter.

(2) In any such cause or matter, the costs of the Government shall be taxed in accordance with any rules for the time being in force for the taxation of the fees and costs of advocates and solicitors as if an advocate and solicitor who is not in the service of the Government had appeared on behalf of the Government.

PART IXA JOINT LAW VENTURES, FORMAL LAW ALLIANCES, REPRESENTATIVE OFFICES, FOREIGN LAW FIRMS, FOREIGN LAWYERS AND SINGAPORE LAWYERS IN FOREIGN PRACTICE

PART IXA

JOINT LAW VENTURES, FORMAL LAW ALLIANCES, REPRESENTATIVE OFFICES, FOREIGN LAW FIRMS, FOREIGN LAWYERS AND SINGAPORE LAWYERS IN FOREIGN PRACTICE

130A Interpretation of this Part

Interpretation of this Part

130A.

—(1) In this Part, unless the context otherwise requires —

"foreign law" means the law of any state or territory other than Singapore and includes international law;

"foreign law firm" means a law firm (including a sole proprietorship or a partnership or a body corporate, whether with or without limited liability) providing legal services in any foreign law in Singapore or elsewhere, but does not include a Singapore law firm;

"foreign lawyer" means an individual who is duly authorised or registered to

practise law in a state or territory other than Singapore by a foreign authority having the function conferred by law of authorising or registering persons to practise law in that state or territory;

"Formal Law Alliance" means a Formal Law Alliance registered under section 130C;

"Joint Law Venture" means a Joint Law Venture registered under section 130B;

"practise Singapore law" means doing work, or transacting business, in relation to the laws of Singapore, being work or business of a kind that is the right or privilege of a Singapore lawyer under Part IV;

"representative office" means an office set up in Singapore by a foreign law firm to carry out only liaison or promotional work for the foreign law firm, without providing legal services in Singapore or conducting any other business activities;

"Singapore law firm" means a firm of advocates and solicitors and includes a law corporation registered under Part VIA or a limited liability law partnership registered under Part VIB;

"Singapore lawyer" means an advocate and solicitor as defined in section 2;

"Singapore lawyer in foreign practice" means a Singapore lawyer practising foreign law in Singapore and who does not hold a practising certificate.

(2) A reference to this Part shall be construed so as to include a reference to any rules made under this Part.

130B Joint Law Venture

Joint Law Venture

130B.

— (1) The Attorney-General may, after consulting such authorities as he thinks fit, approve an application by a foreign law firm made jointly with a Singapore law firm to be registered as a Joint Law Venture on such terms and conditions and for such period as the Attorney-General may think fit.

(2) A Joint Law Venture may be constituted —

- (a) by a partnership between a foreign law firm and a Singapore law firm;
- (b) by the incorporation of a company under Singapore law, with the shares in the company being held by a foreign law firm and a Singapore law firm or by their respective nominees; or
- (c) by any other arrangement or means as may be prescribed.
- (3) A foreign law firm and a Singapore law firm are eligible to make an application jointly under subsection (1) if they satisfy the prescribed conditions.
- (4) The Attorney-General may refuse to approve an application under subsection (1) without assigning any reason.
- (5) The Attorney-General may, if he is satisfied that it is in the public interest to do so, vary or revoke any term or condition imposed on the approval given under subsection (1).
- (6) Subject to the provisions of this Part and any term or condition imposed thereunder, a Joint Law Venture shall be entitled to the following privileges:
- (a) to practise in areas of legal practice mutually agreed between the law firms constituting the Joint Law Venture;
- (b) foreign lawyers who are employed by, or who are partners or directors of, the Joint Law Venture may practise Singapore law in accordance with section 130I;
- (c) the Joint Law Venture may market or publicise itself as a single service provider competent to provide legal services in all areas in which the constituent law firms are qualified to provide;
- (d) the Joint Law Venture may bill its clients as if it were a single law firm; and
- (e) such other privileges as may, from time to time, be prescribed or otherwise conferred by law.
- (7) Nothing in this Act shall prevent the constituent law firms in the Joint Law Venture from sharing office premises, profits or client information with respect to the legal practice of the Joint Law Venture.
- (8) A foreign law firm which constitutes part of a Joint Law Venture shall not

practise as a foreign law firm in Singapore except through the Joint Law Venture.

(9) For the avoidance of doubt, a Joint Law Venture shall not be treated as a law corporation for the purposes of Part VIA.

(10) A Joint Law Venture which is a company shall, notwithstanding that the shares in the Joint Law Venture are held by more than 20 members or by a corporation, be deemed to be an exempt private company for the purposes of the Companies Act (Cap. 50).

(11) Notwithstanding section 27 of the Companies Act, a Joint Law Venture which is a limited company need not have the word "Limited" or "Berhad" as part of its name and a Joint Law Venture which is a private company need not have the word "Private" or "Sendirian" as part of its name.

(12) The directors of a Joint Law Venture which is a limited company shall ensure that every invoice or official correspondence of the Joint Law Venture bears the statement that it is incorporated with limited liability.

130C Formal Law Alliance

Formal Law Alliance

130C.

— (1) The Attorney-General may, after consulting such authorities as he thinks fit, approve an application by a foreign law firm made jointly with a Singapore law firm to be registered as a Formal Law Alliance on such terms and conditions and for such period as the Attorney-General may think fit.

(2) A foreign law firm or a Singapore law firm may, as the case may be, apply for registration of more than one Formal Law Alliance and a registered Formal Law Alliance may comprise more than 2 constituent law firms.

(3) A foreign law firm and a Singapore law firm are eligible to make an application jointly under subsection (1) if they satisfy the prescribed conditions.

(4) The Attorney-General may refuse to approve an application under subsection (1) without assigning any reason.

(5) The Attorney-General may, if he is satisfied that it is in the public interest to do so, vary or revoke any term or condition imposed on the approval given under subsection (1).

(6) Subject to the provisions of this Part and any term or condition imposed thereunder, a Formal Law Alliance shall be entitled to the following privileges:

(a) the Formal Law Alliance may market or publicise itself as a single service provider competent to provide legal services in all areas in which the constituent law firms are qualified to provide;

(b) the Formal Law Alliance may bill its clients as if it were a single law firm; and

(c) a foreign lawyer who is a partner, a director or an employee of a foreign law firm which constitutes part of the Formal Law Alliance may prepare all the documents in a transaction involving the law or regulatory regime of more than one country or jurisdiction, except that any legal opinion relating to Singapore law must be given by a Singapore lawyer who has in force a practising certificate.

(7) Nothing in this Act shall prevent the constituent law firms in the Formal Law Alliance from sharing office premises, profits or client information with respect to the legal practice of the Formal Law Alliance.

130D Accounts of Joint Law Venture

Accounts of Joint Law Venture

130D.

— (1) Sections 72 and 73 and any rules made thereunder shall apply, with such modifications as may be prescribed, to a Joint Law Venture in respect of the practice of Singapore law.

(2) Where a Joint Law Venture has submitted an accountant's report in compliance with section 73 as applied to it by subsection (1), the Singapore law firm which constitutes part of the Joint Law Venture shall not be required to submit another accountant's report under that section.

130E Solicitor-client privilege in Joint Law Venture

and Formal Law Alliance

Solicitor-client privilege in Joint Law Venture and Formal Law Alliance

130E.

— (1) Solicitor-client privilege exists between a Joint Law Venture or a Formal Law Alliance and its client in the same way as it exists between a solicitor and his client.

(2) Nothing in this section shall affect the solicitor-client privilege that exists between the Singapore law firm or the foreign law firm and a client, as the case may be, which constitutes part of a Joint Law Venture or a Formal Law Alliance.

130F Cancellation of registration of Joint Law Venture and Formal Law Alliance

Cancellation of registration of Joint Law Venture and Formal Law Alliance

130F.

— (1) The Attorney-General may, by notice in writing to a Joint Law Venture or a Formal Law Alliance, cancel its registration under this Part if the Attorney-General is satisfied that there is sufficient reason for doing so.

(2) Without limiting the grounds for cancellation, the registration may be cancelled if —

(a) the foreign law firm's registration or authorisation to practise law in a state or territory outside Singapore has been cancelled by the relevant authority as a result of criminal, civil or disciplinary proceedings;

(b) the Joint Law Venture or the Formal Law Alliance fails to comply with any requirement of or imposed under this Part;

(c) the registration or authorisation of the foreign law firm to practise law in a state or territory outside Singapore by the relevant authority has lapsed;

- (d) the foreign law firm has been dissolved or is in liquidation;
 - (e) the Joint Law Venture or the Formal Law Alliance fails to comply with any condition imposed on its registration under this Part;
 - (f) the Joint Law Venture or the Formal Law Alliance has been dissolved and reconstituted without the approval of the Attorney-General; or
 - (g) the Attorney-General is satisfied that it is in the public interest to do so.
- (3) Registration may not be cancelled under subsection (1) or (2) unless the Joint Law Venture or the Formal Law Alliance or the law firms constituting the Venture or Alliance, as the case may be, are given a reasonable opportunity to make written representations to the Attorney-General.

130G Rules on Joint Law Ventures and Formal Law Alliances

Rules on Joint Law Ventures and Formal Law Alliances

130G.

The Minister may, after consulting the Attorney-General, make rules for the following purposes:

- (a) to prescribe the experience and expertise required for eligibility to apply for the registration of a Joint Law Venture or a Formal Law Alliance;
- (b) to prescribe the manner or means by which a Joint Law Venture or a Formal Law Alliance may conduct its business or publicise itself; and
- (c) to modify the application of any provision of this Act, other than this Part, to a Singapore law firm or a solicitor practising in that law firm where that Singapore law firm constitutes part of a Joint Law Venture or a Formal Law Alliance.

130H Registration of foreign law firms representative offices foreign lawyers and Singapore lawyers in foreign practice

Registration of foreign law firms, representative offices, foreign lawyers and Singapore lawyers in foreign practice

130H.

The Minister may, after consulting the Attorney-General, make rules to provide for the registration with the Attorney-General of —

- (a) foreign law firms and representative offices;
- (b) foreign lawyers practising in or employed by a Joint Law Venture, a foreign law firm or a Singapore law firm; and
- (c) Singapore lawyers in foreign practice.

130I Registration of foreign lawyer to practise Singapore law in Joint Law Venture

Registration of foreign lawyer to practise Singapore law in Joint Law Venture

130I.

— (1) A foreign lawyer who is employed by or who is a partner or director of a Joint Law Venture may, notwithstanding anything to the contrary in Part IV, practise Singapore law as a partner, a director or an employee of that Joint Law Venture and recover costs and retain payments in respect of such practice if he is registered by the Attorney-General under subsection (3).

(2) Notwithstanding subsection (1), a foreign lawyer who is registered under subsection (3) shall not represent any party before any judicial or regulatory tribunal or body in Singapore.

(3) The Attorney-General may, in his discretion, approve an application to register a foreign lawyer to practise Singapore law as a partner, a director or an employee of a Joint Law Venture subject to any term or condition and for such period as the Attorney-General thinks fit, if the foreign lawyer possesses such qualifications and satisfies such requirements as the Minister may prescribe under section 130K.

(4) The registration of a foreign lawyer under this section shall —

(a) lapse if the Joint Law Venture is dissolved or in liquidation or if the registration of the Joint Law Venture is cancelled under section 130F; and

(b) be suspended for such period as the Attorney-General may think fit if the foreign lawyer ceases to be a partner, a director or an employee, as the case may be, of the Joint Law Venture.

(5) Nothing in this section shall be construed so as to affect any right or privilege of an advocate and solicitor conferred by this Act or any other written law.

130J Registration of foreign lawyer to practise Singapore law in Singapore law firm

Registration of foreign lawyer to practise Singapore law in Singapore law firm

130J.

— (1) A foreign lawyer may, notwithstanding anything to the contrary in Part IV, practise Singapore law in a Singapore law firm if he is registered to practise Singapore law in that Singapore law firm by the Attorney-General under subsection (3).

(2) Notwithstanding subsection (1), a foreign lawyer who is registered to practise Singapore law under subsection (3) shall not represent any party before any judicial or regulatory tribunal or body in Singapore.

(3) The Attorney-General may, in his discretion, approve an application to register a foreign lawyer to practise Singapore law in a Singapore law firm subject to any term or condition and for such period as the Attorney-General thinks fit, if the foreign lawyer possesses such qualifications and satisfies such requirements as the Minister may prescribe under section 130K.

(4) The registration of a foreign lawyer under this section shall lapse if the foreign lawyer ceases to be a partner, a director or an employee in the Singapore law firm.

(5) Subsection (4) shall not apply to a foreign lawyer if the foreign lawyer —

(a) upon ceasing to be a partner or a director in the Singapore law firm, remains or becomes an employee in that Singapore law firm; or

(b) upon ceasing to be an employee in the Singapore law firm, remains or becomes a partner or a director in that Singapore law firm.

(6) Nothing in this section shall be construed so as to affect any right or privilege of an advocate and solicitor conferred by this Act or any other written law.

130K Rules relating to sections 130I and 130J

Rules relating to sections 130I and 130J

130K.

— (1) The Minister may, after consulting the Attorney-General, make rules —

(a) to prescribe the qualifications, experience and expertise required of a foreign lawyer for eligibility to apply for registration under section 130I or 130J;

(b) to prescribe conditions that a foreign lawyer registered under section 130I or 130J must comply with, including any restriction as to the areas of Singapore law that the foreign lawyer may practise; and

(c) to specify the type of Singapore law firm at which a foreign lawyer registered under section 130J may practise, including the areas of practice of the Singapore law firm.

(2) Without prejudice to the generality of subsection (1) (a), the rules may —

(a) prescribe the institutions of higher learning and the qualifications conferred thereby which may be recognised for the purposes of this section;

(b) provide that the foreign lawyer must take and pass such qualifying examinations as the Attorney-General may require and provide for such examinations to be administered and conducted by a panel of examiners as provided in the rules;

(c) provide that a foreign lawyer must successfully complete such modules in such courses of instruction as the Attorney-General may require;

(d) specify the minimum standard of attainment to be achieved by the foreign lawyer in relation to the prescribed qualifications, examinations or courses; and

(e) require a foreign lawyer to have practised as a partner, a director or an employee in a Singapore law firm for a minimum period and specify any requirements as to the type of Singapore law firm at which the foreign lawyer must have practised, including any area of practice of the Singapore law firm.

130L Foreign interests in Singapore law firms

Foreign interests in Singapore law firms

130L.

—(1) Subject to the provisions of this Part, nothing in this Act shall prevent a foreign lawyer, with the approval of the Attorney-General, from doing any or all of the following:

(a) being a director, a partner or a shareholder in the Singapore law firm in which he is registered to practise foreign law under section 130H;

(b) being a director, a partner or a shareholder in the Singapore law firm in which he is registered to practise Singapore law under section 130J;

(c) sharing in the profits of any such Singapore law firm.

(2) The Attorney-General may, in granting his approval referred to in subsection (1), impose any conditions as he thinks fit on the foreign lawyer or on the Singapore law firm in which the foreign lawyer is registered to practise foreign law under section 130H or is registered to practise Singapore law under section 130J.

(3) For the avoidance of doubt, the approval of the Attorney-General referred to in subsection (1) shall lapse if the registration of the foreign lawyer to practise foreign law under section 130H or to practise Singapore law under section 130J is cancelled, suspended or otherwise lapses.

(4) A foreign lawyer to whom an approval referred to in subsection (1) has been granted shall not —

(a) be a managing partner, a managing director or a manager of any Singapore

law firm; and

(b) while such an approval remains in force, be —

(i) a partner, a director, a shareholder, an employee or a consultant in any foreign law firm; or

(ii) a nominee of any foreign law firm or any other foreign lawyer in respect of the management of, or the control of any voting power or equity interest in, the Singapore law firm in which he is practising.

(5) The total value of equity interests in a Singapore law firm held by foreign lawyers (whether individually or collectively) as shareholders or partners of the Singapore law firm shall not exceed 25% of the total value of equity interests in the Singapore law firm.

(6) Foreign lawyers (whether individually or collectively) shall not, directly or indirectly, have a controlling interest in a Singapore law firm.

(7) For the purposes of subsection (6), foreign lawyers shall be deemed to have a controlling interest in a Singapore law firm if —

(a) foreign lawyers (whether individually or collectively) are entitled to exercise or control the exercise of more than 25% of the total voting rights exercisable by the shareholders or partners (as the case may be) in the Singapore law firm; or

(b) the majority of the partners, directors or managers (as the case may be) of the Singapore law firm are, in any matter relating to the management of the Singapore law firm, nominees of foreign lawyers (whether individually or collectively).

(8) The total amount of payments made by a Singapore law firm, during the financial year of that firm, to foreign lawyers —

(a) as remuneration to its directors;

(b) as dividends to its shareholders or partners; and

(c) under any other profit-sharing arrangement,

shall not exceed 25% of the total amount of remuneration to its directors, dividends to its shareholders or partners and payments under any other profit-sharing arrangement paid by that Singapore law firm during the financial year of that firm.

(9) The Minister may, by order, vary the percentage of equity interests specified for the purposes of subsection (5), the percentage of total voting rights specified for the purposes of subsection (7) (a) or the percentage of the total payments specified for the purposes of subsection (8).

(10) For the purposes of subsections (4) (b) (ii) and (7) (b), a person is deemed to be a nominee of a foreign law firm or foreign lawyer if that person is accustomed or under an obligation whether formal or informal to act in accordance with the directions, instructions or wishes of that foreign law firm or foreign lawyer.

(11) In this section, "manager" —

(a) in relation to a body corporate or partnership, means the principal executive officer of the body corporate or partnership for the time being by whatever name called and whether or not he is a director or partner thereof; and

(b) in relation to a limited liability partnership, has the same meaning as in section 2(1) of the Limited Liability Partnerships Act (Cap.163A).

(12) For the avoidance of doubt, in this section and in section 130M—

"foreign lawyer" means a foreign lawyer, whether practising in Singapore or elsewhere;

"foreign law firm" means a foreign law firm, whether with an office or a place of business in Singapore or elsewhere.

130M Measures to ensure compliance with section 130L

Measures to ensure compliance with section 130L

130M.

—(1) Where a Singapore law firm applies for an approval referred to in section 130L(1) in respect of a foreign lawyer, the Attorney-General may require the Singapore law firm making the application, the foreign lawyer and any partner or director of the Singapore law firm to provide such undertakings as he thinks fit to prevent any direct or indirect circumvention of section 130L.

(2) Where a foreign lawyer, a Singapore law firm or a partner or director of a Singapore law firm has contravened section 130L or any undertaking provided by that person or law firm, as the case may be, under subsection (1) —

(a) the foreign lawyer, Singapore law firm or partner or director concerned (as the case may be) shall notify the Attorney-General in writing of the contravention;

(b) the foreign lawyer or partner or director concerned (as the case may be) shall cease to exercise his voting rights as a shareholder or partner in the Singapore law firm concerned;

(c) the foreign lawyer concerned shall repay to the Singapore law firm concerned any payment he has received in excess of the amount permitted under section 130L(8);

(d) the foreign lawyer, Singapore law firm or partner or director concerned (as the case may be) shall take all reasonable steps to remove the circumstances giving rise to the contravention; and

(e) the foreign lawyer, Singapore law firm or partner or director concerned (as the case may be) shall comply with any directions made by the Attorney-General under subsections (3) and (4).

(3) Where a foreign lawyer, Singapore law firm or partner or director of a Singapore law firm has contravened section 130L or any undertaking required under subsection (1), the Attorney-General may—

(a) cancel the approval referred to in section 130L(1) in respect of the foreign lawyer concerned; and

(b) make directions to the foreign lawyer, Singapore law firm or partner or director concerned (as the case may be) to ensure compliance with section 130L.

(4) Without prejudice to the generality of subsection (3) (b), the Attorney-General may direct —

(a) the foreign lawyer concerned to divest himself of any shares he may have in the Singapore law firm within such time as the Attorney-General may specify;

(b) the foreign lawyer concerned to repay to the Singapore law firm concerned any payment he has received in excess of the amount permitted under section

130L(8) within such time as the Attorney-General may specify; and

(c) the foreign lawyer concerned to cease doing any act in his capacity as a managing partner, a managing director or a manager of the Singapore law firm concerned.

(5) A direction under this section shall be —

(a) made in writing and shall specify the provision under section 130L or the undertaking provided under this section that has been contravened; and

(b) sent to the person or law firm to which it relates at the last known address of that person or law firm.

(6) In this section, a reference to a foreign lawyer concerned shall—

(a) in relation to a contravention of section 130L(4), refer to the foreign lawyer who so contravened that section;

(b) in relation to a contravention of section 130L(5) or (6), refer to every foreign lawyer who was a partner or shareholder (as the case may be) of the Singapore law firm concerned when the contravention occurred;

(c) in relation to a contravention of subsection (8) of section 130L, refer to every foreign lawyer who received any payment referred to in paragraph (a), (b) or (c) of that subsection from the Singapore law firm concerned during the financial year of the firm when the contravention occurred; and

(d) in relation to the breach of an undertaking provided by a foreign lawyer under subsection (1), refer to the foreign lawyer who provided the undertaking.

(7) In this section, a reference to a partner or a director concerned shall, in relation to the breach of an undertaking provided by a partner or a director of a Singapore law firm under subsection (1), refer to the partner or director who provided the undertaking.

(8) In this section, a reference to a Singapore law firm concerned shall —

(a) in relation to a contravention of section 130L(4) by a foreign lawyer who has been granted an approval under section 130L(1), refer to the Singapore law firm in respect of which the approval was granted;

(b) in relation to a contravention of section 130L(5), (6) or (8), refer to the Singapore law firm in respect of which the contravention occurred; and

(c) in relation to the breach of an undertaking provided under subsection (1), refer to the Singapore law firm in respect of which the undertaking was provided.

130N Compliance with guidelines directions undertakings and conditions

Compliance with guidelines, directions, undertakings and conditions

130N.

— (1) The Attorney-General may require any person making an application for any registration or approval under this Part to provide such undertakings as he thinks fit to prevent any direct or indirect circumvention of the provisions of this Part.

(2) The Attorney-General may, from time to time, issue guidelines relating to any registration or approval under this Part.

(3) Where any requirement of any guidelines issued under this section conflicts with any requirement specified in this Part, the latter shall prevail.

(4) The Attorney-General shall cause all guidelines issued under this section to be published in such manner as will give persons or entities to whom the guidelines relate adequate notice of the requirements specified therein.

(5) It shall be a condition of every registration or approval under this Part that the person or entity registered or granted approval shall comply with the requirements of this Part, including any guidelines issued under this section and any undertakings provided under this section or section 130M.

(6) The Attorney-General may, if he is satisfied that any person or entity registered or approved under this Part has contravened any provision of this Part, any guideline issued under this section or any undertaking provided under this section or section 130M, issue directions to that person or entity to ensure compliance by that person or entity.

(7) A direction under subsection (6) shall be —

(a) made in writing and shall specify the provision of this Part or the

guideline issued under this section or the undertaking provided under this section or section 130M that has been contravened; and

(b) sent to the person or entity to which it relates at the last known address of that person or entity.

(8) The Attorney-General may cancel the registration or approval in respect of any person or entity under this Part if that person or entity fails to comply with any condition of registration or approval of that person or entity under this Part or any direction of the Attorney-General issued under subsection (6).

(9) Where the registration or certification of any person, foreign law firm, Joint Law Venture, Formal Law Alliance or representative office under any provision of the repealed Part IXA (referred to in this subsection as the “former registration or certification”) is deemed to be registered under any provision of this Part by rules made under this Part —

(a) the deemed registration shall, unless the Attorney-General otherwise determines, be subject to the same conditions (if any) that applied to the former registration or certification; and

(b) subsections (5), (6) and (8) shall apply to any guidelines or directions issued by the Attorney-General and any undertakings given by any person, before the date of commencement of this section in respect of the former registration or certification, as if those guidelines, directions or undertakings were guidelines issued under this section or directions issued under subsection (6) or undertakings provided under this section, respectively.

1300 Disciplinary control over foreign lawyers

Disciplinary control over foreign lawyers

1300.

— (1) Any complaint in respect of the conduct of a foreign lawyer registered under this Part shall be made to the Attorney-General.

(2) Every complaint shall be in writing and be supported by a statutory declaration stating —

- (a) the name, address and occupation of the complainant;
- (b) the name and address of the foreign lawyer complained against;
- (c) the grounds of the complaint; and
- (d) the evidence of the alleged misconduct.

(3) The Attorney-General may, in his discretion, waive any requirement in subsection (2) if the complaint is made by a public officer in the course of his duties.

(4) Where the Attorney-General has received any complaint under this section or where facts are brought to the knowledge of the Attorney-General which satisfy the Attorney-General that there may be grounds for such a complaint, the Attorney-General shall give the foreign lawyer concerned a reasonable opportunity to make representations in writing, and if he is of the opinion that there is sufficient reason for doing so, the Attorney-General may —

- (a) cancel or suspend for such period as he may think fit the registration of the foreign lawyer under this Part;
- (b) censure the foreign lawyer;
- (c) order the foreign lawyer to pay a penalty not exceeding \$10,000 or such other higher sum as may be prescribed; or
- (d) make such other order as he thinks fit.

(5) If the foreign lawyer fails to pay a penalty imposed under subsection (4) (c) or to comply with an order made under subsection (4) (d) within such time as the Attorney-General may specify, the Attorney-General may cancel or suspend for such period as he may think fit the registration of that foreign lawyer.

(6) In respect of any action or order under this section, any determination or application by the Attorney-General, on the facts and in the circumstances of the case before him, of any rules of an applicable jurisdiction relating to the professional conduct or etiquette of the foreign lawyer concerned shall be final and binding on that foreign lawyer.

(7) Any action, order or determination taken or made by the Attorney-General under this Part shall not in any way affect the power or authority of any relevant professional disciplinary body (whether in Singapore or in any state or territory outside Singapore) to take such action as it deems appropriate against the foreign lawyer concerned in respect of the same conduct giving

rise to the action or order by the Attorney-General under subsection (4).

(8) Where a complaint received by the Attorney-General under this section relates to a foreign lawyer who is —

(a) registered under section 130I to practise Singapore law in a Joint Law Venture;

(b) registered under section 130J to practise Singapore law in a Singapore law firm; or

(c) granted the approval of the Attorney-General referred to in section 130L,

the Attorney-General may, if he considers it appropriate, consult the Council of the Law Society in relation to any action, order or determination to be taken or made by him in respect of the complaint.

130P Attorney-General' s decision final

Attorney-General' s decision final

130P.

Any decision made by the Attorney-General under this Part shall be final and conclusive.

130Q Failure to register or furnish information

Failure to register or furnish information

130Q.

— (1) Where a Joint Law Venture or foreign law firm —

(a) fails to apply for registration where such registration is required under this Part; or

(b) fails to furnish any particulars or information required under this Part, then the rights of the Joint Law Venture or foreign law firm under or arising

out of any contract in relation to the legal services provided through the office or place of business in Singapore of the Joint Law Venture or foreign law firm (as the case may be) shall not be enforceable in legal proceedings in the name of the Joint Law Venture or foreign law firm.

(2) Where a foreign lawyer or a Singapore lawyer in foreign practice —

(a) fails to apply for registration where such registration is required under this Part; or

(b) fails to furnish any particulars or information required under this Part,

then the rights of the foreign lawyer or Singapore lawyer in foreign practice under or arising out of any contract in relation to the legal services provided through the office or place of business in Singapore of the Joint Law Venture, foreign law firm or Singapore law firm (as the case may be) in which he is employed or is practising foreign law shall not be enforceable in legal proceedings in the name of the lawyer or the Joint Law Venture, foreign law firm or Singapore law firm.

130R Civil penalty

Civil penalty

130R.

— (1) Any person (including a Joint Law Venture, Formal Law Alliance, foreign law firm or Singapore law firm) that contravenes any provision in this Part shall be liable to pay a civil penalty in accordance with this section.

(2) Whenever it appears to the Attorney-General that any such person has contravened any provision in this Part, the Attorney-General may bring an action in a court to seek an order for a civil penalty in respect of that contravention against —

(a) that person;

(b) the foreign law firm or Singapore law firm in which that person is a partner, a director, a consultant or an employee; or

(c) the Joint Law Venture or Formal Law Alliance or its constituent law firms, in which that person is practising.

- (3) If the court is satisfied on a balance of probabilities that the person has contravened a provision in this Part, the court may make an order for the payment of a civil penalty against —
- (a) the person, being an individual, of a sum not exceeding \$50,000; or
 - (b) the Singapore law firm, foreign law firm, Joint Law Venture, Formal Law Alliance or a constituent firm against which the action is brought under subsection (2), of a sum not exceeding \$100,000.
- (4) Notwithstanding subsection (3), where an action has been brought against a person or a Singapore law firm, foreign law firm, Joint Law Venture, Formal Law Alliance or a constituent firm (referred to in this section as “the defendant”), the court may make an order against the defendant if the Attorney-General has agreed to allow the defendant to consent to the order with or without admission of a contravention of a provision in this Part and the order may be made on such terms as may be agreed between the Attorney-General and the defendant.
- (5) Nothing in this section shall be construed to prevent the Attorney-General from entering into an agreement with the defendant to pay, with or without admission of liability, a civil penalty within the limits referred to in subsection (3) for a contravention of any provision in this Part.
- (6) A civil penalty imposed under this section shall be payable to the Consolidated Fund.
- (7) If the defendant fails to pay the civil penalty imposed on him within the time specified in the court order referred to in subsection (3) or (4) or specified under the agreement referred to in subsection (5), the Attorney-General may recover the civil penalty as though the civil penalty were a judgment debt due to the Government.
- (8) Rules of Court may be made to —
- (a) regulate and prescribe the procedure and practice to be followed in respect of proceedings under this section; and
 - (b) provide for costs and fees of such proceedings, and for regulating any matter relating to the costs of such proceedings.
- (9) This section shall apply notwithstanding that any disciplinary action has been taken against the foreign lawyer concerned under any other provision of this Act or by any professional disciplinary body (whether in Singapore or in

any state or territory outside Singapore).

130S Liability of partners directors and shareholders

Liability of partners, directors and shareholders

130S.

Where a Joint Law Venture, Formal Law Alliance, foreign law firm or Singapore law firm is proved to have contravened any provision in this Part, every partner, director and shareholder of the Joint Law Venture, Formal Law Alliance, foreign law firm or Singapore law firm (as the case may be) at the time of the contravention shall be deemed to have contravened the provision unless he proves that —

- (a) the contravention occurred without his consent or connivance; and
- (b) he exercised such diligence to prevent the contravention as he ought to have exercised having regard to the nature of his function in that capacity and to all the circumstances.

130T Rules

Rules

130T.

— (1) The Minister may, after consulting the Attorney-General, make such rules as may be necessary or expedient for the purposes of this Part.

(2) Without prejudice to the generality of subsection (1), the Minister may, after consulting the Attorney-General, make rules —

- (a) to prescribe anything which may be prescribed under this Part;
- (b) to prescribe any condition for eligibility to apply for any registration under this Part or for the approval of the Attorney-General referred to in section 130L;

(c) to provide for the manner and means of application and the information and documents to be furnished for any registration under this Part, for the approval of the Attorney-General referred to in section 130L, for renewal of such registration and for other related matters;

(d) to provide for the payment of fees on applications for any registration under this Part, for the approval of the Attorney-General referred to in section 130L, for renewal of such registration and for other related matters;

(e) to provide for the cancellation of any registration under this Part or of the approval of the Attorney-General referred to in section 130L;

(f) to require the submission of information and particulars relating to Joint Law Ventures, foreign law firms, representative offices, foreign lawyers, Singapore lawyers in foreign practice and persons practising in or employed by any Joint Law Venture, foreign law firm or representative office;

(g) to provide the form and manner in which registers of Joint Law Ventures, Formal Law Alliances, representative offices, foreign lawyers and Singapore lawyers in foreign practice are to be kept;

(h) to provide the form and manner in which registers of approvals of the Attorney-General referred to in section 130L are to be kept;

(i) to provide for the issuance and amendment of certificates of registration or certificates of good standing and certified true copies thereof and for the payment of fees in relation thereto;

(j) to provide for the professional conduct, ethics and disciplinary control of Joint Law Ventures, foreign law firms, foreign lawyers and Singapore lawyers in foreign practice registered under this Part or foreign lawyers granted the approval of the Attorney-General referred to in section 130L, including the imposition of compulsory insurance cover and financial controls;

(k) to extend to —

(i) foreign lawyers or Singapore lawyers in foreign practice registered under this Part; or

(ii) foreign lawyers granted the approval of the Attorney-General referred to in section 130L,

any provisions in the Act that are applicable to advocates and solicitors with such modifications as the Minister thinks fit;

(l) to provide measures to ensure compliance with the requirements of section 130L, including measures requiring foreign lawyers who are shareholders or partners in the Singapore law firm to divest themselves of their shares or interests in the Singapore law firm;

(m) to exempt any person or class of persons from any provision of this Part; and

(n) to make such transitional, savings or other consequential provisions as the Minister considers necessary or expedient.

(3) Where any powers under Part VII of this Act apply to a foreign lawyer pursuant to rules made under this section (in particular, subsection (2) (j)), those powers shall not be exercised in respect of the foreign lawyer except with the written consent of the Attorney-General.

PART X MISCELLANEOUS

PART X MISCELLANEOUS

131 General provision as to rules

General provision as to rules

131.

All rules made under the provisions of this Act shall be presented to Parliament as soon as possible after publication in the *Gazette*.

132 Offices of Board and Society

Offices of Board and Society

132.

— (1) The Board and the Society shall each at all times keep and maintain an office and the address of the office and any change thereof shall be published by the Board and the Council respectively in the *Gazette*.

(2) All writs, complaints, notices, pleadings, orders, summonses, warrants or other written communications required or authorised or ordered to be served on or delivered or sent to the Board, the Society or the Council shall be deemed to be duly served, delivered or sent if left at the office of the Board or the Society, as the case may be.

133 Service of documents

Service of documents

133.

— (1) Any document, other than process of court that is required to be served or delivered under this Act, may be sent by post.

(2) A certificate in writing signed by an officer of the Society or the Board or a member of the Council or the Board that that document was properly addressed and posted and setting out the date of its posting shall be prima facie evidence of service thereof.

(3) Any document addressed to an advocate and solicitor at his only or principal address last appearing in the register of practitioners shall be deemed to be properly addressed.

134 Recovery of moneys by Society

Recovery of moneys by Society

134.

In addition to any other method of recovery and to any other right, remedy or power vested in the Society or in the Council, any sum of money whatsoever payable under this Act may be recoverable by the Society or the Board as a debt in any court of competent jurisdiction.

135 Rules Committee to prescribe certain fees and costs

Rules Committee to prescribe certain fees and costs

135.

The Rules Committee may, from time to time, make rules to prescribe —

- (a) the fees payable under sections 21 (7), 24 (5) and 25 (1) (e); and
- (b) the costs referred to in section 121 (1) and (2).

136 Relief to banks

Relief to banks

136.

—(1) Subject to this section, no bank shall, in connection with any transaction on account of any solicitor or law corporation or limited liability law partnership kept with it or with any other bank (other than an account kept by a solicitor as trustee for a specified beneficiary), incur any liability or be under any obligation to make any inquiry, or be deemed to have any knowledge of any right of any person to any money paid or credited to any such account, which it would not incur or be under or be deemed to have in the case of an account kept by a person entitled absolutely to all the money paid or credited to it.

[4/2000]

(2) Nothing in subsection (1) shall relieve a bank from any liability or obligation under which it would be apart from section 73 or this section.

(3) Notwithstanding subsection (1), a bank at which a solicitor or law corporation or limited liability law partnership keeps an account for clients' moneys shall not, in respect of any liability of the solicitor or law corporation or limited liability law partnership to the bank, not being a liability in connection with that account, have or obtain any recourse or right, whether by way of set-off, counterclaim, charge or otherwise, against moneys standing to the credit of that account.

[4/2000]

137 Jurisdiction of court

Jurisdiction of court

137.

Notwithstanding any provision to the contrary in the Criminal Procedure Code (Cap. 68), a District Court shall have jurisdiction to try any offence under this Act and shall have power to impose the full penalty or punishment in respect of the offence.

FIRST SCHEDULE

Section 74

INTERVENTION IN SOLICITOR' S PRACTICE

PART I

CIRCUMSTANCES IN WHICH SOCIETY MAY INTERVENE

1. — (1) Subject to sub-paragraph (2), the powers conferred by Part II shall be exercisable where —

(a) the Council has reason to suspect dishonesty on the part of —

(i) a solicitor;

(ii) an employee of a solicitor; or

(iii) the personal representatives of a deceased solicitor,

in connection with that solicitor' s practice or in connection with any trust of which that solicitor is or formerly was a trustee;

(b) the Council considers that there has been undue delay on the part of the personal representatives of a deceased solicitor who immediately before his death was practising as a sole solicitor in connection with that solicitor' s practice or in connection with any trust of which that solicitor was the sole trustee or was co-trustee only with one or more of his partners or employees;

(c) the Council is satisfied that a solicitor has contravened the rules made under section 72;

(d) a solicitor has been adjudicated bankrupt or he has made a composition or arrangement with his creditors;

(e) a solicitor has one or more outstanding judgments against him amounting in the aggregate to \$100,000 which he has been unable to satisfy within 6 months from the date of the earliest judgment;

- (f) a solicitor has been committed to prison in any civil or criminal proceedings;
- (g) the Council is satisfied that a sole solicitor is incapacitated by illness or accident to such an extent as to be unable to attend to his practice;
- (h) a solicitor has been found under section 7 of the Mental Disorders and Treatment Act (Cap. 178) to be of unsound mind and incapable of managing himself and his affairs;
- (i) the name of a solicitor has been removed from or struck off the roll or a solicitor has been suspended from practice;
- (j) the Council is satisfied that a sole solicitor has abandoned his practice; or
- (k) the Council is satisfied that a person has acted as a solicitor at a time when he did not have a practising certificate which was in force.

(2) The powers conferred by Part II shall only be exercisable under subparagraph (1) (c) if the Society has given the solicitor notice in writing that the Council is satisfied that he has contravened the rules specified in the notice and also (at the same or any later time) notice that the powers conferred by Part II are accordingly exercisable in his case.

2. On the death of a sole solicitor, paragraphs 10, 11 and 12 shall apply to the client accounts of his practice.

3. The powers conferred by Part II shall also be exercisable, subject to paragraph 9 (4), where —

- (a) a complaint is made to the Society that there has been undue delay on the part of a solicitor in connection with any matter in which the solicitor or his firm was instructed on behalf of a client or with any controlled trust;
- (b) the Society by notice in writing invites the solicitor to give an explanation within a period of not less than 8 days specified in the notice;
- (c) the solicitor fails within that period to give an explanation which the Council regards as satisfactory; and
- (d) the Society gives notice of the failure to the solicitor and (at the same or any later time) notice that the powers conferred by Part II are accordingly exercisable.

4. — (1) Where the powers conferred by Part II are exercisable in relation to a solicitor, they shall continue to be exercisable after his death or after his name has been removed from or struck off the roll.

(2) The references to the solicitor or his firm in paragraphs 9 (1), 10 (2) and (3), 12 and 13 (1) and (5) include, in any case where the solicitor has died, references to his personal representatives.

5. — (1) Subject to sub-paragraph (2), where —

(a) the Council is satisfied that a law corporation has contravened any rules applicable to it by virtue of section 72;

(b) a person has been appointed receiver or manager of property of a law corporation;

(c) a winding up order, or an order for judicial management under the Companies Act (Cap. 50), has been made with respect to a law corporation or a resolution for voluntary winding up has been passed with respect to a law corporation (other than a resolution passed solely for the purposes of its reconstruction or of its amalgamation with another company); or

(d) the Council has reason to suspect dishonesty on the part of any officer or employee of a law corporation in connection with that law corporation's business or in connection with any trust of which that corporation is or formerly was a trustee,

the powers conferred by Part II shall be exercisable in relation to the law corporation and its business in like manner as they are exercisable in relation to a solicitor and his practice.

(2) Those powers shall only be exercisable by virtue of sub-paragraph (1) (a) if the Society has given the law corporation notice in writing that the Council is satisfied that the law corporation has contravened the rules specified in the notice and also (at the same or any later time) notice that those powers are accordingly exercisable in its case by virtue of sub-paragraph (1) (a).

6. The powers conferred by Part II shall also be exercisable as mentioned in paragraph 5 (1) where —

(a) a complaint is made to the Society that there has been undue delay on the part of a law corporation in connection with any matter in which it was instructed on behalf of a client or with any controlled trust;

(b) the Society by notice in writing invites the law corporation to give an explanation within a period of not less than 8 days specified in the notice;

(c) the law corporation fails within that period to give an explanation which the Council regards as satisfactory; and

(d) the Society gives notice of the failure to the law corporation and (at the same or any later time) notice that the powers conferred by Part II are accordingly exercisable.

7. — (1) Where the registration of a law corporation has been cancelled under section 81K, the powers conferred by Part II shall be exercisable in relation to the law corporation and its former business as a law corporation as they are exercisable in relation to a solicitor and his practice.

(2) Where the powers conferred by Part II are exercisable in relation to a law corporation in accordance with paragraph 5 or 6, they shall continue to be so exercisable after that law corporation's registration has been cancelled or has otherwise ceased to be in force.

8. In connection with the application of Part II to a law corporation in that Part —

(a) any reference to the solicitor or to his practice shall be construed as including a reference to the law corporation in relation to which the powers conferred by that Part are exercisable by virtue of paragraph 5, 6 or 7 (1) or to its business (or former business) as a law corporation;

(b) any reference to paragraph 1 shall be construed as including a reference to paragraph 5 or 7 (1); and

(c) any reference to paragraph 3 shall be construed as including a reference to paragraph 6.

8A. — (1) Subject to sub-paragraph (2), where —

(a) the Council is satisfied that a limited liability law partnership has contravened any rules applicable to it by virtue of section 72;

(b) a person has been appointed receiver or manager of property of a limited liability law partnership;

(c) a winding up order under the Limited Liability Partnerships Act 2005 (Act

5 of 2005) has been made with respect to a limited liability law partnership or a resolution for voluntary winding up has been passed with respect to a limited liability law partnership; or

(d) the Council has reason to suspect dishonesty on the part of any partner or employee of a limited liability law partnership in connection with that limited liability law partnership's business or in connection with any trust of which that limited liability law partnership is or formerly was a trustee,

the powers conferred by Part II shall be exercisable in relation to the limited liability law partnership and its business in like manner as they are exercisable in relation to a solicitor and his practice.

(2) Those powers shall only be exercisable by virtue of sub-paragraph (1) (a) if the Society has given the limited liability law partnership notice in writing that the Council is satisfied that the limited liability law partnership has contravened the rules specified in the notice and also (at the same or any later time) notice that those powers are accordingly exercisable in its case by virtue of sub-paragraph (1) (a).

8B. The powers conferred by Part II shall also be exercisable as mentioned in paragraph 8A(1) where —

(a) a complaint is made to the Society that there has been undue delay on the part of a limited liability law partnership in connection with any matter in which it was instructed on behalf of a client or with any controlled trust;

(b) the Society by notice in writing invites the limited liability law partnership to give an explanation within a period of not less than 8 days specified in the notice;

(c) the limited liability law partnership fails within that period to give an explanation which the Council regards as satisfactory; and

(d) the Society gives notice of the failure to the limited liability law partnership and (at the same or any later time) notice that the powers conferred by Part II are accordingly exercisable.

8C. — (1) Where the registration of a limited liability law partnership has been cancelled under section 81Y, the powers conferred by Part II shall be exercisable in relation to the limited liability law partnership and its former business as a limited liability law partnership as they are exercisable in relation to a solicitor and his practice.

(2) Where the powers conferred by Part II are exercisable in relation to a

limited liability law partnership in accordance with paragraph 8A or 8B, they shall continue to be so exercisable after that limited liability law partnership's registration has been cancelled or has otherwise ceased to be in force.

8D. In connection with the application of Part II to a limited liability law partnership in that Part —

(a) any reference to the solicitor or to his practice shall be construed as including a reference to the limited liability law partnership in relation to which the powers conferred by that Part are exercisable by virtue of paragraph 8A, 8B or 8C (1) or to its business (or former business) as a limited liability law partnership;

(b) any reference to paragraph 1 shall be construed as including a reference to paragraph 8A or 8C (1); and

(c) any reference to paragraph 3 shall be construed as including a reference to paragraph 8B.

PART II

POWERS EXERCISABLE ON INTERVENTION

MONEY

9. — (1) The High Court may, on the application of the Society, order that no payment shall be made without the leave of the Court by any person (whether or not named in the order) of any money held by him (in whatever manner and whether it was received before or after the making of the order) on behalf of the solicitor or his firm.

(2) No order under this paragraph shall take effect in relation to any person to whom it applies unless the Society has served a copy of the order on him (whether or not he is named in it) and, in the case of a bank, has indicated at which of its branches the Society believes that the money to which the order relates is held.

(3) A person shall not be treated as having disobeyed an order under this paragraph by making a payment of money if he satisfies the High Court that he exercised due diligence to ascertain whether it was money to which the order related but nevertheless failed to ascertain that the order related to it.

(4) This paragraph shall not apply where the powers conferred by this Part are exercisable by virtue of paragraph 3.

10. (1) Without prejudice to paragraph 9, if the Council passes a resolution to the effect that any sums of money to which this paragraph applies, and the right to recover or receive such sums, shall vest in the Society, all such sums shall vest accordingly (whether they were received by the person holding them before or after the Council's resolution) and shall be held by the Society on trust to exercise in relation to them the powers conferred by this Part and subject thereto upon trust for the persons beneficially entitled to them.

(2) This paragraph shall apply —

(a) where the powers conferred by this paragraph are exercisable, by virtue of paragraph 1, to all sums of money held by or on behalf of the solicitor or his firm in connection with his practice or with any trust of which he is or formerly was a trustee;

(b) where the powers conferred by this paragraph are exercisable by virtue of paragraph 2, to all sums of money in any client account; and

(c) where the powers conferred by this paragraph are exercisable by virtue of paragraph 3, to all sums of money held by or on behalf of the solicitor or his firm in connection with the trust or other matter to which the complaint relates.

(3) The Society shall serve on the solicitor or his firm and on any other person having possession of sums of money to which this paragraph applies a certified copy of the Council's resolution and a notice prohibiting the payment out of any such sums of money.

(4) Within 14 days of the service of a notice under sub-paragraph (3), the person on whom it was served may, on giving not less than 48 hours' notice in writing to the Society and (if the notice gives the name of the solicitor instructed by the Society) to that solicitor, apply to the High Court for an order directing the Society to withdraw the notice.

(5) If the High Court makes such an order, it shall have power also to make such other order with respect to the matter as it may think fit.

(6) If any person on whom a notice has been served under sub-paragraph (3) pays out sums of money at a time when the payment is prohibited by the notice, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

11. — (1) If the Society takes possession of any sum of money to which

paragraph 10 applies, the Society shall pay it into a special account in the name of the Society or of a person nominated on behalf of the Society, and that person shall hold that sum on trust to permit the Society to exercise in relation to it the powers conferred by this Part and subject thereto on trust for the persons beneficially entitled to it.

(2) A bank at which a special account is kept shall be under no obligation to ascertain whether it is being dealt with properly.

(3) Any moneys paid into a special account under sub-paragraph (1) which have not been claimed for a period of 6 years shall be paid by the Society into the Compensation Fund maintained under section 75.

(4) If any claimant makes any demand against the Society for any amount of unclaimed moneys paid into the Compensation Fund under sub-paragraph (3), the Society may pay that amount free of interest to the claimant out of the Compensation Fund.

12. Without prejudice to paragraphs 9, 10 and 11, if the High Court is satisfied, on an application by the Society, that there is reason to suspect that any person holds money on behalf of the solicitor or his firm, the Court may require that person to give the Society information as to that money and the accounts in which it is held. *Documents*

13. — (1) The Society may give notice to the solicitor or his firm requiring the production or delivery to any person appointed by the Society at a time and place to be fixed by the Society —

(a) where the powers conferred by this Part are exercisable by virtue of paragraph 1, of all documents in the possession of the solicitor or his firm in connection with his practice or with any controlled trust; and

(b) where the powers conferred by this Part are exercisable by virtue of paragraph 3, of all documents in the possession of the solicitor or his firm in connection with the trust or other matters to which the complaint relates (whether or not they relate also to other matters).

(2) The person appointed by the Society may take possession of any such documents on behalf of the Society.

(3) Except in a case where an application has been made to the High Court under sub-paragraph (4), if any person having possession of any such documents refuses, neglects or otherwise fails to comply with a requirement under sub-paragraph (1), he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

(4) The High Court may, on the application of the Society, order a person required to produce or deliver documents under sub-paragraph (1) to produce or deliver them to any person appointed by the Society at such time and place as may be specified in the order, and authorise him to take possession of them on behalf of the Society.

(5) If, on an application by the Society, the High Court is satisfied that there is reason to suspect that documents in relation to which the powers conferred by sub-paragraph (1) are exercisable have come into the possession of some person other than the solicitor or his firm, the Court may order that person to produce or deliver the documents to a person appointed by the Society at such time and place as may be specified in the order and authorise him to take possession of them on behalf of the Society.

(6) On making an order under this paragraph, or at any later time, the High Court may, on the application of the Society, authorise a person appointed by the Society to enter any premises (using such force as is reasonably necessary) to search for and take possession of any documents to which the order relates.

(7) The Society may, on taking possession of any documents under this paragraph, serve upon the solicitor or his personal representatives and upon any other person from whom they were received on the Society's behalf or from whose premises they were taken a notice that possession has been taken on the date specified in the notice.

(8) Subject to sub-paragraph (9), a person upon whom a notice under sub-paragraph (7) is served may, on giving not less than 48 hours' notice to the Society and (if the notice gives the name of the solicitor instructed by the Society) to that solicitor, apply to the High Court for an order directing the Society to deliver the documents to such person as the applicant may require.

(9) A notice under sub-paragraph (8) shall be given within 8 days of the service of the Society's notice under sub-paragraph (7).

(10) Without prejudice to the foregoing provisions, the Society may apply to the High Court for an order as to the disposal or destruction of any documents in its possession by virtue of this paragraph.

(11) On an application under sub-paragraph (8) or (10), the High Court may make such order as it thinks fit.

(12) Except so far as its right to do so may be restricted by an order on an

application under sub-paragraph (8) or (10), the Society may take copies of or extracts from any documents in its possession by virtue of this paragraph and require any person to whom it is proposed that those documents shall be delivered, as a condition precedent to delivery, to give a reasonable undertaking to supply copies or extracts thereof to the Society. *Trusts*

14. — (1) If the solicitor or his personal representative is a trustee of a controlled trust, the Society may apply to the High Court for an order for the appointment of a new trustee in substitution of him.

(2) The Trustees Act (Cap. 337) shall have effect in relation to an appointment of a new trustee under this paragraph as it has effect in relation to an appointment under section 37 of that Act. *General*

15. The powers in relation to sums of money and documents conferred by this Part shall be exercisable notwithstanding any lien on them or right to their possession.

16. Subject to any order for the payment of costs that may be made on an application to the High Court under this Schedule, any costs incurred by the Society for the purposes of this Schedule, including, without prejudice to the generality of this paragraph, the costs of any person exercising powers under this Part on behalf of the Society shall be paid by the solicitor or his personal representatives and shall be recoverable from him or them as a debt owing to the Society.

17. Where an offence under this Schedule committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

18. Any application to the High Court under this Schedule may be disposed of in chambers.

19. The Society may do all things which are reasonably necessary for the purpose of facilitating the exercise of its powers under this Schedule.

20. In this Schedule, “controlled trust”, in relation to a solicitor, means a trust of which he is a sole trustee or co-trustee only with one or more of his partners or employees.

[41/93; 15/95; 40/96; 4/2000; 35/2001]

INADEQUATE PROFESSIONAL SERVICES

Circumstances in which Council's powers may be exercised

1.

— (1) Where it appears to the Council that the professional services provided by a solicitor in connection with any matter in which —

(a) he or his firm;

(b) the law corporation of which he is a director or an employee; or

(c) the limited liability law partnership of which he is a partner or an employee,

has been instructed by a client have, in any respect, not been of the quality which it is reasonable to expect of him as a solicitor, the Council may take any of the directions mentioned in paragraph 2 (referred to in this Schedule as the directions) with respect to the solicitor.

(2) The Council shall not take any of the directions unless it is satisfied that, in all the circumstances of the case, it is appropriate to do so.

(3) In determining in any case whether it is appropriate to take any of the directions, the Council may —

(a) have regard to the existence of any remedy which it is reasonable to expect to be available to the client in civil proceedings; and

(b) where proceedings seeking any such remedy have not been begun by the client, have regard to whether it is reasonable to expect the client to begin such proceedings.

Directions which may be given

2.

— (1) The directions are —

(a) determining that the costs to which the solicitor, or the law corporation of which he is a director or an employee, or the limited liability law partnership of which he is a partner or an employee, is entitled in respect of his services (referred to in this Schedule as the costs) are to be limited to such amount as may be specified in the determination and directing him to comply, or to secure compliance, with one or more of the permitted requirements as appear to the Council to be necessary in order for effect to be given to the Council's determination;

(b) directing the solicitor to secure the rectification, at his expense or at that of his firm, or the law corporation of which he is a director or an employee, or the limited liability law partnership of which he is a partner or an employee, of such error, omission or other deficiency arising in connection with the matter in question as the Council may specify;

(c) directing the solicitor to pay such compensation to the client as the Council sees fit to specify in the direction; and

(d) directing the solicitor to take, at his expense or at that of his firm, or the law corporation of which he is a director or an employee, or the limited liability law partnership of which he is a partner or an employee, such other action in the interests of the client as the Council may specify.

(2) The permitted requirements referred to in sub-paragraph (1) (a) are —

(a) that the whole or part of any amount already paid by or on behalf of the client in respect of the costs be refunded;

(b) that the whole or part of the costs be remitted; and

(c) that the right to recover the costs be waived, whether wholly or to any specified extent.

(3) The power of the Council to take any such directions is not confined to cases where the client may have a cause of action against the solicitor for negligence.

Compensation

3.

—(1) The amount specified in a direction by virtue of paragraph 2 (1) (c)

shall not exceed \$10,000.

(2) The Chief Justice may, by order published in the *Gazette*, amend sub-paragraph (1) by substituting for the sum of \$10,000 such other sum as he considers appropriate.

(3) Before making any such order, the Chief Justice shall consult the Society.

Taxation of costs

4.

—(1) Where the Council has given a direction under paragraph 2 (1) (a), then

(a) for the purposes of any taxation of a bill covering the costs, the amount charged by the bill in respect of them shall be deemed to be limited to the amount specified in the determination; and

(b) where a bill covering the costs has not been taxed, the client shall, for the purposes of their recovery (by whatever means and notwithstanding any statutory provision or agreement) be deemed to be liable to pay in respect of them only the amount specified in the determination.

(2) Where a bill covering the costs has been taxed, the direction shall, so far as it relates to the costs, cease to have effect.

Failure to comply with direction

5.

—(1) If a solicitor or law corporation or limited liability law partnership fails to comply with a direction given under this Schedule, any person may make a complaint in respect of that failure to a Judge; but no other proceedings shall be brought in respect of it except pursuant to an order made under sub-paragraph (2).

(2) On the hearing of such a complaint, the Judge may, if he thinks fit, direct that the direction be treated, for the purpose of enforcement, as if it were contained in an order made by the High Court.

Fees

6.

— (1) The Council may, by rules made with the concurrence of the Chief Justice, make provision for the payment, by any client with respect to whom the Council is asked to consider whether to take any of the steps, of such fee as may be prescribed.

(2) The rules may provide for the exemption of such classes of client as may be prescribed.

(3) Where a client pays the prescribed fee, it shall be repaid to him if the Council takes any of the steps in the matter with respect to which the fee was paid.

Costs

7.

Where the Council takes any of the steps with respect to a solicitor, the Council may also direct him to pay to the Council —

(a) the amount of the fee payable by the Council to the client under paragraph 6 (3); and

(b) an amount which is calculated by the Council as the cost to it of dealing with the complaint, or which in its opinion represents a reasonable contribution towards that cost.

Duty of Judge

8.

Where a Judge —

(a) is considering, or has considered, an application or complaint with respect to a solicitor under this Schedule; and

(b) is of the opinion that the Council should consider whether to take any of the steps with respect to that solicitor,

he shall inform the Council.

Powers of Society to examine documents in connection with complaints

9.

— (1) Where the Council is satisfied that it is necessary to do so for the purpose of investigating any complaint made to the Society relating to the quality of any professional services provided by a solicitor, the Society may give notice to —

(a) the solicitor or his firm;

(b) the law corporation of which the solicitor is a director or an employee;
or

(c) the limited liability law partnership of which the solicitor is a partner or an employee,

requiring the production or delivery to any person appointed by the Society, at a time and place to be fixed by the Society, of all documents in the possession of the persons or entities referred to in sub-paragraph (a), (b) or (c) (as the case may be) in connection with the matters to which the complaint relates (whether or not they relate also to other matters).

(2) Sub-paragraphs (2) to (12) of paragraph 13 and paragraphs 15 to 19 of the First Schedule shall apply in relation to the powers conferred by sub-paragraph (1) as they apply in relation to the powers conferred by paragraph 13 (1) of that Schedule and accordingly in those provisions —

(a) any reference to a person appointed, or to a requirement, under that sub-paragraph shall be construed as including a reference to a person appointed, or to a requirement, under sub-paragraph (1); and

(b) any reference to any such documents as are mentioned in that sub-paragraph shall be construed as including a reference to any such documents as are mentioned in sub-paragraph (1).

Exercise of powers by Council

10.

The powers of the Council under this Schedule are exercisable in relation to a person even though his name has been removed from, or struck off, the roll and references to a solicitor in this Schedule, so far as they relate to the exercise of those powers, shall be construed accordingly.

Rules

11.

The Council may, with the concurrence of the Chief Justice, make rules to give full effect to or to carry out the purposes of the provisions of this Schedule.

[40/96; 4/2000]

LEGISLATION HISTORY

1. Act 57 of 1966 — Legal Profession Act 1966

Date of First Reading : 5.12.66 (Bill No. 57/66 published on 6.12.66)
Date of Second and Third Readings : 21.12.66
Dates of commencement : 9.1.67 (sections 1, 2, 141, 146 and 147)
11.2.67 (remaining provisions of the Act)

2. Act 16 of 1967 — Legal Profession (Amendment) Act 1967

Date of First Reading : 24.5.67 (Bill No. 11/67 published on 27.5.67)
Date of Second and Third Readings : 29.6.67
Date of commencement : 14.7.67

3. Act 16 of 1970 — Legal Profession (Amendment) Act 1970

Date of First Reading : 9.3.70 (Bill No. 6/70 published on 13.3.70)
Date of Second and Third Readings : 30.3.70
Date of commencement : 12.6.70

4. Act 10 of 1972 — Legal Profession (Amendment) Act 1972

Date of First Reading : 7.3.72 (Bill No. 7/72 published on 10.3.72)
Date of Second and Third Readings : 23.3.72
Date of commencement : 12.5.72

5. Act 16 of 1976 — Legal Profession (Amendment) Act 1976

Date of First Reading : 23.7.76 (Bill No. 12/76 published on 26.7.76)
Date of Second and Third Readings : 3.9.76
Date of commencement : 24.9.76

6. Act 13 of 1978 — Statutes of the Republic of Singapore (Miscellaneous Amendments) Act 1978

Date of First Reading : 13.3.78 (Bill No. 15/78 published on 14.3.78)
Date of Second and Third Readings : 23.3.78
Date of commencement : 1.4.77

7. Act 11 of 1979 — Legal Profession (Amendment) Act 1979

Date of First Reading : 5.3.79 (Bill No. 6/79 published on 12.3.79)
Date of Second and Third Readings : 30.3.79
Date of commencement : 15.10.79

8. Act 5 of 1981 — Statutes of the Republic of Singapore (Miscellaneous Amendments) Act 1981

Date of First Reading : 17.2.81 (Bill No. 1/81 published on 20.2.81)
Date of Second and Third Readings : 6.3.81
Date of commencement : 24.4.81

9. Act 17 of 1984 — Legal Profession (Amendment) Act 1984

Date of First Reading : 29.6.84 (Bill No. 12/84 published on 9.7.84)

Date of Second and Third Readings : 25.7.84
Date of commencement : 17.8.84

10. Act 30 of 1986 — Legal Profession (Amendment) Act 1986

Date of First Reading : 25.8.86 (Bill No. 20/86 published on 29.8.86)
Date of Second Reading : 27.10.86
Referred to Select Committee : Parl 7 of 1986 presented to Parliament on 16.10.86
Date of Third Reading : 27.10.86
Date of commencement : 31.10.86

11. Act 15 of 1989 — Legal Profession (Amendment) Act 1989

Date of First Reading : 16.1.89 (Bill No. 9/89 published on 16.1.89)
Date of Second and Third Readings : 17.2.89
Date of commencement : 21.4.89

12. Act 10 of 1991 — Legal Profession (Amendment) Act 1991

Date of First Reading : 3.1.91 (Bill No. 3/91 published on 4.1.91)
Date of Second and Third Readings : 14.1.91
Date of commencement : 1.2.91

13. Act 7 of 1992 — Legal Profession (Amendment) Act 1992

Date of First Reading : 13.1.92 (Bill No. 1/92 published on 14.1.92)
Date of Second and Third Readings : 27.2.92
Date of commencement : 27.3.92

14. Act 16 of 1993 — Supreme Court of Judicature (Amendment) Act 1993
(Consequential amendments made by)

Date of First Reading : 26.2.93 (Bill No. 12/93 published on 27.2.93)
Date of Second and Third Readings : 12.4.93
Date of commencement : 1.7.93

15. Act 41 of 1993 — Legal Profession (Amendment) Act 1993

Date of First Reading : 12.10.93 (Bill No. 34/93 published on 13.10.93)
Date of Second and Third Readings : 12.11.93
Date of commencement : 1.1.94

16. Act 15 of 1995 — Bankruptcy Act 1995
(Consequential amendments made by)

Date of First Reading : 25.7.94 (Bill No. 16/94 published on 29.7.94)
Date of Second Reading : 25.8.94
Referred to Select Committee : Parl 1 of 1995 presented to Parliament on 7.3.95
Date of Third Reading : 23.3.95
Date of commencement : 15.7.95

17. Act 40 of 1996 — Legal Profession (Amendment) Act 1996

Date of First Reading : 1.10.96 (Bill No. 31/96 published on 1.10.96)
Date of Second and Third Readings : 10.10.96
Date of commencement : 1.1.97 (except section 9) 1.9.96 (section 9)

18. Act 4 of 2000 — Legal Profession (Amendment) Act 2000

Date of First Reading : 23.11.99 (Bill No. 41/99 published on 24.11.99)
Date of Second and Third Readings : 17.1.2000
Date of commencement : 5.5.2000

19. Act 28 of 2000 — Statutes (Miscellaneous Amendments and Repeal) Act 2000
(Consequential amendments made by)

Date of First Reading : 25.8.2000 (Bill No. 22/2000 published on 26.8.2000)

Date of Second and Third Readings : 9.10.2000
Date of commencement : 1.11.2000

20. Act 35 of 2001 — Legal Profession (Amendment) Act 2001

Date of First Reading : 25.9.2001 (Bill No. 39/2001 published on 26.9.2001)
Date of Second and Third Readings : 5.10.2001
Date of commencement : 1.11.2001

COMPARATIVE TABLE

The following provisions in the 2000 Revised Edition of the Legal Profession Act have been renumbered by the Law Revision Commissioners in this 2001 Revised Edition.

This Comparative Table is provided for the convenience of users. It is not part of the Legal Profession Act.

2001 Ed.	2000 Ed.
5—(2)	5—(1A)
(3)	(2)
(4)	(3)
6—(1) and 2	6
<i>Omitted</i>	16—(1), (2) and (3)
16—(1)	16—(4)
(2)	(5)
(3)	(6)
<i>Omitted</i>	(7)
26—(4)	26—(3A)
(5)	(3B)
(6)	(3C)
(7)	(3D)
(8)	(4)
(9)	(5)
(10)	(6)
35	34A

36

37

38

85—(7)

(8)

(9)

(10)

(11)

(12)

(13)

(14)

(15)

(16)

(17)

(18)

(19)

(20)

(21)

90—(8)

(9)

35

36

37

38(*Deleted by Act 35/2001*)

85—(6A)

(6B)

(6C)

(6D)

(6E)

(7)

(8)

(9)

(10)

(11)

(12)

(13)

(14)

(15)

(16)

90—(7A)

(8)