



THE STATUTES OF THE REPUBLIC OF SINGAPORE

LEGAL PROFESSION ACT 1966

2020 REVISED EDITION

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Legal Profession Act 1966

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An Act to establish the Singapore Institute of Legal Education, to constitute the Law Society of Singapore and to amend and consolidate the law relating to the legal profession.

[8/2011]

[9 January 1967: Sections 1, 2, 141, 146 and 147 ;
11 February 1967: Except sections 1, 2, 141, 146 and
147]

PART 1

PRELIMINARY

Short title

1. This Act is the Legal Profession Act 1966.

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 1988;

“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 of Legal Education” means the Board of Legal Education established under section 3 in force immediately before 3 May 2011;

“client” includes —

(a) in relation to contentious business — any person who, as a 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 the costs of a solicitor, law corporation or limited liability law partnership; 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, law corporation or limited liability law partnership; and

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

“constituent foreign law practice”, in relation to a Joint Law Venture, means the foreign law practice which constitutes part of the Joint Law Venture;

- “constituent Singapore law practice”, in relation to a Joint Law Venture, means the Singapore law practice which constitutes part of the Joint Law Venture;
- “contentious business” means business done 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 General Division of the High Court or a Judge sitting in open court in the General Division of the High Court;
- “Director of Legal Services” means the Director of Legal Services appointed under section 2A(1);
- “Disciplinary Tribunal” means a Disciplinary Tribunal appointed by the Chief Justice under section 90(1);
- “foreign law” means the law of any state or territory other than Singapore, and includes international law;
- “foreign law practice” means a law practice (including a sole proprietorship, 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 practice;
- “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;
- “foreign practitioner certificate” means a certificate issued in respect of the registration of a foreign lawyer under section 36B;
- “Formal Law Alliance” means a Formal Law Alliance licensed under section 170;

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

“Institute” means the Singapore Institute of Legal Education established under section 3;

“investigator” means an investigator appointed under section 2B(2);

“Joint Law Venture” means a Joint Law Venture licensed under section 169;

“Judge” means a Judge sitting in chambers in the General Division of the High Court;

“law corporation” means a company licensed as a law corporation under section 153;

“law firm” means a partnership, or a practice of a solicitor who practises on his or her own account, which is licensed as a law firm under section 131;

“law practice entity” means any of the following:

- (a) a Singapore law practice;
- (b) a Joint Law Venture;
- (c) the constituent foreign law practice of a Joint Law Venture;
- (d) a Formal Law Alliance;
- (e) a foreign law practice which is a member of a Formal Law Alliance;
- (f) a Qualifying Foreign Law Practice;
- (g) a licensed foreign law practice;
- (h) a representative office;

“lay person”, in relation to the Inquiry Panel or an Inquiry Committee, means an architect, an accountant, a banker, a company director, an insurer, a professional engineer, a medical practitioner or any other person (not being an advocate and solicitor or a Legal Service Officer) who meets

such criteria as may be approved by the Chief Justice and the Attorney-General;

“Legal Service Officer” means an officer in the Singapore Legal Service;

“licensed foreign law practice” means a foreign law practice licensed under section 172;

“limited liability law partnership” means a limited liability partnership licensed as a limited liability law partnership under section 138;

“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;

“practice trainee” means a qualified person who is serving his or her practice training period;

“practice training contract” means a formal training arrangement between a qualified person and a Singapore law practice, pursuant to which the qualified person receives, and the Singapore law practice provides, supervised training in relation to the practice of Singapore law;

“practice training period” means the period during which a qualified person is required to receive supervised training in relation to the practice of Singapore law before he or she can be admitted as an advocate and solicitor;

“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 an advocate and solicitor under Part 4;

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

“public accountant” means a person who is registered or deemed to be registered under the Accountants Act 2004 as a public accountant;

“qualified person” means any person who —

- (a) possesses such qualifications as the Minister may prescribe under subsection (2), or may deem under section 14(2) or (3) to be so prescribed, and satisfies such requirements as the Minister may prescribe under subsection (2);
- (b) was approved by the Board of Legal Education as a qualified person under section 7 in force immediately before 9 October 2009; or
- (c) is approved by the Minister as a qualified person under section 15A(1) of this Act as in force immediately before 3 May 2011 or under section 14(1);

“Qualifying Foreign Law Practice” means a foreign law practice licensed under section 171;

“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;

“regulated foreign lawyer” means a foreign lawyer who is registered under section 36B, 36C or 36D, or who is granted an approval under section 176(1), and includes, for the purposes of Part 7, a foreign lawyer whose registration under section 36B, 36C or 36D or approval under section 176(1) is cancelled or suspended, or lapses, after the commencement of disciplinary proceedings against the foreign lawyer;

“regulated legal practitioner” means an advocate and solicitor or a regulated foreign lawyer;

“regulated non-practitioner” means an individual (not being a regulated legal practitioner) who is a director, partner or shareholder in, or who shares in the profits of, any Singapore law practice, Joint Law Venture, Qualifying Foreign Law Practice or licensed foreign law practice, and includes, for the purposes of Part 7, an individual who ceases to be a director,

partner or shareholder in, or to share in the profits of, a Singapore law practice, Joint Law Venture, Qualifying Foreign Law Practice or licensed foreign law practice after the commencement of disciplinary proceedings against the individual;

“relevant legal officer” means —

- (a) a Legal Service Officer; or
- (b) a legal officer of such statutory body or law office in the public service as the Minister may prescribe by rules in the *Gazette*;

“remedial measure” means a remedial measure prescribed by rules made under section 97A for the purposes of Part 7;

“representative office” means an office set up in Singapore by a foreign law practice to carry out only liaison or promotional work for the foreign law practice, without providing legal services in Singapore;

“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 16;

“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;

“Senate” means the Senate of the Academy established under section 5 of the Singapore Academy of Law Act 1988;

“Singapore law practice” means —

- (a) a law firm;
- (b) a limited liability law partnership; or
- (c) a law corporation;

“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;

“wholly-owned subsidiary of the Society” includes a company limited by guarantee the sole member of which is the Society.

[20/2009; 8/2011; 40/2014; 22/2018; 40/2019]

(2) For the purposes of the definition of “qualified person” in subsection (1), the Minister may, after consulting the Board of Directors of the Institute, make rules to prescribe the qualifications, education and training for, and any other requirements that must be satisfied by, persons seeking to be qualified persons under this Act.

[8/2011]

(3) Without limiting 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 Institute 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 Institute; and
- (e) include such incidental, supplementary or transitional provisions as may be necessary or expedient.

[8/2011]

(4) References to an employee of a solicitor or law firm or law corporation or limited liability law partnership are to 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 are to be construed accordingly, in the following provisions:

- (a) sections 78, 140, 141, 142, 155, 156, 157 and 159;
- (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.

[40/2014]

(5) In the definition of “specified person” in section 79(2), a reference to a member of a law firm is to 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,

do not include a reference to a limited liability partnership.

[40/2014]

PART 1A

DIRECTOR OF LEGAL SERVICES

Appointment of Director of Legal Services

2A.—(1) The Minister may appoint a Director of Legal Services —

- (a) to administer Parts 4A and 9A; and
- (b) to perform such other functions and duties as the Minister may assign to the Director of Legal Services by notification in the *Gazette*.

[40/2014]

(2) The functions, duties and powers of the Director of Legal Services under this Act may be performed, discharged and exercised

by any public officer who is authorised by the Director of Legal Services to do so.

[40/2014]

Investigation of law practice entity by Director of Legal Services

2B.—(1) The Director of Legal Services may, on his or her own motion or upon receiving any complaint, conduct such investigation as he or she considers necessary or expedient to ascertain whether any law practice entity has breached or contravened any requirement, condition, direction, guideline or undertaking under Part 9A or any subsidiary legislation made under that Part.

[40/2014]

(2) The Director of Legal Services may appoint an investigator to conduct an investigation under subsection (1).

[40/2014]

Power to require documents or information

2C.—(1) For the purposes of an investigation under section 2B(1), the Director of Legal Services or an investigator may, by written notice to any person, require that person to produce any specified document, or to provide any specified information, which the Director of Legal Services or investigator (as the case may be) considers to be relevant to the investigation.

[40/2014]

(2) A notice under subsection (1) must —

- (a) indicate the subject matter and purpose of the investigation; and
- (b) provide information on the nature of an offence under section 2G, and the nature of an offence under section 2H.

[40/2014]

(3) The Director of Legal Services or investigator may specify in the notice —

- (a) the time and place at which any document is to be produced or any information is to be provided; and

- (b) the manner and form in which it is to be produced or provided.

[40/2014]

(4) The power under this section to require a person to produce a document includes the power —

- (a) if the document is produced —
- (i) to take copies of it or extracts from it; and
 - (ii) to require that person, or any present or past officer or employee of that person, to provide an explanation of the document; or
- (b) if the document is not produced — to require that person to state, to the best of that person’s knowledge and belief, where it is.

[40/2014]

(5) In subsection (1), “specified” means —

- (a) specified, or described, in the notice; or
- (b) falling within a category which is specified, or described, in the notice.

[40/2014]

Power to enter premises under warrant

2D.—(1) The court may, on the application of the Director of Legal Services or an investigator, issue a warrant, if the court is satisfied that there are reasonable grounds for suspecting that there is, on any premises —

- (a) any document which has not been produced as required under section 2C; or
- (b) any equipment or article in which is stored in electronic form any information which has not been provided as required under section 2C.

[40/2014]

(2) A warrant under this section authorises a named officer to do all or any of the following:

- (a) to enter the premises specified in the warrant, using such force as is reasonably necessary for the purpose;
- (b) to search any person on the premises, if there are reasonable grounds for believing that the person has in the person's possession any document, equipment or article mentioned in subsection (1);
- (c) to search the premises and take copies of, or extracts from, any document mentioned in subsection (1);
- (d) to take possession of any document mentioned in subsection (1), if —
 - (i) such action appears to be necessary for preserving the document or preventing interference with it; or
 - (ii) it is not reasonably practicable to take copies of the document on the premises;
- (e) to take any other step which appears to be necessary for the purpose mentioned in paragraph (d)(i);
- (f) to require any person on the premises to provide an explanation of any document mentioned in subsection (1) or to state, to the best of the person's knowledge and belief, where it may be found;
- (g) to require any information mentioned in subsection (1) which is stored in electronic form and accessible from the premises to be produced in a form which —
 - (i) can be taken away; and
 - (ii) is visible and legible;
- (h) to remove from the premises for examination any equipment or article mentioned in subsection (1).

[40/2014]

(3) A woman may be searched pursuant to a warrant under this section only by another woman and with strict regard to decency.

[40/2014]

(4) Where possession of any document is taken pursuant to a warrant issued under this section, the named officer may, at the

request of the person from whom possession of the document was taken, provide that person with a copy of the document.

[40/2014]

(5) A named officer may allow any equipment or article, which may be removed from any premises for examination pursuant to a warrant issued under this section, to be retained on the premises subject to such conditions as the named officer may require.

[40/2014]

(6) Any person who fails to comply with any condition imposed under subsection (5) shall be guilty of an offence.

[40/2014]

(7) A warrant issued under this section —

(a) must —

(i) indicate the subject matter and purpose of the investigation; and

(ii) provide information on the nature of an offence under section 2G, and the nature of an offence under section 2H; and

(b) continues in force until the end of the period of one month beginning on the day on which it is issued.

[40/2014]

(8) The powers conferred by this section must not be exercised except upon production of a warrant issued under this section.

[40/2014]

(9) Any person entering any premises by virtue of a warrant under this section may take with him or her such equipment as appears to the person to be necessary.

[40/2014]

(10) If there is no one at the premises when the named officer proposes to execute a warrant under this section, the named officer must, before executing it —

(a) take such steps as are reasonable in all the circumstances to inform the occupier of the intended entry; and

(b) if the occupier is informed, give the occupier or the occupier’s legal or other representative a reasonable opportunity to be present when the warrant is executed.

[40/2014]

(11) If the named officer is unable to inform the occupier of the intended entry, the named officer must, when executing the warrant, leave a copy of it in a prominent place on the premises.

[40/2014]

(12) On leaving any premises which the named officer has entered by virtue of a warrant under this section, the named officer must, if the premises are unoccupied or the occupier is temporarily absent, leave them as effectively secured as the named officer found them.

[40/2014]

(13) Any document of which possession is taken pursuant to a warrant issued under this section may be retained for a period of 3 months.

[40/2014]

(14) In this section —

“court” means the General Division of the High Court, a District Court or a Magistrate’s Court;

“named officer” means a person named in the warrant, being —

(a) the Director of Legal Services; or

(b) an investigator;

“occupier”, in relation to any premises, means a person whom a named officer reasonably believes is the occupier of those premises.

[40/2014; 40/2019]

Cooperation between Director of Legal Services and Attorney-General, Registrar, Institute, Council or Society, etc.

2E.—(1) Despite any written law or rule of law, the Director of Legal Services may —

(a) furnish any information in his or her possession to the Attorney-General, the Registrar, the Institute, the Council or the Society, if the information is required by, and for the

performance of any of the functions of, the Attorney-General, Registrar, Institute, Council or Society, as the case may be; and

- (b) provide such other assistance to the Attorney-General, the Registrar, the Institute, the Council or the Society as will facilitate the performance of any of the functions of the Attorney-General, Registrar, Institute, Council or Society, as the case may be.

[40/2014]

(2) Despite any written law or rule of law, the Attorney-General, the Registrar, the Institute, the Council and the Society may each —

- (a) furnish any information in the possession of the Attorney-General, Registrar, Institute, Council or Society (as the case may be) to the Director of Legal Services, if the information is required by him or her for the performance of any of his or her functions; and
- (b) provide such other assistance to the Director of Legal Services as will facilitate the performance of any of his or her functions.

[40/2014]

(3) Despite any written law or rule of law, the Director of Legal Services may —

- (a) furnish any information in his or her possession to a ministry or department of the Government, an organ of State or a statutory board, if the information is required by, and for the performance of any of the functions of, the ministry or department, organ of State or statutory board (as the case may be); and
- (b) provide such other assistance to a ministry or department of the Government, an organ of State or a statutory board as will facilitate the performance of any of the functions of the ministry or department, organ of State or statutory board (as the case may be).

[40/2014]

(4) Despite any written law or rule of law, a ministry or department of the Government, an organ of State or a statutory board may —

- (a) furnish any information in the possession of the ministry or department, organ of State or statutory board (as the case may be) to the Director of Legal Services, if the information is required by him or her for the performance of any of his or her functions; and
- (b) provide such other assistance to the Director of Legal Services as will facilitate the performance of any of his or her functions.

[40/2014]

Power to require law practice entity to provide information

2F. The Director of Legal Services may, for the purposes of carrying out his or her functions under this Act or compiling statistics on law practice entities, require any law practice entity, or any director or partner of any law practice entity, to provide such information relating to that law practice entity as the Director of Legal Services may require.

[40/2014]

Refusal to provide information, etc.

2G.—(1) Any person who fails to comply with a requirement imposed on the person under section 2C, 2D or 2F shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

[40/2014]

(2) If a person is charged with an offence under subsection (1) in respect of a requirement to produce a document, it is a defence for the person to prove that —

- (a) the document was not in the person's possession or under the person's control; and
- (b) the person had a reasonable excuse for failing to comply with the requirement.

[40/2014]

(3) If a person is charged with an offence under subsection (1) in respect of a requirement —

- (a) to provide information;

(b) to provide an explanation of a document; or

(c) to state where a document is to be found,

it is a defence for the person to prove that the person had a reasonable excuse for failing to comply with the requirement.

[40/2014]

(4) Failure to comply with a requirement imposed under section 2C is not an offence if the person imposing the requirement has failed to act in accordance with that section.

[40/2014]

Destroying or falsifying documents

2H. Any person who, having been required to produce a document under section 2C or 2D —

(a) intentionally or recklessly destroys or otherwise disposes of it, falsifies it or conceals it; or

(b) causes or permits its destruction, disposal, falsification or concealment,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

[40/2014]

Protection from personal liability

2I.—(1) No liability shall be incurred by the Director of Legal Services, any authorised public officer, any investigator or any other person acting under the direction of the Director of Legal Services for anything done (including any statement made) or omitted to be done with reasonable care and in good faith in the execution or purported execution of any function, duty or power of the Director of Legal Services, authorised public officer, investigator or other person (as the case may be) under this Act.

[40/2014]

(2) In this section, “authorised public officer” means a public officer who is authorised by the Director of Legal Services under

section 2A(2) to perform, discharge or exercise any function, duty or power of the Director of Legal Services.

[40/2014]

PART 2

SINGAPORE INSTITUTE OF LEGAL EDUCATION

Establishment of Institute

3.—(1) A body called the Singapore Institute of Legal Education is established.

[8/2011]

(2) The Institute is 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 perform any other acts that bodies corporate may by law perform.

[8/2011]

Functions and powers of Institute

4.—(1) The functions of the Institute are as follows:

- (a) to maintain and improve the standards of legal education in Singapore and, in particular, to make recommendations to the appropriate authorities on the training and education required for the qualification of persons as qualified persons, and to review the implementation of initiatives, programmes and curricula relating to legal education in Singapore, including diploma, undergraduate and postgraduate programmes, and continuing professional development;
- (b) to register qualified persons seeking admission as advocates and solicitors;
- (c) to provide for the training, education and examination, by the Institute or by any other body, of —

- (i) qualified persons intending to practise the profession of law in Singapore; and
 - (ii) foreign lawyers intending to be registered under section 36B;
 - (d) to exercise supervision over practice trainees during their practice training periods;
 - (e) to exercise supervision over Singapore law practices and relevant legal officers as regards the supervised training in relation to the practice of Singapore law that is to be provided to a practice trainee during the practice training period;
 - (f) to certify whether any degree conferred by any institution of higher learning in or outside Singapore is a qualification prescribed by any rules made under section 2(2);
 - (g) to grant prizes and scholarships, and to establish and subsidise lectureships in educational institutions, in subjects of study relating to law;
 - (h) to determine the requirements relating to continuing professional development that must be satisfied by —
 - (i) advocates and solicitors; and
 - (ii) foreign lawyers registered under section 36B;
 - (i) to coordinate and exercise supervision over continuing professional development for the legal profession in Singapore, including the provision of courses and materials relating to continuing professional development;
 - (j) to facilitate the development of Singapore as an international centre for legal education.
- [8/2011; 40/2014]*
- (2) In addition to the powers conferred by the other provisions of this Act, the Institute may —
- (a) purchase or lease any land or building required for any of the purposes of the Institute;

- (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 donations and gifts from the Academy, the Society or any other source;
- (d) borrow money, whether by way of bank overdraft or otherwise, for such of the purposes of the Institute as it may from time to time consider desirable;
- (e) invest the moneys and funds of the Institute in accordance with the standard investment power of statutory bodies as defined in section 33A of the Interpretation Act 1965;
- (f) 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;
- (g) exercise such powers as may be conferred upon the Institute by this Act or any other written law; and
- (h) do all things that are necessary, incidental or conducive to carry into effect the functions of the Institute.

[8/2011]

Board of Directors of Institute

5.—(1) The management of the affairs of the Institute and its property is vested in a Board of Directors.

[8/2011]

(2) The Board of Directors of the Institute may perform all such functions, and exercise all such powers, of the Institute as the Board thinks fit.

[8/2011]

(3) The Board of Directors of the Institute consists of the following members:

- (a) the Attorney-General;
- (b) the president of the Society;

- (c) the Dean of the Faculty of Law of the National University of Singapore;
- (d) the Dean of the School of Law of the Singapore Management University;
- (da) the Dean of the School of Law of the Singapore University of Social Sciences;
- (e) not less than 8 and not more than 12 other members, all of whom must be appointed by the president of the Academy, after consulting the Senate, for such period and on such terms and conditions as the president of the Academy may determine.

[8/2011; 16/2016; 30/2017]

(4) The president of the Academy must, after consulting the Senate, appoint the Chairperson of the Institute, from the members of the Board of Directors of the Institute, for such period and on such terms and conditions as the president of the Academy may determine.

[8/2011]

(5) The Senate may, after consulting the Board of Directors of the Institute, give such directions, not inconsistent with the provisions of this Act, to the Institute as to the performance of the Institute's functions and the exercise of the Institute's powers.

[8/2011]

(6) The Institute must give effect to every direction of the Senate under subsection (5).

[8/2011]

Appointment of Dean of Institute, officers and employees

6.—(1) The Board of Directors of the Institute must, after consulting the president of the Academy, appoint a Dean of the Institute on such terms and conditions as the Board may determine.

[8/2011]

(2) The Dean of the Institute —

- (a) is responsible to the Board of Directors of the Institute for the proper administration and management of the functions and affairs of the Institute in accordance with the policy laid down by the Board; and

- (b) must not be removed from office without the consent of the president of the Academy.

[8/2011]

(3) The Institute may, from time to time, appoint and employ, on such terms and conditions as the Board of Directors of the Institute may determine, such other officers and employees as may be necessary for the effective performance of the Institute's functions under this Act or any other written law.

[8/2011]

Appointment of committees and delegation

7.—(1) The Board of Directors of the Institute may appoint, from among the members of the Board or from other persons, such number of committees as the Board thinks fit for purposes which, in the opinion of the Board, would be more expediently carried out or managed by means of such committees.

[8/2011]

(2) The Board of Directors of the Institute may, subject to such conditions or restrictions as the Board thinks fit, delegate any function or power that may be performed or exercised by the Board under this Act or any other written law, except the power of delegation conferred by this section and the power to make subsidiary legislation, to —

- (a) the Chairperson of the Institute or any other member of the Board;
- (b) the Dean of the Institute, or any other officer or employee of the Institute; or
- (c) any committee appointed under subsection (1).

[8/2011]

(3) Any function or power delegated under subsection (2) to any person or committee may be performed or exercised by that person or committee in the name and on behalf of the Institute.

[8/2011]

(4) No delegation under this section prevents the performance or exercise of any function or power by the Board of Directors of the Institute.

[8/2011]

Meetings of Board of Directors of Institute

8.—(1) The Board of Directors of the Institute may meet at such times and places as the Board, or the Chairperson of the Institute, may determine.

[8/2011]

(2) A member of the Board of Directors of the Institute may participate in a meeting of the Board through such means of communication (such as over the telephone or through a live audio, live video or live television link) as the Board may determine.

[8/2011]

(3) A member of the Board of Directors of the Institute who participates in a meeting of the Board in accordance with subsection (2) is deemed to be present at the meeting.

[8/2011]

(4) A majority of the members of the Board of Directors of the Institute constitutes a quorum for any meeting of the Board.

[8/2011]

(5) All questions arising at any meeting of the Board of Directors of the Institute are to be decided by a majority of the votes of the members present.

[8/2011]

(6) At any meeting of the Board of Directors of the Institute, the Chairperson of the Institute has a deliberative vote and, in the event of an equality of votes, has a casting vote.

[8/2011]

(7) The Board of Directors of the Institute may regulate its own procedure and, in particular, the holding of meetings, the notice to be given of meetings, the proceedings thereat and the keeping of minutes and the custody, production and inspection of those minutes.

[8/2011]

(8) The validity of the proceedings of the Board of Directors of the Institute is not affected by any vacancy among its members or by any irregularity in the appointment of any member.

[8/2011]

Passing of resolution of Board of Directors of Institute by written means

9.—(1) Despite section 8, the Board of Directors of the Institute may pass any resolution of the Board by written means.

[8/2011]

(2) A resolution of the Board of Directors of the Institute is passed by written means if it has been formally agreed, in such manner as the Board may determine, on any date by a majority of the members of the Board.

[8/2011]

(3) Any reference in this Act or any other law to a decision of the Board of Directors of the Institute includes a reference to a resolution of the Board passed by written means.

[8/2011]

(4) Any reference in this Act or any other law to the doing of anything by the Board of Directors of the Institute includes a reference to the passing of a resolution of the Board by written means which authorises the doing of that thing.

[8/2011]

Rules relating to legal education, continuing professional development and admission of advocates and solicitors

10.—(1) Subject to the provisions of this Part, Part 2A and section 25(1)(ca), the Board of Directors of the Institute may, after consulting the Minister and the Council, make rules for giving effect to this Part, Part 2A and section 25(1)(ca).

[8/2011; 3/2012]

(2) Without limiting subsection (1), the Board of Directors of the Institute may, after consulting the Minister and the Council, make rules —

- (a) with respect to the supervised training in relation to the practice of Singapore law which a practice trainee must receive before he or she can be admitted as an advocate and solicitor;
- (b) to prescribe the duration of the practice training period applicable to a practice trainee (including different durations for different classes of practice trainees), and

to regulate the manner in which a practice trainee is to serve his or her practice training period;

- (c) to prescribe the courses of instruction which a qualified person must attend and satisfactorily complete before the qualified person can be admitted as an advocate and solicitor, the conditions for entry to such a course and the subjects in such a course, and to regulate the conduct of a qualified person while attending such a course (including through disciplinary measures for any misconduct);
- (d) to prescribe the examinations which a qualified person must pass before the qualified person can be admitted as an advocate and solicitor and the conditions for sitting for such an examination, and to regulate the conduct of a qualified person during such an examination (including through disciplinary measures for any misconduct);
- (e) to provide for the courses of instruction which a foreign lawyer must attend and satisfactorily complete before the foreign lawyer can be registered under section 36B, including the conditions for entry to such a course and the subjects in such a course, and to regulate the conduct of a foreign lawyer while attending such a course (including through disciplinary measures for any misconduct);
- (f) to provide for the examinations which a foreign lawyer must pass before the foreign lawyer can be registered under section 36B, including the conditions for sitting for such an examination, and to regulate the conduct of a foreign lawyer during such an examination (including through disciplinary measures for any misconduct);
- (g) to prescribe the procedure by which a qualified person is admitted as an advocate and solicitor of the Supreme Court;
- (h) to prescribe the forms to be used and the fees to be paid for the purposes of this Part, Part 2A, section 25(1)(ca) and any rules made under subsection (1) or this subsection;

- (i) to prescribe the requirements relating to continuing professional development that must be satisfied by advocates and solicitors and by foreign lawyers registered under section 36B (including different requirements for different classes thereof), and the measures which may be taken to verify whether those requirements have been complied with and to enforce compliance with those requirements; and
- (j) to provide for the waiver of any requirement referred to in paragraph (i), in relation to any advocate and solicitor or foreign lawyer referred to in that paragraph, by such person or persons as the Board of Directors of the Institute may appoint.

[8/2011; 3/2012; 40/2014; 16/2016]

(2A) The Board of Directors of the Institute may, after consulting the Minister, make rules —

- (a) to provide for the courses mentioned in section 2(3)(c), including the conditions for entry to such a course and the subjects in such a course, and to regulate the conduct of a person while attending such a course (including through disciplinary measures for any misconduct);
- (b) to provide for the tests and examinations mentioned in section 2(3)(c), including the conditions for sitting for any such test or examination, and to regulate the conduct of a person during any such test or examination (including through disciplinary measures for any misconduct); and
- (c) to prescribe the forms to be used and the fees to be paid for the purposes of any rules made under this subsection.

[16/2016]

(3) Disciplinary proceedings may be taken against any advocate and solicitor, or foreign lawyer registered under section 36B, who contravenes any rules made under this section.

[3/2012; 40/2014]

Protection from personal liability

10A. No liability shall be incurred by the Board of Directors of the Institute, the Chairperson of the Institute or any other member of the Board, the Dean of the Institute, or any other officer or employee of the Institute, any committee appointed under section 7(1) or any member of any such committee, or any other person acting under the direction of the Institute, as a result of anything done (including any statement made) or omitted to be done with reasonable care and in good faith in the execution or purported execution of the Institute's functions under this Act or any other written law.

[3/2012]

Dissolution of Board of Legal Education and transfer to Institute of property, existing contracts, etc.

11.—(1) As from 3 May 2011, the Board of Legal Education is dissolved, and all movable and immovable property vested in the Board of Legal Education and all assets, interests, rights, privileges, liabilities and obligations of the Board of Legal Education are transferred to and vest in the Institute without further assurance, act or deed.

[8/2011]

(2) Without affecting subsection (8), all proceedings in respect of the transferred property, assets, interests, rights, privileges, liabilities and obligations by or against the Board of Legal Education which are pending on 3 May 2011 may be continued, completed and enforced by or against the Institute.

[8/2011]

(3) Every agreement relating to any of the transferred property, assets, interests, rights, privileges, liabilities and obligations to which the Board of Legal Education was a party immediately before 3 May 2011, whether or not of such nature that the rights and liabilities thereunder could be assigned, has effect as from that date as if —

- (a) the Institute had been a party to the agreement; and
- (b) for every reference to the Board of Legal Education, there was substituted, in respect of anything to be done on or after 3 May 2011, a reference to the Institute.

[8/2011]

(4) All contracts, agreements, conveyances, deeds, leases, guarantees, bonds, indemnities, instruments, undertakings, schemes and arrangements subsisting immediately before 3 May 2011 to which the Board of Legal Education is a party continue in force on and after that date and are enforceable by or against the Institute as if the Institute had been named therein or had been a party thereto instead of the Board of Legal Education.

[8/2011]

(5) As from 3 May 2011, all persons who, immediately before that date, were employed by the Board of Legal Education are transferred to the service of the Institute on terms no less favourable than those enjoyed by them immediately prior to their transfer.

[8/2011]

(6) Where, on 3 May 2011, any disciplinary proceedings were pending against any employee of the Board of Legal Education transferred to the service of the Institute, the proceedings are to be carried on and completed by the Institute.

[8/2011]

(7) The Institute may reprimand, reduce in rank, retire, dismiss or punish in some other manner any transferred employee who had, while he or she was in the employment of the Board of Legal Education, been guilty of any misconduct or neglect of duty which would have rendered him or her liable to be reprimanded, reduced in rank, retired, dismissed or punished in some other manner if he or she had continued to be in the employment of the Board of Legal Education.

[8/2011]

(8) Without affecting subsection (2), all proceedings or causes of action pending or existing immediately before 3 May 2011 by or against the Board of Legal Education may be continued, completed and enforced by or against the Institute.

[8/2011]

(9) As from 3 May 2011, the Institute may issue any certificate or other document which could have been issued by the Board of Legal Education.

[8/2011]

(10) The operation of this section is not to be regarded —

- (a) as a breach of contract or confidence or otherwise as a civil wrong;
- (b) as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets or liabilities; or
- (c) as giving rise to any remedy by a party to a legal instrument, or as causing or permitting the termination of any legal instrument, because of a change in the beneficial or legal ownership of any asset or liability.

[8/2011]

(11) The operation of this section is not to be regarded as an event of default under any contract or other legal instrument.

[8/2011]

(12) Any provision in any existing contract, agreement, conveyance, deed, lease, guarantee, bond, indemnity and other instrument or undertaking to which the Board of Legal Education is a party or may be bound prohibiting or having the effect of prohibiting the transfer of any property, asset, interest, right, privilege, liability or obligation transferred to the Institute under this section is deemed by this section to have been waived.

[8/2011]

(13) Any provision in any existing contract, agreement, conveyance, deed, lease, guarantee, bond, indemnity and other instrument or undertaking to which the Board of Legal Education is a party or may be bound conferring on the other party or parties thereto any right of first refusal or pre-emption rights in respect of any property, asset, interest, right, privilege, liability or obligation to be transferred by reason of or arising from, or to the effect that a default occurs or is deemed to occur as a result of, the transfer or intended transfer of the property, asset, interest, right, privilege, liability or obligation under this section is deemed by this section to have been waived.

[8/2011]

(14) No attornment to the Institute by a lessee from the Board of Legal Education is required.

[8/2011]

PART 2A

ADMISSION OF ADVOCATES AND SOLICITORS

Admission as advocate and solicitor of Supreme Court

12.—(1) Subject to the provisions of this Act (including any rules made under this section or section 2(2), 10 or 14), the court may, in its discretion, admit any qualified person as an advocate and solicitor of the Supreme Court.

[8/2011]

(2) Any qualified person who applies to be admitted under this section must —

- (a) do so in accordance with, and comply with all applicable requirements of, any rules made under section 10(2)(g); and
- (b) if he or she belongs to such class of qualified persons as the Minister may prescribe under subsection (6), do so within such time as the Minister may prescribe under that subsection.

[8/2011]

(3) The court must not admit under this section any qualified person who is required, but fails, to comply with subsection (2)(b).

[8/2011]

(4) The Attorney-General, the Society and the Institute are entitled to object to any application under subsection (2).

[8/2011]

(5) Any other person who has filed and served a notice of objection in relation to an application under subsection (2), in accordance with any rules made under section 10(2)(g), is entitled to object to that application.

[8/2011]

(6) The Minister may, after consulting the Board of Directors of the Institute, make rules to prescribe —

- (a) the classes of qualified persons to whom subsection (2)(b) applies; and

- (b) in respect of each such class of qualified persons, the time within which a qualified person belonging to that class must make the application under subsection (2).

[8/2011]

Requirements for admission

13.—(1) Subject to any rules made under section 14, a qualified person must not be admitted as an advocate and solicitor unless he or she —

- (a) has attained 21 years of age;
- (b) is of good character;
- (c) has satisfactorily served the practice training period applicable to him or her;
- (d) has attended and satisfactorily completed such courses of instruction as the Board of Directors of the Institute may prescribe under section 10; and
- (e) has passed such examinations as the Board of Directors of the Institute may prescribe under section 10.

[8/2011]

(2) A person who is a qualified person by reason of his or her having passed the final examination for a law degree in any institution of higher learning pursuant to any rules made under section 2(2) must not be admitted as an advocate and solicitor before the law degree is conferred upon him or her.

[8/2011]

Powers of Minister in relation to admission requirements

14.—(1) Upon an application made to the Minister by any person who is not otherwise entitled to be a qualified person, the Minister may, in his or her discretion, if the Minister is of the opinion that the person 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 —

- (a) approve the person as a qualified person for the purposes of this Act, subject to any conditions that the Minister may think fit to impose; and

(b) issue to the person a written notice to that effect.

[8/2011]

(2) Where any qualification conferred by an institution of higher learning is a qualification prescribed under section 2(2), and an application is made to the Minister by any person who possesses any equivalent qualification conferred by that institution of higher learning, the Minister may, after consulting the Board of Directors of the Institute —

(a) deem that equivalent qualification to be the prescribed qualification, subject to any conditions that the Minister may think fit to impose; and

(b) issue to that person a written notice to that effect.

[8/2011]

(3) Upon an application made to the Minister by any person who possesses any qualification that is recognised, by a foreign authority having the function conferred by law of authorising or registering persons to practise law in a state or territory other than Singapore, as a qualification required for eligibility to practise law in that state or territory, the Minister may, after consulting the Board of Directors of the Institute and if the Minister is of the opinion that the person's qualification is equivalent to any qualification prescribed under section 2(2) —

(a) deem the person's qualification to be a qualification that is so prescribed, subject to any conditions that the Minister may think fit to impose; and

(b) issue to the person a written notice to that effect.

[8/2011]

(4) The Minister may, after consulting the Board of Directors of the Institute, make rules (called in this subsection the relevant rules) for —

(a) the exemption of any qualified person who satisfies, or any class of qualified persons each of whom satisfies, such requirements as may be prescribed in the relevant rules from all or any, and from the whole or any part of any, of the requirements under section 13(1)(c), (d) and (e) and any rules made under section 10(2)(a), (b), (c) and (d); and

- (b) the abridgment of the practice training period applicable to any qualified person who satisfies, or any class of qualified persons each of whom satisfies, such requirements as may be prescribed in the relevant rules.

[8/2011]

(5) Without affecting subsection (4), upon an application made to the Minister by any qualified person, the Minister may —

- (a) exempt the qualified person from all or any, and from the whole or any part of any, of the requirements under section 13(1)(c), (d) and (e) and any rules made under section 10(2)(a), (b), (c) and (d); or
- (b) abridge the practice training period applicable to a qualified person,

if the Minister is of the opinion that the qualified person is, by reason of his or her standing and experience or for any other cause, a fit and proper person to be so exempted or to have his or her practice training period abridged, as the case may be.

[8/2011]

(6) An exemption or abridgment granted to a person under subsection (5) —

- (a) may be subject to any conditions that the Minister may think fit to impose by written notice to the person;
- (b) must be notified in writing to the person; and
- (c) need not be published in the *Gazette*.

[8/2011]

(7) The Minister may, after consulting the Board of Directors of the Institute, make rules to provide for —

- (a) the payment of fees for —
- (i) any application made to the Minister under this section or under any rules made under section 2(2) or 12(6) or subsection (4); and
- (ii) any matter related or incidental to any such application; and

(b) all other matters related thereto.

[8/2011]

Ad hoc admissions

15.—(1) Despite anything to the contrary in this Act, the court may, for the purpose of any one case, admit to practise as an advocate and solicitor any person who —

(a) holds —

(i) Her Majesty's Patent as Queen's Counsel; or

(ii) any appointment of equivalent distinction of any jurisdiction;

(b) does not ordinarily reside in Singapore or Malaysia, but 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.

[8/2011; 3/2012]

(2) The court must not admit a person under this section in any case involving any area of legal practice prescribed under section 10 for the purposes of this subsection, unless the court is satisfied that there is a special reason to do so.

[8/2011; 3/2012]

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

[8/2011]

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

[8/2011]

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

[8/2011]

(6) Before admitting a person under this section, the court is to have regard to the views of each of the persons served with the application.
[8/2011]

(6A) The Chief Justice may, after consulting the Supreme Court Judges, by notification in the *Gazette*, specify the matters that the court may consider when deciding whether to admit a person under this section.

[3/2012; 40/2019]

(7) The Registrar must, on payment of the fee prescribed under section 189 for the purposes of this subsection, 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.

[8/2011; 40/2014]

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

[8/2011]

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

[8/2011]

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

[8/2011]

Roll of advocates and solicitors

16.—(1) The Registrar must maintain a roll of advocates and solicitors with the dates of their respective admissions.

[8/2011]

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

[8/2011]

(3) Every person admitted as an advocate and solicitor must pay the fee prescribed under section 189 for the purposes of this subsection, and the Registrar must deliver to him or her an instrument of

admission signed by the Chief Justice or the Judge who admitted the applicant.

[8/2011; 40/2014]

(4) If, at any time after the admission of any person as an advocate and solicitor, it is shown to the satisfaction of the court that any application, affidavit, certificate or other document filed by the person 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 person must be struck off the roll.

[8/2011]

(5) This section does not apply to persons admitted under section 15.

[8/2011]

Extension or abridgment of time

17. Without limiting section 18(2) of, and item 7 of the First Schedule to, the Supreme Court of Judicature Act 1969, the court may, at any time and on such terms as it thinks just, by order extend or abridge the time prescribed for anything under any rules made under section 10(2)(g).

[8/2011; 22/2018]

18. to 24. [*Repealed by Act 8 of 2011*]

PART 3

PRACTISING CERTIFICATES

Practising certificates

25.—(1) Every solicitor must, in every year before he or she 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 and manner as the Registrar may require, the application to be accompanied by —

(a) a declaration in writing stating —

(i) his or her full name;

(ii) in a case where he or she is practising or intends to practise in a Singapore law practice, the name of the

Singapore law practice in which he or she is or will be practising;

- (iii) in a case where he or she is registered under section 36E to practise Singapore law, and is practising or intends to practise Singapore law, in a Joint Law Venture or its constituent foreign law practice, a Qualifying Foreign Law Practice or a licensed foreign law practice, the name of each Joint Law Venture and foreign law practice in which he or she is or will be practising;
 - (iv) the principal address, and every other address in Singapore, of each Singapore law practice, Joint Law Venture and foreign law practice in which he or she will be practising;
 - (v) that he or she is not disqualified under section 26(1) from applying for a practising certificate; and
 - (vi) in a case where he or she is applying for a practising certificate to practise as a locum solicitor, that he or she is not disqualified under section 26(1A) from applying for such a practising certificate;
- (b) a declaration in writing stating —
- (i) that he or she has paid, or has made arrangements to pay, all subscriptions and levies, and all contributions to the Compensation Fund, lawfully due to the Society under sections 46 and 75;
 - (ii) that he or she has complied with or is exempt from the rules relating to professional indemnity made under section 75A;
 - (iii) if he or she has been ordered by the Council to pay any penalty under Part 7, that he or she has paid the penalty;
 - (iv) if he or she has been ordered by any court of law in Singapore or elsewhere to pay any sum to the

Council or the Society, that he or she has paid the sum; and

- (v) that he or she has complied with such requirements as may be prescribed by the Council in any rules made under section 59(1)(aa);
- (c) a declaration in writing stating that he or she has paid, or has made arrangements to pay, all moneys, contributions and subscriptions payable by him or her under the Singapore Academy of Law Act 1988 and any rules made thereunder;
- (ca) a declaration in writing in such form and containing such statements as may be prescribed by the Institute under section 10 for the purposes of this paragraph;
- (d) such accountant's report as may be required under section 73 or a certificate from the Council stating that owing to the circumstances of his or her case such a report is unnecessary; and
- (e) the prescribed fee.

[8/2011; 3/2012; 40/2014]

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

[40/2014]

(2A) A practising certificate issued under subsection (2) does 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 must be signed or approved by the Registrar and, subject to sections 26(9) and 27B, is in force from the date of issue to the end of the year.

(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 expires immediately and the date of the expiry must be entered by the Registrar in the register of practitioners.

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

(6) In this section, “year” means the period from 1 April in any calendar year to 31 March in the next 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 or her practice;
- (b) any condition that applies 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 the training must be completed.

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

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

25A.—(1) This section applies 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 or her conduct in his or her practice of law;
- (f) who has been found guilty of misconduct in any other professional capacity;
- (fa) whose fitness to practise has been determined under section 25C to be impaired by reason of his or her physical or mental condition, or who, having been ordered by a Judge to submit to a medical examination under section 25C to be conducted within such period as the Judge may specify in the order, fails to do so;
- (g) whom the Attorney-General or the Council is satisfied is incapacitated by illness or accident, or by the solicitor's physical or mental condition, to such extent as to be unable to attend to his or her 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 or any of the rules made under section 73D of the Conveyancing and Law of Property Act 1886.

[17/2011]

(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.

[40/2014]

(2A) [*Deleted by Act 40 of 2014*]

(3) Without limiting 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 the applicant 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) even though they may result in expenditure being incurred by the applicant.

(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), (fa), (g) or (h), the solicitor concerned may, upon proof of a change in the circumstances or for any good cause, inform the Attorney-General or the Council (as the case may be) of the change or good cause.

(5) The Attorney-General or the Council (as the case may be) must, upon being so informed under subsection (4), reconsider 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.

(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 does not thereafter apply in relation to that solicitor by reason of those circumstances.

(7) The Registrar must 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 7 by reason of any such circumstances as are mentioned in subsection (1) have been disposed of.

[40/2014]

Power of Registrar to refuse or suspend practising certificate for non-payment of certain sums

25AA.—(1) This section applies to a solicitor who makes an application for a practising certificate, if he or she fails to pay any of the following when the payment is due:

- (a) the whole or any part of the subscriptions, levies and contributions referred to in his or her declaration under section 25(1)(b)(i) accompanying the application;
- (b) the whole or any part of any penalty referred to in his or her declaration under section 25(1)(b)(iii) accompanying the application;
- (c) the whole or any part of any sum referred to in his or her declaration under section 25(1)(b)(iv) accompanying the application;
- (d) the whole or any part of the moneys, contributions and subscriptions referred to in his or her declaration under section 25(1)(c) accompanying the application;
- (e) the fee referred to in section 25(1)(e) accompanying the application.

[40/2014]

(2) Where the Registrar becomes aware of the solicitor's failure to make the payment mentioned in subsection (1), the Registrar must —

- (a) refuse the solicitor's application for a practising certificate, until the payment is made; or
- (b) if a practising certificate has been issued to the solicitor pursuant to the application, order that the practising certificate be suspended.

[40/2014]

(3) The Registrar must revoke his or her order under subsection (2)(b) when the solicitor makes the payment mentioned in subsection (1).

[40/2014]

Appeals in connection with issue of practising certificates

25B.—(1) A solicitor may, within one month after being notified by the Registrar of the Registrar's decision to do any of the following, appeal to a Judge by originating summons:

- (a) refuse the solicitor's application for a practising certificate under section 25A;
- (b) issue to the solicitor a practising certificate subject to one or more conditions under section 25A;
- (c) refuse the solicitor's application for a practising certificate under section 25AA(2)(a);
- (d) order that the solicitor's practising certificate be suspended under section 25AA(2)(b).

[40/2014]

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

(3) On an appeal against a decision referred to in subsection (1)(a) or (b), 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 of conditions or subject to such conditions as the Judge thinks fit; or
- (c) make any other order as the Judge thinks fit.

[40/2014]

(3A) On an appeal against a decision referred to in subsection (1)(c) or (d), the Judge may —

- (a) affirm the decision of the Registrar;

- (b) in the case of a decision referred to in subsection (1)(c), direct the Registrar to issue a practising certificate to the solicitor;
- (c) in the case of a decision referred to in subsection (1)(d), set aside the Registrar's order under section 25AA(2)(b); or
- (d) make any other order as the Judge thinks fit.

[40/2014]

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

Medical examination required in certain circumstances

25C.—(1) If the Attorney-General or the Council is satisfied that a solicitor's fitness to practise appears to have been impaired by reason of the solicitor's physical or mental condition, the Attorney-General or the Council (as the case may be) may apply to a Judge by originating summons for an order that the solicitor submit to a medical examination.

(2) An application under subsection (1) must be served on the solicitor concerned.

(3) If, on an application under subsection (1), the Judge is of the opinion that the solicitor's fitness to practise appears to have been impaired by reason of the solicitor's physical or mental condition, the Judge is to order the solicitor to submit to a medical examination to be conducted —

- (a) by a registered medical practitioner who meets such criteria as the Judge may, having regard to all the circumstances of the case, specify; and
 - (b) within such period as the Judge may specify in the order.
- (4) The registered medical practitioner must —
- (a) personally examine the solicitor;
 - (b) determine whether the fitness of the solicitor to practise has been impaired by reason of the solicitor's physical or mental condition; and

- (c) submit a report of his or her determination and the reasons for the determination, within 14 days from the date of the medical examination, to the solicitor, the Attorney-General and the Council.

(5) In making the determination under subsection (4), the registered medical practitioner may have regard to —

- (a) his or her own observations;
- (b) the results of any tests carried out on the solicitor; and
- (c) any facts which are communicated to him or her by the Attorney-General, the Council or any other person.

(6) The solicitor must bear all costs of and incidental to his or her medical examination under this section, any tests carried out on him or her for the purposes of the medical examination and the report mentioned in subsection (4)(c).

(7) Without affecting subsections (1) to (6), if the Council is satisfied that a solicitor's fitness to practise appears to have been impaired by reason of the solicitor's physical or mental condition, the Council may direct the solicitor to stop practising until he or she has submitted to a medical examination.

(8) Where the Council has given a solicitor a direction under subsection (7) —

- (a) the Council must, not later than 7 days from the date the direction was given —
 - (i) make an application under subsection (1) in relation to the solicitor; and
 - (ii) serve that application on the solicitor;
- (b) the direction ceases to have effect, if —
 - (i) the Council fails to comply with paragraph (a); or
 - (ii) the application mentioned in paragraph (a) is dismissed;
- (c) the solicitor may, upon proof of a change in the circumstances or for any good cause —

- (i) inform the Council of the change or good cause and request that the Council's direction be rescinded; or
- (ii) apply to a Judge for an order that the Council's direction be set aside, such application to be made —
 - (A) by summons, in a case where the Council has made an application under subsection (1) in relation to the solicitor; or
 - (B) by originating summons, in any other case, and served on the Society; and
- (d) the solicitor must comply with the Council's direction until it ceases to have effect under paragraph (b) or is rescinded by the Council or set aside by a Judge.

Disqualification for practising certificates

26.—(1) A solicitor must not apply for a practising certificate —

(a) unless —

- (i) he or she is practising or intends to practise in a Singapore law practice;
- (ii) he or she is registered under section 36E to practise Singapore law, and is practising or intends to practise Singapore law, in a Joint Law Venture or its constituent foreign law practice, a Qualifying Foreign Law Practice or a licensed foreign law practice; or
- (iii) he or she is practising or intends to practise as a locum solicitor;

(b) [*Deleted by Act 19 of 2008*]

(ba) [*Deleted by Act 19 of 2008*]

(c) [*Deleted by Act 19 of 2008*]

(ca) [*Deleted by Act 19 of 2008*]

(d) if he or she has, for a period of 3 years or more, held office as a Supreme Court Judge, a Judge of the Supreme Court of

Malaysia or a Judge of any High Court in any part of Malaysia;

- (e) if he or she is an undischarged bankrupt;
- (f) if he or she has entered into a composition with his or her creditors or a deed of arrangement for the benefit of his or her creditors;
- (g) if he or she has one or more outstanding judgments against him or her amounting in the aggregate to \$100,000 or more which he or she has been unable to satisfy within 6 months from the date of the earliest judgment; or
- (h) if he or she lacks capacity within the meaning of the Mental Capacity Act 2008 to act as a solicitor.

[21/2008; 40/2014; 40/2019]

(1A) A solicitor must not apply for a practising certificate to practise as a locum solicitor unless he or she 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 in a Singapore law practice; or
 - (ii) been employed as a Legal Service 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.

[20/2009]

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

[40/2019]

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

- (a) a solicitor who is employed by the Society or a wholly-owned subsidiary of the Society, the Institute or any statutory body or law office in the public service;
- (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 or her hand to the person and specifies therein the matters in which the person may appear and plead in courts of law.

[8/2011; 22/2018]

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

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

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

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

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

(9) A practising certificate issued to a solicitor ceases 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
- (c) when the Registrar subsequently issues another practising certificate to the solicitor.

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

[40/2019]

Register of practitioners

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

[8/2011]

(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 or her practising certificate, including as to whether it has ceased to be in force under section 26(9), that solicitor must within one week thereafter notify the Registrar and the Council, and the Registrar must thereupon cause the entry in respect of that solicitor in the register of practitioners to be amended.

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 the solicitor by reason of any such circumstances as are mentioned in section 25A(1) if he or she 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, order that the current practising certificate of the solicitor has effect subject to any conditions that the Judge thinks fit.

[40/2014]

(1A) [*Deleted by Act 40 of 2014*]

(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), (fa), (g) or (h), the solicitor may, upon proof of a change in the circumstances or for any good cause, apply to a Judge by summons for a reconsideration of the matter.

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

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

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

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

Referral to Disciplinary Tribunal 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 —

(a) where the Judge is satisfied that cause of sufficient gravity for disciplinary action against a solicitor exists —

(i) request the Society under section 85(3)(b) to refer the matter to a Disciplinary Tribunal unless the matter had been or is being dealt with under Part 7 or is to be dealt with under section 94A; and

- (ii) order that the solicitor's current practising certificate be suspended; or
- (b) order that a solicitor's current practising certificate be suspended, if —
 - (i) the solicitor's fitness to practise has been determined under section 25C to be impaired by reason of the solicitor's physical or mental condition;
 - (ii) the solicitor, having been ordered by a Judge to submit to a medical examination under section 25C to be conducted within such period as the Judge may specify in the order, fails to do so; or
 - (iii) the Judge is satisfied that the solicitor is incapacitated by illness or accident, or by the solicitor's physical or mental condition, to such extent as to be unable to attend to the solicitor's practice.

[40/2014]

(1A) [*Deleted by Act 40 of 2014*]

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

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

(4) If, in a case where a Judge has made an order under subsection (1)(a)(ii) suspending a solicitor's current practising certificate —

- (a) the Disciplinary Tribunal 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 made against the solicitor under section 98(1) is withdrawn or dismissed; or
- (c) an order has been made under section 98 that the solicitor be struck off the roll, suspended from practice or censured, or that the solicitor pay a penalty,

the suspension of the practising certificate of the solicitor terminates immediately.

(5) Nothing in subsection (4) is to be construed as affecting the power of the court of 3 Supreme Court Judges to suspend a solicitor from practice on an application under section 98(1).

[40/2019]

(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 must 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 the solicitor, that certificate ceases to be in force.

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

Cancellation of practising certificates

28.—(1) The Council may apply to a Judge by originating summons for an order directing the Registrar to cancel a practising certificate issued to a solicitor, if it appears to the Council that —

- (a) the certificate has been issued to the solicitor contrary to the provisions of this Act;
- (b) the accountant's report submitted by the solicitor does not comply with section 73; or
- (c) the certificate has ceased to be in force under section 26(9)(a) or (b), but the solicitor has failed to notify the Registrar and the Council of this in accordance with section 27(3).

[8/2011]

(2) Such an application must be served on the advocate and solicitor concerned and upon the hearing thereof the Judge may make such order as the Judge 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 or she makes a false statement material to the application.

PART 4

PRIVILEGES OF ADVOCATES AND SOLICITORS

Privileges of advocates and solicitors

29.—(1) Subject to the provisions of any written law, advocates and solicitors 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, subject to section 31, have the same rights and privileges without differentiation.

(2) Nothing in subsection (1) affects the right which is hereby declared of —

- (a) the Attorney-General, a Deputy 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, or on behalf of any statutory board pursuant to section 3(1) or 4(1) of the Attorney-General (Additional Functions) Act 2014, 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;
- (c) the Director, a Deputy Director or an Assistant Director of Legal Aid to appear and plead in those courts under the provisions of the Legal Aid and Advice Act 1995 or the International Child Abduction Act 2010; and

- (d) a public officer mentioned in section 3(4)(b) of the Legal Aid and Advice Act 1995 to appear and plead in those courts under the provisions of that Act.

[25/2014; 41/2014; 50/2018]

(3) Despite subsection (1), an advocate and solicitor who practises in a Joint Law Venture or its constituent foreign law practice, a Qualifying Foreign Law Practice or a licensed foreign law practice is not entitled to practise Singapore law except in accordance with Part 4A and any rules made under section 36M.

[40/2014]

Appointment of Senior Counsel

30.—(1) A Selection Committee comprising the Chief Justice, the Attorney-General and the Justices of the Court of Appeal may appoint an advocate and solicitor or a Legal Service 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 or she is deserving of such distinction.

[20/2009; 40/2019]

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

(3) A decision at a meeting of the Selection Committee is to 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 has a casting vote in addition to his or her original vote.

(4) Subject to this section, the Selection Committee may establish its own practice and regulate its own procedure.

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

(a) [*Deleted by Act 19 of 2008*]

(b) being a Legal Service Officer, is dismissed from the Singapore Legal Service;

(c) being a member of the Faculty of Law of the National University of Singapore, the School of Law of the Singapore Management University or the School of Law

of the Singapore University of Social Sciences, is dismissed from the Faculty or School, as the case may be;

- (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) has a mental disorder and becomes incapable of managing himself or herself or his or her affairs;
- (f) is an undischarged bankrupt; or
- (g) enters into a composition with his or her creditors or a deed of arrangement with his or her creditors.

[21/2008; 20/2009; 16/2016; 30/2017]

(5A) The appointment of a Senior Counsel is deemed to be revoked if, upon an application under section 82A(10) or 98(1) —

- (a) the Senior Counsel is suspended from practice or struck off the roll; or
- (b) a court of 3 Supreme Court Judges recommends that the appointment of the Senior Counsel be revoked.

[40/2019]

(6) No person may be appointed as a Senior Counsel unless the person has for an aggregate period of not less than 10 years been an advocate and solicitor or a Legal Service Officer or both.

[20/2009]

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

(8) Any person who, on or after 1 June 2007, holds office as the Attorney-General, a Deputy Attorney-General or the Solicitor-General is deemed, if he or she is not a Senior Counsel, to have been appointed as Senior Counsel under this section on that date or the date on which he or she is appointed Attorney-General, Deputy Attorney-General or Solicitor-General, whichever is the later.

[41/2014]

Order of precedence of Senior Counsel in court

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

[41/2014]

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

Requirements for practice and unauthorised persons

32.—(1) Subject to this Part and Part 4A, a person must not practise as an advocate and solicitor or do any act as an advocate and solicitor unless —

- (a) his or her name is on the roll; and
- (b) he or she has in force a practising certificate.

[40/2014]

(2) For the purposes of this Act, a person is an unauthorised person if —

- (a) his or her name is not on the roll;
- (b) he or she does not have in force a practising certificate; or
- (c) being an advocate and solicitor who practises in a Joint Law Venture or its constituent foreign law practice, a Qualifying Foreign Law Practice or a licensed foreign law practice, he or she practises Singapore law otherwise than in accordance with Part 4A and any rules made under section 36M.

[40/2014]

(3) A Judge may, if he or she thinks fit, on the application of any advocate and solicitor in active practice in a Singapore law practice, allow a qualified person who has served not less than 3 months of his or her practice training period, and who is serving his or her practice training period under a practice training contract with that Singapore law practice at the time the application is made, to appear, on behalf of that Singapore law practice, before —

- (a) a Judge or the Registrar;
- (b) a judge (however described) of a Family Court or Youth Court, or the registrar, the deputy registrar or an assistant registrar of the Family Justice Courts; or
- (c) a judge (however described) of a District Court or Magistrate's Court, or the registrar or a deputy registrar of the State Courts.

[8/2011; 5/2014; 27/2014]

(4) A qualified person in respect of whom an application under subsection (3) has been granted is entitled to appear in accordance with that subsection at any time during the period —

- (a) beginning at the time that application is granted; and
- (b) ending on the earlier of —
 - (i) the time that qualified person is admitted as an advocate and solicitor of the Supreme Court; or
 - (ii) the expiry of 3 months after the last day of that qualified person's practice training period.

[8/2011]

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 —
 - (i) sues out any writ, summons or process;
 - (ii) commences, carries on, solicits or defends any action, suit or other proceeding in the name of any other person, or in his or her own name, in any of the courts in Singapore; or
 - (iii) 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 or she is duly qualified or authorised to act as an advocate or a

solicitor, or that he or she 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 limiting 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) [*Deleted by Act 8 of 2011*]
- (d) on behalf of a claimant or person alleging 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 or she proves that the act was not done for or in expectation of any fee, gain or reward, be guilty of an offence.

[8/2011]

(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.

(4) Subsection (3) does 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.

(7) Where an act mentioned in subsection (6) is done by a director, an officer or an employee of the body corporate, the director, officer or employee shall (without affecting 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 an employee of a limited liability partnership, that partner, officer or employee shall (without affecting 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 is deemed to have committed that offence unless he or she proves that he or she 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 or she 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.

Qualifications to section 33

34.—(1) Section 33 does not extend to —

- (a) the Attorney-General, a Deputy Attorney-General or the Solicitor-General or any other person acting under the authority of any 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, a Deputy Director or an Assistant Director of Legal Aid acting in the course of the duties of the Director, Deputy Director or Assistant Director of Legal Aid (as the case may be) under the provisions of the Legal Aid and Advice Act 1995 or the International Child Abduction Act 2010;
- (ca) a public officer mentioned in section 3(4)(b) of the Legal Aid and Advice Act 1995 acting in the course of that public officer’s duties under that Act;
- (d) any other public officer drawing or preparing instruments in the course of his or her duty;
- (e) any person acting personally for himself or herself only in any matter or proceeding to which he or she is a party;
- (ea) any officer of a company, variable capital company or limited liability partnership who is duly authorised by the company, variable capital company or limited liability partnership to act on its behalf in any relevant matter or proceeding to which it is a party, in respect only of that officer acting on behalf of the company, variable capital

company or limited liability partnership, in accordance with the Family Justice Rules or the Rules of Court, in that matter or proceeding;

- (eb) any officer of an unincorporated association (other than a partnership) who is duly authorised by the unincorporated association to act on its behalf in any relevant matter or proceeding to which it is a party, in respect only of that officer acting on behalf of the unincorporated association, in accordance with the Family Justice Rules or the Rules of Court, in that matter or proceeding;
- (ec) any legal counsel (by whatever name called) in an entity acting solely for the entity in any matter to which it is a party, other than by —
 - (i) appearing or pleading in any court of justice in Singapore, except where such appearance or pleading is otherwise permitted under any written law;
 - (ii) appearing in any hearing before a quasi-judicial or regulatory body, authority or tribunal in Singapore, except where such appearance is otherwise permitted under any written law; or
 - (iii) attesting any document which is required to be attested by an advocate and solicitor;
- (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 of 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 or she has been instructed by an advocate and solicitor;

- (i) any accountant drawing or preparing documents in the exercise of his or her 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 public accountant drawing or preparing any instrument which he or she 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.

*[27/2010; 8/2011; 40/2014; 41/2014; 50/2018;
S 461/2020]*

(2) The Minister may make rules for the exemption from section 33 of any person who, or any class of persons each of whom, satisfies such requirements, and does such act in such circumstances, as may be prescribed in those rules.

[8/2011]

(3) In this section —

“company” means a company incorporated under the Companies Act 1967;

“limited liability partnership” means a limited liability partnership registered under the Limited Liability Partnerships Act 2005;

“manager”, in relation to a limited liability partnership, has the meaning given by the Limited Liability Partnerships Act 2005;

“officer” —

- (a) in relation to a company, means any director or secretary of the company, or a person employed in an executive capacity by the company;

- (b) in relation to a limited liability partnership, means any partner in or manager of the limited liability partnership;
- (c) in relation to an unincorporated association (other than a partnership), means the president, the secretary, or any member of the committee of the unincorporated association; or
- (d) in relation to a variable capital company, means any director or secretary of the variable capital company, or a person employed in an executive capacity by the variable capital company;

“partner”, in relation to a limited liability partnership, has the meaning given by the Limited Liability Partnerships Act 2005;

“relevant matter or proceeding” means a matter or proceeding of such type as may be specified in the Family Justice Rules or the Rules of Court;

“variable capital company” has the meaning given by section 2(1) of the Variable Capital Companies Act 2018.

[8/2011; 40/2014; S 461/2020]

Sections 32 and 33 not to extend to arbitration proceedings

35.—(1) Sections 32 and 33 do 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 2001 or the International Arbitration Act 1994; or
- (b) would have been governed by either the Arbitration Act 2001 or the International Arbitration Act 1994 had the place of arbitration been Singapore.

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 or her —

- (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 mentioned in paragraph (a) to the Society for the benefit of the person who made the payment.

(2) The Society must 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 mentioned in subsection (1)(a) paid by a person to an unauthorised person is 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) carries 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.

Sections 32 and 33 not to extend to mediation

35B.—(1) Sections 32 and 33 do not extend to —

- (a) any certified mediator conducting any mediation;
- (b) any mediator conducting any mediation which is administered by a designated mediation service provider;
- (c) any foreign lawyer representing any party in any mediation that —
 - (i) is conducted by a certified mediator or administered by a designated mediation service provider; and
 - (ii) relates to a dispute involving a cross-border agreement where Singapore is the venue for the mediation; or
- (d) any foreign lawyer registered under section 36P and representing any party in any mediation that relates to a dispute in respect of which an action has commenced in the Singapore International Commercial Court.

[1/2017]

(2) In this section —

“certified mediator”, “designated mediation service provider”, “mediation” and “mediator” have the meanings given by the Mediation Act 2017;

“cross-border agreement” means an agreement in respect of which any one or more of the following circumstances exist:

- (a) at least one party to the agreement is incorporated, resident or has its place of business outside Singapore;
- (b) the subject matter of the agreement —
 - (i) is most closely connected to a place located outside Singapore; or
 - (ii) has no physical connection to Singapore;
- (c) the obligations under the agreement are to be performed entirely outside Singapore.

[1/2017]

(3) This section applies in relation to any mediation conducted on or after 1 November 2017, whether the mediation commences before, on or after that date.

[1/2017]

(4) For the purposes of subsection (3), a mediation to resolve the whole or part of a dispute commences on the day on which all the parties agree to refer any part of that dispute for mediation.

[1/2017]

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 are 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.

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

PART 4A

REGISTRATION OF FOREIGN LAWYERS, SOLICITORS IN FOREIGN LAW PRACTICES AND NON-PRACTITIONERS, ETC.

Interpretation of this Part

36A.—(1) In this Part, unless the context otherwise requires, “permitted areas of legal practice” means all areas of legal practice other than any area of legal practice prescribed as an area to be excluded from the ambit of this definition.

[40/2014]

- (2) In this Part, unless the context otherwise requires —
- (a) a reference to this Part includes a reference to any rules made under this Part; and
 - (b) a reference to the contravention of a provision includes a reference to the failure to comply with any condition of any registration imposed under that provision.

[40/2014]

Registration of foreign lawyer to practise both Singapore law and foreign law in Singapore

36B.—(1) An application may be made for a foreign lawyer to be registered under this section, if the foreign lawyer possesses such qualifications and satisfies such requirements as may be prescribed.

[40/2014]

(2) The Director of Legal Services may approve an application under subsection (1), and register a foreign lawyer to practise both Singapore law and foreign law in Singapore, subject to —

- (a) such conditions as may be prescribed; and
- (b) such conditions as the Director of Legal Services may think fit to impose in any particular case.

[40/2014]

(3) A foreign lawyer who is registered under this section is entitled —

- (a) despite anything to the contrary in Part 4 —
 - (i) to practise Singapore law in, and only in, the permitted areas of legal practice; and
 - (ii) to recover costs and retain payments in respect of such practice; and
- (b) to such other privileges as may be prescribed.

[40/2014]

(4) The registration of a foreign lawyer under this section —

- (a) lapses on the occurrence of such events as may be prescribed; or

- (b) is suspended, for such period as the Director of Legal Services may think fit, on the occurrence of such events as may be prescribed.

[40/2014]

(5) Nothing in this section is to be construed so as to affect any right or privilege of an advocate and solicitor conferred by this Act or any other written law.

[40/2014]

(6) With effect from 18 November 2015 —

- (a) a foreign lawyer who, immediately before that date, was or was deemed to be registered under the repealed section 130I as in force immediately before that date is deemed to be registered under this section, subject to —

(i) the conditions mentioned in subsection (2)(a);

(ii) the conditions (if any) imposed by the Attorney-General under the repealed section 130I(2)(b) or (6) or 130P(5)(b) as in force immediately before that date, subject to which the foreign lawyer was or was deemed to be registered; and

(iii) such conditions as the Director of Legal Services may think fit to impose in any particular case; and

- (b) any undertaking provided by that foreign lawyer under the repealed section 130M or 130Q as in force immediately before that date is enforceable by the Director of Legal Services as if that undertaking were provided under section 177 or 36I, as the case may be.

[40/2014]

(7) The Attorney-General may transfer to the Director of Legal Services the particulars of and documents relating to any foreign lawyer mentioned in subsection (6), and the Director of Legal Services may, upon receiving those particulars and documents, issue a foreign practitioner certificate to that foreign lawyer, without any action on the part of that foreign lawyer.

[40/2014]

(8) With effect from 18 November 2015 —

- (a) any application which was made before that date for a foreign lawyer to be registered under the repealed section 130I as in force immediately before that date, and which is pending immediately before that date, is deemed to be an application for that foreign lawyer to be registered under this section; and
- (b) any undertaking provided by that foreign lawyer under the repealed section 130M or 130Q as in force immediately before that date is deemed to be an undertaking provided by that foreign lawyer under section 177 or 36I, as the case may be.

[40/2014]

(9) The Attorney-General may transfer to the Director of Legal Services the particulars of and documents relating to any foreign lawyer mentioned in subsection (8).

[40/2014]

Registration of foreign lawyer to practise foreign law in Singapore

36C.—(1) An application may be made for a foreign lawyer to be registered under this section, if the foreign lawyer possesses such qualifications and satisfies such requirements as may be prescribed.

[40/2014]

(2) The Director of Legal Services may approve an application under subsection (1), and register a foreign lawyer to practise foreign law in Singapore, subject to —

- (a) such conditions as may be prescribed; and
- (b) such conditions as the Director of Legal Services may think fit to impose in any particular case.

[40/2014]

(3) A foreign lawyer who is registered under this section is entitled to such privileges as may be prescribed.

[40/2014]

(4) With effect from 18 November 2015 —

- (a) a foreign lawyer who, immediately before that date, was or was deemed to be registered under the repealed section 130K as in force immediately before that date is deemed to be registered under this section, subject to —
- (i) the conditions mentioned in subsection (2)(a);
 - (ii) the conditions (if any) imposed by the Attorney-General under the repealed section 130K(2)(b) or (4) or 130P(5)(b) as in force immediately before that date, subject to which the foreign lawyer was or was deemed to be registered; and
 - (iii) any conditions that the Director of Legal Services may think fit to impose in any particular case; and
- (b) any undertaking provided by that foreign lawyer under the repealed section 130M or 130Q as in force immediately before that date is enforceable by the Director of Legal Services as if that undertaking were provided under section 177 or 36I, as the case may be.

[40/2014]

(5) The Attorney-General may transfer to the Director of Legal Services the particulars of and documents relating to any foreign lawyer mentioned in subsection (4), and the Director of Legal Services may, upon receiving those particulars and documents, issue a certificate of registration to that foreign lawyer, without any action on the part of that foreign lawyer.

[40/2014]

(6) With effect from 18 November 2015 —

- (a) any application which was made before that date for a foreign lawyer to be registered under the repealed section 130K as in force immediately before that date, and which is pending immediately before that date, is deemed to be an application for that foreign lawyer to be registered under this section; and

- (b) any undertaking provided by that foreign lawyer under the repealed section 130M or 130Q as in force immediately before that date is deemed to be an undertaking provided by that foreign lawyer under section 177 or 36I, as the case may be.

[40/2014]

(7) The Attorney-General may transfer to the Director of Legal Services the particulars of and documents relating to any foreign lawyer mentioned in subsection (6).

[40/2014]

Registration of foreign lawyer to be director, partner or shareholder in, or to share in profits of, Singapore law practice

36D.—(1) An application may be made for a foreign lawyer to be registered under this section, if the foreign lawyer possesses such qualifications and satisfies such requirements as may be prescribed.

[40/2014]

(2) The Director of Legal Services may approve an application under subsection (1), and register a foreign lawyer (who does not practise in Singapore) to be a director, partner or shareholder in, or to share in the profits of, a Singapore law practice, subject to —

- (a) such conditions as may be prescribed; and
- (b) such conditions as the Director of Legal Services may think fit to impose in any particular case.

[40/2014]

(3) A foreign lawyer who is registered under this section is entitled to such privileges as may be prescribed.

[40/2014]

Registration of solicitor to practise Singapore law in Joint Law Venture or its constituent foreign law practice, Qualifying Foreign Law Practice or licensed foreign law practice

36E.—(1) An application may be made for a solicitor to be registered under this section, if the solicitor possesses such qualifications and satisfies such requirements as may be prescribed.

[40/2014]

(2) The Director of Legal Services may approve an application under subsection (1), and register a solicitor to practise Singapore law in a Joint Law Venture or its constituent foreign law practice, a Qualifying Foreign Law Practice or a licensed foreign law practice, subject to —

- (a) such conditions as may be prescribed; and
- (b) such conditions as the Director of Legal Services may think fit to impose in any particular case.

[40/2014]

(3) A solicitor who is registered under this section, and who has in force a practising certificate, is entitled —

- (a) to practise Singapore law in, and only in, the permitted areas of legal practice; and
- (b) to such other privileges as may be prescribed.

[40/2014]

(4) Where a solicitor registered under this section is permitted, under any rules made under section 36M or by the Director of Legal Services, to practise concurrently in a Singapore law practice, nothing in this section affects the practice of the solicitor in the Singapore law practice.

[40/2014]

(5) With effect from 18 November 2015 —

- (a) a solicitor who, immediately before that date, was registered under the repealed section 130N as in force immediately before that date is deemed to be registered under this section, subject to —
 - (i) the conditions mentioned in subsection (2)(a);
 - (ii) the conditions (if any) imposed by the Attorney-General under the repealed section 130N(2)(b) or 130P(5)(b) as in force immediately before that date, subject to which the solicitor was registered; and
 - (iii) any conditions that the Director of Legal Services may think fit to impose in any particular case; and

- (b) any undertaking provided by that solicitor under the repealed section 130M or 130Q as in force immediately before that date is enforceable by the Director of Legal Services as if that undertaking were provided under section 177 or 36I, as the case may be.

[40/2014]

(6) The Attorney-General may transfer to the Director of Legal Services the particulars of any solicitor mentioned in subsection (5), and the Director of Legal Services may, upon receiving those particulars, issue a certificate of registration to that solicitor, without any action on the part of that solicitor.

[40/2014]

(7) With effect from 18 November 2015 —

- (a) any application which was made before that date for a solicitor to be registered under the repealed section 130N as in force immediately before that date, and which is pending immediately before that date, is deemed to be an application for that solicitor to be registered under this section; and
- (b) any undertaking provided by that solicitor under the repealed section 130M or 130Q as in force immediately before that date is deemed to be an undertaking provided by that solicitor under section 177 or 36I, as the case may be.

[40/2014]

(8) The Attorney-General may transfer to the Director of Legal Services the particulars of and documents relating to any solicitor mentioned in subsection (7).

[40/2014]

36F. [*Repealed by Act 22 of 2018*]

Registration of regulated non-practitioner

36G.—(1) An individual who is not a regulated legal practitioner must not be a director, partner or shareholder in, and must not share in the profits of, any Singapore law practice, Joint Law Venture,

Qualifying Foreign Law Practice or licensed foreign law practice, unless the individual is registered under this section.

[40/2014]

(2) An application may be made for an individual (not being a regulated legal practitioner) to be registered under this section, if the individual satisfies such requirements as may be prescribed.

[40/2014]

(3) The Attorney-General and the Society are entitled to object to any application under subsection (2).

[40/2014]

(4) The Director of Legal Services may approve an application under subsection (2), and register an individual as a regulated non-practitioner, subject to —

(a) such conditions as may be prescribed; and

(b) such conditions as the Director of Legal Services may think fit to impose in any particular case.

[40/2014]

(5) In deciding whether to approve an application under subsection (2) and register an individual under this section, the Director of Legal Services must have regard to, but is not bound by, any objection under subsection (3).

[40/2014]

(6) An individual who is registered under this section is entitled to such privileges as may be prescribed.

[40/2014]

Application for and renewal of registration under this Part

36H.—(1) An application for any registration under this Part must be —

(a) made to the Director of Legal Services in such form and manner as the Director of Legal Services may require; and

(b) accompanied by —

(i) such fee as may be prescribed; and

(ii) such documents and information as the Director of Legal Services may require.

[40/2014]

(2) Any registration under this Part which is prescribed for the purposes of this subsection remains valid until it is cancelled or suspended.

[40/2014]

(3) Any registration under this Part which is prescribed for the purposes of this subsection is valid, unless it is sooner cancelled or suspended, for such period as the Director of Legal Services may specify.

[40/2014]

(4) The Director of Legal Services may renew any registration mentioned in subsection (3) for such period as the Director of Legal Services may specify, on an application —

(a) made to the Director of Legal Services in such form and manner as the Director of Legal Services may require; and

(b) accompanied by —

(i) such fee as may be prescribed; and

(ii) such documents and information as the Director of Legal Services may require.

[40/2014]

(5) The Director of Legal Services may renew any registration referred to in subsection (3) subject to —

(a) such conditions as may be prescribed for the renewal of that type of registration; and

(b) such conditions as the Director of Legal Services may think fit to impose in any particular case.

[40/2014]

(6) The Director of Legal Services may cancel or suspend any registration under this Part if that registration was obtained by fraud or misrepresentation.

[40/2014]

Compliance with guidelines, directions, undertakings and conditions

36I.—(1) The Director of Legal Services may require any person making an application for any registration under this Part to provide

such undertakings as the Director of Legal Services thinks fit to prevent any direct or indirect circumvention of the provisions of this Part.

[40/2014]

(2) The Director of Legal Services may, from time to time, issue guidelines relating to any registration under this Part.

[40/2014]

(3) Where any requirement of any guideline issued under this section is in conflict with any requirement specified in this Part, the latter prevails.

[40/2014]

(4) The Director of Legal Services must cause all guidelines issued under this section to be published in such manner as will give persons to whom the guidelines relate notice of the requirements specified in the guidelines.

[40/2014]

(5) It is a condition of every registration under this Part that the person registered must comply with the requirements of this Part, including any guideline issued under this section and any undertaking provided under this section.

[40/2014]

(6) The Director of Legal Services may, if he or she is satisfied that any person registered under this Part has contravened any provision of this Part, any guideline issued under this section or any undertaking provided under this section, issue directions to that person to ensure compliance by that person.

[40/2014]

(7) A direction under subsection (6) must be —

(a) issued in writing and must specify the provision of this Part or the guideline issued under this section or the undertaking provided under this section that has been contravened; and

(b) sent to the person to which it relates at the last known address of that person.

[40/2014]

(8) The Director of Legal Services may cancel the registration of any person under this Part, if that person fails to comply with any

condition of that registration or with any direction of the Director of Legal Services issued under subsection (6).

[40/2014]

(9) Where any undertaking was or was deemed, immediately before 18 November 2015, to be provided, under the repealed section 130Q as in force immediately before that date, for the purposes of any registration under the repealed section 130I, 130K, 130N or 130O as in force immediately before that date, that undertaking is deemed, with effect from that date, to be an undertaking provided under this section.

[40/2014]

[Act 8 of 2022 wef 18/11/2015]

(10) Any guidelines or directions issued by the Attorney-General under the repealed section 130Q as in force immediately before 18 November 2015 for the purposes of any registration under the repealed section 130I, 130K, 130N or 130O as in force immediately before that date are deemed, with effect from that date, to be guidelines or directions (as the case may be) issued by the Director of Legal Services under this section.

[40/2014]

[Act 8 of 2022 wef 18/11/2015]

(11) To avoid doubt, a reference to guidelines in this section includes a reference to notices, guidance notes or other similar communications by whatever name called.

[40/2014]

Appeal against decision of Director of Legal Services under this Part, etc.

36J.—(1) Any person who is aggrieved by a decision of the Director of Legal Services under this Part may, within the prescribed period, appeal to the Minister in the prescribed manner.

[40/2014]

(2) A person making an appeal under subsection (1) must comply with any rules made under section 36M for the purposes of this section.

[40/2014]

- (3) In determining an appeal under this section, the Minister may —
- (a) confirm, vary or reverse the decision of the Director of Legal Services; or
 - (b) direct the Director of Legal Services to reconsider that decision.

[40/2014]

(4) The Director of Legal Services may, if he or she is satisfied that it is in the public interest to do so, vary or revoke any condition imposed by him or her under this Part.

[40/2014]

Failure to register or furnish information

36K.—(1) Where a foreign lawyer —

- (a) is required to be registered under section 36B, 36C or 36D but —
 - (i) fails to apply for such registration; and
 - (ii) in the case of a foreign lawyer required to be registered under section 36B or 36C, is not deemed under section 36B(6) or 36C(4) (as the case may be) to be so registered; or
- (b) fails to furnish any particulars or information required under this Part,

then the rights of the foreign lawyer 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 Singapore law practice, Joint Law Venture, Qualifying Foreign Law Practice or licensed foreign law practice in which he or she is employed or is practising law are not enforceable in legal proceedings in the name of the foreign lawyer or of the Singapore law practice, Joint Law Venture, Qualifying Foreign Law Practice or licensed foreign law practice (as the case may be).

[40/2014]

- (2) Where a solicitor —
- (a) is required to be registered under section 36E but —
 - (i) fails to apply for such registration; and
 - (ii) is not deemed under section 36E(5) to be so registered; or
 - (b) fails to furnish any particulars or information required under this Part,

then the rights of the solicitor 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 practice in which he or she is employed or is practising law are not enforceable in legal proceedings in the name of the solicitor or of the Joint Law Venture or foreign law practice (as the case may be).

[40/2014; 22/2018]

Civil penalty

36L.—(1) Any person (including a foreign lawyer, solicitor or regulated non-practitioner) who contravenes any provision in this Part shall be liable to pay a civil penalty in accordance with this section.

[40/2014]

(2) Whenever it appears to the Director of Legal Services that any person mentioned in subsection (1) has contravened any provision in this Part, the Director of Legal Services 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 Singapore law practice or foreign law practice in which that person is a partner, a director, a consultant or an employee;
- (c) the Joint Law Venture, or the constituent Singapore law practice or constituent foreign law practice of the Joint Law Venture, in which that person is practising; or

- (d) the Formal Law Alliance, or any Singapore law practice or foreign law practice which is a member of the Formal Law Alliance, in which that person is practising.

[40/2014]

(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 practice, foreign law practice, Joint Law Venture or Formal Law Alliance against which the action is brought under subsection (2), of a sum not exceeding \$100,000.

[40/2014]

(4) Despite subsection (3), where an action has been brought against a person or a Singapore law practice, foreign law practice, Joint Law Venture or Formal Law Alliance (called in this section the defendant) —

- (a) the court may make an order against the defendant, if the Director of Legal Services 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
- (b) the order may be made on such terms as may be agreed between the Director of Legal Services and the defendant.

[40/2014]

(5) Nothing in this section prevents the Director of Legal Services 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.

[40/2014]

(6) A civil penalty imposed under this section must be paid into the Consolidated Fund.

[40/2014]

(7) If the defendant fails to pay the civil penalty imposed on the defendant within the time specified in the court order mentioned in subsection (3) or (4) or specified under the agreement mentioned in subsection (5), the Director of Legal Services may recover the civil penalty as though the civil penalty were a judgment debt due to the Government.

[40/2014]

(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.

[40/2014]

(9) This section applies despite any disciplinary action having been taken against the foreign lawyer, solicitor or regulated non-practitioner 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).

[40/2014]

Rules for this Part

36M.—(1) The Minister may make such rules as may be necessary or expedient for the purposes of this Part.

[40/2014]

(2) Without limiting subsection (1), the Minister may make rules —

- (a) to prescribe anything which may be prescribed under this Part;
- (b) to provide for any provision of this Act (other than this Part) to apply, with such modifications as may be specified, to —
 - (i) a solicitor practising in —
 - (A) a constituent Singapore law practice or constituent foreign law practice of a Joint Law Venture; or

- (B) a Singapore law practice or foreign law practice which is a member of a Formal Law Alliance; or
- (ii) a foreign lawyer registered under section 36B;
- (c) to prescribe the qualifications, experience and expertise required of a foreign lawyer for eligibility to apply for registration under section 36B, 36C or 36D;
- (d) to prescribe the conditions that a foreign lawyer registered under section 36B, 36C or 36D must comply with;
- (e) to specify the type of Singapore law practice at which a foreign lawyer registered under section 36B, 36C or 36D may practise, including the areas of practice of the Singapore law practice;
- (f) to prescribe the institutions of higher learning and the qualifications conferred by each such institution which may be recognised for the purposes of section 36B;
- (g) to prescribe the courses of instruction, and the subjects in each such course of instruction, which a foreign lawyer must attend and satisfactorily complete before he or she can be registered under section 36B;
- (h) to prescribe the examinations which a foreign lawyer must pass before he or she can be registered under section 36B;
- (i) to specify the minimum standard of attainment to be achieved by a foreign lawyer in relation to the qualifications mentioned in paragraph (f), courses mentioned in paragraph (g) or examinations mentioned in paragraph (h);
- (j) to require a foreign lawyer mentioned in section 36B to have practised as a partner, a director or an employee in a Singapore law practice for a minimum period, and to specify any requirements as to the type of Singapore law practice at which the foreign lawyer must have practised, including any area of practice of the Singapore law practice;

- (k) to prescribe any condition for eligibility to apply for any registration under this Part;
- (l) to provide, without limiting section 36H, for the making of any application for any registration under this Part, or for the renewal of any such registration, and for all other related matters;
- (m) to provide for —
 - (i) the payment of fees (including administrative fees and processing fees) and other charges for —
 - (A) any application for or renewal of any registration under this Part; and
 - (B) any matter related or incidental to any such application or renewal; and
 - (ii) all other related matters;
- (n) to provide for the cancellation, suspension or lapsing of any registration under this Part;
- (o) to require the submission of information and particulars relating to any foreign lawyer, solicitor or other individual required to be registered under this Part;
- (p) to provide for the form and manner in which registers of foreign lawyers, solicitors and regulated non-practitioners registered under this Part are to be kept;
- (q) to provide for the issuance and amendment of foreign practitioner certificates, certificates of registration or certificates of good standing and certified true copies of such certificates, and for the payment of fees in relation to such certificates;
- (r) for regulating foreign lawyers, solicitors and regulated non-practitioners registered under this Part, including the imposition of compulsory insurance cover and financial controls;
- (s) to provide for any provision of this Act that is applicable to an advocate and solicitor to apply, with such modifications

as may be specified, to any foreign lawyer, solicitor or regulated non-practitioner registered under this Part;

- (t) to provide for sections 72 and 73 and any rules made under section 72 or 73 to apply, with such modifications as may be specified, to —
 - (i) a foreign lawyer registered under section 36B or 36D; or
 - (ii) a solicitor registered under section 36E, in respect of the practice of Singapore law;
- (u) to exempt any person or entity, or any class of persons or entities, from any provision of this Part or of any rules made under section 74(3) or 75B(3); and
- (v) to prescribe such transitional, savings, incidental, consequential or supplementary provisions as the Minister considers necessary or expedient.

[40/2014]

Powers of Minister in relation to registration requirements

36N.—(1) Without affecting section 36M(2)(u), upon an application made to the Minister by any foreign lawyer, the Minister may exempt the foreign lawyer from all or any, and from the whole or any part of any, of the requirements under any rules made under section 36M(2)(c), (f), (g), (h), (i) or (j), if the Minister is of the opinion that the foreign lawyer is, by reason of his or her standing and experience or for any other cause, a fit and proper person to be so exempted.

[40/2014]

- (2) An exemption granted to a person under subsection (1) —
 - (a) may be subject to any conditions that the Minister may think fit to impose by written notice to the person;
 - (b) must be notified in writing to the person; and
 - (c) need not be published in the *Gazette*.

[40/2014]

PART 4B
REPRESENTATION IN
SINGAPORE INTERNATIONAL COMMERCIAL COURT

[22/2018]

Interpretation of this Part

36O.—(1) In this Part, unless the context otherwise requires —

“appellate court” means the court to which an appeal against a decision of the Singapore International Commercial Court is to be made under section 29C of the Supreme Court of Judicature Act 1969;

“appointing committee” means an appointing committee appointed in accordance with section 36Q;

“complaints committee” means a complaints committee appointed under section 36S(5);

“instructing authority” means a person appointed by the Minister under section 36R(1) as the instructing authority for the purposes specified in that provision;

“Judge” means a Supreme Court Judge, a Judicial Commissioner or a Senior Judge;

“law expert” —

(a) means an individual —

- (i) who has specialised knowledge, based on training, study or experience, on matters of foreign law, or is otherwise qualified to submit on matters of foreign law; and
- (ii) whom the Singapore International Commercial Court or the appellate court specifies, in an order that a question of foreign law be determined on the basis of submissions instead of proof, may make submissions on that question of law; but

(b) excludes all of the following:

- (i) an advocate and solicitor who has in force a practising certificate;
- (ii) a person who is admitted under section 15;
- (iii) a foreign lawyer who is registered under section 36P;

“relevant appeal” means such appeal, from any judgment given or order made by the Singapore International Commercial Court, as may be prescribed for the purposes of this definition;

“relevant proceedings” means such proceedings in the Singapore International Commercial Court as may be prescribed for the purposes of this definition;

“Singapore International Commercial Court” means the division of the General Division of the High Court constituted under section 18A of the Supreme Court of Judicature Act 1969.

[40/2014; 22/2018; 40/2019]

(2) For the purposes of sections 36S, 36T, 36U and 36Y, a reference to a foreign lawyer who is registered under section 36P includes a foreign lawyer whose registration under section 36P is cancelled or suspended, or lapses, after the commencement of proceedings under section 36S against the foreign lawyer.

[40/2014]

(3) For the purposes of sections 36S, 36T, 36U and 36Y, a reference to a law expert who is registered under section 36PA includes a law expert whose registration under section 36PA is cancelled or suspended, or lapses, after the commencement of proceedings under section 36S against the law expert.

[22/2018]

Registration of foreign lawyer to act in relation to relevant proceedings

36P.—(1) Despite anything to the contrary in this Act, but without affecting section 15, a foreign lawyer who is registered under this

section may, if granted full registration under this section, do all or any of the following:

- (a) appear and plead in any relevant proceedings;
- (b) appear and plead in the appellate court in any relevant appeal;
- (c) represent any party to any relevant proceedings or relevant appeal in any matter concerning those proceedings or that appeal (as the case may be);
- (d) give advice, prepare documents and provide any other assistance in relation to or arising out of any relevant proceedings or relevant appeal.

[40/2014; 22/2018; 40/2019]

(2) Despite anything to the contrary in this Act, but without affecting section 15, a foreign lawyer who is registered under this section may, if granted restricted registration under this section, do all or any of the following:

- (a) appear in any relevant proceedings, solely for the purposes of making submissions on such matters of foreign law as are permitted by the Singapore International Commercial Court, or the appellate court, in accordance with the Rules of Court;
- (b) appear in the appellate court in any relevant appeal, solely for the purposes of making submissions on such matters of foreign law as are permitted by the Singapore International Commercial Court, or the appellate court, in accordance with the Rules of Court;
- (c) give advice and prepare documents, solely for the purposes of making submissions, in any relevant proceedings or relevant appeal, on such matters of foreign law as are permitted by the Singapore International Commercial Court, or the appellate court, in accordance with the Rules of Court.

[40/2014; 22/2018; 40/2019]

(3) An application may be made for a foreign lawyer to be registered under this section, if the foreign lawyer possesses such qualifications and satisfies such requirements as may be prescribed.

[40/2014]

(4) For the purposes of subsection (3), different qualifications and requirements may be prescribed for a foreign lawyer to be granted full registration under this section, and for a foreign lawyer to be granted restricted registration under this section.

[40/2014]

(5) An application for a foreign lawyer to be registered under this section must be —

- (a) made to the Registrar in such form and manner as may be prescribed; and
- (b) accompanied by such fee, undertakings, documents and information as may be prescribed.

[40/2014]

(6) The Registrar may register a foreign lawyer under this section subject to any conditions that the Registrar may think fit to impose in any particular case.

[40/2014]

(7) A Judge may, of the Judge's own motion or on the application of any interested party, order that a foreign lawyer have the foreign lawyer's full registration or restricted registration under this section cancelled, if —

- (a) the foreign lawyer does not possess any qualification referred to in subsection (3) for full registration or restricted registration (as the case may be) under this section;
- (b) the foreign lawyer does not satisfy any requirement referred to in subsection (3) for full registration or restricted registration (as the case may be) under this section;
- (c) the foreign lawyer fails to comply with any condition imposed under subsection (6);

- (d) the foreign lawyer has been disbarred, struck off, suspended, ordered to pay a penalty, censured or reprimanded in the foreign lawyer's capacity as a legal practitioner by whatever name called in any jurisdiction; or
- (e) the Judge is satisfied that the foreign lawyer should not have been registered under this section.

[40/2014]

(8) The Judge, before making an order under subsection (7), is to give the foreign lawyer a reasonable opportunity to be heard by the Judge.

[40/2014]

(9) An International Judge may, in the course of any relevant proceedings before the International Judge, of the International Judge's own motion or on the application of any interested party, order that a foreign lawyer who appears in those proceedings have the foreign lawyer's full registration or restricted registration under this section cancelled, if —

- (a) the foreign lawyer does not possess any qualification referred to in subsection (3) for full registration or restricted registration (as the case may be) under this section;
- (b) the foreign lawyer does not satisfy any requirement referred to in subsection (3) for full registration or restricted registration (as the case may be) under this section;
- (c) the foreign lawyer fails to comply with any condition imposed under subsection (6);
- (d) the foreign lawyer has been disbarred, struck off, suspended, ordered to pay a penalty, censured or reprimanded in the foreign lawyer's capacity as a legal practitioner by whatever name called in any jurisdiction; or
- (e) the International Judge is satisfied that the foreign lawyer should not have been registered under this section.

[40/2014; 40/2019]

(10) The International Judge, before making an order under subsection (9), is to give the foreign lawyer a reasonable opportunity to be heard by the International Judge.

[40/2014; 40/2019]

(11) No appeal lies from —

- (a) any order made by a Judge under subsection (7); or
- (b) any order made by an International Judge under subsection (9).

[40/2014; 40/2019]

Registration of law expert to act in relation to relevant proceedings

36PA.—(1) Despite anything to the contrary in this Act, a law expert who is registered under this section may do all or any of the following:

- (a) appear in any relevant proceedings, solely for the purposes of making submissions on such matters of foreign law as are permitted by the Singapore International Commercial Court, or the appellate court, in accordance with the Rules of Court;
- (b) appear in the appellate court in any relevant appeal, solely for the purposes of making submissions on such matters of foreign law as are permitted by the Singapore International Commercial Court, or the appellate court, in accordance with the Rules of Court;
- (c) give advice and prepare documents, solely for the purposes of making submissions, in any relevant proceedings or relevant appeal, on such matters of foreign law as are permitted by the Singapore International Commercial Court, or the appellate court, in accordance with the Rules of Court.

[22/2018; 40/2019]

(2) An application may be made for a law expert to be registered under this section, if the law expert possesses such qualifications and satisfies such requirements as may be prescribed.

[22/2018]

(3) An application for a law expert to be registered under this section must be —

- (a) made to the Registrar in such form and manner as may be prescribed; and
- (b) accompanied by such fee, undertakings, documents and information as may be prescribed.

[22/2018]

(4) The Registrar may register a law expert under this section subject to any conditions that the Registrar thinks fit to impose in any particular case.

[22/2018]

(5) A Judge may, of the Judge's own motion or on the application of any interested party, order the cancellation of a law expert's registration under this section, if —

- (a) the law expert does not possess any qualification mentioned in subsection (2) for registration under this section;
- (b) the law expert does not satisfy any requirement mentioned in subsection (2) for registration under this section;
- (c) the law expert fails to comply with any condition imposed under subsection (4); or
- (d) the Judge is satisfied that the law expert should not have been registered under this section.

[22/2018]

(6) The Judge must, before making an order under subsection (5), give the law expert a reasonable opportunity to be heard by the Judge.

[22/2018]

(7) An International Judge may, in the course of any relevant proceedings before the International Judge, of the International Judge's own motion or on the application of any interested party, order the cancellation of the registration under this section of a law expert who appears in those proceedings, if —

- (a) the law expert does not possess any qualification mentioned in subsection (2) for registration under this section;

- (b) the law expert does not satisfy any requirement mentioned in subsection (2) for registration under this section;
- (c) the law expert fails to comply with any condition imposed under subsection (4); or
- (d) the International Judge is satisfied that the law expert should not have been registered under this section.

[22/2018; 40/2019]

(8) The International Judge must, before making an order under subsection (7), give the law expert a reasonable opportunity to be heard by the International Judge.

[22/2018; 40/2019]

(9) No appeal lies from —

- (a) any order made by a Judge under subsection (5); or
- (b) any order made by an International Judge under subsection (7).

[22/2018; 40/2019]

Appointing committee

36Q.—(1) The Chief Justice is to appoint an appointing committee comprising —

- (a) an advocate and solicitor who is a Senior Counsel or who has at any time held office as a Supreme Court Judge or a Judicial Commissioner; and
- (b) a foreign lawyer of not less than 12 years' standing who is registered under any provision of this Act which is prescribed for the purposes of this paragraph.

[40/2014; 40/2019]

(2) A member of the appointing committee is appointed for a term of 2 years and is eligible for re-appointment.

[40/2014]

(3) Where any member of the appointing committee is unable to discharge that member's functions in relation to any matter, the Chief Justice may appoint, to act in place of that member in that matter, a temporary member of the appointing committee who is qualified in the same manner as that member.

[40/2014]

(4) The Chief Justice may at any time remove from office any member of the appointing committee or fill any vacancy in the membership of the appointing committee.

[40/2014]

(5) The Chief Justice must appoint a solicitor to be the secretary of the appointing committee.

[40/2014]

(6) The functions of the appointing committee are as follows:

- (a) to appoint under any relevant provision a solicitor to perform the duties referred to in that provision;
- (b) to appoint under subsection (7), in place of any solicitor who ceases to be able to perform the duties referred to in any relevant provision, another solicitor to perform those duties.

[40/2014]

(7) Where any solicitor appointed under any relevant provision ceases to be able to perform the duties referred to in that relevant provision, or where any solicitor appointed under this subsection ceases to be able to perform the duties referred to in any relevant provision —

- (a) that solicitor (or the Singapore law practice in which that solicitor practises) must, as soon as practicable after the cessation, notify the appointing committee in writing of the cessation; and
- (b) the appointing committee must, within 3 weeks after the date on which it receives the notification under paragraph (a), appoint another solicitor to perform the duties referred to in that relevant provision.

[40/2014]

(8) A solicitor must not be appointed under any relevant provision or subsection (7) unless the members of the appointing committee reach a unanimous decision on the appointment.

[40/2014]

(9) In subsections (3), (4) and (8), a reference to a member of the appointing committee includes a reference to a temporary member appointed under subsection (3).

[40/2014]

(10) In this section, “relevant provision” means section 36S(9)(c), (10)(b) or (15)(b) or 36T(2)(b) or (6)(a).

[40/2014]

Instructing authority

36R.—(1) The Minister may, by notification in the *Gazette*, appoint by name or office a person as the instructing authority for the following purposes:

- (a) giving instructions to any solicitor appointed by an appointing committee under section 36Q(7), 36S(9)(c), (10)(b) or (15)(b) or 36T(2)(b) or (6)(a);
- (b) making an application under section 36T(1);
- (c) making an application under section 36U(1).

[40/2014]

(2) Every solicitor appointed under section 36Q(7), 36S(9)(c), (10)(b) or (15)(b) or 36T(2)(b) or (6)(a) must act on the instructions of the instructing authority.

[40/2014]

Complaints against foreign lawyers registered under section 36P and law experts registered under section 36PA

36S.—(1) Every foreign lawyer who is registered under section 36P, and every law expert who is registered under section 36PA, is subject to the control of the Supreme Court and shall be liable on due cause shown —

- (a) to have his or her registration under section 36P or 36PA (as the case may be) cancelled or suspended (for such period as the court may think fit);
- (b) to pay a penalty of not more than \$100,000;
- (c) to be censured; or

- (d) to suffer the punishment referred to in paragraph (b) in addition to the punishment referred to in paragraph (a) or (c).

[40/2014; 22/2018]

(2) Any complaint of the conduct of a foreign lawyer who is registered under section 36P, or the conduct of a law expert who is registered under section 36PA —

- (a) must be made to the Registrar in writing; and
(b) subject to subsection (3), must be supported by such statutory declaration as the Registrar may require.

[40/2014; 22/2018]

(3) No statutory declaration is required if the complaint is made by a Judge, by an International Judge, by the Attorney-General, by the Council or by any public officer acting in the course of the public officer's duties.

[40/2014; 40/2019]

(4) Where any complaint is made to the Registrar of the conduct of a foreign lawyer registered under section 36P, or the conduct of a law expert registered under section 36PA, the Registrar must, within one week after the date on which the Registrar receives the complaint —

- (a) furnish the foreign lawyer or law expert a copy of the complaint; and
(b) make a request to the Chief Justice to appoint a complaints committee to hear and investigate the complaint.

[40/2014; 22/2018]

(5) The Chief Justice may appoint one or more complaints committees, each comprising —

- (a) a chairperson, who is a person who has at any time held office as a Supreme Court Judge or a Judicial Commissioner;
(b) an advocate and solicitor of not less than 12 years' standing; and

- (c) a foreign lawyer of not less than 12 years' standing who is registered under any provision of this Act which is prescribed for the purposes of this paragraph.

[40/2014; 40/2019]

(6) The Chief Justice may at any time —

- (a) revoke the appointment of a complaints committee;
- (b) remove any member of a complaints committee; or
- (c) fill any vacancy in a complaints committee.

[40/2014]

(7) The Chief Justice must appoint a solicitor to be the secretary of every complaints committee.

[40/2014]

(8) A complaints committee appointed to hear and investigate a complaint of the conduct of a foreign lawyer who is registered under section 36P —

(a) must, within 4 weeks after the date of its appointment —

- (i) determine whether there is a prima facie case for an investigation into the complaint; and
- (ii) if it is of the opinion that there is no prima facie case for an investigation into the complaint, determine that no cause of sufficient gravity for disciplinary action exists against the foreign lawyer; and

(b) may, in any event, invite the complainant to make a complaint of the conduct of the foreign lawyer to either or both of the following:

- (i) the foreign authority having the function conferred by law of authorising or registering persons to practise law in the state or territory in which the foreign lawyer is duly authorised or registered to practise law;
- (ii) any relevant professional disciplinary body of the state or territory in which the foreign lawyer is duly authorised or registered to practise law.

[40/2014; 22/2018]

(8A) A complaints committee appointed to hear and investigate a complaint of the conduct of a law expert who is registered under section 36PA must, within 4 weeks after the date of its appointment —

- (a) determine whether there is a prima facie case for an investigation into the complaint; and
- (b) if it is of the opinion that there is no prima facie case for an investigation into the complaint, determine that no cause of sufficient gravity for disciplinary action exists against the law expert.

[22/2018]

(9) If a complaints committee is of the opinion that there is a prima facie case for an investigation into a complaint of the conduct of a foreign lawyer who is registered under section 36P, or the conduct of a law expert who is registered under section 36PA —

- (a) the secretary of the complaints committee must notify in writing the Chief Justice, the Registrar, the complainant and the foreign lawyer or law expert of the opinion of the complaints committee;
- (b) the Registrar must, within one week after the date on which the Registrar receives the notification under paragraph (a), notify the appointing committee and the instructing authority of the opinion of the complaints committee;
- (c) the appointing committee must, within 3 weeks after the date on which it receives the notification under paragraph (b), appoint a solicitor to conduct the subsequent proceedings before the complaints committee and to frame the charge or charges to be preferred against the foreign lawyer or law expert; and
- (d) the solicitor appointed to conduct those proceedings must frame the charge or charges preferred against the foreign lawyer or law expert, and submit the charge or charges to the complaints committee, within 2 weeks after the date on which the solicitor is appointed, or such longer period as the complaints committee may allow.

[40/2014; 22/2018]

(10) If a complaints committee is directed by a Judge under section 36T(5) to hear and investigate a complaint of the conduct of a foreign lawyer who is registered under section 36P, or the conduct of a law expert who is registered under section 36PA, on the basis that there is a prima facie case for an investigation into the complaint —

- (a) the Registrar must notify in writing the Chief Justice, the complaints committee, the appointing committee, the instructing authority, the complainant and the foreign lawyer or law expert of the direction of the Judge;
- (b) the appointing committee must, within 3 weeks after the date on which it receives the notification under paragraph (a), appoint a solicitor to conduct the subsequent proceedings before the complaints committee and to frame the charge or charges to be preferred against the foreign lawyer or law expert; and
- (c) the solicitor appointed to conduct those proceedings must frame the charge or charges preferred against the foreign lawyer or law expert, and submit the charge or charges to the complaints committee, within 2 weeks after the date on which the solicitor is appointed, or such longer period as the complaints committee may allow.

[40/2014; 22/2018]

(11) Where subsection (9) or (10) applies, the complaints committee must give the foreign lawyer or law expert a reasonable opportunity to be heard by the complaints committee, and must, within 16 weeks after the date on which the charge or charges preferred against the foreign lawyer or law expert are submitted to the complaints committee —

- (a) record the complaints committee's findings in relation to the charge or charges preferred against the foreign lawyer or law expert; and
- (b) determine that —
 - (i) no cause of sufficient gravity for disciplinary action exists against the foreign lawyer or law expert;

- (ii) while no cause of sufficient gravity for disciplinary action exists against the foreign lawyer or law expert, the foreign lawyer or law expert should be given a warning, reprimanded or ordered to pay a penalty sufficient and appropriate to the misconduct committed; or
- (iii) cause of sufficient gravity for disciplinary action exists against the foreign lawyer or law expert.

[40/2014; 22/2018]

(12) The Chief Justice may, on the application of a complaints committee, grant to the complaints committee either or both of the following:

- (a) an extension of the period specified in subsection (8)(a) or (8A) not extending beyond a period of 6 weeks after the date of the appointment of the complaints committee;
- (b) an extension of the period specified in subsection (11).

[40/2014; 22/2018]

(13) The opinion and determination of a complaints committee under subsection (8)(a)(ii) or (8A)(b), and the findings and determination of a complaints committee under subsection (11), must be in the form of a report, of which the secretary of the complaints committee must —

- (a) submit a copy to each of the Chief Justice and the Registrar; and
- (b) supply a copy to each of the complainant, the foreign lawyer or law expert concerned and the instructing authority.

[40/2014; 22/2018]

(14) Where a complaints committee makes a determination under subsection (11)(b)(ii), it may give the foreign lawyer or law expert concerned a warning, reprimand the foreign lawyer or law expert, or order the foreign lawyer or law expert to pay a penalty of not more than \$20,000.

[22/2018]

(15) Where a complaints committee makes a determination under subsection (11)(b)(iii) —

- (a) the Registrar must, within one week after the date on which the Registrar receives a copy of the report submitted under subsection (13)(a), notify the appointing committee in writing of the determination of the complaints committee;
- (b) the appointing committee must, within 3 weeks after the date on which it is notified under paragraph (a) of the determination of the complaints committee, appoint a solicitor to act for the instructing authority in an application under section 36U(1) against the foreign lawyer or law expert concerned and to conduct all proceedings relating to the application; and
- (c) the solicitor appointed to act for the instructing authority in the application must file the application on behalf of the instructing authority within one month after the date on which the solicitor is appointed.

[40/2014; 22/2018]

(16) Where a complaints committee makes a determination under subsection (11)(b)(i), (ii) or (iii), the complaints committee may —

- (a) make an order for the payment of costs by the complainant or the foreign lawyer or law expert concerned; and
- (b) in the order, specify the amount of those costs or direct that the amount be taxed by the Registrar.

[40/2014; 22/2018]

(17) Any person awarded any costs under subsection (16) may sue for and recover those costs as if those costs were a debt due to that person.

[40/2014]

(18) The person prescribed for the purposes of this subsection must —

- (a) publish the findings and determination of a complaints committee under subsection (11) in such manner as may be prescribed; and
- (b) make public a copy of the record of the proceedings of the complaints committee (including the findings and determination of the complaints committee).

[40/2014]

(19) Any person may obtain a copy of the record of proceedings of a complaints committee (including the findings and determination of the complaints committee under subsection (11)) from the person prescribed for the purposes of this subsection upon paying the prescribed fee.

[40/2014]

(20) All the members of a complaints committee must be present to constitute a quorum for a meeting of the complaints committee.

[40/2014]

(21) Any questions arising at a meeting of a complaints committee are to be determined by a majority of votes of the members of the complaints committee.

[40/2014]

(22) Any resolution or decision in writing signed by all the members of a complaints committee is as valid and effectual as if it had been made or reached at a meeting of the complaints committee where all of the members of the complaints committee were present.

[40/2014]

(23) A complaints committee may require the complainant to deposit with the Registrar a sum not exceeding \$1,000 to cover costs.

[40/2014]

(24) A complaints committee may, for the purposes of hearing and investigating a complaint, require the complainant or the foreign lawyer or law expert concerned to answer any question or furnish any document that the complaints committee considers relevant.

[40/2014; 22/2018]

(25) For the purposes of any complaint heard and investigated by a complaints committee —

- (a) the complaints committee may administer oaths; and
- (b) the instructing authority, the foreign lawyer or law expert concerned and the secretary of the complaints committee may sue out subpoenas to testify or to produce documents.

[40/2014; 22/2018]

(26) No person may be compelled under any subpoena referred to in subsection (25)(b) to produce any document which the person could not be compelled to produce at the trial of an action.

[40/2014]

(27) A subpoena referred to in subsection (25)(b) must be served and may be enforced as if it was a subpoena issued in connection with a civil action in the General Division of the High Court.

[40/2014; 40/2019]

[S 759/2022]

(28) Any person giving evidence before a complaints committee is legally bound to tell the truth.

[40/2014]

(29) Any person who makes a complaint under subsection (2) which that person 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.

[40/2014]

(30) Any person who, without reasonable excuse, refuses or fails to comply with any requirement of a complaints committee under subsection (24) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

[40/2014]

Application for review of decision of complaints committee

36T.—(1) Where a complaints committee has made a determination under section 36S(8)(a)(ii), (8A)(b) or (11)(b)(i) or (ii), the complainant, the foreign lawyer or law expert concerned or the instructing authority may, within 10 weeks after being supplied under section 36S(13)(b) a copy of the report containing the determination, apply to a Judge for a review of that determination.

[40/2014; 22/2018]

(2) Where the instructing authority intends to make an application under subsection (1) —

- (a) the instructing authority must, within 14 days after being supplied under section 36S(13)(b) a copy of the report containing the determination of the complaints committee under section 36S(8)(a)(ii), (8A)(b) or (11)(b)(i) or (ii), notify the appointing committee in writing of the intention;
- (b) the appointing committee must, within 3 weeks after the date on which it receives the notification under paragraph (a), appoint a solicitor to act for the

instructing authority in the application and to conduct all proceedings relating to the application; and

- (c) the solicitor appointed to act for the instructing authority in the application must file the application on behalf of the instructing authority within one month after the date on which the solicitor is appointed.

[40/2014; 22/2018]

(3) An application under subsection (1) must be —

(a) made by originating summons and supported by an affidavit; and

(b) served, together with the affidavit, on —

(i) the complainant, if the complainant is not the applicant;

(ii) the foreign lawyer or law expert concerned, if the foreign lawyer or law expert is not the applicant;

(iii) the instructing authority, if the instructing authority is not the applicant; and

(iv) the secretary of the complaints committee.

[40/2014; 22/2018]

(4) Upon receiving the application, the secretary of the complaints committee must file in court the report containing the determination and the record of the proceedings of the complaints committee (if any).

[40/2014]

(5) The Judge hearing the application —

(a) has full power to determine any question necessary to be determined for the purpose of doing justice in the case, including any question as to the correctness, legality or propriety of the determination of the complaints committee, or as to the regularity of any proceedings of the complaints committee; and

- (b) may make such orders as the Judge thinks fit, including —
- (i) an order —
 - (A) authorising or directing the instructing authority to make an application under section 36U(1) against the foreign lawyer or law expert concerned; and
 - (B) directing the appointing committee to appoint a solicitor to act for the instructing authority in the application under section 36U(1) and to conduct all proceedings relating to the application;
 - (ii) an order setting aside the determination of the complaints committee and directing —
 - (A) the complaints committee to hear and investigate the complaint on the basis that there is a prima facie case for an investigation into the complaint, or to rehear and reinvestigate the complaint; or
 - (B) the Registrar to make a request to the Chief Justice for the appointment of another complaints committee to hear and investigate the complaint;
 - (iii) an order setting aside any warning given by, or any reprimand or order of, the complaints committee under section 36S(14), varying the amount of the penalty payable under any order of the complaints committee under section 36S(14), or setting aside or varying any order of the complaints committee under section 36S(16); and
 - (iv) an order as to the costs of and incidental to the proceedings under this section.

[40/2014; 22/2018]

(6) If the Judge makes an order directing the appointing committee to appoint a solicitor to act for the instructing authority in an

application under section 36U(1) and to conduct all proceedings relating to the application —

- (a) the appointing committee must, within 3 weeks after the date on which it is notified by the Registrar in writing of the order, appoint a solicitor to act for the instructing authority in the application under section 36U(1) and to conduct all proceedings relating to the application; and
- (b) the solicitor appointed to act for the instructing authority in the application must file the application on behalf of the instructing authority within one month after the date on which the solicitor is appointed.

[40/2014]

(7) No appeal lies from any decision of the Judge under subsection (5).

[40/2014]

Application for cancellation of registration under section 36P or 36PA, etc.

36U.—(1) An application for an order that a foreign lawyer who is registered under section 36P, or a law expert who is registered under section 36PA —

- (a) have his or her registration under section 36P or 36PA (as the case may be) cancelled or suspended (for such period as the court may think fit);
- (b) pay a penalty of not more than \$100,000;
- (c) be censured; or
- (d) suffer the punishment referred to in paragraph (b) in addition to the punishment referred to in paragraph (a) or (c),

must be made by originating summons.

[40/2014; 22/2018]

(2) An application under subsection (1) is to be heard by a court of 3 Supreme Court Judges, and there is no appeal from the decision of that court.

[40/2014; 40/2019]

(3) The court of 3 Judges —

- (a) has full power to determine any question necessary to be determined for the purpose of doing justice in the case, including any question as to the correctness, legality or propriety of the determination of the complaints committee, or as to the regularity of any proceedings of the complaints committee;
- (b) may make an order setting aside the determination of the complaints committee and directing —
 - (i) the complaints committee to rehear and reinvestigate the complaint; or
 - (ii) the Registrar to make a request to the Chief Justice for the appointment of another complaints committee to hear and investigate the complaint;
- (c) may make an order setting aside or varying any order of the complaints committee under section 36S(16);
- (d) may, in the case of a foreign lawyer who is registered under section 36P, direct the Registrar to inform either or both of the following of the decision of the court of 3 Judges:
 - (i) the foreign authority having the function conferred by law of authorising or registering persons to practise law in the state or territory in which the foreign lawyer is duly authorised or registered to practise law;
 - (ii) any relevant professional disciplinary body of the state or territory in which the foreign lawyer is duly authorised or registered to practise law; and
- (e) may make such order as to the costs of and incidental to the proceedings under this section as the court of 3 Judges thinks fit.

[40/2014; 22/2018]

(4) The Chief Justice or any other Supreme Court Judge is not to be a member of the court of 3 Judges when the application under subsection (1) is in respect of a complaint made by him or her.

[40/2014; 40/2019]

(5) Where a foreign lawyer's registration under section 36P has been cancelled pursuant to an order of the court of 3 Judges —

- (a) in any case where the order prohibits the foreign lawyer from reapplying for registration under section 36P until after a date specified in the order, the foreign lawyer cannot reapply for such registration, and cannot apply as a law expert for registration under section 36PA, until after that date; or
- (b) in any other case, the foreign lawyer is permanently prohibited from reapplying for registration under section 36P, and is permanently prohibited from applying as a law expert for registration under section 36PA.

[22/2018]

(6) Where a law expert's registration under section 36PA has been cancelled pursuant to an order of the court of 3 Judges —

- (a) in any case where the order prohibits the law expert from reapplying for registration under section 36PA until after a date specified in the order, the law expert cannot reapply for such registration, and cannot apply as a foreign lawyer for registration under section 36P, until after that date; or
- (b) in any other case, the law expert is permanently prohibited from reapplying for registration under section 36PA, and is permanently prohibited from applying as a foreign lawyer for registration under section 36P.

[22/2018]

Restriction of judicial review

36V.—(1) Except as provided in sections 36T and 36U, there shall be no judicial review in any court of any act done or decision made by a complaints committee.

[40/2014]

(2) In this section, “judicial review” includes proceedings instituted by way of —

- (a) an application for a Mandatory Order, a Prohibiting Order or a Quashing Order; or

- (b) an application for a declaration or an injunction, or any other suit or action, relating to or arising out of any act done or decision made by the complaints committee.

[40/2014]

Provisions as to penalties payable under this Part

36W.—(1) Where the court or a complaints committee has ordered a foreign lawyer or law expert to pay a penalty under this Part, the foreign lawyer or law expert must pay the penalty to the Registrar.

[40/2014; 22/2018]

(2) Any penalty payable under subsection (1) which is not paid may be recoverable by the Government as a judgment debt.

[40/2014]

(3) All sums collected by the Registrar under subsection (1) or recovered by the Government under subsection (2) must be paid into the Consolidated Fund.

[40/2014]

Protection from personal liability

36X.—(1) No liability shall be incurred by any person or committee specified in subsection (2) for anything done (including any statement made) or omitted to be done in good faith in the execution or purported execution of any function, duty or power of that person or committee (as the case may be) under this Part or any rules made under section 36Y.

[40/2014]

(2) For the purposes of subsection (1), the persons and committees are as follows:

- (a) the instructing authority;
- (b) the appointing committee;
- (c) any member (including a temporary member) or the secretary of the appointing committee;
- (d) any complaints committee;
- (e) any member or the secretary of a complaints committee.

[40/2014]

Rules for this Part

36Y.—(1) The Rules Committee may make such rules as may be necessary or expedient for the purposes of this Part.

[40/2014]

(2) Without limiting subsection (1), the Rules Committee may make rules —

- (a) to prescribe anything which may be prescribed under this Part;
- (b) to prescribe the qualifications, experience and expertise required of a foreign lawyer, and any other requirement, for eligibility to apply for registration under section 36P;
- (ba) to prescribe the qualifications, experience and expertise required of a law expert, and any other requirement, for eligibility to apply for registration under section 36PA;
- (c) to provide, without limiting section 36P, for the making of any application for registration under that section, or for the renewal of any such registration, and for all other related matters;
- (ca) to provide, without limiting section 36PA, for the making of any application for registration under that section, or for the renewal of any such registration, and for all other related matters;
- (d) to provide for —
 - (i) the payment of fees (including administrative fees and processing fees) and other charges for —
 - (A) any application for or renewal of any registration under section 36P or 36PA; and
 - (B) any matter related or incidental to any such application or renewal; and
 - (ii) all other related matters;
- (e) to provide for the cancellation, suspension or lapsing of any registration under section 36P or 36PA;

- (f) to require the submission of information and particulars relating to any foreign lawyer registered under section 36P or law expert registered under section 36PA;
- (g) to provide for the form and manner in which the register of foreign lawyers registered under section 36P and law experts registered under section 36PA is to be kept;
- (h) to provide for the issuance and amendment of certificates of registration and certified true copies of such certificates, and for the payment of fees in relation to such certificates;
- (i) for regulating foreign lawyers registered under section 36P and law experts registered under section 36PA;
- (j) for regulating the professional practice, etiquette and conduct of foreign lawyers registered under section 36P and law experts registered under section 36PA;
- (k) for regulating the hearing and investigation of a complaint by a complaints committee;
- (l) to provide for any matter relating to —
 - (i) the publication under section 36S(18)(a) of the findings and determination of a complaints committee;
 - (ii) the prescribed fee under section 36S(19); or
 - (iii) the deposit under section 36S(23); and
- (m) for regulating and prescribing the procedure and practice to be followed in connection with any application under section 36T(1) or 36U(1) and any proceedings under section 36T or 36U.

[40/2014; 22/2018]

PART 5

THE LAW SOCIETY OF SINGAPORE

*Division 1 — Establishment, purposes and powers of Society***Establishment of Society**

37.—(1) A body called the Law Society of Singapore is established.

(2) The Society is 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 any other acts that bodies corporate may by law perform.

Purposes and powers of Society

38.—(1) The purposes of the Society are —

- (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 on, 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
 - (l) 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.
- (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 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 other things incidental or conducive to the achievement or betterment of the purposes of the Society.

(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.

Division 2 — Members of Society and subscriptions

Membership

39. The membership of the Society consists of the following:

- (a) all advocates and solicitors who are members of the Society by reason of section 40;
- (b) all foreign lawyers who —
 - (i) are members of the Society by reason of section 40A(1); or
 - (ii) are admitted to membership of the Society under section 40A(2);
- (c) all persons who are admitted to membership of the Society under section 41; and
- (d) all persons who are elected as honorary members under section 42.

[40/2014]

Practising solicitors to be members

40.—(1) Every advocate and solicitor who has in force a practising certificate becomes without election, admission or appointment a member of the Society and remains a member under this section so long and only so long as he or she 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 is 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) is called in this Act a practitioner member.

Associate members

40A.—(1) Every foreign lawyer who —

(a) is registered under section 36B or 36D; or

(b) is granted an approval under section 176(1),

becomes, without election, admission or appointment, a member of the Society and remains a member under this section so long and only so long as his or her registration or approval (as the case may be) continues in force.

[40/2014]

(2) Every foreign lawyer who —

(a) is registered under section 36C but does not have an approval under section 176(1); and

(b) applies for membership of the Society in the prescribed manner,

is admitted as a member of the Society and remains a member under this section so long and only so long as his or her registration continues in force.

[40/2014]

(3) Every foreign lawyer who is a member of the Society under subsection (1) or (2) is called in this Act an associate member.

[40/2014]

Non-practitioner members

41.—(1) Subject to subsections (3) and (4), any of the following persons who applies for membership of the Society in the prescribed manner is to be admitted as a member of the Society:

(a) any advocate and solicitor who does not have in force a practising certificate;

(b) *[Deleted by Act 40 of 2014]*

(c) any qualified person (not being an advocate and solicitor) who is ordinarily resident in Singapore.

[40/2014]

(1A) Subject to subsection (5), any of the following persons (not being an advocate and solicitor, a foreign lawyer mentioned in

section 40A, or a qualified person mentioned in subsection (1)) may be admitted as a member of the Society on his or her application in the prescribed manner to the Society:

- (a) any member of the academic staff —
 - (i) of the Faculty of Law of the National University of Singapore;
 - (ii) of the School of Law of the Singapore Management University;
 - (iia) of the School of Law of the Singapore University of Social Sciences; or
 - (iii) of any department in any institution of higher learning in Singapore who teaches law in that department;
- (b) any person resident in Singapore who is recognised, by a foreign authority having the function conferred by law of authorising or registering persons to practise law in a state or territory other than Singapore, to be eligible to practise law in that state or territory;
- (c) any person resident in Singapore who is attending a course of study leading to a qualification prescribed under section 2(2).

[40/2014; 16/2016; 30/2017]

(2) Every person who is a member of the Society under subsection (1) or (1A) is called in this Act a non-practitioner member.

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

- (a) an advocate and solicitor —
 - (i) who has been struck off the roll, or whose name has been removed from the roll under section 100; and
 - (ii) whose name has not been replaced on the roll under section 102;
- (b) an advocate and solicitor who has been suspended from practice, for so long as the suspension remains in force; or
- (c) [Deleted by Act 40 of 2014]

(d) *[Deleted by Act 40 of 2014]*

(e) a qualified person who has been prohibited under section 83(3) from applying to the court for admission, for so long as the prohibition remains in force.

[40/2014]

(4) A person admitted as a member of the Society under subsection (1) ceases to be a member if —

(a) being an advocate and solicitor mentioned in subsection (1)(a) —

(i) he or she is struck off the roll or suspended from practice; or

(ii) his or her name is removed from the roll under section 100; or

(b) *[Deleted by Act 40 of 2014]*

(c) being a qualified person mentioned in subsection (1)(c), he or she is prohibited under section 83(3) from applying to the court for admission.

[40/2014]

(5) A person admitted as a member of the Society under subsection (1A)(c) ceases to be a member when he or she becomes a qualified person.

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.

Privileges of membership

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

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

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 or her —

- (a) be expelled from membership; or
- (b) be deprived of any one or more rights and privileges of membership.

(2) A practitioner member must not be expelled from membership so long as he or she has in force a practising certificate.

(3) An associate member must not be expelled from membership so long as his or her registration under section 36B, 36C or 36D, or the approval given to him or her under section 176(1), continues in force.

[40/2014]

Termination of membership

45. Any member of the Society, other than an honorary member, who ceases to be qualified for membership then ceases to be a member.

Annual subscription to Society

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

(1A) The subscription is payable to the Society by every solicitor in each year when he or she applies for a practising certificate.

[40/2014]

(1B) The subscription is payable to the Society by an associate member —

- (a) if he or she is registered under section 36B or 36D, or is granted an approval under section 176(1) —

- (i) not later than 14 days after the date on which he or she becomes a member of the Society under section 40A(1); and
 - (ii) in each subsequent year in which his or her registration or approval (as the case may be) continues in force, not later than the anniversary of the date mentioned in sub-paragraph (i); or
- (b) if he or she is registered under section 36C and is admitted as a member of the Society under section 40A(2) —
- (i) not later than 14 days after the date on which he or she is admitted as a member of the Society under section 40A(2); and
 - (ii) in each subsequent year in which his or her registration continues in force, not later than the anniversary of the date mentioned in sub-paragraph (i).

[40/2014]

(1C) [*Deleted by Act 8 of 2011*]

(1D) [*Deleted by Act 8 of 2011*]

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

(3) The subscriptions payable by non-practitioner members must not at any time exceed the lowest subscription payable by practitioner members for the corresponding period.

[40/2014]

(3A) The subscriptions payable by associate members must not at any time exceed the highest subscription payable by practitioner members for the corresponding period.

[40/2014]

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

[40/2014]

(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 must not in any calendar year exceed \$500 per practitioner member without the approval of a general meeting of the Society.

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

- (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
- (c) in the case of a subscription paid by an associate member, a sum of \$50.

[8/2011; 40/2014]

Division 3 — Council of Society

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 is to be a Council.

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

Statutory members

48.—(1) The following persons are 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.

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

Elected members

49.—(1) There are to be 15 elected members of the Council consisting of —

- (a) 7 practitioner members, each of whom is an advocate and solicitor of not less than 15 years' standing on the day of his or her nomination for election to the Council;
- (b) 4 practitioner members, each of whom is an advocate and solicitor of less than 15 years' but not less than 5 years' standing on the day of his or her nomination for election to the Council; and
- (c) 4 practitioner members, each of whom is an advocate and solicitor of less than 5 years' standing on the day of his or her nomination for election to the Council.

[16/2016]

(2) Subject to the provisions of this Act, every elected member of the Council holds 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 is not eligible for election or appointment as a member of the Council.

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

[40/2019]

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

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

(7) The court of 3 Judges is not to 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 or her conduct since his or her conviction, striking-out or suspension did not make him or her 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 or her conviction, striking-out or suspension and stating whether in their opinion he or she is a fit and proper person to be a member of the Council.

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

(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.

(10) Whenever it is necessary for any reason 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 the election are to hold office for only one year.

(11) Every elected member of the Council is eligible for re-election if he or she is qualified to be a candidate.

Division 4 — Election of members of Council

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 must vote for the election of the members of the Council as follows:

- (a) if he or she is an advocate and solicitor of not less than 15 years' standing, he or she must vote for the election of the members of the Council under section 49(1)(a);
- (b) if he or she is an advocate and solicitor of less than 15 years' but not less than 5 years' standing, he or she must vote for the election of the members of the Council under section 49(1)(b);
- (c) if he or she is an advocate and solicitor of less than 5 years' standing, he or she must vote for the election of the members of the Council under section 49(1)(c).

[16/2016]

(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 is not entitled to apply for a practising certificate unless he or she —

- (a) satisfies the Registrar that he or she 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 to the Society.

[22/2018]

Elections

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

- (a) the date of nomination which must be in the second week of the month of October that year;
- (b) the date of election which must be in the last week of the month of October that year; and
- (c) [Deleted by Act 16 of 2016]
- (d) the names of 3 scrutineers.

[16/2016]

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

[16/2016]

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

- (a) the date of nomination which must be at least 7 days but not more than 15 days from the date of the notice notifying members of the election;
- (b) the date of the election which must be at least 10 days but not more than 15 days from the date of nomination; and
- (c) [Deleted by Act 16 of 2016]
- (d) the names of 3 scrutineers.

[16/2016]

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

[16/2016]

(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 does not invalidate an election.

Nominations

52. Every nomination of a candidate for election —

- (a) must be of a person qualified to be a candidate under section 49;
- (b) must be in writing signed by not less than 2 persons qualified in a like manner under section 49 as the candidate nominated; and
- (c) must name only one candidate whose consent must be endorsed thereon.

Insufficient nominations

53.—(1) If only so many candidates are nominated for election to the Council as are required to be elected, those candidates are deemed to be elected; if fewer, the candidates nominated are 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) must 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, after consulting the statutory members of the Council (if any) must 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) are deemed for all purposes of this Act to be elected members.

Council's term of office

54.—(1) Every Council of the Society constituted after an annual election takes office on 1 January after that election and holds office

until 31 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) takes office from the day on which the members of that Council were elected or appointed (as the case may be) and holds office until 31 December next following.

Casual vacancies

55.—(1) Any casual vacancy arising among the elected members of the Council must 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 holds office for so long as the member in whose place he or she is appointed would have held office.

(2) The continuing members of the Council may act provided there is a quorum despite any vacancy in the Council.

(3) No act done by or by the authority of the Council is 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

President, vice-presidents and treasurer

56.—(1) There is to be a president, 2 vice-presidents and a treasurer of the Society who are elected by —

- (a) members and members-elect of the Council taking office in either case on 1 January after an annual election under section 54(1) from among those members at a meeting of the Council before that date; or
- (b) members of the Council taking office under section 54(2) from among those members at the first meeting of the Council.

(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

must, at its next meeting or as soon as possible thereafter, elect one of its members to fill the vacancy.

(3) The president of the Society, or in his or her absence a vice-president of the Society nominated by the president, is the chairperson of the Council and presides at all meetings of the Council and of the Society.

(4) In the absence of the president and the vice-presidents of the Society, the Council or the Society (as the case may be) must elect a chairperson from among the respective members.

Vacation of office of member of Council

57.—(1) A statutory member of the Council must vacate his or her office if —

- (a) he or she 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 or she has a mental disorder and becomes incapable of managing himself or herself or his or her affairs;
- (c) he or she is an undischarged bankrupt;
- (d) he or she has entered into a composition with his or her creditors or a deed of arrangement for the benefit of his or her creditors; or
- (e) he or she has one or more outstanding judgments against him or her amounting in the aggregate to \$100,000 or more which he or she has been unable to satisfy within 6 months from the date of the earliest judgment.

[21/2008]

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

- (a) being elected under section 49(1), he or she ceases for any reason to have in force a practising certificate;
- (b) he or she resigns his or her seat on the Council; or

(c) he or she 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) is deemed to have been elected under section 49(1).

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

Division 6 — Powers of Council

General powers of Council

58.—(1) The management of the Society and of its funds vests 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 by the Society in the general meeting, be exercised or done by the Council.

(3) No resolution of the Society passed under subsection (2) invalidates 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.

Specific powers of Council

59.—(1) Without limiting the general powers conferred by section 58 or the specific powers to make rules conferred by any other provision of this Act, the Council has 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;
- (aa) without limiting paragraph (a), to make rules relating to the provision of services, by members of the Society, other than for or in expectation of any fee, gain or reward;

- (b) to answer questions affecting the practice and etiquette of the profession and the conduct of members of the profession;
- (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 any action 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 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 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) 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.

[40/2014]

(2) Rules made by the Council under this section come into operation only after they have been approved by the Chief Justice.

(3) The Council may, after consulting the Professional Conduct Council, issue pursuant to subsection (1)(b) such practice directions, guidance notes and rulings as the Council thinks appropriate relating to professional practice, etiquette, conduct and discipline.

[40/2014]

Appointment of committees of Council

60.—(1) The Council may appoint one or more committees for any general or special purpose that 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, are to 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 chairperson thereof) must be members of the Council.

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 is entitled —

(a) without payment of any fee, to inspect —

(i) the file of proceedings in bankruptcy relating to any solicitor against whom proceedings in bankruptcy have been taken; or

(ii) the file of winding up proceedings against a law corporation or a limited liability law partnership; and

(b) to be supplied with office or certified copies of the proceedings on payment of the usual charge for those copies.

Power of Council to accept gifts, etc.

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 must 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 must, subject to the law relating to charities, be applied and administered in accordance with the purposes for which they may have been donated and must be separately accounted for.

Representation in court

63. The Society may be represented or appear in any court by any advocate and solicitor whether he or she is a member of the Council or not.

Division 7 — Proceedings of Council

Meetings of Council

64.—(1) Meetings of the Council may be held —

(a) at such times and in such manner as the Council may determine; and

(b) as often as may be necessary.

(1A) A member of the Council may participate in a meeting of the Council through such means of communication (such as over the telephone or through a live audio, live video or live television link) as the Council may determine.

(1B) A member of the Council who participates in a meeting of the Council in accordance with subsection (1A) is deemed to be present at the meeting.

(2) Five members present at any meeting of the Council 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 is deemed to be a decision of the Council.

(4) The chairperson or the person lawfully acting as chairperson at any meeting of the Council has 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 at meetings, the keeping of minutes and the custody, production and inspection of those minutes.

Passing of resolution of Council by written means

64A.—(1) Despite section 64, the Council may pass any resolution of the Council by written means.

(2) A resolution of the Council is passed by written means if it has been formally agreed, in such manner as the Council may determine, on any date by a majority of the members of the Council.

(3) Any reference in this Act or any other law to a decision of the Council includes a reference to a resolution of the Council passed by written means.

(4) Any reference in this Act or any other law to the doing of anything by the Council includes a reference to the passing of a resolution of the Council by written means which authorises the doing of that thing.

Expenses of members

65. No fees are to 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 or her in relation to the affairs of the Society.

Proceedings of Council, Review Committee 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 Review Committee or Inquiry Committee, confidentiality must be maintained in all proceedings conducted by the Council, its staff and the Review Committee or Inquiry Committee.

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

Division 8 — General meetings of Society

Annual general meeting

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

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

(3) Despite section 54, every Council that ceases to hold office on 31 December in each year must 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 31 December immediately preceding that 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 must convene a general meeting to be held within 30 days of the deposit.

(3) Such written notice must 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.

Voting

69. At every general meeting, every practitioner member present has one vote, and the chairperson of that meeting also has a casting vote.

Convening and procedure

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

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

PART 5A

PREVENTION OF MONEY LAUNDERING AND FINANCING OF TERRORISM

Interpretation of this Part

70A.—(1) This Part relates to the measures which a legal practitioner or law practice must take, when preparing for or carrying out any transaction concerning a relevant matter, to prevent the transaction from being used to facilitate either or both money laundering and the financing of terrorism.

[40/2014]

(2) In this Part, unless the context otherwise requires —

“law practice” means a Singapore law practice, a Qualifying Foreign Law Practice, a licensed foreign law practice, the constituent foreign law practice of a Joint Law Venture, or a foreign law practice which is a member of a Formal Law Alliance, and includes a Joint Law Venture, a Formal Law Alliance and any branch or office outside Singapore of a Singapore law practice;

“legal practitioner” means any advocate and solicitor or foreign lawyer to whom this Part applies;

“relevant matter” means any of the following matters:

- (a) acquisition, divestment or any other dealing of any interest in real estate;
- (b) management of client’s moneys, securities or other assets, or of bank, savings or securities accounts;
- (c) creation, operation or management of any company, corporation, partnership, society, trust or other legal entity or legal arrangement;
- (d) acquisition, merger, sale or disposal of any company, corporation, partnership, sole proprietorship, business trust or other business entity;
- (e) any matter, in which a legal practitioner or law practice acts for a client, that is unusual in the ordinary course of business, having regard to —
 - (i) the complexity of the matter;
 - (ii) the quantum involved;
 - (iii) any apparent economic or lawful purpose of the matter; and
 - (iv) the business and risk profile of the client.

[40/2014]

(3) In this Part, unless the context otherwise requires, a reference to this Part includes a reference to any rules made under section 70H.

[40/2014]

Prohibition against anonymous accounts

70B. A legal practitioner or law practice must not open or maintain any account for or hold and receive moneys from —

- (a) an anonymous source; or
- (b) a client with an obviously fictitious name.

[40/2014]

Customer due diligence measures

70C. A legal practitioner or law practice must perform such customer due diligence measures as may be prescribed at such times as may be prescribed.

[40/2014]

Suspicious transaction reporting

70D. Where a legal practitioner or law practice knows or has reasonable grounds to suspect any matter referred to in section 45(1) of the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act 1992, the legal practitioner or law practice must, in accordance with section 45 of that Act, disclose the matter to —

- (a) a Suspicious Transaction Reporting Officer under that Act by way of a suspicious transaction report; or
- (b) an authorised officer under that Act.

[40/2014]

Keeping of records

70E.—(1) A legal practitioner must maintain —

- (a) all documents and records relating to each relevant matter in which the legal practitioner has acted; and
- (b) all documents and records obtained by the legal practitioner through the customer due diligence measures performed under section 70C.

[40/2014]

(2) A law practice must maintain —

- (a) all documents and records relating to each relevant matter in which the law practice, or any legal practitioner in the law practice, has acted; and
- (b) all documents and records obtained by the law practice, or by any legal practitioner in the law practice, through the customer due diligence measures performed under section 70C.

[40/2014]

(3) The documents and records mentioned in subsections (1) and (2) must be maintained for such periods as may be prescribed.

[40/2014]

(4) For the purposes of subsection (3), different periods may be prescribed for different documents and records.

[40/2014]

Powers of inspection by Council

70F.—(1) In order to ascertain whether this Part is being complied with, the Council may, on its own motion or upon receiving any written complaint, require a legal practitioner or a sole proprietor, partner or director of a law practice to produce any document or provide any information or explanation to the Council or to any person appointed by the Council.

[40/2014]

(2) Upon being required to produce any document, information or explanation, the legal practitioner or the sole proprietor, partner or director of the law practice must provide to the Council, or to any person appointed by the Council under subsection (1), the document, information or explanation.

[40/2014]

(3) A document that is in electronic form must be produced in the form or format required by the Council or the person appointed by the Council under subsection (1).

[40/2014]

(4) The Council, or the person appointed by the Council under subsection (1), may —

(a) retain the document provided and make and retain copies of the document; and

(b) record the information or explanation provided.

[40/2014]

(5) The Council may —

(a) use the document, information or explanation obtained as a basis for proceedings under this Act; and

(b) disclose the document, information or explanation for all or any of the following purposes:

- (i) an investigation of a criminal offence, and any subsequent criminal proceedings;
- (ii) any disciplinary proceedings under section 70G(1) against a legal practitioner;
- (iii) any regulatory action under section 70G(2) against a law practice.

[40/2014]

Contravention of this Part

70G.—(1) Disciplinary proceedings may be taken against any legal practitioner who contravenes this Part.

[40/2014]

(2) Such regulatory action as may be prescribed may be taken against any law practice which contravenes this Part.

[40/2014]

Rules for prevention of money laundering and financing of terrorism

70H.—(1) The Council may, with the approval of the Minister, make such rules as may be necessary or expedient for the purposes of this Part.

[40/2014]

(2) Without limiting subsection (1), the Council may, with the approval of the Minister, make rules —

- (a) to prescribe, for the purposes of the definition of “legal practitioner” in section 70A(2), the types of advocates and solicitors and foreign lawyers to whom this Part applies;
- (b) to specify how a legal practitioner or law practice is to apply this Part;
- (c) to specify the measures which a legal practitioner or law practice is to take when preparing for or carrying out any transaction concerning a relevant matter;
- (d) to prescribe, for the purposes of section 70G(1), different types of disciplinary proceedings for different types of legal practitioners;

- (e) to prescribe, for the purposes of section 70G(2), different types of regulatory actions for different types of law practices;
- (f) to prescribe such transitional, savings or other consequential provisions as may be necessary or expedient for the purposes of this Part; and
- (g) to prescribe anything which may be prescribed under this Part.

[40/2014]

PART 5B

UNCLAIMED MONEY FUND

Interpretation of this Part

70I. In this Part, unless the context otherwise requires —

“claimant” means any person who claims to be entitled to, or to be authorised to receive, any transferred unclaimed client money;

“Fund” means the Unclaimed Money Fund maintained and administered by the Society under section 70J;

“transfer date” means —

(a) in relation to any transferred unclaimed client money, the date on which the Society approves an application for the payment of that money into the Fund under section 70K; and

(b) in relation to any transferred unclaimed intervention money, the date on which that money is paid into the Fund under paragraph 11(3) of the First Schedule;

“transferred unclaimed client money” means any money paid into the Fund under section 70K;

“transferred unclaimed intervention money” means any money paid into the Fund under paragraph 11(3) of the First Schedule;

“trust account” means a trust account within the meaning of any rules made under section 72(1).

[22/2018]

Unclaimed Money Fund

70J.—(1) The Society must maintain and administer, in accordance with this section, a fund called the Unclaimed Money Fund.

[22/2018]

(2) Subject to any limitation prescribed by rules made under section 70N, any transferred unclaimed client money or transferred unclaimed intervention money paid into the Fund vests in the Society, and belongs to the Society absolutely, with effect from the transfer date of that money.

[22/2018]

(3) Subject to any limitation prescribed by rules made under section 70N —

- (a) any moneys that form part of the Fund and are not immediately required for any other purpose may be invested by the Society;
- (b) the following moneys in the Fund may be used to fund pro bono services provided by the Society or by any wholly-owned subsidiary of the Society:
 - (i) any interest, dividends and other accretions of capital arising from the investment of moneys that form part of the Fund;
 - (ii) such transferred unclaimed client money and transferred unclaimed intervention money as may be prescribed by rules made under section 70N;
- (c) such transferred unclaimed client money and transferred unclaimed intervention money, as may be prescribed by rules made under section 70N, may be used to make payments to claimants under section 70L;
- (d) such transferred unclaimed intervention money, as may be prescribed by rules made under section 70N, may be used

to make payments to claimants under paragraph 11(5) of the First Schedule; and

- (e) any interest, dividends and other accretions of capital arising from the investment of moneys that form part of the Fund may be used to pay any costs, charges and expenses of —
 - (i) establishing, maintaining, administering and applying the Fund; and
 - (ii) administering this Part.

[22/2018]

(4) Except with the prior written approval of the Minister, the Society must not invest or use any moneys that form part of the Fund other than in accordance with subsection (3).

[22/2018]

Transfer of unclaimed client money to Fund

70K.—(1) A solicitor or Singapore law practice may apply to pay into the Fund any money that is held by the solicitor or Singapore law practice for or on account of a client (except any money held in a trust account), if that solicitor or Singapore law practice —

- (a) intends to pay the money to the client; but
- (b) is unable to do so, despite making such reasonable efforts as the Society may require.

[22/2018]

(2) The Society may approve an application made under subsection (1), subject to any conditions imposed by the Society, if the solicitor or Singapore law practice making the application satisfies such requirements as may be prescribed under section 70N for the purposes of this subsection.

[22/2018]

(3) No action to recover any transferred unclaimed client money (or any interest, dividends and other accretions of capital arising from the investment of such money) may be brought, on or after the transfer date of the transferred unclaimed client money, against —

- (a) the Society; or

- (b) any wholly-owned subsidiary of the Society to which any money is transferred under section 70J(3)(b).

[22/2018]

(4) No action to recover any transferred unclaimed client money (or any interest, dividends and other accretions of capital arising from the investment of such money) may be brought, after the expiry of 6 years after the transfer date of the transferred unclaimed client money, against —

- (a) the solicitor or Singapore law practice that paid the transferred unclaimed client money into the Fund under subsection (1); or
- (b) any solicitor or Singapore law practice that held that money for or on account of a client at any time before that money was paid into the Fund.

[22/2018]

(5) To avoid doubt —

- (a) subsection (3) does not affect any limitation period that expires before the transfer date; and
- (b) subsection (4) does not affect any limitation period that expires before the limitation period under that subsection.

[22/2018]

(6) In this section, “client” includes, in addition to any person mentioned in the definition of “client” in section 2(1) —

- (a) a person for, or on behalf of, whom is held any money that was transferred, directly or indirectly to a solicitor or Singapore law practice from another solicitor or Singapore law practice; and
- (b) the estate or personal representative of a deceased client.

[22/2018]

Application for payment of transferred unclaimed client money

70L.—(1) Despite section 70K(3), at any time within 6 years after the transfer date of any transferred unclaimed client money, any claimant may apply to the Society for the payment of the whole or

part of the amount of that money that the claimant claims to be entitled to, or to be authorised to receive.

[22/2018]

(2) On an application under subsection (1), the Society must pay the relevant amount to the claimant from the Fund if such requirements, as may be prescribed by rules made under section 70N for the purposes of this subsection, are satisfied.

[22/2018]

(3) Subject to subsection (6), the relevant amount mentioned in subsection (2) is —

(a) the amount of any money paid into the Fund under section 70K that a solicitor or Singapore law practice is required, under a court order, to pay the claimant; or

(b) the amount declared in a statutory declaration (made by any solicitor, or by a solicitor on behalf of any Singapore law practice, mentioned in subsection (4)(b)) to be the amount of any money paid into the Fund under section 70K that the claimant is entitled to or is authorised to receive.

[22/2018]

(4) A payment to a claimant under subsection (2) discharges the following from liability to the claimant for the amount paid:

(a) the Society;

(b) any solicitor or Singapore law practice that —

(i) paid the transferred unclaimed client money, which the claimant claims to be entitled to, or to be authorised to receive, into the Fund; or

(ii) held the money mentioned in sub-paragraph (i) at any time before that money was paid into the Fund.

[22/2018]

(5) Despite section 70K(3) and subsection (1), if any claimant applies to the Society, after the expiry of 6 years after the transfer date of any transferred unclaimed client money, for the payment of any amount of that money that the claimant claims to be entitled to, or to be authorised to receive, the Society may pay the whole or any part of that amount to the claimant from the Fund.

[22/2018]

(6) No interest is payable on any transferred unclaimed client money by the Society to any claimant under this section.

[22/2018]

Application of law

70M.—(1) Money may be paid into the Fund under section 70K(1) or paragraph 11(3) of the First Schedule, despite any rules made under section 73D of the Conveyancing and Law of Property Act 1886.

[22/2018]

(2) No breach of trust or other legal liability arises by virtue only of the payment into the Fund of any transferred unclaimed client money or transferred unclaimed intervention money, or the investment or use of money that forms part of the Fund, in accordance with this Part or paragraph 11 of the First Schedule.

[22/2018]

(3) To avoid doubt, this Part and paragraph 11 of the First Schedule do not affect any right to any money that has accrued to the Government on the death of a person who dies intestate without next of kin, before the transfer date of that money.

[22/2018]

Rules for this Part

70N.—(1) The Council may, with the approval of the Minister, make rules for the purposes of this Part.

[22/2018]

(2) Without limiting subsection (1), the rules made under that subsection may prescribe —

- (a) any limitation for the purposes of section 70J(2) or (3), and the classes of transferred unclaimed client money and transferred unclaimed intervention money (as the case may be) to which section 70J(3)(b)(ii), (c) or (d) applies;
- (b) any information or declaration that must be provided with an application under section 70K(1);
- (c) any requirements for the purposes of section 70K(2);
- (d) any requirements for the purposes of section 70L(2);

- (e) any action that the Society may take to ascertain whether the rules made under this section are being complied with, which action may include imposing a requirement that a solicitor or Singapore law practice that pays any transferred unclaimed client money into the Fund under section 70K must —
- (i) continue to keep and maintain such records relating to the money as the Society may require; and
 - (ii) produce to the Society those records and such other information as the Society may require for the administration of this Part; and
- (f) any other thing that may be prescribed for the purposes of this Part.

[22/2018]

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

[22/2018]

(4) The Director of Legal Services may exercise, against any law firm, any limited liability law partnership and any law corporation that contravenes any rules made under this section, the powers under sections 133, 145 and 161, respectively.

[22/2018]

(5) This Part and any rules made under subsection (1) apply, with such modifications as may be prescribed under subsection (6), to —

- (a) any regulated foreign lawyer; and
- (b) any Joint Law Venture or its constituent foreign law practice, any Qualifying Foreign Law Practice or any licensed foreign law practice.

[22/2018]

(6) The Minister may make rules to prescribe the modifications to be made, for the purposes of subsection (5), to this Part and any rules made under subsection (1).

[22/2018]

PART 6
PROFESSIONAL PRACTICE, CONDUCT
AND DISCIPLINE

[40/2014]

Professional Conduct Council and rules as to professional practice, etiquette, conduct and discipline, etc.

71.—(1) For the purposes of this section, there is to be a Professional Conduct Council consisting of —

- (a) the Chief Justice, who is the Chairperson of the Professional Conduct Council;
- (b) the Attorney-General;
- (c) the president of the Society;
- (d) a Supreme Court Judge appointed by the Chief Justice for such period as the Chief Justice may specify in writing;
- (e) the Presiding Judge of the Family Justice Courts;
- (f) the Presiding Judge of the State Courts;
- (g) at least one but not more than 3 advocates and solicitors, each of whom is appointed by the Chief Justice for such period as the Chief Justice may specify in writing;
- (h) at least one but not more than 3 foreign lawyers, each of whom is registered under section 36B, 36C or 36D and is appointed by the Chief Justice for such period as the Chief Justice may specify in writing;
- (i) not more than 2 other persons, each (if any) of whom may be appointed by the Chief Justice for such period as the Chief Justice may specify in writing; and
- (j) a person appointed by the Minister for such period as the Minister may specify in writing.

[40/2014; 40/2019]

(2) The Professional Conduct Council may make rules for regulating —

- (a) the professional practice, etiquette, conduct and discipline of every regulated legal practitioner and every person admitted under section 15;
 - (b) the conduct and discipline of every regulated non-practitioner; and
 - (c) the management of every Singapore law practice, Joint Law Venture, Formal Law Alliance, Qualifying Foreign Law Practice and licensed foreign law practice.
- [40/2014]*
- (3) Without limiting subsection (2), the rules made under that subsection may —
- (a) empower the Council to take any action that may be necessary to enable the Council to ascertain whether or not those rules are being complied with; and
 - (b) empower the Director of Legal Services to take any action that may be necessary to enable him or her to ascertain whether or not any rules made under subsection (2)(c) are being complied with.
- [40/2014]*
- (4) Upon an application made by any person or entity specified in the following paragraphs, the Professional Conduct Council may exempt that person or entity from all or any, and from the whole or any part of any, of the requirements under the rules made under subsection (2), if the Professional Conduct Council is of the opinion that it is reasonable to do so:
- (a) a regulated legal practitioner;
 - (b) a person admitted under section 15;
 - (c) a regulated non-practitioner;
 - (d) a Singapore law practice;
 - (e) a Joint Law Venture;
 - (f) a Formal Law Alliance;
 - (g) a Qualifying Foreign Law Practice;

(h) a licensed foreign law practice.

[40/2014]

(5) An exemption granted to a person or an entity under subsection (4) —

(a) may be subject to any conditions that the Professional Conduct Council may think fit to impose by written notice to the person or entity;

(b) must be notified in writing to the person or entity; and

(c) need not be published in the *Gazette*.

[40/2014]

(6) The Professional Conduct Council may issue, in respect of any matter relating to the rules made under subsection (2), such practice directions, guidance notes and rulings as the Professional Conduct Council thinks appropriate.

[40/2014]

(7) The rules made under subsection (2) prevail, to the extent of any inconsistency, over —

(a) any practice directions, guidance notes and rulings issued under subsection (6);

(b) any rules made by the Council under section 59; and

(c) any practice directions, guidance notes and rulings (relating to professional practice, etiquette, conduct and discipline) issued by the Council or the Society.

[40/2014]

(8) The practice directions, guidance notes and rulings issued under subsection (6) prevail, to the extent of any inconsistency, over any practice directions, guidance notes and rulings (relating to professional practice, etiquette, conduct and discipline) issued by the Council or the Society.

[40/2014]

(9) Except as provided under subsections (7) and (8), all practice directions, guidance notes and rulings (relating to professional practice, etiquette, conduct and discipline) issued by the Council or the Society that have not been revoked by the Council or the Society

(as the case may be) continue in force until they are revoked by the Council or the Society, as the case may be.

[40/2014]

(10) The Professional Conduct Council may appoint one or more committees for such purposes of this section as, in the opinion of the Professional Conduct Council, may be better regulated or managed by means of a committee.

[40/2014]

(11) A committee appointed under subsection (10) may include persons who are not members of the Professional Conduct Council.

[40/2014]

(12) The Professional Conduct Council may delegate all or any of its functions and powers under subsections (4), (5) and (6) to any committee appointed under subsection (10).

[40/2014]

(13) Every committee appointed under subsection (10) must report to the Professional Conduct Council.

[40/2014]

(14) Disciplinary proceedings may be taken against any regulated legal practitioner, person admitted under section 15 or regulated non-practitioner who contravenes any rules made under subsection (2).

[40/2014]

(15) The Director of Legal Services may exercise the following powers against the following entities:

- (a) the powers under section 133 against a law firm which contravenes any rules made under subsection (2)(c);
- (b) the powers under section 145 against a limited liability law partnership which contravenes any rules made under subsection (2)(c);
- (c) the powers under section 161 against a law corporation which contravenes any rules made under subsection (2)(c);
- (d) the powers under section 174 against a Joint Law Venture or Formal Law Alliance which contravenes any rules made under subsection (2)(c); and

- (e) the powers under section 175 against a Qualifying Foreign Law Practice or licensed foreign law practice which contravenes any rules made under subsection (2)(c).

[40/2014]

Rules as to keeping of accounts by solicitors

72.—(1) The Council may 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 or her partners, clerks or servants, of an account at a bank for moneys of any trust of which he or she is such a sole trustee or co-trustee;
- (d) as to the keeping by every solicitor mentioned in paragraph (c) of accounts containing particulars and information as to moneys received, held or paid by him or her for or on account of any trust referred to in that paragraph;
- (da) as to the circumstances in which, and the manner by which, the Council may prohibit a solicitor from authorising or effecting any withdrawal of money from any account mentioned in paragraph (a) or (c), whether the withdrawal is authorised or effected by the solicitor signing any cheque or other instrument or otherwise; and
- (e) empowering the Council to take any action as may be necessary to enable them to ascertain whether or not the rules are being complied with.

(2) Any rules made under this section may provide for the manner in which the matters referred to in subsection (1) apply to law corporations or to limited liability law partnerships.

[17/2011]

(2A) Any rules made under this section —

- (a) subject to sections 36M and 184, apply only to Singapore law practices and solicitors practising therein; and
- (b) are subject to any rules made under section 73D of the Conveyancing and Law of Property Act 1886.

[17/2011; 40/2014]

(3) Any rules made under this section come into operation only after they have been approved by the Chief Justice who may, if he or she thinks fit, consult any of the other Judges before giving his or her approval.

[17/2011]

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

Accountant's report

73.—(1) Subject to subsection (1A), every solicitor must with every application made by him or her for a practising certificate, unless he or she satisfies the Council that owing to the circumstances of his or her case it is unnecessary to do so, deliver to the Registrar a report signed by an accountant (called in this section an accountant's report) and must deliver a copy of the accountant's report to the Society.

(1A) A solicitor is not required to deliver an accountant's report under subsection (1) in respect of any practice of Singapore law by him or her in a Joint Law Venture or its constituent foreign law practice, a Qualifying Foreign Law Practice or a licensed foreign law practice.

(2) If a solicitor practised in a Singapore law practice during such accounting period as may be specified in the accountant's report to be delivered by him or her, the report must —

- (a) state that in compliance with this section and rules made thereunder the accountant has examined the books, accounts and documents of the Singapore law practice for that accounting period;

- (b) state whether or not the accountant is satisfied, from his or her examination of the books, accounts and documents produced to him or her and from the information and explanations given to him or her, that during the said accounting period the Singapore law practice 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 the accountant 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 said accounting period.
- (3) Subject to any rules made under this section, the accounting period for the purposes of an accountant's report —
- (a) begins at the expiry of the last preceding accounting period for which an accountant's report has been delivered;
 - (b) covers not less than 12 months;
 - (c) terminates not more than 12 months, or such shorter 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), corresponds to a period or consecutive periods for which the accounts of the Singapore law practice in which the solicitor practised are ordinarily made up.
- (4) The Council shall make rules to give effect to this section, and the rules shall prescribe —
- (a) what qualification must 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 an accountant, with a view to the signing of an accountant's report to be delivered by a solicitor, of —

- (i) the books and accounts of the Singapore law practice in which the solicitor practised; and
 - (ii) any other relevant documents.
- (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 come into operation only after they have been approved by the Chief Justice who must consult the Attorney-General and may, if he or she thinks fit, consult any of the other Judges before giving his or her 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 does not apply to a solicitor who applies for a practising certificate to practise as a locum solicitor.

Intervention in solicitor's practice

74.—(1) Subject to subsection (2), the powers conferred by Part 2 of the First Schedule are exercisable in the circumstances specified in Part 1 of that Schedule.

(2) The First Schedule applies, with such modifications as may be prescribed under subsection (3), to —

- (a) a foreign lawyer registered under section 36B, in respect of the foreign lawyer's practice of Singapore law; and
- (b) a solicitor registered under section 36E, in respect of the solicitor's practice of Singapore law in a Joint Law Venture or its constituent foreign law practice, a Qualifying Foreign Law Practice or a licensed foreign law practice.

[8/2011; 40/2014]

(3) The Minister may make rules to prescribe the modifications to be made to the First Schedule for the purposes of subsection (2).

[40/2014]

Compensation Fund

75.—(1) The Society must maintain and administer in accordance with this section a fund known as the Compensation Fund (called in this section the Fund).

(2) Every solicitor must, in each year when he or she makes an 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 must pay that contribution to the Fund.

[40/2014]

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

(3A) Every foreign lawyer who —

(a) is registered under section 36B; or

(b) is granted an approval under section 176(1),

must, while his or her registration or approval 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 must pay that contribution to the Fund.

[40/2014]

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

(a) if he or she is registered under section 36B, in each year not later than 14 days after the date of issue of his or her foreign practitioner certificate; or

(b) if he or she is granted an approval under section 176(1), but is not registered under section 36B —

(i) not later than 14 days after the date of issue of a certificate of approval in respect of that approval; and

- (ii) in each subsequent year, not later than the anniversary of the date of issue of that certificate of approval.

[8/2011; 3/2012; 40/2014]

(3C) [*Deleted by Act 8 of 2011*]

(3D) [*Deleted by Act 8 of 2011*]

(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 has 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 must be carried to the credit of the Fund —

- (a) all annual contributions paid to the Society pursuant to 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 are to 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) The Council may transfer from the Fund the whole or any part of the interest, dividends and other accretions of capital arising from the Fund —

- (a) to any other fund of the Society for —
 - (i) the purpose of purchasing or maintaining a library for the use of the members of the Society; or
 - (ii) such purposes as the Minister may specify by notification in the *Gazette*; or
- (b) to any wholly-owned subsidiary of the Society, for such purposes as the Minister may specify by notification in the *Gazette*.

[22/2018]

(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 mentioned in subsection (3A) or employee of such a foreign lawyer in connection with that foreign lawyer's practice in a Singapore law practice,

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 even though subsequent to the commission of that act the solicitor has died or had his or her 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 has wound up, as the case may be.

(12A) A grant may be made under this section even though subsequent to the commission of that act of dishonesty the foreign lawyer has died or the registration or approval mentioned 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 is, to the amount of the grant, 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 has 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 include, in the event of his or her death, insolvency or other disability, references to his or her 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) A grant must not 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.

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 a former advocate and solicitor in connection with his or her practice or with any trust of which he or she is or formerly was a trustee;
 - (b) by an employee or a former employee of an advocate and solicitor or of a former advocate and solicitor in connection with the practice of that advocate and solicitor 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.
- (2) For the purposes of providing such indemnity, the 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.
- (3) Without limiting subsections (1) and (2), the 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 payments 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 the 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 the rules or to make payment for the 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 the 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.

(4) Rules made under this section come into operation only after they have been approved by the Chief Justice who may, if he or she thinks fit, consult any of the other Judges before giving his or her approval.

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

(6) Nothing in this section affects 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 herself or the law corporation or the limited liability law partnership further against loss arising from any claims that may be instituted against him or her 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.

Redress for inadequate professional services

75B.—(1) Subject to subsection (2), the Second Schedule has effect with respect to the provision by solicitors of services on or after 1 September 1998 which are not of the quality which it is reasonable to expect of them.

(2) The Second Schedule and any rules made under paragraph 11 of that Schedule apply, with such modifications as may be prescribed under subsection (3), to the provision, by a solicitor registered under section 36E, of services which —

- (a) are rendered in connection with his or her practice of Singapore law in a Joint Law Venture or its constituent foreign law practice, a Qualifying Foreign Law Practice or a licensed foreign law practice; and
- (b) are not of the quality which it is reasonable to expect of the solicitor.

[40/2014]

(2A) The Second Schedule and any rules made under paragraph 11 of that Schedule apply, with such modifications as may be prescribed under subsection (3), to the provision, by a foreign lawyer registered under section 36B, of services which —

- (a) are rendered in connection with his or her practice of Singapore law; and
- (b) are not of the quality which it is reasonable to expect of the foreign lawyer.

[8/2011; 40/2014]

(3) The Minister may make rules to prescribe the modifications to be made to the Second Schedule and any rules made under paragraph 11 of that Schedule for the purposes of subsections (2) and (2A).

[8/2011; 40/2014]

Qualification to practise as sole proprietor, partner or director of Singapore law practice

75C.—(1) No solicitor may practise in a Singapore law practice as a solicitor on his or her 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 or she —

- (a) has successfully completed such legal practice management course within such time as the Council may by rules made under section 59 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 a Singapore law practice; or

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

[20/2009; 40/2014]

(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.

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

(4) This section does not apply to a solicitor who has before 9 March 2007 been in practice in a Singapore law practice as a solicitor on his or her 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 of 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.

Qualification to use title of consultant

75D.—(1) Subject to subsection (1A), a solicitor must not take or use the title of consultant unless he or she has, for a period of not less than 10 years in the aggregate, been —

- (a) a solicitor in practice;
- (b) a relevant legal officer;
- (c) a full-time member of the academic staff of the Faculty of Law of the National University of Singapore, the School of Law of the Singapore Management University or the School of Law of the Singapore University of Social Sciences; or
- (d) holding any combination of occupations referred to in paragraphs (a), (b) and (c).

[20/2009; 8/2011; 16/2016; 30/2017]

(1A) Where any person who is both a solicitor and a foreign lawyer is qualified under any rules made under section 36M to take or use the title of consultant in relation to his or her capacity as a foreign lawyer, nothing in subsection (1) affects his or her qualification to use that title in relation to that capacity.

[8/2011; 40/2014]

(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.

Solicitors who are commissioners for oaths or notaries public

76. A solicitor who is a commissioner for oaths or a notary public must not do any act as such commissioner or notary (as the case may be) unless he or she has in force a practising certificate.

Solicitor not to act as agent for any unauthorised person

77.—(1) A solicitor must not —

- (a) wilfully and knowingly act as agent for any unauthorised person in any legal proceeding of any kind or in any matter which under this Act can be done only by a solicitor who has in force a practising certificate;
- (b) permit his or her 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) A solicitor must not authorise any unauthorised person to operate any bank account in the name of the solicitor or the Singapore law practice in which the solicitor practises, and maintained by the solicitor or the Singapore law practice in which the solicitor practises in connection with his or her practice as a solicitor.

(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 given by section 32.

Employment or remuneration of certain persons by solicitor

78.—(1) A solicitor must not in connection with his or her 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 or her knowledge is an undischarged bankrupt or has been —

- (a) struck off a roll of legal practitioners by whatever name called otherwise than at his or her 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 1906 or under any provision of this Act;
- (e) listed as a tout under section 39 of the Family Justice Act 2014, section 62 of the State Courts Act 1970 or section 73 of the Supreme Court of Judicature Act 1969; or
- (f) a person in respect of whom an order under subsection (4) has been made.

[5/2014; 27/2014; 22/2018]

(2) A solicitor must not in connection with his or her practice as such, without the consent of the Attorney-General, employ or remunerate any person who to his or her knowledge had been employed as a public officer.

(3) Subsection (2) does 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, a solicitor must not, in connection with his or her 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 or herself while employed by a solicitor that, had the person been a solicitor, his or her conduct might have formed the subject of a complaint under the provisions of this Act against him or her.

(5) Every application under subsection (4) must be served upon the person in respect of whom it is made, and upon his or her employer or previous employer if his or her 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) must 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 or her practice as such, he or she must —

(a) require the person to make a statutory declaration to show that he or she is not an undischarged bankrupt and that he or she 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 or she 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.

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, a specified person must not, 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.

(2) In subsection (1) —

“develop”, “housing developer” and “housing development” have the meanings given by the Housing Developers (Control and Licensing) Act 1965;

“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 or herself;
- (b) any member or assistant of the firm of which the solicitor is a member either as a partner, a consultant or an employee;
- (c) any director or employee of the law corporation of which the solicitor is a director or an employee; or
- (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 any solicitor who acts in contravention of subsection (1).

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 or her 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 the solicitor has in his or her 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 or she 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.

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.

(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 6A

[Repealed by Act 40 of 2014]

PART 6B

[Repealed by Act 40 of 2014]

PART 7

DISCIPLINARY PROCEEDINGS

Jurisdiction of Supreme Court over solicitors and Legal Service Officers

82.—(1) Any person duly admitted as an advocate and solicitor and any Legal Service Officer is an officer of the Supreme Court.

[20/2009]

(2) The provisions of any written law which imposes on officers of the Supreme Court any restrictions as to practice as advocates or solicitors do not apply to any advocate and solicitor by virtue only of subsection (1).

Disciplinary proceedings against Legal Service Officers and non-practising solicitors

82A.—(1) This Part, with the exception of this section and sections 82, 90, 91, 91A, 94A, 98 to 102, 104, 105 and 106, does not apply to any Legal Service Officer or any advocate and solicitor who does not at the time of the misconduct have in force a practising certificate (called in this section a non-practising solicitor).

[20/2009]

(2) All Legal Service Officers and non-practising solicitors are subject to the control of the Supreme Court and are liable on due cause shown to be punished in accordance with this section.

[20/2009]

(3) Such due cause may be shown by proof that a Legal Service 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 Service 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 394(5)(a), (b), (c), (d), (e), (f), (h), (i), (k) or (l) of the Insolvency, Restructuring and Dissolution Act 2018.

[20/2009; 40/2018]

(4) No application for a Legal Service Officer or non-practising solicitor to be punished under this section may 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 Service Officer or non-practising solicitor concerned.

[20/2009]

(5) An application for such leave must be made by *ex parte* originating summons and must be accompanied by an affidavit setting out the allegations of misconduct against the Legal Service Officer or non-practising solicitor.

[20/2009]

(6) Where the Chief Justice is of the opinion that the applicant has made out a *prima facie* case for an investigation into the applicant's complaint, the Chief Justice may grant such leave and appoint a Disciplinary Tribunal under section 90.

(6A) Despite subsection (6), the Chief Justice may refuse to grant leave for an investigation to be made into a complaint of misconduct against a Legal Service Officer or non-practising solicitor if the application for such leave is made after the expiry of the period of —

- (a) 6 years from the date of the alleged misconduct; or
- (b) where the complaint relates to any fraud alleged to have been committed by the Legal Service Officer or non-practising solicitor, 6 years from the earliest date on which the applicant discovered the fraud or could with reasonable diligence have discovered it, if that period expires later than the period referred to in paragraph (a).

[20/2009]

(7) The Disciplinary Tribunal must 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 must be supplied to the Legal Service Officer or non-practising solicitor concerned, and to the Attorney-General if the report relates to a Legal Service Officer.

[20/2009]

(9) Where the Disciplinary Tribunal finds that no cause of sufficient gravity for disciplinary action exists under this section against the

Legal Service Officer or non-practising solicitor concerned, the Chief Justice is to dismiss the complaint.

[20/2009]

(10) Where the Disciplinary Tribunal finds that cause of sufficient gravity for disciplinary action exists under this section against the Legal Service Officer or non-practising solicitor concerned, the Chief Justice may appoint an advocate and solicitor or a Legal Service Officer to apply by summons in the same proceedings for an order that the Legal Service Officer or the non-practising solicitor concerned be struck off the roll, prohibited from applying for a practising certificate, censured or otherwise punished.

[20/2009]

(11) Section 98 applies, 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 Service Officer or non-practising solicitor;
- (b) prohibit him or her from applying for a practising certificate for such period not exceeding 5 years as it may specify;
- (c) order that his or her name be struck off the roll;
- (d) order him or her to pay a penalty of not more than \$20,000;
or
- (e) make any other order as it thinks fit.

[20/2009]

(13) The costs of and incidental to any proceedings under this section are in the discretion of the Disciplinary Tribunal, Judge or court hearing those proceedings.

(13A) A Disciplinary Tribunal may, in making any order on costs under subsection (13), specify the amount of those costs or direct that the amount be taxed by the Registrar.

(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 dealing with any point of procedure or practice, the Rules of Court may be followed as nearly as the circumstances permit.

[22/2018]

(15) To avoid doubt, nothing in this section prevents any Legal Service 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.

[20/2009]

Disciplinary proceedings against regulated non-practitioners

82B.—(1) Every regulated non-practitioner is subject to the control of the Supreme Court and shall be liable on due cause shown —

- (a) to divest himself or herself of any shares or equity interests he or she may have in a Singapore law practice, Joint Law Venture, Qualifying Foreign Law Practice or licensed foreign law practice within such time as the Director of Legal Services may specify;
- (b) to pay a penalty of not more than \$100,000;
- (c) to be censured; or
- (d) to suffer the punishment referred to in paragraph (b) in addition to the punishment referred to in paragraph (a) or (c).

[40/2014]

(2) Such due cause may be shown by proof that the regulated non-practitioner —

- (a) has been convicted of a criminal offence, implying a defect of character which makes him or her unfit to be a regulated non-practitioner;
- (b) has been guilty of any of the following:
 - (i) fraudulent or grossly improper conduct —
 - (A) in the discharge of his or her duty as a director or partner in any Singapore law practice, Joint Law Venture, Qualifying Foreign Law Practice or licensed foreign law practice; or

- (B) as a shareholder in, or an individual who shares in the profits of, any Singapore law practice, Joint Law Venture, Qualifying Foreign Law Practice or licensed foreign law practice;
 - (ii) such a breach of any of the following as amounts to improper conduct as a director, partner or shareholder in, or as an individual who shares in the profits of, any Singapore law practice, Joint Law Venture, Qualifying Foreign Law Practice or licensed foreign law practice:
 - (A) any usage or rule of conduct made by the Professional Conduct Council under section 71;
 - (B) Part 5A or any rules made under section 70H;
 - (C) any rules made under section 36M(2)(r);
 - (iii) in the case of a regulated non-practitioner who is a director, partner or shareholder in, or who shares in the profits of, any Singapore law practice, any misconduct which would have been unbecoming an advocate and solicitor as an officer of the Supreme Court or as a member of an honourable profession, if an advocate and solicitor had been guilty of that misconduct;
 - (iv) in the case of a regulated non-practitioner who is a director, partner or shareholder in, or who shares in the profits of, any Joint Law Venture, Qualifying Foreign Law Practice or licensed foreign law practice, any misconduct which would have been unbecoming a regulated foreign lawyer as a member of an honourable profession, if a regulated foreign lawyer had been guilty of that misconduct;
- (c) has been adjudicated bankrupt and has been guilty of any of the acts or omissions mentioned in section 394(5)(a), (b), (c), (d), (e), (f), (h), (i), (k) or (l) of the Insolvency, Restructuring and Dissolution Act 2018;

- (d) carries on by himself, herself or any person in his or her 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; or
- (e) has contravened any of the provisions of this Act in relation thereto if such contravention warrants disciplinary action.

[40/2014; 40/2018]

(3) Sections 85 to 99 and 103 to 106 apply, with the necessary modifications, to a regulated non-practitioner who is a director, partner or shareholder in, or who shares in the profits of, any Singapore law practice, as they apply to an advocate and solicitor, and for the purposes of such application —

- (a) any reference to section 83 is to be read as a reference to this section; and
- (b) any reference to an order that an advocate and solicitor be struck off the roll or suspended from practice for a period not exceeding 5 years is to be read as a reference to an order that the regulated non-practitioner divest himself or herself of any shares or equity interests he or she may have in the Singapore law practice within such time as the Director of Legal Services may specify.

[40/2014]

(4) Sections 85 to 99 and 103 to 106 apply, with the necessary modifications, to a regulated non-practitioner who is a director, partner or shareholder in, or who shares in the profits of, any Joint Law Venture, Qualifying Foreign Law Practice or licensed foreign law practice, as they apply to a regulated foreign lawyer, and for the purposes of such application —

- (a) any reference to section 83A is to be read as a reference to this section; and
- (b) any reference to an order that a regulated foreign lawyer have his or her registration under section 36B, 36C or 36D cancelled or suspended, or have the approval given to him or her under section 176(1) cancelled or suspended (as the

case may be) is to be read as a reference to an order that the regulated non-practitioner divest himself or herself of any shares or equity interests he or she may have in the Joint Law Venture, Qualifying Foreign Law Practice or licensed foreign law practice within such time as the Director of Legal Services may specify.

[40/2014]

(5) In any proceedings instituted under this section against a regulated non-practitioner, the court may in addition to the facts of the case take into account his or her past conduct in order to determine what order should be made.

[40/2014]

(6) In any proceedings instituted under this section against a regulated non-practitioner consequent upon his or her conviction for a criminal offence, an Inquiry Committee, a Disciplinary Tribunal and a court of 3 Supreme Court Judges mentioned in section 98 are to accept the conviction as final and conclusive.

[40/2014; 40/2019]

(7) Where a court of 3 Supreme Court Judges mentioned in section 98 orders a regulated non-practitioner to divest himself or herself of any shares or equity interests he or she may have in a Singapore law practice, Joint Law Venture, Qualifying Foreign Law Practice or licensed foreign law practice within such time as the Director of Legal Services may specify, the Director of Legal Services —

- (a) must enforce that order; and
- (b) may give the regulated non-practitioner such further directions as the Director of Legal Services thinks proper for the purpose of giving effect to that order.

[40/2014; 40/2019]

Power to strike off roll, etc.

83.—(1) All advocates and solicitors are subject to the control of the Supreme Court and shall be liable on due cause shown —

- (a) to be struck off the roll;

- (b) to be suspended from practice for a period not exceeding 5 years;
 - (c) to pay a penalty of not more than \$100,000;
 - (d) to be censured; or
 - (e) to suffer the punishment referred to in paragraph (c) in addition to the punishment referred to in paragraph (b) or (d).
- (2) Subject to subsection (7), 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 or her unfit for his or her profession;
 - (b) has been guilty of fraudulent or grossly improper conduct in the discharge of his or her professional duty or guilty of such a breach of any of the following as amounts to improper conduct or practice as an advocate and solicitor:
 - (i) any usage or rule of conduct made by the Professional Conduct Council under section 71 or by the Council under the provisions of this Act;
 - (ii) Part 5A or any rules made under section 70H;
 - (iii) any rules made under section 36M(2)(r);
 - (c) has been adjudicated bankrupt and has been guilty of any of the acts or omissions mentioned in section 394(5)(a), (b), (c), (d), (e), (f), (h), (i), (k) or (l) of the Insolvency, Restructuring and Dissolution Act 2018;
 - (d) has tendered or given or consented to retention, out of any fee payable to him or her for his or her services, of any gratification for having procured the employment in any legal business of himself or herself, of any other advocate and solicitor or, in relation only to the practice of Singapore law, of any foreign lawyer registered under section 36B;

- (e) has, directly or indirectly, procured or attempted to procure the employment of himself or herself, of any advocate and solicitor or, in relation only to the practice of Singapore law, of any foreign lawyer registered under section 36B through or by the instruction of any person to whom any remuneration for obtaining such employment has been given by him or her 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) *[Deleted by Act 8 of 2011]*
- (h) has been guilty of such misconduct unbefitting 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 herself, or any person in his or her 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, ordered to pay a penalty, censured or reprimanded in his or her capacity as a legal practitioner by whatever name called in any other jurisdiction.

[8/2011; 3/2012; 40/2014; 16/2016; 40/2018]

(2A) Every person admitted under section 15 is, with the necessary modifications, subject to the same jurisdiction as can be exercised over advocates and solicitors under this Part, except that —

- (a) in lieu of any order that he or she be struck off the roll, either or both of the following orders may be made:
 - (i) an order terminating his or her privilege to practise as an advocate and solicitor for the purpose of each case for which he or she is admitted under section 15;

- (ii) an order prohibiting him or her from applying to be admitted under section 15, either indefinitely or until after a date specified in the order;
- (b) in lieu of any order that he or she be suspended, an order may be made suspending his or her privilege to practise as an advocate and solicitor for the purpose of each case for which he or she is admitted under section 15, either indefinitely or until after a date specified in the order;
- (c) any reference to a punishment referred to in section 83(1)(b) or 98(1)(a)(ii) is to be construed as a reference to a suspension of the privilege to practise as an advocate and solicitor mentioned in paragraph (b); and
- (d) the court of 3 Judges may also direct the Registrar to inform either or both of the following of the decision of the court of 3 Judges:
 - (i) the foreign authority having the function conferred by law of authorising or registering persons to practise law in the state or territory in which the person admitted under section 15 is duly authorised or registered to practise law;
 - (ii) any relevant professional disciplinary body of the state or territory in which the person admitted under section 15 is duly authorised or registered to practise law.

[40/2014]

(3) Every practice trainee, and every qualified person in respect of whom an application under section 32(3) has been granted, is, with the necessary modifications, subject to the same jurisdiction as can be exercised over advocates and solicitors under this Part, except that in lieu of any order that he or she be struck off the roll or suspended, an order may be made prohibiting him or her from applying to the court for admission as an advocate and solicitor until after a date specified in the order.

[20/2009; 8/2011]

(4) The jurisdiction given by subsection (3) is to 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 or her conviction for a criminal offence, an Inquiry Committee, a Disciplinary Tribunal and a court of 3 Supreme Court Judges mentioned in section 98 are to accept the conviction as final and conclusive.

[40/2019]

(7) The Minister may make rules for the exemption from subsection (2)(d) or (e) of any advocate and solicitor who satisfies such requirements, and does an act referred to in subsection (2)(d) or (e) in such circumstances, as may be prescribed in those rules.

[16/2016]

Power to discipline regulated foreign lawyers

83A.—(1) Every regulated foreign lawyer is subject to the control of the Supreme Court and shall be liable on due cause shown —

- (a) to have his or her registration under section 36B, 36C or 36D cancelled or suspended (for such period as the court may think fit), to have his or her registration under section 36P (if any) cancelled or suspended (for such period as the court may think fit), or to have the approval given to him or her under section 176(1) cancelled or suspended (for such period, not exceeding 5 years, as the court may think fit), as the case may be;
- (b) to pay a penalty of not more than \$100,000;
- (c) to be censured; or
- (d) to suffer the punishment referred to in paragraph (b) in addition to the punishment referred to in paragraph (a) or (c).

[40/2014]

(2) Subject to subsection (7), such due cause may be shown by proof that the regulated foreign lawyer —

- (a) has been convicted of a criminal offence, implying a defect of character which makes him or her unfit for his or her profession;
- (b) has been guilty of fraudulent or grossly improper conduct in the discharge of his or her professional duty or guilty of such a breach of any of the following as amounts to improper conduct or practice as a regulated foreign lawyer:
 - (i) any usage or rule of conduct made by the Professional Conduct Council under section 71;
 - (ii) Part 5A or any rules made under section 70H;
 - (iii) any rules made under section 36M(2)(r);
- (c) has been adjudicated bankrupt and has been guilty of any of the acts or omissions mentioned in section 394(5)(a), (b), (c), (d), (e), (f), (h), (i), (k) or (l) of the Insolvency, Restructuring and Dissolution Act 2018;
- (d) has tendered or given or consented to retention, out of any fee payable to him or her for his or her services, of any gratification for having procured the employment in any legal business of himself or herself, of any advocate and solicitor or, in relation only to the practice of Singapore law, of any foreign lawyer registered under section 36B;
- (e) has, directly or indirectly, procured or attempted to procure the employment of himself or herself, of any advocate and solicitor or, in relation only to the practice of Singapore law, of any foreign lawyer registered under section 36B through or by the instruction of any person to whom any remuneration for obtaining such employment has been given by him or her 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) has been guilty of such misconduct unbefitting a regulated foreign lawyer as a member of an honourable profession;

- (h) carries on by himself or herself, or by any person in his or her 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;
- (i) has contravened any of the provisions of this Act in relation thereto if such contravention warrants disciplinary action; or
- (j) has been disbarred, struck off, suspended, ordered to pay a penalty, censured or reprimanded in his or her capacity as a legal practitioner by whatever name called in any other jurisdiction.

[40/2014; 16/2016; 40/2018]

(3) In any proceedings instituted under this Part against a regulated foreign lawyer, the court may in addition to the facts of the case take into account his or her past conduct in order to determine what order should be made.

[40/2014]

(4) In any proceedings instituted under this Part against a regulated foreign lawyer consequent upon his or her conviction for a criminal offence, an Inquiry Committee, a Disciplinary Tribunal and a court of 3 Supreme Court Judges mentioned in section 98 are to accept the conviction as final and conclusive.

[40/2014; 40/2019]

(5) Subject to subsection (6), sections 36S, 36T and 36U do not apply to a regulated foreign lawyer who is registered under section 36P.

[40/2014]

(6) Where any complaint of the conduct of a foreign lawyer who is registered under section 36P is made in accordance with section 36S(2) before the foreign lawyer becomes a regulated foreign lawyer, then —

- (a) sections 36S, 36T and 36U continue to apply to the foreign lawyer in respect of that complaint;
- (b) this Part does not apply to the foreign lawyer in respect of that complaint; and

- (c) unless that complaint is withdrawn or deemed to be withdrawn, this Part does not apply to the foreign lawyer in respect of any other complaint relating to the same subject matter as that complaint.

[40/2014]

(7) The Minister may make rules for the exemption from subsection (2)(d) or (e) of any regulated foreign lawyer who satisfies such requirements, and does an act referred to in subsection (2)(d) or (e) in such circumstances, as may be prescribed in those rules.

[16/2016]

Appointment of Inquiry Panel

84.—(1) For the purpose of enabling Inquiry Committees to be constituted in accordance with this Part, the Chief Justice is to appoint a panel (called hereinafter the Inquiry Panel) consisting of such number of advocates and solicitors (whether in practice or not), regulated foreign lawyers and lay persons as the Chief Justice may determine.

[40/2014]

(2) An advocate and solicitor or a regulated foreign lawyer is eligible to be appointed as a member of the Inquiry Panel if he or she has not less than 7 years' standing.

[40/2014]

(3) A member of the Inquiry Panel is appointed for a term of 2 years and is eligible for re-appointment.

(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 is to appoint, from among the members of the Inquiry Panel who are advocates and solicitors of not less than 12 years' standing, the Chairperson and the Deputy Chairperson of the Inquiry Panel.

Complaints against regulated legal practitioners

85.—(1) Any complaint of the conduct of a regulated legal practitioner —

- (a) must be made to the Society in writing;

- (b) must include a statement by the complainant —
- (i) as to whether, to the complainant's knowledge, any other complaint has been made to the Society against the regulated legal practitioner, by the complainant or by any other person, which arises from the same facts as the complainant's complaint; and
 - (ii) if so, setting out such particulars of each such complaint as the Council may require and the complainant is able to provide; and
- (c) must be supported by such statutory declaration as the Council may require, except that no statutory declaration is required if the complaint is made by any public officer or any officer of the Institute.

[3/2012; 40/2014]

(1A) Subject to subsection (4A), the Council must refer every complaint which satisfies the requirements of subsection (1) to the Chairperson of the Inquiry Panel.

(2) The Council may on its own motion refer any information touching upon the conduct of a regulated legal practitioner to the Chairperson of the Inquiry Panel.

[40/2014]

(3) Any judicial office holder specified in subsection (3A), the Attorney-General, the Director of Legal Services or the Institute may at any time refer to the Society any information touching upon the conduct of a regulated legal practitioner, and the Council must —

- (a) refer the matter to the Chairperson of the Inquiry Panel; or
- (b) if that judicial office holder, the Attorney-General, the Director of Legal Services or the Institute (as the case may be) requests that the matter be referred to a Disciplinary Tribunal, apply to the Chief Justice to appoint a Disciplinary Tribunal.

[16/2016]

(3A) For the purposes of subsection (3), the judicial office holders are —

- (a) any Supreme Court Judge;

- (b) any Judicial Commissioner;
- (c) any Senior Judge;
- (d) any International Judge;
- (e) the Presiding Judge of the Family Justice Courts; and
- (f) the Presiding Judge of the State Courts.

[16/2016; 40/2019]

(3B) [*Deleted by Act 40 of 2014*]

(4) Despite subsections (1A), (2) and (3), where 2 or more complaints or information touching upon the conduct of a regulated legal practitioner (including any such complaint or information which had been referred to a Disciplinary Tribunal under section 89) have been received by the Council, the Council may do either or both of the following:

- (a) apply to the Chief Justice to refer to the Chairperson of the Inquiry Panel one or more of the complaints or information which in the Council's opinion are more serious in nature first and defer the referral of the remaining complaints or information;
- (b) apply to the Chairperson of the Inquiry Panel for 2 or more of the complaints or information to be dealt with by —
 - (i) the same Review Committee; or
 - (ii) the same Inquiry Committee.

[3/2012; 40/2014]

(4A) Subject to subsection (4C), the Council must not refer a complaint of the conduct of a regulated legal practitioner to the Chairperson of the Inquiry Panel under subsection (1A) if the complaint is first made to the Society after the expiry of the period of —

- (a) 6 years from the date of the conduct; or
- (b) where the complaint relates to any fraud alleged to have been committed by the regulated legal practitioner, 6 years from the earliest date on which the complainant discovered the fraud or could with reasonable diligence have

discovered it, if that period expires later than the period referred to in paragraph (a).

[40/2014]

(4B) Subject to subsection (4C), the Council must not refer any information touching upon the conduct of a regulated legal practitioner to the Chairperson of the Inquiry Panel under subsection (2) after the expiry of the period of —

- (a) 6 years from the date of the conduct; or
- (b) where the information relates to any fraud alleged to have been committed by the regulated legal practitioner, 6 years from the earliest date on which the Council discovered the fraud or could with reasonable diligence have discovered it, if that period expires later than the period referred to in paragraph (a).

[40/2014]

(4C) The Council may, with the leave of the court —

- (a) refer a complaint of the conduct of a regulated legal practitioner to the Chairperson of the Inquiry Panel under subsection (1A) after the expiry of the period mentioned in subsection (4A); or
- (b) refer any information touching upon the conduct of a regulated legal practitioner to the Chairperson of the Inquiry Panel under subsection (2) after the expiry of the period mentioned in subsection (4B).

[40/2014]

(4D) An application for the leave of the court under subsection (4C) must be —

- (a) made by the Council by originating summons; and
- (b) accompanied by an affidavit —
 - (i) setting out —
 - (A) every document constituting the complaint of the conduct of the regulated legal practitioner concerned, including every statutory declaration in support of the complaint, if any; or

(B) the facts constituting the information touching upon the conduct of the regulated legal practitioner concerned,

as the case may be;

- (ii) explaining why the complaint was not made to the Society before the expiry of the period mentioned in subsection (4A), or why the information was not referred to the Chairperson of the Inquiry Panel before the expiry the period mentioned in subsection (4B), as the case may be; and
- (iii) explaining why the complaint or information (as the case may be) should be referred to the Chairperson of the Inquiry Panel, despite the expiry of the period mentioned in subsection (4A) or (4B), as the case may be.

[40/2014]

(4E) The application and affidavit mentioned in subsection (4D) must be served on the regulated legal practitioner concerned.

[40/2014]

(5) Where any complaint or information touching upon the conduct of a regulated legal practitioner is referred to the Chairperson of the Inquiry Panel, the Council must inform the regulated legal practitioner concerned that it has done so and must furnish him or her a copy of the complaint or information.

[40/2014]

(6) Where any complaint or information touching upon the conduct of a regulated legal practitioner is referred to the Chairperson of the Inquiry Panel under subsection (1A), (2) or (3), the Chairperson or Deputy Chairperson of the Inquiry Panel must, within 2 weeks, constitute a Review Committee consisting of —

- (a) a chairperson, being the Chairperson or Deputy Chairperson himself or herself or a member of the Inquiry Panel who is an advocate and solicitor of not less than 12 years' standing; and

(b) such of the following as may be applicable:

- (i) a Legal Service Officer who has not less than 10 years' experience, if the regulated legal practitioner is an advocate and solicitor;
- (ii) a member of the Inquiry Panel who is a regulated foreign lawyer of not less than 10 years' standing, if the regulated legal practitioner is a regulated foreign lawyer,

to review the complaint or information, and the review by the Review Committee must start within 2 weeks of its constitution.

[20/2009; 40/2014]

(7) A Review Committee may, in the course of a review under subsection (6), require the complainant or the regulated legal practitioner concerned to answer any inquiry or to furnish any record that the Review Committee considers relevant for the purpose of the review.

[40/2014]

(8) A Review Committee must complete its review under subsection (6) within 4 weeks of its constitution, and —

- (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 Chairperson of the Inquiry Panel.

(8A) The Chairperson or Deputy Chairperson of the Inquiry Panel may, on the written application of a Review Committee, grant to the Review Committee an extension of the period specified in subsection (8) if he or she is satisfied that the circumstances of the case justify the grant of the extension, except that any extension granted must not extend beyond a period of 6 weeks from the date of the constitution of the Review Committee.

(9) The Council must, 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 regulated legal practitioner concerned of the dismissal of the matter and furnish the complainant with the reasons of the Review Committee in writing.

[40/2014]

(10) Where any complaint or information touching upon the conduct of a regulated legal practitioner is referred back to the Chairperson of the Inquiry Panel under subsection (8)(b), the Chairperson or Deputy Chairperson of the Inquiry Panel must, within 3 weeks, constitute an Inquiry Committee consisting of —

- (a) a chairperson, being a member of the Inquiry Panel who is an advocate and solicitor of not less than 12 years' standing;
- (b) a member of the Inquiry Panel who is —
- (i) an advocate and solicitor, if the regulated legal practitioner is an advocate and solicitor; or
 - (ii) a regulated foreign lawyer, if the regulated legal practitioner is a regulated foreign lawyer;
- (c) a member of the Inquiry Panel who is a lay person; and
- (d) a Legal Service Officer who has not less than 10 years' experience,

to inquire into the complaint or information.

[20/2009; 40/2014]

(11) A member of a Review Committee who has reviewed any matter concerning any regulated legal practitioner is not thereby disqualified from acting as a member of an Inquiry Committee inquiring into the same matter.

[40/2014]

(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.

(13) The chairperson of an Inquiry Committee may at any time summon a meeting of the Inquiry Committee.

(14) Any questions arising at any meeting of an Inquiry Committee are to be determined by a majority of votes of the members of the Committee, and in the case of an equality of votes, the chairperson of the Inquiry Committee has a second or casting vote.

(15) All the members of an Inquiry Committee must be present to constitute a quorum for a meeting of the Inquiry Committee.

(16) Any resolution or decision in writing signed by all the members of an Inquiry Committee is 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.

(17) Any person who makes a complaint to the Society under this Part must furnish to the Chairperson or Deputy Chairperson of the Inquiry Panel, or the chairperson of a Review Committee or of an Inquiry Committee, such statutory declarations or affidavits in support of the complaint as that Chairperson, Deputy Chairperson or chairperson may require within such time as that Chairperson, Deputy Chairperson or chairperson may specify.

(17A) Where a complaint is made to the Society under this Part, and the whole or any part of the complaint or any document furnished in support of the complaint is in a language other than English —

- (a) the complainant must furnish to the Society an English translation of that whole or part of the complaint or document which is verified by the affidavit of a person qualified to translate it; or
- (b) if the complainant fails to do so, the Society —
 - (i) may arrange for the translation into English of that whole or part of the complaint or document; and
 - (ii) is entitled to recover from the complainant all reasonable costs of the translation as if they were a debt due to the Society.

(17B) Where any voice recording is tendered in support of a complaint made to the Society under this Part —

- (a) the complainant must furnish to the Society —
 - (i) a transcript of the recording, the transcript to be verified by the affidavit of the person who transcribed the recording; and
 - (ii) if the transcript is in a language other than English, an English translation of the transcript which is verified by the affidavit of a person qualified to translate it; or
- (b) if the complainant fails to do so, the Society —
 - (i) may arrange for the transcription of the recording and, if the transcript of the recording is in a language other than English, the translation into English of the transcript of the recording; and
 - (ii) is entitled to recover from the complainant all reasonable costs of the transcription and translation as if they were a debt due to the Society.

(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 \$1,000 to cover costs.

(19) Where the complaint is found to be frivolous or vexatious —

- (a) the Inquiry Committee may, after hearing the complainant (if the complainant desires to be heard) —
 - (i) order the complainant to pay to any person all or any costs reasonably incurred by that person in the proceedings before the Inquiry Committee; and
 - (ii) in the order, specify the amount of those costs or direct that the amount be taxed by the Registrar;
- (b) any sum deposited under subsection (18) must be applied for the payment of those costs, and any balance of that sum must be returned to the complainant; and
- (c) if no sum has been deposited under subsection (18), or if any sum deposited under subsection (18) is insufficient to cover those costs, the person awarded those costs may sue

for and recover the costs which remain unpaid as if they were a debt due to the person.

(19A) Where —

- (a) an Inquiry Committee has made any order under subsection (19)(a); and
- (b) the complainant is dissatisfied with that order,

the complainant may, within 14 days of being notified of that order, apply to a Judge for a review of that order.

(19B) An application under subsection (19A) must be —

- (a) made by originating summons; and
- (b) served on the Society and on every person against whom any relief is sought.

(19C) At the hearing of an application under subsection (19A), the Judge may —

- (a) affirm, vary or set aside the order of the Inquiry Committee; and
- (b) make such order for the payment of costs as may be just.

(20) A member of an Inquiry Committee is, even though he or she has ceased to be a member of the Inquiry Panel on the expiry of his or her term of office, deemed to be a member of the Inquiry Panel until such time as the Council has decided that the Inquiry Committee of which he or she is a member has completed its work.

(21) Any person who makes a complaint to the Society under this Part which he or she 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.

Inquiry

86.—(1) Subject to subsections (2), (3) and (4), an Inquiry Committee must, within 2 weeks of its appointment, commence its inquiry into any complaint or information touching upon the conduct of a regulated legal practitioner 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 regulated legal practitioner concerned to offer any explanation or to answer the allegations made against him or her, 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 the earlier.

[40/2014]

(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 Chairperson of the Inquiry Panel for an extension of the time to report its findings to the Council.

(3) The Chairperson or Deputy Chairperson of the Inquiry Panel may grant an extension of time to an Inquiry Committee to report its findings to the Council if he or she is satisfied that the circumstances of the case justify the grant of an extension of time, except that any extension of time granted must not extend beyond the period of 6 months from the date of the appointment of that Inquiry Committee.

(4) No application for an extension of time may be made to the Chairperson of the Inquiry Panel under subsection (2) on the expiry of 2 months after the date of the appointment of the Inquiry Committee.

(5) Where an Inquiry Committee is satisfied that there are no grounds for disciplinary action under this Part, it must report to the Council accordingly and state the reasons for its decision.

(6) Where an Inquiry Committee is of the opinion that a regulated legal practitioner should be called upon to answer any allegation made against him or her, the Inquiry Committee must —

- (a) post or deliver to the regulated legal practitioner concerned —
 - (i) copies of any complaint or information touching upon his or her 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 or her 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 or she may wish to offer and to advise the Inquiry Committee if he or she wishes to be heard by the Committee;
- (b) allow the time specified in the notice to elapse;
- (c) give the regulated legal practitioner concerned reasonable opportunity to be heard if he or she so desires; and
- (d) give due consideration to any explanation (if any) given by him or her.

[40/2014]

(7) The report of the Inquiry Committee must, among other things, deal with the question of the necessity or otherwise of a formal investigation by a Disciplinary Tribunal, and the Inquiry Committee must recommend to the Council —

- (a) if the Inquiry Committee is of the view that there should be a formal investigation by a Disciplinary Tribunal, the charge or charges to be preferred against the regulated legal practitioner with respect to the misconduct committed; or
- (b) if the Inquiry Committee is of the view that no formal investigation by a Disciplinary Tribunal is required —
 - (i) that the regulated legal practitioner should be ordered under section 88 to pay a penalty that is sufficient and appropriate to the misconduct committed;
 - (ii) that the regulated legal practitioner should be reprimanded or given a warning;
 - (iii) that the regulated legal practitioner should be ordered to comply with one or more remedial measures;

- (iv) that the regulated legal practitioner should be subjected to the measure in sub-paragraph (iii) in addition to the measure in sub-paragraph (i) or (ii); or
- (v) that the complaint be dismissed.

[40/2014; 22/2018]

(8) Where in the course of its inquiry an Inquiry Committee receives information touching on or evidence of the conduct of the regulated legal practitioner concerned which may give rise to proceedings under this Part, the Inquiry Committee may, after giving notice to him or her, decide on its own motion to inquire into that matter and report its findings to the Council.

[40/2014]

(9) Where in the course of its inquiry an Inquiry Committee receives information touching on or evidence of the conduct of the regulated legal practitioner concerned which discloses an offence under any written law, the Inquiry Committee must record the information in its report to the Council.

[40/2014]

(10) Where the complainant withdraws the 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, despite the withdrawal, refer the complaint to or direct an Inquiry Committee to continue the inquiry (as the case may be) and the Inquiry Committee must comply with the direction and all future proceedings thereon are to be taken as if the complaint had been made by the Society.

(11) Subsections (2) to (6) of section 91 apply, with the necessary modifications, in relation to an Inquiry Committee as they apply in relation to a Disciplinary Tribunal and the references in those subsections to a Disciplinary Tribunal are to be read as references to an Inquiry Committee.

(12) For the purposes of conducting an inquiry, an Inquiry Committee may —

- (a) appoint any person to make or assist in the making of such preliminary inquiries as the Inquiry Committee thinks necessary;

- (b) require the production for inspection by the Inquiry Committee, or by any person appointed under paragraph (a), of any books, documents or papers which may relate to or be connected with the subject matter of the inquiry; and
- (c) require the complainant, the regulated legal practitioner concerned and any other person to give any information which may relate to or be connected with the subject matter of the inquiry (including any information in relation to any books, documents or papers mentioned in paragraph (b)) —
 - (i) at an attendance before the Inquiry Committee or any person appointed under paragraph (a);
 - (ii) in writing; or
 - (iii) by way of a statutory declaration or an affidavit.

[40/2014]

(13) Any person who, without lawful excuse, refuses or fails to comply with any requirement of an Inquiry Committee under subsection (12)(b) or (c) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

Council's consideration of report

87.—(1) The Council must 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, while no cause of sufficient gravity exists for a formal investigation, the regulated legal practitioner should be —
 - (i) ordered under section 88 to pay a penalty that is sufficient and appropriate to the misconduct committed;
 - (ii) reprimanded or given a warning;
 - (iii) ordered to comply with one or more remedial measures; or

- (iv) subjected to the measure in sub-paragraph (iii) in addition to the measure in sub-paragraph (i) or (ii);
- (c) that there should be a formal investigation by a Disciplinary Tribunal; or
- (d) that the matter be referred back to the Inquiry Committee for reconsideration or a further report.

[8/2011; 40/2014; 22/2018]

(1A) Where the Council has determined under subsection (1)(d) that a matter be referred back to the Inquiry Committee for reconsideration or a further report —

- (a) the Council must notify the Inquiry Committee accordingly;
- (b) the Inquiry Committee must submit its response or further report to the Council within 4 weeks from the date of the Council's notification; and
- (c) subsection (1)(a), (b) and (c) applies, with the necessary modifications, in relation to the response or further report of the Inquiry Committee as it applies in relation to the report of the Inquiry Committee.

(2) If the Inquiry Committee in its report, read with any response or further report submitted under subsection (1A)(b), recommends —

- (a) that there should be a formal investigation, then the Council must determine accordingly under subsection (1); or
- (b) that a formal investigation by a Disciplinary Tribunal is not necessary, the Council may, if it disagrees with the recommendation, request the Chief Justice to appoint a Disciplinary Tribunal.

(3) Where the report of the Inquiry Committee, read with any response or further report of the Inquiry Committee submitted under subsection (1A)(b), discloses the commission of —

- (a) any other misconduct by the regulated legal practitioner which has not been referred to or inquired into by the Inquiry Committee, the Council, if it determines that there

should be a formal investigation of the misconduct, has power to prefer such charge against the regulated legal practitioner as it thinks fit with respect to that misconduct; or

- (b) any offence involving fraud or dishonesty by the regulated legal practitioner, the Council must immediately refer the matter to the police for investigation.

[40/2014]

(4) The Council must inform the regulated legal practitioner and the person who made the complaint of the manner in which it has determined the complaint within 14 days of the determination, and in the event of the determination being that a formal investigation is unnecessary, the Council must, on the request of the person, furnish the person with its reasons in writing.

[40/2014]

Council's power to give warning, reprimand or 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 regulated legal practitioner should be given a warning, reprimanded or ordered to pay a penalty, it must give him or her a warning, reprimand him or her or order him or her to pay a penalty of not more than \$10,000, as the case may be.

[8/2011; 40/2014; 22/2018]

(1A) Where the Council determines under section 87 that, while no cause of sufficient gravity exists for a formal investigation, the regulated legal practitioner should be ordered to comply with one or more remedial measures, the Council —

- (a) must order the regulated legal practitioner to comply with the remedial measure or remedial measures, as the case may be; and
- (b) may, if a regulated legal practitioner fails, within the time specified by the Council, to comply fully with the Council's order under paragraph (a) —
 - (i) give the regulated legal practitioner a warning;
 - (ii) reprimand the regulated legal practitioner; or

- (iii) order the regulated legal practitioner to pay a penalty of not more than \$10,000.

[22/2018]

(1B) Where the Council makes a determination under section 87(1)(b)(iv) —

- (a) any action taken by the Council under subsection (1A)(b) is in addition to any action taken by the Council under subsection (1); but
- (b) the total amount of penalty ordered to be paid under subsections (1) and (1A)(b) must not exceed \$10,000.

[22/2018]

(2) Section 95 applies to any penalty ordered to be paid under subsection (1).

(3) Before the Council gives a regulated legal practitioner a warning, reprimands a regulated legal practitioner or orders a regulated legal practitioner to pay a penalty under subsection (1), the Council must notify him or her of its intention to do so and give him or her a reasonable opportunity to be heard by it.

[8/2011; 40/2014]

(4) Where —

- (a) no application is made to set aside an order for the payment of a penalty under subsection (1) or section 94(3)(a) or if the order is affirmed or varied by the court under section 95(3)(a); or
- (b) a regulated legal practitioner has been reprimanded by the Council under subsection (1) or section 94(3)(a),

the Council must, at the expense of the regulated legal practitioner, publish in the *Gazette* a notice of the order or of the reprimand, as the case may be.

[8/2011; 40/2014]

(5) Any notice under subsection (4) must contain the name of the regulated legal practitioner, the nature of the misconduct committed by him or her and the penalty payable by him or her or the reprimand, as the case may be.

[40/2014]

(6) Where an application is made to a Judge by any person under section 97(1), the Council must 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.

Application to appoint Disciplinary Tribunal

89.—(1) Where the Council determines under section 87 that there should be a formal investigation, the Council must within 4 weeks apply to the Chief Justice to appoint a Disciplinary Tribunal which must hear and investigate the matter.

(2) Despite subsection (1), where 2 or more matters are pending against a regulated legal practitioner, 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.

[40/2014]

(3) Where a Disciplinary Tribunal has been appointed to hear and investigate any matter against a regulated legal practitioner under subsection (1) and before the commencement of the hearing of and investigation into that matter there is any other matter pending against the regulated legal practitioner, the Chief Justice may, on the application of the Council, direct that Disciplinary Tribunal to hear and investigate the other matter or matters.

[40/2014]

(4) Where, in the course of its investigation of any matter against a regulated legal practitioner referred to it under subsection (1) or (3) a Disciplinary Tribunal receives information touching on or evidence of the conduct of the regulated legal practitioner which may give rise to proceedings under this Part, the Disciplinary Tribunal may, on the application of the Council, prefer such additional charge against the regulated legal practitioner as it thinks fit with respect to the misconduct and, after giving notice to him or her, hear and investigate the charge, and section 93 applies to such charge accordingly.

[40/2014]

Appointment of Disciplinary Tribunal

90.—(1) The Chief Justice may appoint one or more Disciplinary Tribunals, each comprising —

- (a) a president, who —
 - (i) is a Senior Judge;
 - (ii) has at any time held office as a Supreme Court Judge or a Judicial Commissioner; or
 - (iii) is an advocate and solicitor who is a Senior Counsel; and
- (b) such of the following as may be applicable:
 - (i) an advocate and solicitor of not less than 12 years' standing, in the case of a Disciplinary Tribunal appointed to hear and investigate any matter against an advocate and solicitor; or
 - (ii) a regulated foreign lawyer of not less than 12 years' standing, in the case of a Disciplinary Tribunal appointed to hear and investigate any matter against a regulated foreign lawyer.

[40/2014; 22/2018; 40/2019]

(2) A Disciplinary Tribunal is to be appointed in connection with one or more matters or for a fixed period of time or as the Chief Justice may think fit.

(3) The Chief Justice may at any time —

- (a) revoke the appointment of the Disciplinary Tribunal;
- (b) remove any member of the Disciplinary Tribunal; or
- (c) fill any vacancy in the Disciplinary Tribunal.

(4) Without limiting subsection (3), where, after a Disciplinary Tribunal has commenced the hearing and investigation of any matter, any member of the Disciplinary Tribunal is unable through death, illness or other cause to conclude the hearing and investigation of the matter —

- (a) the Chief Justice may fill the vacancy or appoint another Disciplinary Tribunal to continue the hearing and investigation of the matter; and
- (b) the Disciplinary Tribunal so reconstituted or appointed may —
 - (i) with the consent of —
 - (A) the Society or, if the person making the complaint has conduct of the proceedings before the Disciplinary Tribunal, that person; and
 - (B) the regulated legal practitioner to whom the complaint relates,have regard to the evidence given, the arguments adduced and any orders made during the proceedings before the previous Disciplinary Tribunal; or
 - (ii) hear and investigate the matter afresh.

[40/2014]

(5) The Chief Justice is to appoint a solicitor to be the secretary of every Disciplinary Tribunal.

(6) 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 is evidence that such appointment or revocation has been duly made.

(7) Every member of a Disciplinary Tribunal appointed under subsection (1), and the secretary of every Disciplinary Tribunal appointed under subsection (5), must be paid for each case such remuneration as the Chief Justice may determine.

Proceedings and powers of Disciplinary Tribunal

91.—(1) The Rules Committee may make rules for regulating the hearing and investigation of matters before or by a Disciplinary Tribunal.

(1A) If the members of a Disciplinary Tribunal are unable to reach a unanimous decision on any matter, the matter is to be decided in

accordance with the decision of the president of the Disciplinary Tribunal.

(2) For the purpose of any complaint or matter heard and investigated by a Disciplinary Tribunal under this Act —

- (a) the Disciplinary Tribunal may administer oaths; and
- (b) the Society or the person making the complaint and the regulated legal practitioner to whom the complaint relates and (if so instructed by the Disciplinary Tribunal) the secretary of the Disciplinary Tribunal may sue out subpoenas to testify or to produce documents.

[40/2014]

(3) No person may be compelled under any such subpoena to produce any document which the person could not be compelled to produce at the trial of an action.

(4) The subpoenas mentioned in subsection (2)(b) must be served and may be enforced as if they were subpoenas issued in connection with a civil action in the General Division of the High Court.

[40/2019]

(5) Any person giving evidence before a Disciplinary Tribunal is legally bound to tell the truth.

(6) No fees or other charges are payable for any subpoena sued out by the secretary of the Disciplinary Tribunal under subsection (2)(b).

(7) In sections 172, 173, 174, 175, 177, 179, 182 and 228 of the Penal Code 1871, “public servant” is deemed to include a member of a Disciplinary Tribunal taking part in any investigation under this section, and in sections 193 and 228 of the Penal Code 1871, “judicial proceeding” is deemed to include any such investigation as aforesaid.

Restriction of judicial review

91A.—(1) Except as provided in sections 82A, 97 and 98, there shall be no judicial review in any court of any act done or decision made by the Disciplinary Tribunal.

(2) In this section, “judicial review” includes proceedings instituted by way of —

- (a) an application for a Mandatory Order, a Prohibiting Order or a Quashing Order; and
- (b) an application for a declaration or an injunction, or any other suit or action, relating to or arising out of any act done or decision made by the Disciplinary Tribunal.

Complaint made by Judge, etc., or Attorney-General

92.—(1) Where any judicial office holder specified in subsection (2) or the Attorney-General refers to the Society any information touching upon the conduct of a regulated legal practitioner, every reference in this Part to a person who made the complaint includes a reference to the Attorney-General.

[16/2016]

(2) For the purposes of subsection (1), the judicial office holders are —

- (a) any Supreme Court Judge;
- (b) any Judicial Commissioner;
- (c) any Senior Judge;
- (d) any International Judge;
- (e) the Presiding Judge of the Family Justice Courts; and
- (f) the Presiding Judge of the State Courts.

[16/2016; 40/2019]

Findings of Disciplinary Tribunal

93.—(1) After hearing and investigating any matter referred to it, a Disciplinary Tribunal must record its findings in relation to the facts of the case and according to those facts shall determine that —

- (a) no cause of sufficient gravity for disciplinary action exists under section 83 or 83A (as the case may be);
- (b) while no cause of sufficient gravity for disciplinary action exists under section 83 or 83A (as the case may be), the regulated legal practitioner should be —
 - (i) ordered to pay a penalty that is sufficient and appropriate to the misconduct committed;

- (ii) reprimanded;
 - (iii) ordered to comply with one or more remedial measures; or
 - (iv) subjected to the measure in sub-paragraph (iii) in addition to the measure in sub-paragraph (i) or (ii); or
- (c) cause of sufficient gravity for disciplinary action exists under section 83 or 83A (as the case may be).

[40/2014; 22/2018]

(2) Where a Disciplinary Tribunal makes a determination under subsection (1)(b)(i), (ii) or (iv) or (c), the Disciplinary Tribunal may make an order for payment by any party of costs, and may, in the order, specify the amount of those costs or direct that the amount be taxed by the Registrar.

[22/2018]

(2A) Where a Disciplinary Tribunal makes a determination under subsection (1)(a) and further records the opinion that the complaint was frivolous or vexatious, the Disciplinary Tribunal may, after hearing the person who made the complaint (if the person desires to be heard) —

- (a) order that the costs of the complaint must be paid by that person; and
- (b) in the order, specify the amount of those costs or direct that the amount be taxed by the Registrar.

(2B) Any person awarded any costs under subsection (2) or (2A) may sue for and recover those costs as if those costs were a debt due to the person.

(3) A Disciplinary Tribunal must carry out its work expeditiously and the Society may apply to the Chief Justice for directions to be given to the Disciplinary Tribunal if the Disciplinary Tribunal fails to make any finding and determination within 6 months from the date of its appointment.

(4) The findings and determination of the Disciplinary Tribunal under this section must be drawn up in the form of a report of which —

- (a) a copy must be submitted to the Chief Justice and the Society; and
- (b) a copy must on request be supplied to the regulated legal practitioner concerned.

[40/2014]

(5) The findings and determination of the Disciplinary Tribunal must 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.

(6) A copy of the entire record of the proceedings of the Disciplinary Tribunal including its findings and determination must be made public and copies thereof must be made available to the members of the public upon payment of the prescribed fee.

Society to apply to court if cause of sufficient gravity exists

94.—(1) If the Disciplinary Tribunal makes a determination under section 93(1)(c), the Society must without further direction make an application under section 98 within one month from the date of the determination of the Disciplinary Tribunal.

[40/2014; 22/2018]

(2) If the Disciplinary Tribunal makes a determination under section 93(1)(a), it is not necessary for the Society to take any further action in the matter unless so directed by the court.

[40/2014; 22/2018]

(3) If the Disciplinary Tribunal makes a determination under section 93(1)(b)(i), (ii) or (iv), the Council must —

- (a) if it agrees with the determination, reprimand the regulated legal practitioner or order him or her to pay a penalty of not more than \$20,000, as the case may be; or
- (b) if it disagrees with the determination, without further direction make an application under section 98 within one month from the date of the determination of the Disciplinary Tribunal.

[40/2014; 22/2018]

(3A) Where the Disciplinary Tribunal makes a determination under section 93(1)(b)(iii) or (iv) —

- (a) the Council must —
- (i) if the Council agrees with the determination, order the regulated legal practitioner to comply with the remedial measure or remedial measures, as the case may be; or
 - (ii) if the Council disagrees with the determination, without further direction make an application under section 98 within one month after the date of the determination of the Disciplinary Tribunal; and
- (b) if paragraph (a)(i) applies, and the regulated legal practitioner fails, within the time specified by the Council, to comply fully with the Council's order under paragraph (a)(i), the Council must, if the determination so provides —
- (i) reprimand the regulated legal practitioner; or
 - (ii) order the regulated legal practitioner to pay a penalty of not more than \$20,000.

[22/2018]

(3B) Where the Disciplinary Tribunal makes a determination under section 93(1)(b)(iv), and the Council agrees with that determination —

- (a) any action taken by the Council under subsection (3A)(b)(ii) is in addition to any action taken by the Council under subsection (3)(a); but
- (b) the total amount of penalty ordered to be paid under subsections (3)(a) and (3A)(b)(ii) must not exceed \$20,000.

[22/2018]

(4) The Council must inform the regulated legal practitioner and the person who made the complaint of —

- (a) the determination of the Disciplinary Tribunal under section 93 within 14 days from the date the Society receives a copy of the report mentioned in section 93(4); and

(b) where subsection (3) or (3A) applies, the Council's decision —

- (i) as to whether it agrees with the determination of the Disciplinary Tribunal; and
- (ii) to reprimand the regulated legal practitioner, to order him or her to pay a penalty or to make an application under section 98,

within 14 days from the date of the decision.

[40/2014; 22/2018]

Society to apply to court for cases involving fraud or dishonesty, or under section 33

94A.—(1) Where a regulated legal practitioner 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 must, without further direction, proceed to make an application in accordance with section 98.

[40/2014]

(1A) Where a regulated legal practitioner has been convicted of an offence under section 33, the Society may, and must upon a request by the Attorney-General, without further direction, proceed to make an application in accordance with section 98.

[40/2014]

(2) Where there is an appeal against conviction, the Society must not make an application under subsection (1) or (1A) until the appeal has been withdrawn or is deemed to have been withdrawn or disposed of by the appellate court.

(3) This section does not apply to a Legal Service Officer.

[20/2009]

Provisions as to penalties ordered by Council under section 88(1) or 94(3)(a)

95.—(1) Within 21 days of being ordered to pay a penalty by the Council under section 88(1) or 94(3)(a), the regulated legal practitioner concerned may apply to a Judge to set aside the order.

[8/2011; 40/2014]

(2) Such an application must be made by way of originating summons, must be served on the Society and must be heard in chambers unless the Judge of his or her 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) Where the Council has ordered a regulated legal practitioner to pay a penalty, the regulated legal practitioner must pay to the Society —

(a) the penalty, if —

(i) no application is made under subsection (1) to set aside the Council's order; or

(ii) the penalty has been affirmed by a Judge under subsection (3)(a); or

(b) if the penalty has been varied by a Judge under subsection (3)(a), the penalty so varied.

[40/2014]

(5) Any penalty payable to the Society under subsection (4) which is not paid may be recoverable by the Society as a judgment debt.

Procedure for complainant dissatisfied with Council's determination under section 87(1)(a) or (b)

96.—(1) Where a person has made a complaint to the Society and the Council has determined under section 87(1) —

(a) that a formal investigation is not necessary; or

(b) that no sufficient cause for a formal investigation exists but that the regulated legal practitioner concerned should be given a warning, reprimanded or ordered to pay a penalty,

that person may, if the person is dissatisfied with the determination of the Council, apply to a Judge under this section within 14 days of being notified of the determination.

[8/2011; 40/2014]

(2) Such an application must be made by originating summons and must 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).

(3) The application accompanied by a copy of each of the documents referred to in subsection (2) must 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 Tribunal,

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 Tribunal, the applicant has the conduct of proceedings before the Disciplinary Tribunal and any subsequent proceedings before the court under section 98, and any such proceedings must be brought in the name of the applicant.

Application for review of Disciplinary Tribunal's decision

97.—(1) Where a Disciplinary Tribunal has made a determination under section 93(1)(a) or (b), the person who made the complaint, the regulated legal practitioner or the Council may, within 14 days of being notified of that determination or any order under section 93(2) or (2A), apply to a Judge for a review of that determination or order.

[40/2014]

(2) An application under subsection (1) must be —

(a) made by originating summons; and

(b) served on —

- (i) the person who made the complaint, if the person had the conduct of the proceedings before the Disciplinary Tribunal and is not the applicant;
- (ii) the regulated legal practitioner, if he or she is not the applicant;
- (iii) the Society, if the Council is not the applicant; and
- (iv) the secretary of the Disciplinary Tribunal.

[40/2014]

(3) Upon receiving the application, the secretary of the Disciplinary Tribunal must file in court the record and report of the hearing and investigation by the Disciplinary Tribunal.

(4) The Judge hearing the application —

- (a) has full power to determine any question necessary to be determined for the purpose of doing justice in the case, including any question as to the correctness, legality or propriety of the determination or order of the Disciplinary Tribunal, or as to the regularity of any proceedings of the Disciplinary Tribunal; and
- (b) may make such orders as the Judge thinks fit, including —
 - (i) an order directing the person who made the complaint or the Council to make an application under section 98;
 - (ii) an order setting aside the determination of the Disciplinary Tribunal and directing —
 - (A) the Disciplinary Tribunal to rehear and reinvestigate the complaint or matter; or
 - (B) the Society to apply to the Chief Justice for the appointment of another Disciplinary Tribunal to hear and investigate the complaint or matter; or
 - (iii) such order for the payment of costs as may be just.

(5) If the Judge makes an order directing the person who made the complaint to make an application under section 98, that person has the conduct of the proceedings under that section, and any such proceedings must be brought in the person's name.

(6) If the Judge makes an order directing the person who made the complaint or the Council to make an application under section 98, that person or the Society (as the case may be) must make the application under that section within one month from the date of the order.

Remedial measures

97A. For the purposes of this Part, the Council may, with the approval of the Minister, make rules to prescribe —

- (a) the remedial measures to address any issue concerning the professional practice, etiquette, conduct or discipline of a regulated legal practitioner; and
- (b) any requirements that the Council may specify for compliance with an order of the Council under section 88(1A) or 94(3A).

[22/2018]

Application for order that solicitor be struck off roll, etc.

98.—(1) Each of the following applications must be made by originating summons:

- (a) an application for an order that an advocate and solicitor —
 - (i) be struck off the roll;
 - (ii) be suspended from practice for a period not exceeding 5 years;
 - (iii) pay a penalty of not more than \$100,000;
 - (iv) be censured; or
 - (v) suffer the punishment referred to in sub-paragraph (iii) in addition to the punishment referred to in sub-paragraph (ii) or (iv);

- (b) an application for an order that a regulated foreign lawyer —
- (i) have his or her registration under section 36B, 36C or 36D cancelled or suspended (for such period as the court may think fit), have his or her registration under section 36P (if any) cancelled or suspended (for such period as the court may think fit), or have the approval given to him or her under section 176(1) cancelled or suspended (for such period, not exceeding 5 years, as the court may think fit), as the case may be;
 - (ii) pay a penalty of not more than \$100,000;
 - (iii) be censured; or
 - (iv) suffer the punishment referred to in sub-paragraph (ii) in addition to the punishment referred to in sub-paragraph (i) or (iii);
- (c) an application for an order that an advocate and solicitor or a regulated foreign lawyer be required to answer allegations contained in an affidavit.

[40/2014]

(2) If the advocate and solicitor or regulated foreign lawyer named in the application under subsection (1) is believed to be outside Singapore, an application may be made by summons in the same proceedings for directions as to service.

[40/2014]

(3) If the advocate and solicitor or regulated foreign lawyer named in the application under subsection (1) is or is believed to be within Singapore, the provisions of the Rules of Court for service of writs of summons apply to the service of the application.

[40/2014; 22/2018]

(4) A copy of the affidavit or affidavits in support of the application under subsection (1) must be served with the application upon the advocate and solicitor or regulated foreign lawyer named in the application.

[40/2014]

(5) There must be at least 8 clear days between the service of the application under subsection (1) and the day named therein for the hearing.

(6) Any order on an application under subsection (1) that is made in any case where personal service of that application has not been effected may be set aside on the application of the advocate and solicitor or regulated foreign lawyer on good cause being shown.

[40/2014]

(7) The application under subsection (1) is to be heard by a court of 3 Supreme Court Judges, and from the decision of that court there is no appeal.

[40/2019]

(8) The court of 3 Judges —

- (a) has full power to determine any question necessary to be determined for the purpose of doing justice in the case, including any question as to the correctness, legality or propriety of the determination of the Disciplinary Tribunal, or as to the regularity of any proceedings of the Disciplinary Tribunal;
- (b) may make an order setting aside the determination of the Disciplinary Tribunal and directing —
 - (i) the Disciplinary Tribunal to rehear and reinvestigate the complaint or matter; or
 - (ii) the Society to apply to the Chief Justice for the appointment of another Disciplinary Tribunal to hear and investigate the complaint or matter; and
- (c) in the case of a regulated foreign lawyer, may direct the Registrar to inform either or both of the following of the decision of the court of 3 Judges:
 - (i) the foreign authority having the function conferred by law of authorising or registering persons to practise law in the state or territory in which the regulated foreign lawyer is duly authorised or registered to practise law;

- (ii) any relevant professional disciplinary body of the state or territory in which the regulated foreign lawyer is duly authorised or registered to practise law.

[40/2014]

(9) The Chief Justice or any other Supreme Court Judge is not to be a member of the court of 3 Judges when the application under subsection (1) is in respect of a complaint made or information referred to the Society by him or her.

[40/2019]

(9A) Where a regulated foreign lawyer's registration under section 36P has been cancelled pursuant to an order of the court of 3 Judges —

- (a) in any case where the order prohibits the regulated foreign lawyer from reapplying for registration under section 36P until after a date specified in the order, the regulated foreign lawyer is prohibited from reapplying for such registration until after that date; or
- (b) in any other case, the regulated foreign lawyer is permanently prohibited from reapplying for registration under section 36P.

[40/2014]

(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 dealing with any point of procedure or practice, the Rules of Court may be followed as nearly as the circumstances permit.

Provisions as to penalties ordered by court

98A.—(1) Where the court has ordered a Legal Service Officer or non-practising solicitor to pay a penalty under section 82A(12), the Legal Service Officer or non-practising solicitor must pay the penalty to the Registrar of the Supreme Court.

[20/2009]

(2) Where the court has ordered a regulated legal practitioner to pay a penalty under section 98, the regulated legal practitioner must pay the penalty to the Registrar of the Supreme Court.

[40/2014]

(3) Any penalty payable under subsection (1) or (2) which is not paid may be recoverable by the Government as a judgment debt.

(4) All sums collected by the Registrar of the Supreme Court under subsection (1) or (2) or recovered by the Government under subsection (3) must be paid into the Consolidated Fund.

Drawing up of order

99. Where any 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 are to be taken as if the application had been made by the Society.

Solicitor's application to remove own name

100.—(1) Any solicitor may, subject to this section and any rules made thereunder, apply to the court to have his or her name removed from the roll.

(2) Every such application must be made by way of originating summons and must be supported by an affidavit in the prescribed form which must 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 or her intention to make the application in such manner as directed by the Society.

(4) An application under this section is to be heard by a single Judge sitting in open court.

(5) No order is to 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 the Judge deems fit,

and such order for the payment of costs as may be just.

Adverse orders to be noted on roll

101.—(1) The Society must give the Registrar notice of every order made under this Part that is adverse to an advocate and solicitor, and the Registrar must 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 entered on the roll.

(3) An order to comply with one or more remedial measures (whether or not in addition to an order to pay a penalty, a reprimand or a warning) need not be entered on the roll.

[22/2018]

Replacement on roll of solicitor who has been struck off

102.—(1) Where the name of a solicitor has been removed from, or struck off, the roll, the court may, if it thinks fit, at any time order the Registrar to replace on the roll the name of the solicitor —

(a) free from conditions; or

(b) subject to any conditions that the court thinks fit.

(2) Any application that the name of a solicitor be replaced on the roll must be made by originating summons, supported by affidavit, before a court of 3 Supreme Court Judges of whom the Chief Justice is one.

[40/2019]

(3) The originating summons must be served on the Society which must —

(a) appear at the hearing of the application; and

- (b) place before the court a report which must 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 Council, are relevant to be considered or investigated in connection with the application.

Costs

103.—(1) [*Deleted by Act 19 of 2008*]

(2) [*Deleted by Act 19 of 2008*]

(3) The costs of and incidental to all proceedings under section 97, 98, 100 or 102 are 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 Tribunal and may be ordered to be paid by the regulated legal practitioner against whom, or the person by whom, any complaint was made or was intended to be made or partly by the regulated legal practitioner and partly by the other person.

[8/2011; 40/2014]

Absence of person under inquiry

104. If the person whose conduct is the subject of inquiry fails to attend before the court, a Disciplinary Tribunal, 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.

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 is, until the contrary is proved, the evidence thereof.

(2) A Disciplinary Tribunal may —

- (a) where the person whose conduct is the subject of inquiry does not appear before the Tribunal, and the Tribunal decides under section 104 to proceed in that person's absence; or
- (b) with the written consent of the person whose conduct is the subject of inquiry,

proceed and act on evidence by affidavit or statutory declaration, either as to the whole case or as to any particular fact or facts.

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 or any member thereof, an Inquiry Committee or any member thereof, or a Disciplinary Tribunal or any member or the secretary 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.

PART 8

REMUNERATION RECEIVED BY SINGAPORE LAW PRACTICES OR SOLICITORS, OR IN RESPECT OF PRACTICE OF SINGAPORE LAW

Application of this Part

106A. This Part applies —

- (a) to all remuneration and costs received by a Singapore law practice or a solicitor practising in a Singapore law practice, including any such remuneration or costs received in respect of the practice of foreign law; and
- (b) with the necessary modifications, to all remuneration and costs received in respect of the practice of Singapore law by —

- (i) a Joint Law Venture or its constituent foreign law practice, a Qualifying Foreign Law Practice or a licensed foreign law practice;
- (ii) a foreign lawyer registered under section 36B; or
- (iii) a solicitor registered under section 36E.

[40/2014]

Prohibition of certain stipulations

107.—(1) A solicitor must not —

- (a) purchase or agree to purchase the interest or any part of the interest of his or her 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 or she 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 is to 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 is, despite any provision of this Act, subject to the law of maintenance and champerty like any other person.

(3A) To avoid doubt, this section does not prevent a solicitor from —

- (a) introducing or referring a Third-Party Funder to the solicitor's client, so long as the solicitor does not receive

any direct financial benefit from the introduction or referral;

- (b) advising on or drafting a third-party funding contract for the solicitor's client or negotiating the contract on behalf of the client; and
- (c) acting on behalf of the solicitor's client in any dispute arising out of the third-party funding contract.

[2/2017]

(3B) In subsection (3A) —

“direct financial benefit” does not include any fee, disbursement or expense payable by the solicitor's client for the provision of legal services by the solicitor to the client;

“Third-Party Funder” and “third-party funding contract” have the meanings given by section 5B of the Civil Law Act 1909.

[2/2017]

(4) This section applies, with the necessary modifications, to a law corporation or a limited liability law partnership.

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 is to 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 is 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, among 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, law corporation or 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 the solicitor, law corporation or 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 must, subject to section 109, be regulated by that order.

(6) Every order made under this section must be presented to Parliament as soon as possible after publication in the *Gazette*.

[40/2014]

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 or her 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.

(2) An agreement under subsection (1) must 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 includes or does 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) The agreement must be in writing and signed by the person to be bound thereby or the person's 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.

(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.

Remuneration of solicitor who is mortgagee

110.—(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 or she is a member, or the law corporation of which he or she is a member, director or employee, or the limited liability law partnership of which he or she is a partner or employee, is entitled to recover from the mortgagor in respect of all business transacted and acts done in negotiating the loan, deducing and investigating the title to the property, and preparing and completing the mortgage, such usual costs as the solicitor, firm, law corporation or limited liability law partnership 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, her or it to transact that business and do those acts.

(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 or she is a member, or by the law corporation of which he or she is a member, director or employee, or by the limited liability law partnership of which he or she is a partner or employee, in relation to that mortgage or the security thereby created or the property comprised thereunder, then the solicitor, firm, law corporation or limited liability law partnership is 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, she or it 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, her or it to transact that business and do those acts.

(3) In this section, “mortgage” includes any charge on any property for securing money or money’s worth.

Agreement as to costs for contentious business

111.—(1) Subject to the provisions of any other written law, a solicitor or law corporation or 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 his, her or its

costs in respect of contentious business done or to be done by the solicitor or law corporation or 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 the solicitor or the law corporation or limited liability law partnership would otherwise be entitled to be remunerated.

(2) Every such agreement must be signed by the client and is subject to the provisions and conditions contained in this Part.

Effect of agreements with respect to contentious business

112.—(1) Such an agreement as is mentioned in section 111 does 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 that person has otherwise agreed, require any costs payable or recoverable by that person 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) Despite subsection (1), the client is not 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 the client's own solicitor or law corporation or limited liability law partnership under the agreement.

(3) Such an agreement is 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) 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 mentioned in section 111, are not subject to taxation nor to the provisions of section 118.

(5) A provision in any such agreement that the solicitor or law corporation or limited liability law partnership —

- (a) is not liable for negligence; or
- (b) is 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,

is wholly void.

Enforcement of agreements

113.—(1) No action or suit may be brought or instituted upon any such agreement as is mentioned 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 General Division of the High Court.

[40/2019]

(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 application 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) On the application (within 12 months after the amount agreed under the agreement has been paid by or on behalf of the client or by any person chargeable with or entitled to pay it) of the person who has paid the amount, any court or Judge having jurisdiction to examine and enforce the agreement may, if it appears to the court or Judge that the special circumstances of the case require it —

- (a) reopen the agreement;
- (b) order the costs, fees, charges and disbursements to be taxed; and
- (c) order the whole or any portion of the amount received by the solicitor or law corporation or limited liability law partnership to be repaid by the solicitor, law corporation or limited liability law partnership, on such terms and conditions as to the court or Judge seem just.

(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 must before payment be laid before the Registrar, who is to 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, the client is 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 her or the law corporation or limited liability law partnership.

Death or incapability of solicitor after agreement

114.—(1) Where a solicitor has made an agreement with his or her 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 or her, 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.

(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 then has 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 must 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.

Change of solicitor after agreement

115.—(1) If, after an agreement under section 111 has been made, the client changes the client’s solicitor before the conclusion of the business to which the agreement relates (which the client may do despite the agreement) the solicitor who is a party to the agreement is 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 is to direct the Registrar to have regard to the circumstances under which the change of solicitor has taken place.

(3) Upon such taxation, the solicitor is not to be deemed to be entitled to the full amount of the remuneration agreed to be paid to him or her unless it appears that there has been no default, negligence, improper delay or other conduct on his or her part affording reasonable ground to the client for the client’s change of solicitor.

PART 9

RECOVERY AND TAXATION OF COSTS

Interpretation and application of this Part

116.—(1) In this Part —

“court” means the General Division of the High Court, a Family Court, a District Court or a Magistrate’s Court, and includes the Registrar;

“Registrar” means the Registrar of the Supreme Court, the registrar of the Family Justice Courts or the registrar of the State Courts, and includes —

- (a) the Deputy Registrar or an Assistant Registrar of the Supreme Court;
- (b) the deputy registrar or an assistant registrar of the Family Justice Courts; and
- (c) a deputy registrar of the State Courts;

“solicitor” includes the executors, administrators and assignees of the solicitor in question and a law corporation or a limited liability law partnership.

[5/2014; 27/2014; 40/2019]

(2) This Part applies —

- (a) to all remuneration and costs received by a Singapore law practice or a solicitor practising in a Singapore law practice, including any such remuneration or costs received in respect of the practice of foreign law; and
- (b) with the necessary modifications, to all remuneration and costs received in respect of the practice of Singapore law by —
 - (i) a Joint Law Venture or its constituent foreign law practice, a Qualifying Foreign Law Practice or a licensed foreign law practice;
 - (ii) a foreign lawyer registered under section 36B; or
 - (iii) a solicitor registered under section 36E.

[40/2014]

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 or her instrumentality for his or her taxed costs in reference to that suit, matter or proceeding; and
- (b) make such orders for the taxation of the costs and for paying, or raising money to pay, the costs out of that property as it thinks fit.

(2) All conveyances and acts done to defeat, or operating to defeat, the charge mentioned in subsection (1)(a) are, except in the case of a conveyance to a bona fide purchaser for value without notice, void as against the solicitor.

(3) An order must not be made under subsection (1) if the right to recover the costs is barred by the Limitation Act 1959.

Solicitor not to commence action for fees until one month after delivery of bills

118.—(1) Subject to the provisions of this Act, a solicitor must not, except by leave of the court, commence or maintain any action for the recovery of any costs due for any business done by him or her until the expiry of one month after he or she has delivered to the party to be charged therewith, or sent by post to, or left with the party at the party's office or place of business, dwelling house or last known place of residence, a bill of those costs.

(2) The bill mentioned in subsection (1) must —

(a) be signed —

(i) by the solicitor;

(ii) in the case of a partnership, by one of the partners, either in his or her 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.

(3) Where a bill is proved to have been delivered in compliance with subsection (1), it is not necessary in the first instance for the solicitor to prove the contents of the bill and it is presumed until the contrary is shown to be a bill bona fide complying with this Act.

Court may authorise action for recovery of fees before expiry of one month after delivery of bills

119. The court may authorise a solicitor to commence an action for the recovery of his or her costs and also refer his or her 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 the party, or to compound with the party's 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.

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 is to 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 or her client consent to taxation of a solicitor's bill, the Registrar may proceed to tax the bill even though there is no order therefor.

(4) Section 39 of the State Courts Act 1970 does not apply to proceedings brought under this section.

[5/2014]

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, are, subject to subsection (2), 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 are the sum of \$150 or such other sum as may be prescribed.

Time limit for taxation of bills of costs

122. After the expiry of 12 months from the delivery of a bill of costs, or after payment of the bill, no order is to 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.

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 must, unless the bill has already been paid, contain a submission by that party to pay the amount thereof to the solicitor when taxed.

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 the application being filed, the Registrar is to mark the order thereon immediately, and draw up the order if necessary.

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.

Preparation of bills of costs as between solicitor and client

126. Bills of costs for taxation as between solicitor and client must be drawn in the manner provided by the Rules of Court, and the taxation is governed by those Rules.

[22/2018]

Interest in respect of disbursements and advances

127. The Registrar may allow interest, at such rate and from such time as the Registrar thinks just, on moneys disbursed by a solicitor for his or her client, and on moneys of the client in the hands of the solicitor and improperly retained by him or her.

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 expiry of 12 months, must 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 must 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 the party, or if the party attends the taxation, must pay the costs.

(2) Every order for such a reference must 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.

Interest on client's money

129.—(1) Rules made under section 72 are to 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 is not 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 or her clients generally.

(5) Nothing in this section, or in any rules made thereunder —

- (a) affects any arrangement in writing, whenever made, between a solicitor and his or her client as to the application of the client's money or interest thereon; or
- (b) applies to money received by a solicitor being money subject to a trust of which the solicitor is a trustee.

Costs of Government

130.—(1) Nothing in this Act affects 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 are to 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 9A

LAW PRACTICE ENTITIES

Division 1 — Law Firms

Licensing of law firms

131.—(1) A solicitor who wishes to practise on his or her own account, or to have a partnership (not being a limited liability partnership) licensed as a law firm, must apply to the Director of Legal Services for —

- (a) the issue of a law firm licence to his or her practice or the partnership (as the case may be); and
- (b) the approval of the name or proposed name of his or her practice or the partnership (as the case may be).

[40/2014]

(2) An application under subsection (1) must be made in accordance with rules made under section 136.

[40/2014]

(3) Subject to the provisions of this Division, the Director of Legal Services may, on receiving an application under subsection (1), issue a law firm licence to the solicitor's practice or the partnership (as the case may be) if the practice or the partnership (as the case may be) satisfies such requirements as may be prescribed.

[40/2014]

(4) Every law firm licence issued under subsection (3) is subject to —

- (a) such conditions as may be prescribed; and

(b) such conditions as the Director of Legal Services may think fit to impose in any particular case.

[40/2014]

(5) The Director of Legal Services must not issue a law firm licence to a solicitor's practice or a partnership before the practice or the partnership (as the case may be) is registered under the Business Registration Act (Cap. 32, 2004 Revised Edition) or the Business Names Registration Act 2014 (whichever is in force).

[40/2014]

(6) A law firm must pay to the Director of Legal Services such licence fee at such times and in such manner as may be prescribed.

[40/2014]

(7) Every practice of a solicitor who practises on his or her own account, and every firm of solicitors, which exists immediately before 18 November 2015, is deemed to be licensed under this section, subject to the conditions mentioned in subsection (4)(a) and any conditions that the Director of Legal Services may think fit to impose in any particular case, with effect from that date.

[40/2014]

(8) The Society may transfer to the Director of Legal Services the particulars of any practice or firm referred to in subsection (7), and the Director of Legal Services may, upon receiving those particulars, issue a law firm licence to that practice or firm, without any action on the part of that practice or firm.

[40/2014]

Name of law firm

132.—(1) The Director of Legal Services must not approve the name or proposed name of a law firm if in his or her opinion that name or proposed name fails to satisfy such criteria as may be prescribed by rules made under section 136.

[40/2014]

(2) No name of a law firm may be changed without the prior written approval of the Director of Legal Services.

[40/2014]

(3) Despite anything in this section, where the Director of Legal Services is satisfied that the name of a law firm has been approved

(whether through inadvertence or otherwise and whether originally or by change of name) in contravention of subsection (1) —

- (a) the Director of Legal Services may direct that the name of the law firm be changed; and
- (b) the sole proprietor or partners of the law firm must comply with that direction within 6 weeks after the date of the direction or such longer period as the Director of Legal Services may allow.

[40/2014]

Regulatory control over law firm

133.—(1) The Director of Legal Services may, by written notice to a law firm, do any of the following things, if the Director of Legal Services is satisfied that there is sufficient reason for doing so:

- (a) suspend or revoke the law firm licence which was issued to the law firm;
- (b) order the law firm to pay a penalty of not more than \$100,000;
- (c) give a warning to the law firm.

[40/2014]

(2) Without limiting subsection (1), the Director of Legal Services may, by written notice to a law firm, do anything referred to in subsection (1)(a), (b) or (c), if —

- (a) the law firm contravenes Part 5A or any rules made under section 70H, or fails to comply with any requirement under this Division;
- (b) the law firm fails to comply with any condition subject to which its law firm licence was issued; or
- (c) the Director of Legal Services is satisfied that it is in the public interest to do so.

[40/2014]

(3) Before doing under subsection (1) or (2) anything referred to in subsection (1)(a), (b) or (c), the Director of Legal Services must give

the law firm not less than 14 days after the date of the notice to make representations in writing.

[40/2014]

Appeal against decision of Director of Legal Services under this Division

134.—(1) Any person who is aggrieved by a decision of the Director of Legal Services under this Division may, within the prescribed period, appeal to the Minister in the prescribed manner.

[40/2014]

(2) A person making an appeal under subsection (1) must comply with any rules made under section 136 for the purposes of this section.

[40/2014]

(3) In determining an appeal under this section, the Minister may —

(a) confirm, vary or reverse the decision of the Director of Legal Services; or

(b) direct the Director of Legal Services to reconsider that decision.

[40/2014]

Register of law firms

135.—(1) The Director of Legal Services is required —

(a) to keep a register of all law firms licensed under section 131 in such form and manner as the Director of Legal Services 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 Director of Legal Services thinks fit.

[40/2014]

(2) The Director of Legal Services is required to enter in the register of law firms the name of every law firm licensed under section 131.

[40/2014]

(3) Where a law firm has ceased providing legal services or has been wound up —

- (a) the law firm licence which was issued to the law firm lapses; and
- (b) the Director of Legal Services may cancel the registration of the law firm.

[40/2014]

(4) In this section, “legal services” means the legal services which an advocate and solicitor who has in force a practising certificate can perform under this Act.

[40/2014]

Rules on law firms

136.—(1) The Minister may make rules for the purposes of this Division.

[40/2014]

(2) Without limiting subsection (1), any rules made under that subsection may —

- (a) prescribe anything which may be prescribed under this Division;
- (b) provide for restrictions to be imposed on persons or classes of persons who may be partners in a law firm;
- (c) provide for the payment of fees (including administrative fees and processing fees) and other charges for applications made under this Division or any rules made under this Division, and for related matters;
- (d) provide for the suspension, revocation or lapsing of any law firm licence;
- (e) provide for the keeping of accounts by a law firm and for the matters set out in section 72;
- (f) exempt any person or entity or any class of persons or entities from, or modify the application in relation to any person or entity or any class of persons or entities of, any provision of this Division; and

- (g) prescribe such transitional, savings, incidental, consequential or supplementary provisions as may be necessary or expedient.

[40/2014]

Division 2 — Limited Liability Law Partnerships

Interpretation of this Division

137. In this Division, unless the context otherwise requires —

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

“limited liability partnership agreement”, “manager” and “officer” have the meanings given by the Limited Liability Partnerships Act 2005.

[40/2014]

Licensing of limited liability law partnerships

138.—(1) A solicitor who wishes to have a limited liability partnership or a proposed limited liability partnership licensed as a limited liability law partnership must apply to the Director of Legal Services for —

- (a) the issue of a limited liability law partnership licence to the limited liability partnership or proposed limited liability partnership; and
- (b) the approval of the name or proposed name of the limited liability law partnership.

[40/2014]

(2) An application under subsection (1) must be made in accordance with rules made under section 150.

[40/2014]

(3) Subject to the provisions of this Division, the Director of Legal Services may, on receiving an application under subsection (1), issue a limited liability law partnership licence to the limited liability partnership or proposed limited liability partnership, if the limited liability partnership or proposed limited liability partnership satisfies such requirements as may be prescribed.

[40/2014]

(4) Every limited liability law partnership licence issued under subsection (3) is subject to —

- (a) such conditions as may be prescribed; and
- (b) such conditions as the Director of Legal Services may think fit to impose in any particular case.

[40/2014]

(5) If the Director of Legal Services issues a limited liability law partnership licence to a proposed limited liability partnership, the licence is not in force until the limited liability partnership is registered under the Limited Liability Partnerships Act 2005.

[40/2014]

(6) A limited liability law partnership must pay to the Director of Legal Services such licence fee at such times and in such manner as may be prescribed.

[40/2014]

(7) Every limited liability partnership which was approved as a limited liability law partnership, under the repealed section 81Q as in force immediately before 18 November 2015, and which continued to exist as such limited liability law partnership immediately before that date, is deemed to be licensed under this section, subject to the conditions mentioned in subsection (4)(a) and any conditions that the Director of Legal Services may think fit to impose in any particular case, with effect from that date.

[40/2014]

(8) The Society may transfer to the Director of Legal Services the particulars of and any documents relating to any limited liability partnership referred to in subsection (7), and the Director of Legal Services may, upon receiving those particulars and documents, issue a limited liability law partnership licence to that limited liability partnership, without any action on the part of that limited liability partnership.

[40/2014]

(9) With effect from 18 November 2015, any application which was made before that date under the repealed section 81Q(1) as in force immediately before that date, and which is pending immediately before that date, is deemed to be an application under subsection (1).

[40/2014]

(10) The Society may transfer to the Director of Legal Services the particulars of and any documents relating to any application mentioned in subsection (9).

[40/2014]

Name of limited liability law partnership

139.—(1) The Director of Legal Services must not approve the name or proposed name of a limited liability law partnership if in his or her opinion that name or proposed name fails to satisfy such criteria as may be prescribed by rules made under section 150.

[40/2014]

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

[40/2014]

(3) No name of a limited liability law partnership may be changed without the prior written approval of the Director of Legal Services.

[40/2014]

(4) Despite anything in this section or the Limited Liability Partnerships Act 2005, where the Director of Legal Services 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) —

(a) the Director of Legal Services may direct the limited liability law partnership to change its name; and

(b) the limited liability law partnership must comply with that direction within 6 weeks after the date of the direction or such longer period as the Director of Legal Services may allow.

[40/2014]

Effect of becoming limited liability law partnership

140.—(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.

[40/2014]

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

[40/2014]

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

[40/2014]

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

[40/2014]

Relationship between client and limited liability law partnership

141.—(1) A limited liability law partnership has the same rights and is 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 or her client.

[40/2014]

(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 or her client and extends to every regulated legal practitioner who is a partner, an officer or an employee of the limited liability law partnership.

[40/2014]

(3) Sections 128 to 131 of the Evidence Act 1893 on professional communications apply to a limited liability law partnership, its partners, its officers and its employees as they apply to a solicitor.

[40/2014]

Professional misconduct

142.—(1) An act or omission of a regulated legal practitioner may constitute unsatisfactory professional conduct or professional misconduct even though it is only done or occurs while the

regulated legal practitioner provides legal services through a limited liability law partnership.

[40/2014]

(2) Where the business of a limited liability law partnership is conducted in a manner unbefitting an honourable profession, and such conduct cannot be attributed to the act or omission of any particular individual (being a solicitor, regulated foreign lawyer or regulated non-practitioner) whose identity is known —

- (a) each partner of the limited liability law partnership who is a solicitor shall be liable (or, if there are 2 or more such partners, shall be jointly liable with every other such partner) to such disciplinary proceedings under this Act as are applicable to a solicitor;
- (b) each partner of the limited liability law partnership who is a regulated foreign lawyer shall be liable (or, if there are 2 or more such partners, shall be jointly liable with every other such partner) to such disciplinary proceedings under this Act as are applicable to a regulated foreign lawyer; and
- (c) each partner of the limited liability law partnership who is a regulated non-practitioner shall be liable (or, if there are 2 or more such partners, shall be jointly liable with every other such partner) to such disciplinary proceedings under this Act as are applicable to a regulated non-practitioner.

[40/2014]

(3) Except with the prior approval of the Director of Legal Services or in circumstances prescribed in any rules made under section 150, a partner or employee of a limited liability law partnership who is a solicitor (whether or not he or she has in force a practising certificate) must not —

- (a) hold shares in any law corporation;
- (b) be a director, consultant or employee of any law corporation;
- (c) be a partner, consultant or employee of any law firm or any other limited liability law partnership; or

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

[40/2014]

(4) Subsection (3) does 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.

[40/2014]

(5) Except with the prior approval of the Director of Legal Services or in circumstances prescribed in any rules made under section 150 —

(a) a partner or employee of a limited liability law partnership who is a regulated foreign lawyer must not —

(i) hold shares in any law corporation;

(ii) be a director, consultant or employee of any law corporation; or

(iii) be a partner, consultant or employee of any law firm or any other limited liability law partnership; and

(b) a partner or employee of a limited liability law partnership who is a regulated non-practitioner must not —

(i) hold shares in any law corporation;

(ii) be a director or employee of any law corporation; or

(iii) be a partner or employee of any law firm or any other limited liability law partnership.

[40/2014]

Effect of disciplinary action

143. An individual must not be a manager of a limited liability law partnership if —

(a) he or she has been suspended from practice or struck off the roll pursuant to such disciplinary proceedings under this Act as are applicable to a solicitor;

(b) his or her registration under section 36B, 36C or 36D has been cancelled or suspended, or the approval given to him or her under section 176(1) has been cancelled or suspended, pursuant to such disciplinary proceedings

under this Act as are applicable to a regulated foreign lawyer; or

- (c) he or she has been ordered to divest himself or herself of any shares or equity interests he or she may have in a Singapore law practice pursuant to such disciplinary proceedings under this Act as are applicable to a regulated non-practitioner.

[40/2014]

Additional grounds for winding up limited liability law partnership

144.—(1) A limited liability law partnership may be wound up under the Limited Liability Partnerships Act 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 150 relating to a limited liability law partnership;
- (b) the business of the limited liability law partnership has been conducted in a manner unbecoming the profession.

[40/2014]

(2) The grounds for winding up mentioned in subsection (1) are additional to those prescribed by the Limited Liability Partnerships Act 2005.

[40/2014]

(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.

[40/2014]

Regulatory control over limited liability law partnership

145.—(1) The Director of Legal Services may, by written notice to a limited liability law partnership, do any of the following things, if the Director of Legal Services is satisfied that there is sufficient reason for doing so:

- (a) suspend or revoke the limited liability law partnership licence which was issued to the limited liability law partnership;

(b) order the limited liability law partnership to pay a penalty of not more than \$100,000;

(c) give a warning to the limited liability law partnership.

[40/2014]

(2) Without limiting subsection (1), the Director of Legal Services may, by written notice to a limited liability law partnership, do anything referred to in subsection (1)(a), (b) or (c), if —

(a) the limited liability law partnership contravenes Part 5A or any rules made under section 70H, or fails to comply with any requirement under this Division;

(b) the limited liability law partnership fails to comply with any condition subject to which its limited liability law partnership licence was issued; or

(c) the Director of Legal Services is satisfied that it is in the public interest to do so.

[40/2014]

(3) Before doing under subsection (1) or (2) anything referred to in subsection (1)(a), (b) or (c), the Director of Legal Services must give the limited liability law partnership not less than 14 days after the date of the notice to make representations in writing.

[40/2014]

Appeal against decision of Director of Legal Services under this Division

146.—(1) Any person who is aggrieved by a decision of the Director of Legal Services under this Division may, within the prescribed period, appeal to the Minister in the prescribed manner.

[40/2014]

(2) A person making an appeal under subsection (1) must comply with any rules made under section 150 for the purposes of this section.

[40/2014]

(3) In determining an appeal under this section, the Minister may —

(a) confirm, vary or reverse the decision of the Director of Legal Services; or

- (b) direct the Director of Legal Services to reconsider that decision.

[40/2014]

Register of limited liability law partnerships

147.—(1) The Director of Legal Services is required —

- (a) to keep a register of all limited liability law partnerships licensed under section 138 in such form and manner as the Director of Legal Services 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 Director of Legal Services thinks fit.

[40/2014]

(2) The Director of Legal Services is required to enter in the register of limited liability law partnerships the name of every limited liability law partnership licensed under section 138.

[40/2014]

(3) Where a limited liability law partnership has ceased providing legal services or has been wound up —

- (a) the limited liability law partnership licence which was issued to the limited liability law partnership lapses; and
- (b) the Director of Legal Services may cancel the registration of the limited liability law partnership.

[40/2014]

This Division to prevail over inconsistent provisions of limited liability partnership agreement

148. This Division and any rules made under section 150 for the purposes of this Division prevail over any inconsistent provision of the limited liability partnership agreement of a limited liability law partnership.

[40/2014]

Application of Limited Liability Partnerships Act 2005 and other written law to limited liability law partnerships

149.—(1) Nothing in this Division affects the operation of the Limited Liability Partnerships Act 2005, and the provisions of this

Division apply with the provisions of the Limited Liability Partnerships Act 2005.

[40/2014]

(2) In the case of a conflict between any provision of the Limited Liability Partnerships Act 2005 and any provision in this Division, the provision in this Division prevails unless otherwise expressly provided in this Division.

[40/2014]

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

[40/2014]

(4) In this section, references to this Division include references to rules made under section 150.

[40/2014]

Rules on limited liability law partnerships

150.—(1) The Minister may make rules for the purposes of this Division.

[40/2014]

(2) Without limiting subsection (1), any rules made under that subsection may —

- (a) prescribe anything which may be prescribed under this Division;
- (b) provide 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) provide for the payment of fees (including administrative fees and processing fees) and other charges for applications made under this Division or any rules made under this Division, and for related matters;
- (d) provide for the suspension, revocation or lapsing of any limited liability law partnership licence;

- (e) provide for the keeping of accounts by a limited liability law partnership and for the matters set out in section 72;
- (f) exempt any person or entity or any class of persons or entities from, or modify the application in relation to any person or entity or any class of persons or entities of, any provision of this Division; and
- (g) prescribe such transitional, savings, incidental, consequential or supplementary provisions as may be necessary or expedient.

[40/2014]

Reference in other written law

151. In any other written law, any reference to a solicitor, an advocate or an advocate and solicitor is to be construed, with such necessary modifications or exceptions as may be prescribed under section 150, as including a reference to a limited liability law partnership.

[40/2014]

Division 3 — Law Corporations

Interpretation of this Division

152. In this Division, unless the context otherwise requires —

“company” has the meaning given by the Companies Act 1967;

“legal services” means the legal services which a solicitor can lawfully perform under this Act.

[40/2014]

Licensing of law corporations

153.—(1) A solicitor who wishes to have a company or a proposed company licensed as a law corporation must apply to the Director of Legal Services for —

- (a) the issue of a law corporation licence to the company or proposed company; and

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

[40/2014]

(2) An application under subsection (1) must be made in accordance with rules made under section 166.

[40/2014]

(3) Subject to the provisions of this Division, the Director of Legal Services may, on receiving an application under subsection (1), issue a law corporation licence to the company or proposed company, if —

- (a) the memorandum of association or constitution 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;
- (b) the articles of association or constitution of the company or proposed company provide for such matters as may be prescribed; and
- (c) the company or proposed company satisfies such requirements as may be prescribed.

[40/2014]

(4) Every law corporation licence issued under subsection (3) is subject to —

- (a) such conditions as may be prescribed; and
- (b) such conditions as the Director of Legal Services may think fit to impose in any particular case.

[40/2014]

(5) If the Director of Legal Services issues a law corporation licence to a proposed company, the licence is not in force until the company is registered and incorporated under the Companies Act 1967.

[40/2014]

(6) A law corporation must pay to the Director of Legal Services such licence fee at such times and in such manner as may be prescribed.

[40/2014]

(7) Every company which was approved as a law corporation, under the repealed section 81B as in force immediately before 18 November 2015, and which continued to exist as such law corporation immediately before that date, is deemed to be licensed under this section, subject to the conditions mentioned in subsection (4)(a) and such conditions as the Director of Legal Services may think fit to impose in any particular case, with effect from that date.

[40/2014]

(8) The Society may transfer to the Director of Legal Services the particulars of and any documents relating to any company referred to in subsection (7), and the Director of Legal Services may, upon receiving those particulars and documents, issue a law corporation licence to that company, without any action on the part of that company.

[40/2014]

(9) With effect from 18 November 2015, any application which was made before that date under the repealed section 81B(1) as in force immediately before that date, and which is pending immediately before that date, is deemed to be an application under subsection (1).

[40/2014]

(10) The Society may transfer to the Director of Legal Services the particulars of and any documents relating to any application mentioned in subsection (9).

[40/2014]

Name of law corporation

154.—(1) The Director of Legal Services must not approve the name or proposed name of a law corporation if in his or her opinion that name or proposed name fails to satisfy such criteria as may be prescribed by rules made under section 166.

[40/2014]

(2) Despite section 27 of the Companies Act 1967, 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.

[40/2014]

(3) Every law corporation must have either the words “Law Corporation” or the acronym “LLC” as part of its name; and no person, firm or group practice other than a law corporation may have those words or that acronym as part of the name of the person, firm or group practice.

[40/2014]

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

[40/2014]

(5) No name of a law corporation may be changed without the prior written approval of the Director of Legal Services.

[40/2014]

(6) Despite anything in this section or section 27 of the Companies Act 1967, where the Director of Legal Services 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) —

(a) the Director of Legal Services may direct the law corporation to change its name; and

(b) the law corporation must comply with that direction within 6 weeks after the date of the direction or such longer period as the Director of Legal Services may allow.

[40/2014]

Effect of company becoming law corporation

155.—(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.

[40/2014]

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

[40/2014]

(3) A regulated legal practitioner who provides legal services as a director or employee of a law corporation is subject to the same standards of professional conduct and competence in respect of such

services as if he or she were personally providing the legal services as a regulated legal practitioner in a law firm.

[40/2014]

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

[40/2014]

Relationship between client and law corporation

156.—(1) A law corporation has the same rights and is 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 or her client.

[40/2014]

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

[40/2014]

(3) Sections 128 to 131 of the Evidence Act 1893 on professional communications apply to a law corporation, its officers and its employees as they apply to a solicitor.

[40/2014]

Professional misconduct

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

[40/2014]

(2) Where the business of a law corporation is conducted in a manner unbecoming an honourable profession, and such conduct cannot be attributed to the act or omission of any particular individual (being a solicitor, regulated foreign lawyer or regulated non-practitioner) whose identity is known —

- (a) each director of the law corporation who is a solicitor shall be liable (or, if there are 2 or more such directors, shall be jointly liable with every other such director) to such disciplinary proceedings under this Act as are applicable to a solicitor;
- (b) each director of the law corporation who is a regulated foreign lawyer shall be liable (or, if there are 2 or more such directors, shall be jointly liable with every other such director) to such disciplinary proceedings under this Act as are applicable to a regulated foreign lawyer; and
- (c) each director of the law corporation who is a regulated non-practitioner shall be liable (or, if there are 2 or more such directors, shall be jointly liable with every other such director) to such disciplinary proceedings under this Act as are applicable to a regulated non-practitioner.

[40/2014]

(3) Except with the prior approval of the Director of Legal Services or in circumstances prescribed in any rules made under section 166, a director or employee of a law corporation who is a solicitor (whether or not he or she has in force a practising certificate) must not —

- (a) hold shares in any other law corporation;
- (b) be a director, consultant or employee of any other law corporation;
- (c) be a partner, consultant or employee of any law firm or limited liability law partnership; or
- (d) practise as a solicitor on his or her own account.

[40/2014]

(4) Subsection (3) does 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.

[40/2014]

(5) Except with the prior approval of the Director of Legal Services or in circumstances prescribed in any rules made under section 166 —

- (a) a director or employee of a law corporation who is a regulated foreign lawyer must not —
- (i) hold shares in any other law corporation;
 - (ii) be a director, consultant or employee of any other law corporation; or
 - (iii) be a partner, consultant or employee of any law firm or limited liability law partnership; and
- (b) a director or employee of a law corporation who is a regulated non-practitioner must not —
- (i) hold shares in any other law corporation;
 - (ii) be a director or employee of any other law corporation; or
 - (iii) be a partner or employee of any law firm or limited liability law partnership.

[40/2014]

Requirements as to alteration of memorandum or articles of association or constitution

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

[40/2014]

Shares of law corporation, etc.

159.—(1) A person must not transfer or dispose of any shares in a law corporation except in accordance with this section and the rules made under section 166.

[40/2014]

(2) All the shares in a law corporation must be held by solicitors subject to any rules made under section 166 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.

[40/2014]

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

[40/2014]

(4) Except with the prior approval of the Director of Legal Services or in circumstances prescribed in the rules made under section 166, any person who holds shares in a law corporation must not —

- (a) hold shares in any other law corporation;
- (b) be a director, consultant or employee of any other law corporation;
- (c) be a partner, consultant or employee of any law firm or limited liability law partnership; or
- (d) practise as a solicitor on his or her own account.

[40/2014]

(5) No security may be created over any share in a law corporation.

[40/2014]

(6) An individual must not hold any shares in a law corporation, except during any grace period granted by the Director of Legal Services, on the individual's application, for the individual to transfer or dispose of the individual's shares in the law corporation, if —

- (a) the individual has been suspended from practice or struck off the roll pursuant to such disciplinary proceedings under this Act as are applicable to a solicitor;
- (b) the individual's registration under section 36B, 36C or 36D has been cancelled or suspended, or the individual's approval under section 176(1) has been cancelled or suspended, pursuant to such disciplinary proceedings under this Act as are applicable to a regulated foreign lawyer; or
- (c) the individual has been ordered to divest himself or herself of any shares or equity interests he or she may have in a Singapore law practice pursuant to such disciplinary proceedings under this Act as are applicable to a regulated non-practitioner.

[40/2014]

(7) An individual must not, directly or indirectly, take part or be concerned in the management or practice of a law corporation if —

- (a) he or she has been suspended from practice or struck off the roll pursuant to such disciplinary proceedings under this Act as are applicable to a solicitor;
- (b) his or her registration under section 36B, 36C or 36D has been cancelled or suspended, or the approval granted to him or her under section 176(1) has been cancelled or suspended, pursuant to such disciplinary proceedings under this Act as are applicable to a regulated foreign lawyer; or
- (c) he or she has been ordered to divest himself or herself of any shares or equity interests he or she may have in a Singapore law practice pursuant to such disciplinary proceedings under this Act as are applicable to a regulated non-practitioner.

[40/2014]

(8) Any transfer or disposal made in contravention of subsections (1) to (6) is void.

[40/2014]

(9) Despite subsections (2) and (7), where a solicitor has for any reason ceased to hold a practising certificate, the Director of Legal Services may, upon application made by the solicitor or by the law corporation of which the solicitor is a member, grant the solicitor a grace period of not more than 2 years to transfer the solicitor's shares in the law corporation.

[40/2014]

(10) The solicitor mentioned in subsection (9) is to be treated as a solicitor for the purposes of computing the proportion of any class of shares in the law corporation held by solicitors.

[40/2014]

(11) Despite 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 Director of Legal Services may allow the executor or administrator of the solicitor's estate or any other person to hold the solicitor's shares in the law

corporation of which the solicitor was or is a member for a grace period of not more than 2 years.

[40/2014]

(12) The grace period of not more than 2 years mentioned in subsection (11) commences —

- (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.

[40/2014]

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

[40/2014]

Additional grounds for winding up law corporation

160.—(1) A law corporation may be wound up under the Insolvency, Restructuring and Dissolution Act 2018 on any of the following grounds:

- (a) the law corporation ceases to satisfy the requirements of this Act or the rules made under section 166 relating to a law corporation;
- (b) the business of the law corporation has been conducted in a manner unbecoming the profession.

[40/2014; 40/2018]

(2) The grounds for winding up mentioned in subsection (1) are additional to those prescribed by the Insolvency, Restructuring and Dissolution Act 2018.

[40/2014; 40/2018]

(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.

[40/2014]

Regulatory control over law corporation

161.—(1) The Director of Legal Services may, by written notice to a law corporation, do any of the following things, if the Director of Legal Services is satisfied that there is sufficient reason for doing so:

- (a) suspend or revoke the law corporation licence which was issued to the law corporation;
- (b) order the law corporation to pay a penalty of not more than \$100,000;
- (c) give a warning to the law corporation.

[40/2014]

(2) Without limiting subsection (1), the Director of Legal Services may, by written notice to a law corporation, do anything referred to in subsection (1)(a), (b) or (c), if —

- (a) the law corporation contravenes Part 5A or any rules made under section 70H, or fails to comply with any requirement under this Division;
- (b) the law corporation fails to comply with any condition subject to which its law corporation licence was issued; or
- (c) the Director of Legal Services is satisfied that it is in the public interest to do so.

[40/2014]

(3) Before doing under subsection (1) or (2) anything referred to in subsection (1)(a), (b) or (c), the Director of Legal Services must give the law corporation not less than 14 days after the date of the notice to make representations in writing.

[40/2014]

Appeal against decision of Director of Legal Services under this Division

162.—(1) Any person who is aggrieved by a decision of the Director of Legal Services under this Division may, within the prescribed period, appeal to the Minister in the prescribed manner.

[40/2014]

(2) A person making an appeal under subsection (1) must comply with any rules made under section 166 for the purposes of this section.

[40/2014]

(3) In determining an appeal under this section, the Minister may —

- (a) confirm, vary or reverse the decision of the Director of Legal Services; or
- (b) direct the Director of Legal Services to reconsider that decision.

[40/2014]

Register of law corporations

163.—(1) The Director of Legal Services is required —

- (a) to keep a register of all law corporations licensed under section 153 in such form and manner as the Director of Legal Services 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 Director of Legal Services thinks fit.

[40/2014]

(2) The Director of Legal Services is required to enter in the register of law corporations the name of every law corporation licensed under section 153.

[40/2014]

(3) Where a law corporation has ceased providing legal services or has been wound up —

- (a) the law corporation licence which was issued to the law corporation lapses; and

- (b) the Director of Legal Services may cancel the registration of the law corporation.

[40/2014]

This Division to prevail over inconsistent provisions of memorandum and articles of association or constitution

164. This Division and any rules made under section 166 for the purposes of this Division prevail over any inconsistent provision of the memorandum and articles of association or constitution of a law corporation.

[40/2014]

Application of Companies Act 1967 and other written law to law corporations

165.—(1) Nothing in this Division affects the operation of the Companies Act 1967, and the provisions of this Division apply with the provisions of the Companies Act 1967.

[40/2014]

(2) In the case of a conflict between any provision of the Companies Act 1967 and any provision in this Division, the provision in this Division prevails unless otherwise expressly provided in this Division.

[40/2014]

(3) A law corporation is deemed, even though the shares in the law corporation are held by more than 20 members, to be an exempt private company for the purposes of the Companies Act 1967.

[40/2014]

(4) A law corporation is not to be treated for the purposes of the Companies Act 1967 as a public company merely because it has more than 50 members.

[40/2014]

(5) 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, have effect in relation to law corporations with such prescribed modifications as may be necessary or expedient; and such provisions are to be construed accordingly.

[40/2014]

(6) In this section, references to this Division include references to rules made under section 166.

[40/2014]

Rules on law corporations

166.—(1) The Minister may make rules for the purposes of this Division.

[40/2014]

(2) Without limiting subsection (1), any rules made under that subsection may —

- (a) prescribe anything which may be prescribed under this Division;
- (b) provide 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) provide for the payment of fees (including administrative fees and processing fees) and other charges for applications made under this Division or any rules made under this Division, and for related matters;
- (d) provide for the suspension, revocation or lapsing of any law corporation licence;
- (e) provide for the keeping of accounts by a law corporation and for the matters set out in section 72;
- (f) exempt any person or entity or any class of persons or entities from, or modify the application in relation to any person or entity or any class of persons or entities of, any provision of this Division; and
- (g) prescribe such transitional, savings, incidental, consequential or supplementary provisions as may be necessary or expedient.

[40/2014]

Reference in other written law

167. In any other written law, any reference to a solicitor, an advocate or an advocate and solicitor is to be construed, with such necessary modifications or exceptions as may be prescribed under section 166, as including a reference to a law corporation.

[40/2014]

*Division 4 — Joint Law Ventures, Formal Law Alliances,
Foreign Law Practices, Representative Offices and
Foreign Interests in Singapore Law Practices*

Interpretation of this Division

168.—(1) In this Division, unless the context otherwise requires, “permitted areas of legal practice” means all areas of legal practice other than any area of legal practice prescribed as an area to be excluded from the ambit of this definition.

[40/2014]

(2) In this Division, unless the context otherwise requires —

- (a) a reference to this Division includes a reference to any rules made under this Division; and
- (b) a reference to the contravention of a provision includes a reference to the failure to comply with any condition of any licence, registration or approval imposed under that provision or by section 179(5).

[40/2014]

Joint Law Venture

169.—(1) A foreign law practice and a Singapore law practice may apply jointly for a Joint Law Venture licence if they satisfy —

- (a) such conditions as may be prescribed; and
- (b) such conditions as the Director of Legal Services may think fit to impose in any particular case.

[40/2014]

(2) The Director of Legal Services may, after consulting such authorities as he or she thinks fit, grant or refuse an application under subsection (1).

[40/2014]

(3) An application under subsection (1) may be granted, and a Joint Law Venture licence may be issued, subject to —

- (a) such conditions as may be prescribed; and
- (b) such conditions as the Director of Legal Services may think fit to impose in any particular case.

[40/2014]

(4) A Joint Law Venture licence —

- (a) entitles the constitution, in such manner as may be prescribed, of a Joint Law Venture by the foreign law practice and the Singapore law practice to which the licence has been issued;
- (b) despite anything to the contrary in Part 4, entitles the Joint Law Venture, during the period of validity of the licence —
 - (i) to practise Singapore law in accordance with such terms and conditions as may be prescribed; and
 - (ii) to such other privileges as may be prescribed or otherwise conferred by law, or as the Director of Legal Services may confer; and
- (c) despite anything to the contrary in Part 4, entitles the constituent foreign law practice of the Joint Law Venture, during the period of validity of the licence —
 - (i) to practise Singapore law through the Joint Law Venture in, and only in, the permitted areas of legal practice, in accordance with such terms and conditions as may be prescribed; and
 - (ii) to such other privileges as may be prescribed or otherwise conferred by law, or as the Director of Legal Services may confer.

[40/2014]

(5) A Joint Law Venture, or its constituent foreign law practice and constituent Singapore law practice, must pay to the Director of Legal Services such licence fee at such times and in such manner as may be prescribed.

[40/2014]

(6) Without prejudice to the solicitor-client privilege that exists between —

(a) a foreign law practice or Singapore law practice; and

(b) its client, or a client of a Joint Law Venture of which it is the constituent foreign law practice or constituent Singapore law practice,

solicitor-client privilege exists between a Joint Law Venture and its client in the same way as it exists between a solicitor and his or her client.

[40/2014]

(7) Except as may otherwise be prescribed, nothing in this Act prevents the constituent foreign law practice and the constituent Singapore law practice of a Joint Law Venture from sharing office premises, profits or client information with respect to the legal practice of the Joint Law Venture.

[40/2014]

(8) To avoid doubt, Divisions 1, 2 and 3 do not apply to a Joint Law Venture.

[40/2014]

(9) A Joint Law Venture which is a company is deemed, even though the shares in the Joint Law Venture are held by more than 20 members or by a corporation, to be an exempt private company for the purposes of the Companies Act 1967.

[40/2014]

(10) Despite section 27 of the Companies Act 1967 —

(a) a Joint Law Venture which is a limited company need not have the word “Limited” or “Berhad” as part of its name; and

(b) a Joint Law Venture which is a private company need not have the word “Private” or “Sendirian” as part of its name.

[40/2014]

(11) In exercising his or her powers under this section, the Director of Legal Services may waive or modify the application of any requirement under this Division in relation to a Joint Law Venture or

its constituent foreign law practice or constituent Singapore law practice.

[40/2014]

(12) With effect from 18 November 2015 —

- (a) an entity which, immediately before that date, was or was deemed to be a Joint Law Venture constituted under the repealed section 130B as in force immediately before that date is deemed to be a Joint Law Venture constituted under this section;
- (b) the foreign law practice and the Singapore law practice constituting that entity, which were issued, or were deemed to have been issued, a licence under the repealed section 130B as in force immediately before that date, are deemed, until the day on which that licence would otherwise expire or until the Director of Legal Services issues a Joint Law Venture licence in respect of that entity under subsection (13) (whichever is the earlier), to have been issued a Joint Law Venture licence subject to —
 - (i) the conditions mentioned in subsection (3)(a);
 - (ii) the conditions (if any) imposed by the Attorney-General under the repealed section 130B(3)(b) or (12) or 130P(5)(b) as in force immediately before that date, subject to which that licence was issued or was deemed to have been issued; and
 - (iii) such conditions as the Director of Legal Services may think fit to impose in any particular case; and
- (c) any undertaking provided in respect of that entity under the repealed section 130Q as in force immediately before that date is enforceable by the Director of Legal Services as if that undertaking were provided under section 179.

[40/2014]

(13) The Attorney-General may transfer to the Director of Legal Services the particulars of and documents relating to any entity mentioned in subsection (12), and the foreign law practice and the

Singapore law practice constituting that entity, and the Director of Legal Services may, upon receiving those particulars and documents, issue a Joint Law Venture licence in respect of that entity to that foreign law practice and that Singapore law practice, subject to the conditions mentioned in subsection (3)(a) and such conditions as the Director of Legal Services may think fit to impose in any particular case, without any action on the part of that foreign law practice or that Singapore law practice.

[40/2014]

(14) With effect from 18 November 2015 —

- (a) any application which was made before that date for a Joint Law Venture licence under the repealed section 130B as in force immediately before that date, and which is pending immediately before that date, is deemed to be an application for a Joint Law Venture licence under this section; and
- (b) any undertaking provided under the repealed section 130Q as in force immediately before that date, by a person making that application, is deemed to be an undertaking provided under section 179 by that person.

[40/2014]

(15) The Attorney-General may transfer to the Director of Legal Services the particulars of and documents relating to any application mentioned in subsection (14).

[40/2014]

Formal Law Alliance

170.—(1) One or more foreign law practices and one or more Singapore law practices may apply jointly for a Formal Law Alliance licence if they satisfy —

- (a) such conditions as may be prescribed; and
- (b) such conditions as the Director of Legal Services may think fit to impose in any particular case.

[40/2014]

(2) The Director of Legal Services may, after consulting such authorities as he or she thinks fit, grant or refuse an application under subsection (1).

[40/2014]

(3) An application under subsection (1) may be granted, and a Formal Law Alliance licence may be issued, subject to —

- (a) such conditions as may be prescribed; and
- (b) such conditions as the Director of Legal Services may think fit to impose in any particular case.

[40/2014]

(4) A Formal Law Alliance licence —

- (a) entitles the formation of a Formal Law Alliance by the law practices to which the licence has been issued (each called in this Division a member of the Formal Law Alliance);
- (b) despite anything to the contrary in Part 4, entitles the Formal Law Alliance, during the period of validity of the licence, to such privileges as may be prescribed or otherwise conferred by law; and
- (c) despite anything to the contrary in Part 4, entitles each foreign law practice which is a member of the Formal Law Alliance, during the period of validity of the licence —
 - (i) to practise Singapore law in, and only in, such areas of legal practice and in accordance with such terms and conditions as may be prescribed; and
 - (ii) to such other privileges as may be prescribed or otherwise conferred by law.

[40/2014]

(5) A Formal Law Alliance or its members must pay to the Director of Legal Services such licence fee at such times and in such manner as may be prescribed.

[40/2014]

(6) Without prejudice to the solicitor-client privilege that exists between —

- (a) a foreign law practice or Singapore law practice; and

- (b) its client, or a client of a Formal Law Alliance of which it is a member,

solicitor-client privilege exists between a Formal Law Alliance and its client in the same way as it exists between a solicitor and his or her client.

[40/2014]

(7) Except as may otherwise be prescribed, nothing in this Act prevents a foreign law practice which is a member of a Formal Law Alliance and a Singapore law practice which is a member of the Formal Law Alliance from sharing office premises, profits or client information with respect to the legal practice of the Formal Law Alliance.

[40/2014]

(8) A foreign law practice or Singapore law practice may be a joint applicant for more than one Formal Law Alliance licence.

[40/2014]

(9) In exercising his or her powers under this section, the Director of Legal Services may waive or modify the application of any requirement under this Division in relation to a Formal Law Alliance, any foreign law practice which is a member of a Formal Law Alliance or any Singapore law practice which is a member of a Formal Law Alliance.

[40/2014]

(10) With effect from 18 November 2015 —

- (a) an alliance formed by one or more foreign law practices and one or more Singapore law practices which, immediately before that date, was or was deemed to be a Formal Law Alliance formed under the repealed section 130C as in force immediately before that date is deemed to be a Formal Law Alliance formed under this section;
- (b) the law practices forming that alliance, which were issued, or were deemed to have been issued, a licence under the repealed section 130C as in force immediately before that date, are deemed, until the day on which that licence would otherwise expire or until the Director of Legal Services issues a Formal Law Alliance licence in respect of that

alliance under subsection (11) (whichever is the earlier), to have been issued a Formal Law Alliance licence subject to —

- (i) the conditions mentioned in subsection (3)(a);
 - (ii) the conditions (if any) imposed by the Attorney-General under the repealed section 130C(3)(b) or (9) or 130P(5)(b) as in force immediately before that date, subject to which that licence was issued or was deemed to have been issued; and
 - (iii) such conditions as the Director of Legal Services may think fit to impose in any particular case; and
- (c) any undertaking provided in respect of that alliance under the repealed section 130Q as in force immediately before that date is enforceable by the Director of Legal Services as if that undertaking were provided under section 179.

[40/2014]

(11) The Attorney-General may transfer to the Director of Legal Services the particulars of and documents relating to any alliance mentioned in subsection (10), and the law practices forming that alliance, and the Director of Legal Services may, upon receiving those particulars and documents, issue a Formal Law Alliance licence in respect of that alliance to those law practices, subject to the conditions mentioned in subsection (3)(a) and such conditions as the Director of Legal Services may think fit to impose in any particular case, without any action on the part of any of those law practices.

[40/2014]

(12) With effect from 18 November 2015 —

- (a) any application which was made before that date for a Formal Law Alliance licence under the repealed section 130C as in force immediately before that date, and which is pending immediately before that date, is deemed to be an application for a Formal Law Alliance licence under this section; and

- (b) any undertaking provided under the repealed section 130Q as in force immediately before that date, by a person making that application, is deemed to be an undertaking provided under section 179 by that person.

[40/2014]

(13) The Attorney-General may transfer to the Director of Legal Services the particulars of and documents relating to any application mentioned in subsection (12).

[40/2014]

Qualifying Foreign Law Practice

171.—(1) A foreign law practice may apply for a Qualifying Foreign Law Practice licence if it satisfies —

- (a) such conditions as may be prescribed; and
(b) such conditions as the Director of Legal Services may think fit to impose in any particular case.

[40/2014]

(2) The Director of Legal Services may, after consulting such authorities as he or she thinks fit, grant or refuse an application under subsection (1).

[40/2014]

(3) An application under subsection (1) may be granted, and a Qualifying Foreign Law Practice licence may be issued, subject to —

- (a) such conditions as may be prescribed; and
(b) such conditions as the Director of Legal Services may think fit to impose in any particular case.

[40/2014]

(4) A Qualifying Foreign Law Practice licence, despite anything to the contrary in Part 4, entitles the foreign law practice to which the licence has been issued, during the period of validity of the licence —

- (a) to practise Singapore law in, and only in, the permitted areas of legal practice, in accordance with such terms and conditions as may be prescribed; and

- (b) to such other privileges as may be prescribed or otherwise conferred by law, or as the Director of Legal Services may confer.

[40/2014]

(5) A Qualifying Foreign Law Practice must pay to the Director of Legal Services such licence fee at such times and in such manner as may be prescribed.

[40/2014]

(6) In exercising his or her powers under this section, the Director of Legal Services may waive or modify the application of any requirement under this Division in relation to a Qualifying Foreign Law Practice.

[40/2014]

(7) With effect from 18 November 2015 —

- (a) a foreign law practice which, immediately before that date, was issued a licence under the repealed section 130D as in force immediately before that date is deemed, until the day on which that licence would otherwise expire or until the Director of Legal Services issues a Qualifying Foreign Law Practice licence to that foreign law practice under subsection (8) (whichever is the earlier) —

- (i) to be a Qualifying Foreign Law Practice; and
- (ii) to have been issued a Qualifying Foreign Law Practice licence subject to —
 - (A) the conditions mentioned in subsection (3)(a);
 - (B) the conditions (if any) imposed by the Attorney-General under the repealed section 130D(3)(b) or 130P(5)(b) as in force immediately before that date, subject to which that licence was issued; and
 - (C) such conditions as the Director of Legal Services may think fit to impose in any particular case; and

- (b) any undertaking provided by or in respect of that foreign law practice under the repealed section 130Q as in force

immediately before that date is enforceable by the Director of Legal Services as if that undertaking were provided under section 179.

[40/2014]

(8) The Attorney-General may transfer to the Director of Legal Services the particulars of and documents relating to any foreign law practice mentioned in subsection (7), and the Director of Legal Services may, upon receiving those particulars and documents, issue a Qualifying Foreign Law Practice licence to that foreign law practice, subject to the conditions mentioned in subsection (3)(a) and such conditions as the Director of Legal Services may think fit to impose in any particular case, without any action on the part of that foreign law practice.

[40/2014]

(9) With effect from 18 November 2015 —

- (a) any application which was made before that date for a Qualifying Foreign Law Practice licence under the repealed section 130D as in force immediately before that date, and which is pending immediately before that date, is deemed to be an application for a Qualifying Foreign Law Practice licence under this section; and
- (b) any undertaking provided under the repealed section 130Q as in force immediately before that date, by a person making that application, is deemed to be an undertaking provided under section 179 by that person.

[40/2014]

(10) The Attorney-General may transfer to the Director of Legal Services the particulars of and documents relating to any application mentioned in subsection (9).

[40/2014]

Licensed foreign law practice

172.—(1) A foreign law practice which intends to provide any legal services in Singapore must apply for a foreign law practice licence.

[40/2014]

(2) The Director of Legal Services may, after consulting such authorities as he or she thinks fit, grant or refuse an application under subsection (1).

[40/2014]

(3) An application under subsection (1) may be granted, and a foreign law practice licence may be issued, subject to —

(a) such conditions as may be prescribed; and

(b) such conditions as the Director of Legal Services may think fit to impose in any particular case.

[40/2014]

(4) A foreign law practice licence, despite anything to the contrary in Part 4, entitles the licensed foreign law practice to which the licence has been issued, during the period of validity of the licence —

(a) to practise Singapore law in, and only in, such areas of legal practice and in accordance with such terms and conditions as may be prescribed; and

(b) to such other privileges as may be prescribed or otherwise conferred by law.

[40/2014]

(5) A licensed foreign law practice must pay to the Director of Legal Services such licence fee at such times and in such manner as may be prescribed.

[40/2014]

(6) With effect from 18 November 2015 —

(a) a foreign law practice which, immediately before that date, was issued, or was deemed to have been issued, a licence under the repealed section 130E as in force immediately before that date is deemed, until the day on which that licence would otherwise expire or until the Director of Legal Services issues a foreign law practice licence to that foreign law practice under subsection (7) (whichever is the earlier) —

(i) to be a licensed foreign law practice; and

(ii) to have been issued a foreign law practice licence subject to —

- (A) the conditions mentioned in subsection (3)(a);
 - (B) the conditions (if any) imposed by the Attorney-General under the repealed section 130E(3)(b) or (6) or 130P(5)(b) as in force immediately before that date, subject to which that licence was issued or was deemed to have been issued; and
 - (C) such conditions as the Director of Legal Services may think fit to impose in any particular case; and
- (b) any undertaking provided by or in respect of that foreign law practice under the repealed section 130Q as in force immediately before that date is enforceable by the Director of Legal Services as if that undertaking were provided under section 179.

[40/2014]

(7) The Attorney-General may transfer to the Director of Legal Services the particulars of and documents relating to any foreign law practice mentioned in subsection (6), and the Director of Legal Services may, upon receiving those particulars and documents, issue a foreign law practice licence to that foreign law practice, subject to the conditions mentioned in subsection (3)(a) and such conditions as the Director of Legal Services may think fit to impose in any particular case, without any action on the part of that foreign law practice.

[40/2014]

(8) With effect from 18 November 2015 —

- (a) any application which was made before that date for a foreign law practice licence under the repealed section 130E as in force immediately before that date, and which is pending immediately before that date, is deemed to be an application for a foreign law practice licence under this section; and
- (b) any undertaking provided under the repealed section 130Q as in force immediately before that date, by a person

making that application, is deemed to be an undertaking provided under section 179 by that person.

[40/2014]

(9) The Attorney-General may transfer to the Director of Legal Services the particulars of and documents relating to any application referred to in subsection (8).

[40/2014]

Representative office

173.—(1) A foreign law practice which establishes a representative office in Singapore must give the Director of Legal Services notice in the prescribed manner of the establishment of that representative office, within 7 working days after the date of the establishment of that representative office.

[40/2014]

(2) A foreign law practice which ceases to operate its representative office in Singapore must give the Director of Legal Services notice in the prescribed manner of such cessation, within 7 working days after the date of such cessation.

[40/2014]

(3) The Director of Legal Services must maintain a register of every representative office which is operated in Singapore by a foreign law practice.

[40/2014]

(4) Every notice under subsection (1) or (2) must contain such particulars of the foreign law practice and the representative office as may be prescribed.

[40/2014]

(5) Where, immediately before 18 November 2015, any representative office of a foreign law practice was issued, or was deemed to have been issued, a representative office licence under the repealed section 130F as in force immediately before that date, that foreign law practice is deemed to have given the Director of Legal Services notice of the establishment of that representative office under this section, with effect from that date.

[40/2014]

(6) The Attorney-General may transfer to the Director of Legal Services the particulars of any foreign law practice, and any

representative office of a foreign law practice, mentioned in subsection (5), and the Director of Legal Services may, upon receiving those particulars, enter those particulars in the register maintained under subsection (3), without any action on the part of that foreign law practice.

[40/2014]

Regulatory control over Joint Law Venture or Formal Law Alliance

174.—(1) The Director of Legal Services may, by written notice to a Joint Law Venture or a Formal Law Alliance, do any of the following things, if the Director of Legal Services is satisfied that there is sufficient reason for doing so:

- (a) suspend or revoke the Joint Law Venture licence or Formal Law Alliance licence which was issued in respect of the Joint Law Venture or Formal Law Alliance, as the case may be;
- (b) order the Joint Law Venture or Formal Law Alliance, or one or more of the law practices constituting the Joint Law Venture or forming the Formal Law Alliance (as the case may be) to pay a penalty of not more than \$100,000;
- (c) give a warning to the Joint Law Venture or Formal Law Alliance, as the case may be.

[40/2014]

(2) Without limiting subsection (1), the Director of Legal Services may, by written notice to a Joint Law Venture or a Formal Law Alliance, do anything referred to in subsection (1)(a), (b) or (c), if —

- (a) the registration or authorisation to practise law in a state or territory outside Singapore of the constituent foreign law practice of the Joint Law Venture or of a foreign law practice which is a member of the Formal Law Alliance, as the case may be —
 - (i) has been cancelled by the relevant authority of that state or territory as a result of any criminal, civil or disciplinary proceedings; or
 - (ii) has lapsed;

- (b) the Joint Law Venture or Formal Law Alliance (as the case may be) contravenes Part 5A or any rules made under section 70H, or fails to comply with any requirement under this Division;
- (c) the Joint Law Venture or Formal Law Alliance (as the case may be) fails to comply with any condition subject to which the Joint Law Venture licence or Formal Law Alliance licence (as the case may be) was issued;
- (d) the constituent foreign law practice of the Joint Law Venture or a foreign law practice which is a member of the Formal Law Alliance (as the case may be) has been dissolved or is in liquidation;
- (e) the Joint Law Venture or Formal Law Alliance (as the case may be) has been dissolved or reconstituted without the approval of the Director of Legal Services; or
- (f) the Director of Legal Services is satisfied that it is in the public interest to do so.

[40/2014]

(3) Before doing under subsection (1) or (2) anything referred to in subsection (1)(a), (b) or (c), the Director of Legal Services must give the Joint Law Venture or Formal Law Alliance, or the constituent foreign law practice of the Joint Law Venture or each foreign law practice which is a member of the Formal Law Alliance (as the case may be) not less than 14 days after the date of the notice to make representations in writing.

[40/2014]

(4) Where an entity which was registered as a Joint Law Venture under the repealed section 130B as in force immediately before 19 September 2008 is deemed under section 169(12) to be a Joint Law Venture constituted under section 169, and any matter has arisen before 19 September 2008 which may constitute a ground for the cancellation of that registration under the provisions of the repealed section 130F as in force immediately before 19 September 2008, the Director of Legal Services may, on or after 18 November 2015, rely on that matter as a sufficient reason under subsection (1) to do

anything mentioned in subsection (1)(a), (b) or (c) in relation to that entity.

[40/2014]

[Act 8 of 2022 wef 18/11/2015]

(5) Where an entity which was licensed as a Joint Law Venture under the repealed section 130B as in force immediately before 18 November 2015 is deemed under section 169(12) to be a Joint Law Venture constituted under section 169, and any matter has arisen before 18 November 2015 which may constitute a ground for the suspension or revocation of the Joint Law Venture licence issued in respect of that entity under the repealed section 130G as in force immediately before 18 November 2015, the Director of Legal Services may, on or after 18 November 2015, rely on that matter as a sufficient reason under subsection (1) to do anything mentioned in subsection (1)(a), (b) or (c) in relation to that entity.

[40/2014]

[Act 8 of 2022 wef 18/11/2015]

(6) Where an alliance formed by one or more foreign law practices and one or more Singapore law practices which was registered as a Formal Law Alliance under the repealed section 130C as in force immediately before 19 September 2008 is deemed under section 170(10) to be a Formal Law Alliance formed under section 170, and any matter has arisen before 19 September 2008 which may constitute a ground for the cancellation of that registration under the provisions of the repealed section 130F as in force immediately before 19 September 2008, the Director of Legal Services may, on or after 18 November 2015, rely on that matter as a sufficient reason under subsection (1) to do anything mentioned in subsection (1)(a), (b) or (c) in relation to that alliance.

[40/2014]

[Act 8 of 2022 wef 18/11/2015]

(7) Where an alliance formed by one or more foreign law practices and one or more Singapore law practices which was licensed as a Formal Law Alliance under the repealed section 130C as in force immediately before 18 November 2015 is deemed under section 170(10) to be a Formal Law Alliance formed under section 170, and any matter has arisen before 18 November 2015 which may constitute a ground for the suspension or revocation of the

Formal Law Alliance licence issued in respect of that alliance under the repealed section 130G as in force immediately before 18 November 2015, the Director of Legal Services may, on or after 18 November 2015, rely on that matter as a sufficient reason under subsection (1) to do anything mentioned in subsection (1)(a), (b) or (c) in relation to that entity.

[40/2014]

[Act 8 of 2022 wef 18/11/2015]

Regulatory control over Qualifying Foreign Law Practice or licensed foreign law practice

175.—(1) The Director of Legal Services may, by written notice to a foreign law practice, do any of the following things, if the Director of Legal Services is satisfied that there is sufficient reason for doing so:

- (a) suspend or revoke the Qualifying Foreign Law Practice licence or foreign law practice licence which was issued to the foreign law practice;
- (b) order the foreign law practice to pay a penalty of not more than \$100,000;
- (c) give a warning to the foreign law practice.

[40/2014]

(2) Without limiting subsection (1), the Director of Legal Services may, by written notice to a foreign law practice, do anything referred to in subsection (1)(a), (b) or (c), if —

- (a) the registration or authorisation of the foreign law practice to practice law in a state or territory outside Singapore —
 - (i) has been cancelled by the relevant authority of that state or territory as a result of any criminal, civil or disciplinary proceedings; or
 - (ii) has lapsed;
- (b) the foreign law practice contravenes Part 5A or any rules made under section 70H, or fails to comply with any requirement under this Division;

- (c) the foreign law practice fails to comply with any condition subject to which its Qualifying Foreign Law Practice licence or foreign law practice licence was issued or renewed, as the case may be;
- (d) the foreign law practice has been dissolved or is in liquidation; or
- (e) the Director of Legal Services is satisfied that it is in the public interest to do so.

[40/2014]

(3) Before doing under subsection (1) or (2) anything mentioned in subsection (1)(a), (b) or (c), the Director of Legal Services must give the foreign law practice not less than 14 days after the date of the notice to make representations in writing.

[40/2014]

(4) Where a foreign law practice which was issued a licence under the repealed section 130D as in force immediately before 18 November 2015 is deemed under section 171(7) to be a Qualifying Foreign Law Practice, and any matter has arisen before 18 November 2015 which may constitute a ground for the suspension or revocation of that licence under the repealed section 130H as in force immediately before 18 November 2015, the Director of Legal Services may, on or after 18 November 2015, rely on that matter as a sufficient reason under subsection (1) to do anything mentioned in subsection (1)(a), (b) or (c) in relation to that foreign law practice.

[40/2014]

[Act 8 of 2022 wef 18/11/2015]

(5) Where a foreign law practice which was or was deemed to be issued a licence under the repealed section 130E as in force immediately before 18 November 2015 is deemed under section 172(6) to be a licensed foreign law practice, and any matter has arisen before 18 November 2015 which may constitute a ground for the suspension or revocation of that licence under the repealed section 130H as in force immediately before 18 November 2015, the Director of Legal Services may, on or after 18 November 2015, rely on that matter as a sufficient reason under subsection (1) to do

anything mentioned in subsection (1)(a), (b) or (c) in relation to that foreign law practice.

[40/2014]

[Act 8 of 2022 wef 18/11/2015]

Foreign interests in Singapore law practices

176.—(1) Subject to the provisions of this Division, where a foreign lawyer is registered under section 36B, 36C or 36D, nothing in this Act prevents the foreign lawyer, with the approval of the Director of Legal Services, from —

(a) being a director, partner or shareholder in a Singapore law practice; or

(b) sharing in the profits of a Singapore law practice.

[40/2014]

(2) Every foreign lawyer to whom an approval under subsection (1) has been granted, and every Singapore law practice mentioned in subsection (1), must comply with —

(a) such conditions as may be prescribed; and

(b) such conditions as the Director of Legal Services may think fit to impose in any particular case on the foreign lawyer or Singapore law practice, as the case may be.

[40/2014]

(3) To avoid doubt, the approval of the Director of Legal Services under subsection (1) lapses if the registration of the foreign lawyer under section 36B, 36C or 36D is cancelled or suspended, or lapses.

[40/2014]

(4) With effect from 18 November 2015 —

(a) a foreign lawyer who, immediately before that date, was or was deemed to be granted an approval under the repealed section 130L(1) as in force immediately before that date —

(i) is deemed to be granted an approval under subsection (1); and

(ii) must comply with —

(A) the conditions mentioned in subsection (2)(a);

- (B) the conditions (if any) imposed by the Attorney-General on the foreign lawyer under the repealed section 130L(2)(b) or 130P(5)(b) as in force immediately before that date; and
 - (C) such conditions as the Director of Legal Services may think fit to impose in any particular case on the foreign lawyer;
- (b) a Singapore law practice which, immediately before that date, was a Singapore law practice mentioned in the repealed section 130L(1) as in force immediately before that date —
 - (i) is deemed to be a Singapore law practice which is mentioned in subsection (1); and
 - (ii) must comply with —
 - (A) the conditions mentioned in subsection (2)(a);
 - (B) the conditions (if any) imposed by the Attorney-General on the Singapore law practice under the repealed section 130L(2)(b) or 130P(5)(b) as in force immediately before that date; and
 - (C) such conditions as the Director of Legal Services may think fit to impose in any particular case on the Singapore law practice; and
- (c) any undertaking provided by that foreign lawyer, that Singapore law practice or any partner or director of that Singapore law practice under the repealed section 130M or 130Q as in force immediately before that date is enforceable by the Director of Legal Services as if that undertaking were provided under section 177 or 179, as the case may be.

[40/2014]

[Act 8 of 2022 wef 18/11/2015]

(5) The Attorney-General may transfer to the Director of Legal Services the particulars of and documents relating to any foreign

lawyer mentioned in subsection (4)(a), and the Director of Legal Services may, upon receiving those particulars, issue a certificate of approval to that foreign lawyer, without any action on the part of that foreign lawyer.

[40/2014]

(6) With effect from 18 November 2015 —

- (a) any application which was made before that date for a foreign lawyer to be granted an approval under the repealed section 130L(1) as in force immediately before that date, and which is pending immediately before that date, is deemed to be an application for that foreign lawyer to be granted an approval under subsection (1); and
- (b) any undertaking provided under the repealed section 130M or 130Q as in force immediately before that date, by that foreign lawyer, by a Singapore law practice in respect of which that foreign lawyer applied for an approval under the repealed section 130L(1) as in force immediately before that date, or by a partner or director of that Singapore law practice, is deemed to be an undertaking provided under section 177 or 179 (as the case may be) by that foreign lawyer, Singapore law practice, partner or director, as the case may be.

[40/2014]

[Act 8 of 2022 wef 18/11/2015]

(7) The Attorney-General may transfer to the Director of Legal Services the particulars of and documents relating to any application mentioned in subsection (6).

[40/2014]

(8) To avoid doubt, for the purposes of this section and section 177, it is irrelevant whether a foreign lawyer practises in Singapore or elsewhere.

[40/2014]

(9) Subject to the provisions of this Division, nothing in this Act prevents a foreign law practice, with the approval of the Director of Legal Services, from —

- (a) being a shareholder in any Singapore law practice which is a law corporation; or
 - (b) sharing in the profits of any Singapore law practice.
- [40/2014]*
- (10) Every foreign law practice and every Singapore law practice mentioned in subsection (9) must comply with —
- (a) such conditions as may be prescribed; and
 - (b) such conditions as the Director of Legal Services may think fit to impose in any particular case on the foreign law practice or Singapore law practice, as the case may be.
- [40/2014]*
- (11) With effect from 18 November 2015 —
- (a) a foreign law practice, immediately before that date, was granted an approval under the repealed section 130L(6) as in force immediately before that date —
 - (i) is deemed to be granted an approval under subsection (9); and
 - (ii) must comply with —
 - (A) the conditions mentioned in subsection (10)(a);
 - (B) the conditions (if any) imposed by the Attorney-General on the foreign law practice under the repealed section 130L(7)(b) or 130P(5)(b) as in force immediately before that date; and
 - (C) such conditions as the Director of Legal Services may think fit to impose in any particular case on the foreign law practice;
 - (b) a Singapore law practice which, immediately before that date, was a Singapore law practice mentioned in the repealed section 130L(6) as in force immediately before that date —
 - (i) is deemed to be a Singapore law practice which is mentioned in subsection (9); and

- (ii) must comply with —
- (A) the conditions mentioned in subsection (10)(a);
 - (B) the conditions (if any) imposed by the Attorney-General on the Singapore law practice under the repealed section 130L(7)(b) or 130P(5)(b) as in force immediately before that date; and
 - (C) such conditions as the Director of Legal Services may think fit to impose in any particular case on the Singapore law practice; and
- (c) any undertaking provided by that foreign law practice, that Singapore law practice or any partner or director of that foreign law practice or Singapore law practice under the repealed section 130M or 130Q as in force immediately before that date is enforceable by the Director of Legal Services as if that undertaking were provided under section 177 or 179, as the case may be.

[40/2014]

[Act 8 of 2022 wef 18/11/2015]

(12) The Attorney-General may transfer to the Director of Legal Services the particulars of and documents relating to any foreign law practice mentioned in subsection (11)(a), and the Director of Legal Services may, upon receiving those particulars and documents, issue a certificate of approval to that foreign law practice, without any action on the part of that foreign law practice.

[40/2014]

(13) With effect from 18 November 2015 —

- (a) any application which was made before that date for a foreign law practice to be granted an approval under the repealed section 130L(6) as in force immediately before that date, and which is pending immediately before that date, is deemed to be an application for that foreign law practice to be granted an approval under subsection (9); and

- (b) any undertaking provided under the repealed section 130M or 130Q as in force immediately before that date, by that foreign law practice, by a Singapore law practice in respect of which that foreign law practice applied for an approval under the repealed section 130L(6) as in force immediately before that date, or by a partner or director of that Singapore law practice, is deemed to be an undertaking provided under section 177 or 179 (as the case may be) by that foreign law practice, Singapore law practice, partner or director, as the case may be.

[40/2014]

[Act 8 of 2022 wef 18/11/2015]

(14) The Attorney-General may transfer to the Director of Legal Services the particulars of and documents relating to any application mentioned in subsection (13).

[40/2014]

(15) To avoid doubt, for the purposes of this section and section 177, it is irrelevant whether a foreign law practice is licensed under section 169, 170, 171 or 172 or has given notice of the establishment of a representative office under section 173.

[40/2014]

Measures to ensure compliance with section 176

177.—(1) Where a Singapore law practice applies for an approval under section 176(1) in respect of a foreign lawyer, the Director of Legal Services may require the Singapore law practice making the application, the foreign lawyer and any partner or director of the Singapore law practice to provide such undertakings as the Director of Legal Services thinks fit to prevent any direct or indirect circumvention of section 176 or any condition under section 176(2).

[40/2014]

(2) Where any foreign lawyer, Singapore law practice or partner or director mentioned in subsection (1) has contravened section 176 or any undertaking provided by that person or Singapore law practice (as the case may be) under subsection (1) —

- (a) the foreign lawyer, Singapore law practice or partner or director concerned (as the case may be) must without delay

notify the Director of Legal Services in writing of the contravention;

- (b) the foreign lawyer or partner or director concerned (as the case may be) must immediately cease to exercise his or her voting rights as a shareholder or partner in the Singapore law practice concerned;
- (c) subject to any direction issued by the Director of Legal Services under subsection (4)(b), the foreign lawyer concerned must as soon as practicable repay to the Singapore law practice concerned any payment he or she has received in excess of the amount permitted under any rules made under section 184;
- (d) the foreign lawyer, Singapore law practice or partner or director concerned (as the case may be) must take all reasonable steps to remove the circumstances giving rise to the contravention; and
- (e) the foreign lawyer, Singapore law practice or partner or director concerned (as the case may be) must comply with any directions issued by the Director of Legal Services under subsections (3) and (4).

[40/2014]

(3) Where any foreign lawyer, Singapore law practice or partner or director mentioned in subsection (1) has contravened section 176 or any undertaking required under subsection (1), the Director of Legal Services may —

- (a) cancel the approval under section 176(1) in respect of the foreign lawyer concerned; and
- (b) issue directions to the foreign lawyer, Singapore law practice or partner or director concerned (as the case may be) to ensure compliance with section 176.

[40/2014]

(4) Without limiting subsection (3)(b), the Director of Legal Services may direct —

- (a) the foreign lawyer concerned to divest himself or herself of any shares or equity interests he or she may have in the

Singapore law practice within such time as the Director of Legal Services may specify;

- (b) the foreign lawyer concerned to repay to the Singapore law practice concerned any payment he or she has received in excess of the amount permitted under any rules made under section 184 within such time as the Director of Legal Services may specify; and
- (c) the foreign lawyer concerned to cease doing any act in his or her capacity as a partner, a director or an officer of the Singapore law practice concerned.

[40/2014]

(5) Where a Singapore law practice applies for an approval under section 176(9) in respect of a foreign law practice, the Director of Legal Services may require the Singapore law practice making the application, the foreign law practice and any partner or director of the Singapore law practice or foreign law practice to provide such undertakings as the Director of Legal Services thinks fit to prevent any direct or indirect circumvention of section 176 or any condition under section 176(10).

[40/2014]

(6) Where any Singapore law practice, foreign law practice or partner or director mentioned in subsection (5) has contravened section 176 or any undertaking provided by the Singapore law practice, foreign law practice or partner or director concerned (as the case may be) under subsection (5) —

- (a) the Singapore law practice, foreign law practice or partner or director concerned (as the case may be) must without delay notify the Director of Legal Services in writing of the contravention;
- (b) the partner or director concerned must, if he or she is a partner or director of the Singapore law practice concerned, immediately cease to exercise his or her voting rights as a shareholder or partner in the Singapore law practice concerned;
- (c) subject to any direction issued by the Director of Legal Services under subsection (8)(b), the foreign law practice

concerned must as soon as practicable repay to the Singapore law practice concerned any payment it has received in excess of the amount permitted under any rules made under section 184;

- (d) the Singapore law practice, foreign law practice or partner or director concerned (as the case may be) must take all reasonable steps to remove the circumstances giving rise to the contravention; and
- (e) the Singapore law practice, foreign law practice or partner or director concerned (as the case may be) must comply with any directions issued by the Director of Legal Services under subsections (7) and (8).

[40/2014]

(7) Where any Singapore law practice, foreign law practice or partner or director mentioned in subsection (5) has contravened section 176 or any undertaking required under subsection (5), the Director of Legal Services may —

- (a) cancel the approval under section 176(9) in respect of the foreign law practice concerned; and
- (b) issue directions to the Singapore law practice, foreign law practice or partner or director concerned (as the case may be) to ensure compliance with section 176.

[40/2014]

(8) Without limiting subsection (7)(b), the Director of Legal Services may direct the foreign law practice concerned —

- (a) to divest itself of any shares it may have in the Singapore law practice concerned within such time as the Director of Legal Services may specify; and
- (b) to repay to the Singapore law practice concerned any payment the foreign law practice has received in excess of the amount permitted under any rules made under section 184 within such time as the Director of Legal Services may specify.

[40/2014]

(9) A direction under this section must be —

- (a) issued in writing and must specify the provision under section 176 or the undertaking provided under this section that has been contravened; and
- (b) sent to the person or law practice to which it relates at the last known address of that person or law practice.

[40/2014]

(10) Any undertaking provided under the repealed section 130M(1) or (4A) as in force immediately before 18 November 2015 is deemed, with effect from that date, to be an undertaking provided under subsection (1) or (5), as the case may be.

[40/2014]

[Act 8 of 2022 wef 18/11/2015]

(11) Any directions issued by the Attorney-General under the repealed section 130M(3), (4), (4C) or (4D) as in force immediately before 18 November 2015 are deemed, with effect from that date, to be directions issued by the Director of Legal Services under subsection (3), (4), (7) or (8), as the case may be.

[40/2014]

[Act 8 of 2022 wef 18/11/2015]

Application for and renewal of licence or approval under this Division

178.—(1) An application for any licence or approval under this Division must be —

- (a) made to the Director of Legal Services in such form and manner as the Director of Legal Services may require; and
- (b) accompanied by —
 - (i) such fee as may be prescribed; and
 - (ii) such documents and information as the Director of Legal Services may require.

[40/2014]

(2) Any licence or approval under this Division which is prescribed for the purposes of this subsection remains valid until it is suspended, revoked or cancelled in accordance with this Division.

[40/2014]

(3) Any licence or approval under this Division which is prescribed for the purposes of this subsection is, unless it is sooner suspended, revoked or cancelled in accordance with this Division, valid for such period as the Director of Legal Services may specify.

[40/2014]

(4) The Director of Legal Services may renew any licence or approval mentioned in subsection (3) for such period as the Director of Legal Services may specify, on an application —

- (a) made to the Director of Legal Services in such form and manner as the Director of Legal Services may require; and
- (b) accompanied by —
 - (i) such fee as may be prescribed; and
 - (ii) such documents and information as the Director of Legal Services may require.

[40/2014]

(5) The Director of Legal Services may renew any licence or approval mentioned in subsection (3) subject to —

- (a) such conditions as may be prescribed for the renewal of that type of licence or approval; and
- (b) such conditions as the Director of Legal Services may think fit to impose in any particular case.

[40/2014]

(6) The Director of Legal Services may suspend, revoke or cancel any licence or approval under this Division if that licence or approval was obtained by fraud or misrepresentation.

[40/2014]

(7) With effect from 18 November 2015, any application which was made before that date, under the repealed section 130P(4) as in force immediately before that date, to renew any licence or approval referred to in the repealed section 130P(3) as in force immediately before that date (being a licence under the repealed section 130B, 130C, 130D or 130E as in force immediately before that date, or an approval under the repealed section 130L(1) or (6) as in force immediately before that date), and which is pending immediately before that date, is deemed to be an application under subsection (4)

to renew the corresponding licence or approval mentioned in subsection (3) (being a licence under section 169, 170, 171 or 172 or an approval under section 176(1) or (9), as the case may be).

[40/2014]

[Act 8 of 2022 wef 18/11/2015]

(8) The Attorney-General may transfer to the Director of Legal Services the particulars of and any documents relating to any application mentioned in subsection (7).

[40/2014]

Compliance with guidelines, directions, undertakings and conditions

179.—(1) The Director of Legal Services may require any person making an application for any licence or approval under this Division to provide such undertakings as the Director of Legal Services thinks fit to prevent any direct or indirect circumvention of the provisions of this Division.

[40/2014]

(2) The Director of Legal Services may issue guidelines relating to any licence or approval under this Division.

[40/2014]

(3) Where any requirement of any guideline issued under this section conflicts with any requirement specified in this Division, the latter prevails.

[40/2014]

(4) The Director of Legal Services must cause all guidelines issued under this section to be published in such manner as will give persons to whom, or entities to which, the guidelines relate notice of the requirements specified in the guidelines.

[40/2014]

(5) It is a condition of every licence or approval under this Division that the person or entity licensed or granted approval must comply with the requirements of this Division, including any guideline issued under this section and any undertaking provided under this section or section 177.

[40/2014]

(6) The Director of Legal Services may, if he or she is satisfied that any person or entity licensed or granted approval under this Division

has contravened any provision of this Division, any guideline issued under this section or any undertaking provided under this section or section 177, issue directions to that person or entity to ensure compliance by that person or entity.

[40/2014]

(7) A direction under subsection (6) must be —

- (a) issued in writing and must specify the provision of this Division or the guideline issued under this section or the undertaking provided under this section or section 177 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.

[40/2014]

(8) The Director of Legal Services may cancel the licence or approval under this Division in respect of any person or entity if that person or entity fails to comply with any condition of the licence or approval or with any direction of the Director of Legal Services issued under subsection (6) or section 177.

[40/2014]

(9) Where any undertaking was or was deemed, immediately before 18 November 2015, to be provided, under the repealed section 130Q as in force immediately before that date, for the purposes of any licence or approval under the repealed section 130B, 130C, 130D, 130E, 130F or 130L as in force immediately before that date, that undertaking is deemed, with effect from that date, to be an undertaking provided under this section.

[40/2014]

[Act 8 of 2022 wef 18/11/2015]

(10) Any guidelines or directions issued by the Attorney-General under the repealed section 130Q as in force immediately before 18 November 2015 for the purposes of any licence or approval under the repealed section 130B, 130C, 130D, 130E, 130F or 130L as in force immediately before that date are deemed, with effect from that date, to be guidelines or directions (as the case may be) issued by the Director of Legal Services under this section.

[40/2014]

[Act 8 of 2022 wef 18/11/2015]

(11) To avoid doubt, a reference to guidelines in this section includes a reference to notices, guidance notes or other similar communications by whatever name called.

[40/2014]

Appeal against decision of Director of Legal Services under this Division, etc.

180.—(1) Any person who is aggrieved by a decision of the Director of Legal Services under this Division may, within the prescribed period, appeal to the Minister in the prescribed manner.

[40/2014]

(2) A person making an appeal under subsection (1) must comply with any rules made under section 184 for the purposes of this section.

[40/2014]

(3) In determining an appeal under this section, the Minister may —

- (a) confirm, vary or reverse the decision of the Director of Legal Services; or
- (b) direct the Director of Legal Services to reconsider that decision.

[40/2014]

(4) The Director of Legal Services may, if he or she is satisfied that it is in the public interest to do so, vary or revoke any condition imposed by him or her under this Division.

[40/2014]

Failure to apply for licence, register or furnish information

181. Where —

- (a) a foreign law practice and a Singapore law practice are required to obtain a Joint Law Venture licence or Formal Law Alliance licence but fail to apply for the licence;
- (b) a foreign law practice is required to obtain a Qualifying Foreign Law Practice licence or foreign law practice licence but fails to apply for the licence; or
- (c) a Joint Law Venture or its constituent foreign law practice or constituent Singapore law practice, or a foreign law

practice, fails to furnish any particulars or information required under this Division,

then the rights of the Joint Law Venture or foreign law 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 or foreign law practice (as the case may be) are not enforceable in legal proceedings in the name of the Joint Law Venture or foreign law practice.

[40/2014]

Civil penalty

182.—(1) Any person (including a Joint Law Venture, Formal Law Alliance, foreign law practice or Singapore law practice) that contravenes any provision in this Division shall be liable to pay a civil penalty in accordance with this section.

[40/2014]

(2) Whenever it appears to the Director of Legal Services that any such person has contravened any provision in this Division, the Director of Legal Services 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 practice or Singapore law practice in which that person is a partner, a director, a consultant or an employee;
- (c) the Joint Law Venture or its constituent foreign law practice or constituent Singapore law practice, in which that person is practising; or
- (d) the Formal Law Alliance or any foreign law practice or Singapore law practice which is a member of the Formal Law Alliance and in which that person is practising.

[40/2014]

(3) If the court is satisfied on a balance of probabilities that the person has contravened a provision in this Division, 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 foreign law practice, Singapore law practice, Joint Law Venture or Formal Law Alliance against which the action is brought under subsection (2), of a sum not exceeding \$100,000.

[40/2014]

(4) Despite subsection (3), where an action has been brought against a person or a foreign law practice, Singapore law practice, Joint Law Venture or Formal Law Alliance (called in this section the defendant), the court may make an order against the defendant if the Director of Legal Services has agreed to allow the defendant to consent to the order with or without admission of a contravention of a provision in this Division and the order may be made on such terms as may be agreed between the Director of Legal Services and the defendant.

[40/2014]

(5) Nothing in this section prevents the Director of Legal Services 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 Division.

[40/2014]

(6) A civil penalty imposed under this section must be paid into the Consolidated Fund.

[40/2014]

(7) If the defendant fails to pay the civil penalty imposed on the defendant within the time specified in the court order mentioned in subsection (3) or (4) or specified under the agreement mentioned in subsection (5), the Director of Legal Services may recover the civil penalty as though the civil penalty were a judgment debt due to the Government.

[40/2014]

(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.

[40/2014]

(9) This section applies even though disciplinary action has been taken against the foreign lawyer or solicitor 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).

[40/2014]

Liability of partners, directors and shareholders

183. Where a Joint Law Venture, Formal Law Alliance, foreign law practice or Singapore law practice is proved to have contravened any provision in this Division, every partner, director and shareholder of the Joint Law Venture, Formal Law Alliance, foreign law practice or Singapore law practice (as the case may be) at the time of the contravention is deemed to have contravened the provision, unless he or she proves that —

- (a) the contravention occurred without his or her consent or connivance; and
- (b) he or she exercised such diligence to prevent the contravention as he or she ought to have exercised having regard to the nature of his or her function in that capacity and to all the circumstances.

[40/2014]

Rules for this Division

184.—(1) The Minister may make such rules as may be necessary or expedient for the purposes of this Division.

[40/2014]

- (2) Without limiting subsection (1), the Minister may make rules —
- (a) to prescribe anything which may be prescribed under this Division;
- (b) to prescribe the experience and expertise required for eligibility to apply for a Joint Law Venture licence or a Formal Law Alliance licence;

- (c) to prescribe the manner or means by which a Joint Law Venture or a Formal Law Alliance may conduct its business or publicise itself;
- (d) to provide for any provision of this Act (other than this Division) to apply, with such modifications as may be specified, to —
 - (i) a constituent Singapore law practice of a Joint Law Venture; or
 - (ii) a Singapore law practice which is a member of a Formal Law Alliance;
- (e) to prescribe any condition for eligibility to apply for any licence or approval under this Division;
- (f) to provide, without limiting section 178, for the making of any application for any licence or approval under this Division, or for the renewal of any such licence or approval, and for all other related matters;
- (g) to provide for —
 - (i) the payment of fees (including administrative fees and processing fees) and other charges for —
 - (A) any application for, issue of or renewal of any licence under this Division;
 - (B) any application for or renewal of any approval under this Division;
 - (C) any notice required to be given under section 173; and
 - (D) any matter related or incidental to any such application, issue, renewal or notice; and
 - (ii) all other related matters;
- (h) to provide for the cancellation, suspension, revocation or lapsing of any licence or approval under this Division;
- (i) to require the submission of information and particulars relating to any Joint Law Venture, Formal Law Alliance,

Qualifying Foreign Law Practice or foreign law practice required to be licensed under section 169, 170, 171 or 172 or granted approval under section 176(9), any representative office in respect of which notice is required to be given under section 173, and any person practising in or employed by any such Joint Law Venture, Formal Law Alliance, Qualifying Foreign Law Practice, foreign law practice or representative office;

- (j) to require the submission of information and particulars relating to any foreign lawyer required to be granted approval under section 176(1);
- (k) to provide for the form and manner in which registers of Joint Law Ventures, Formal Law Alliances, Qualifying Foreign Law Practices, foreign law practices and representative offices licensed under this Division or given notice of under section 173 are to be kept;
- (l) to provide for the form and manner in which registers of approvals of the Director of Legal Services under section 176(1) or (9) are to be kept;
- (m) to provide for the issuance and amendment of licences or certificates of approval, and certified true copies of such licences or certificates, and for the payment of fees in relation to such licences or certificates;
- (n) for regulating Joint Law Ventures, Formal Law Alliances, Qualifying Foreign Law Practices, foreign law practices and foreign lawyers licensed or granted approval under this Division, including the imposition of compulsory insurance cover and financial controls;
- (o) to provide for any provision of this Act that is applicable to an advocate and solicitor to apply, with such modifications as may be specified, to any foreign lawyer granted the approval of the Director of Legal Services under section 176(1);
- (p) to provide for measures to ensure compliance with the requirements of section 176, including —

- (i) measures requiring any foreign lawyer who is a shareholder or partner in a Singapore law practice to divest himself or herself of his or her shares or interests in the Singapore law practice; and
 - (ii) measures requiring any foreign law practice which is a shareholder in a Singapore law practice to divest itself of its shares in the Singapore law practice;
- (q) to provide for sections 72 and 73 and any rules made under section 72 or 73 to apply, with such modifications as may be specified, to —
- (i) a Joint Law Venture or its constituent foreign law practice;
 - (ii) a Qualifying Foreign Law Practice; or
 - (iii) a licensed foreign law practice,
- in respect of the practice of Singapore law;
- (r) to exempt any person or entity, or any class of persons or entities, from any provision of this Division or of any rules made under section 74(3) or 75B(3); and
- (s) to prescribe such transitional, savings, incidental, consequential or supplementary provisions as the Minister considers necessary or expedient.

[40/2014]

Division 5 — Group practices

Formation of group practices

184A.—(1) Two or more Singapore law practices may apply jointly to practise as a Singapore group practice.

[22/2018]

(2) Two or more foreign law practices may apply jointly to practise as a foreign group practice.

[22/2018]

(3) The Director of Legal Services may, after consulting such authorities as the Director of Legal Services thinks fit, grant or refuse an application under subsection (1) or (2).

[22/2018]

(4) An application under subsection (1) or (2) may be granted subject to such conditions as the Director of Legal Services thinks fit to impose in any particular case.

[22/2018]

Rules for this Division

184B.—(1) The Minister may make such rules as may be necessary or expedient for the purposes of this Division.

[22/2018]

(2) Without limiting subsection (1), the Minister may make rules to prescribe —

- (a) the types of Singapore law practice that may form a Singapore group practice and the requirements that any Singapore group practice, and any member of a Singapore group practice, must comply with;
- (b) the types of foreign law practice that may form a foreign group practice and the requirements that any foreign group practice, and any member of a foreign group practice, must comply with;
- (c) the manner of making an application to the Director of Legal Services under section 184A(1) or (2), and the fees payable for such an application;
- (d) the grounds for cancellation of an approval of the Director of Legal Services to practise as a Singapore group practice or foreign group practice; and
- (e) such saving and transitional provisions as the Minister considers necessary or expedient.

[22/2018]

PART 10

MISCELLANEOUS

General provision as to rules

185. All rules made under the provisions of this Act must be presented to Parliament as soon as possible after publication in the *Gazette*.

[40/2014]

Offices of Institute and Society

186.—(1) The Institute and the Society must each at all times keep and maintain an office and the address of the office and any change thereof must be published by the Institute and the Council respectively in the *Gazette*.

[8/2011; 40/2014]

(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 Institute, the Society or the Council are deemed to be duly served, delivered or sent if left at the office of the Institute or the Society, as the case may be.

[8/2011]

Service of documents

187.—(1) Any document, other than process of court that is required to be served or delivered under this Act, may be sent by post.

[40/2014]

(2) A certificate in writing signed by an officer of the Society or the Institute, a member of the Council or a member of the Board of Directors of the Institute that that document was properly addressed and posted and setting out the date of its posting is prima facie evidence of service thereof.

[8/2011]

(3) Any document addressed to an advocate and solicitor at his or her only or principal address last appearing in the register of practitioners is deemed to be properly addressed.

Recovery of moneys by Institute and Society

188. In addition to any other method of recovery and to any other right, remedy or power vested in the Institute or in the Society or the Council —

- (a) any sum of money payable to the Institute under this Act may be recovered by the Institute as a debt in any court of competent jurisdiction; and
- (b) any sum of money payable to the Society or the Council under this Act may be recovered by the Society as a debt in any court of competent jurisdiction.

[8/2011; 40/2014]

Rules Committee to prescribe certain fees and costs

189. The Rules Committee may, from time to time, make rules to prescribe —

- (a) the fees payable under sections 15(7), 16(3), 25(1)(e) and 93(6); and
- (b) the costs mentioned in section 121(1) and (2).

[8/2011; 40/2014]

Relief to banks

190.—(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.

[40/2014]

(2) Nothing in subsection (1) relieves a bank from any liability or obligation under which it would be apart from section 73 or this section.

(3) Despite subsection (1), a bank at which a solicitor or law corporation or limited liability law partnership keeps an account for clients' moneys does 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.

Jurisdiction of court

191. Despite any provision to the contrary in the Criminal Procedure Code 2010, a District Court has jurisdiction to try any offence under this Act and has power to impose the full penalty or punishment in respect of the offence.

[40/2014]

FIRST SCHEDULE

Section 74

INTERVENTION IN SOLICITOR'S PRACTICE

PART 1

CIRCUMSTANCES IN WHICH SOCIETY MAY INTERVENE

Solicitor practising on own account or firm of solicitors

1.—(1) Subject to sub-paragraph (2), the powers conferred by Part 2 are 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 or her 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 or her partners or employees;

FIRST SCHEDULE — *continued*

- (c) the Council is satisfied that a solicitor has contravened —
 - (i) any rules made under section 72; or
 - (ii) any rules made under section 73D of the Conveyancing and Law of Property Act 1886;
- (d) a solicitor has been adjudicated bankrupt or has made a composition or an arrangement with his or her creditors;
- (e) a solicitor has one or more outstanding judgments against him or her amounting in the aggregate to \$100,000 which he or she 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, or by any physical or mental condition, to such an extent as to be unable to attend to his or her practice;
- (ga) the fitness of a sole proprietor to practise has been determined under section 25C to be impaired by reason of his or her physical or mental condition, or a sole proprietor, having been ordered by a Judge to submit to a medical examination under section 25C to be conducted within such period as the Judge may specify in the order, fails to do so;
- (h) a solicitor lacks capacity within the meaning of the Mental Capacity Act 2008 to act as a solicitor;
- (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 or her practice; or
- (k) the Council is satisfied that a person has acted as a solicitor at a time when he or she did not have a practising certificate which was in force.

(2) The powers conferred by Part 2 are only exercisable under sub-paragraph (1)(c) if the Society has given the solicitor written notice that the Council is satisfied that the solicitor has contravened the rules specified in the notice and also (at the same or any later time) notice that the powers conferred by Part 2 are accordingly exercisable in the solicitor's case.

2. On the death of a sole solicitor, paragraphs 10, 11 and 12 apply to the client accounts, conveyancing accounts (if any) and conveyancing (CPF) accounts (if any) of his or her practice.

FIRST SCHEDULE — *continued*

3. The powers conferred by Part 2 are also 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 or her firm was instructed on behalf of a client or with any controlled trust;
- (b) the Society by written notice 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 2 are accordingly exercisable.

4.—(1) Where the powers conferred by Part 2 are exercisable in relation to a solicitor, they continue to be exercisable after his or her death or after his or her name has been removed from or struck off the roll.

(2) The references to the solicitor or his or her 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 or her personal representatives.

Law corporation

5.—(1) Subject to sub-paragraph (2), where —

- (a) the Council is satisfied that a law corporation has contravened —
 - (i) any rules made under section 72 which are applicable to the law corporation by virtue of that section; or
 - (ii) any rules made under section 73D of the Conveyancing and Law of Property Act 1886;
- (b) a person has been appointed receiver or manager of property of a law corporation;
- (c) a judicial manager has been appointed, or a winding up order has been made under the Insolvency, Restructuring and Dissolution Act 2018, 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 its amalgamation with another company); or

FIRST SCHEDULE — *continued*

- (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 2 are exercisable in relation to the law corporation and its business in like manner as they are exercisable in relation to a solicitor and his or her practice.

(2) Those powers are only exercisable by virtue of sub-paragraph (1)(a) if the Society has given the law corporation written notice 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 2 are also 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 written notice 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 2 are accordingly exercisable.

7.—(1) Where the registration of a law corporation has been cancelled under section 163, the powers conferred by Part 2 are 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 or her practice.

(2) Where the powers conferred by Part 2 are exercisable in relation to a law corporation in accordance with paragraph 5 or 6, they 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 2 to a law corporation in that Part —

- (a) any reference to the solicitor or to his or her practice includes a reference to the law corporation in relation to which the powers

FIRST SCHEDULE — *continued*

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 includes a reference to paragraph 5 or 7(1); and
- (c) any reference to paragraph 3 includes a reference to paragraph 6.

Limited liability law partnership

8A.—(1) Subject to sub-paragraph (2), where —

- (a) the Council is satisfied that a limited liability law partnership has contravened —
 - (i) any rules made under section 72 which are applicable to the limited liability law partnership by virtue of that section; or
 - (ii) any rules made under section 73D of the Conveyancing and Law of Property Act 1886;
- (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 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 2 are 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 or her practice.

(2) Those powers are only exercisable by virtue of sub-paragraph (1)(a) if the Society has given the limited liability law partnership written notice 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 2 are also exercisable as mentioned in paragraph 8A(1) where —

FIRST SCHEDULE — *continued*

- (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 written notice 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 2 are accordingly exercisable.

8C.—(1) Where the registration of a limited liability law partnership has been cancelled under section 147, the powers conferred by Part 2 are 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 or her practice.

(2) Where the powers conferred by Part 2 are exercisable in relation to a limited liability law partnership in accordance with paragraph 8A or 8B, they 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 2 to a limited liability law partnership in that Part —

- (a) any reference to the solicitor or to his or her practice includes 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 includes a reference to paragraph 8A or 8C(1); and
- (c) any reference to paragraph 3 includes a reference to paragraph 8B.

PART 2

POWERS EXERCISABLE ON INTERVENTION

Money

9.—(1) The General Division of the High Court may, on the application of the Society, order that no payment may be made without the leave of the General

FIRST SCHEDULE — *continued*

Division of the High Court by any person (whether or not named in the order) of any money held by the person (in whatever manner and whether it was received before or after the making of the order) on behalf of the solicitor or the solicitor's firm.

(2) An order under this paragraph does not take effect in relation to any person to whom it applies unless the Society has served a copy of the order on the person (whether or not the person 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 must not be treated as having disobeyed an order under this paragraph by making a payment of money if the person satisfies the General Division of the High Court that the person 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 does not apply where the powers conferred by this Part are exercisable by virtue of paragraph 3.

10.—(1) Without affecting 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, vest in the Society, all such sums vest accordingly (whether they were received by the person holding them before or after the Council's resolution) and must 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 applies —

- (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 or her firm in connection with his or her practice or with any trust of which he or she 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, conveyancing account or conveyancing (CPF) 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 or her firm in connection with the trust or other matter to which the complaint relates.

(3) The Society must serve on the solicitor or his or her firm and on any other person having possession of sums of money to which this paragraph applies a

FIRST SCHEDULE — *continued*

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' written notice to the Society and (if the notice gives the name of the solicitor instructed by the Society) to that solicitor, apply to the General Division of the High Court for an order directing the Society to withdraw the notice.

(5) If the General Division of the High Court makes such an order, it has power also to make any 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, the person 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 must 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 holds 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 is 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 must be paid by the Society into the Unclaimed Money Fund maintained under section 70J.

(4) No action to recover any money paid into the Unclaimed Money Fund under sub-paragraph (3) (called in this paragraph transferred unclaimed intervention money), or any interest, dividends and other accretions of capital arising from the investment of the transferred unclaimed intervention money, may be brought on or after the date the transferred unclaimed intervention money is paid into the Unclaimed Money Fund under sub-paragraph (3), against —

(a) the Society or any wholly-owned subsidiary of the Society to which the transferred unclaimed intervention money is transferred under section 70J(3)(b); or

(b) any other person from whom the Society took possession under sub-paragraph (1) of the transferred unclaimed intervention money.

(5) If any claimant applies to the Society for payment of any amount of any transferred unclaimed intervention money, after the money is paid into the

FIRST SCHEDULE — *continued*

Unclaimed Money Fund under sub-paragraph (3), the Society may pay the whole or any part of that amount to the claimant from the Unclaimed Money Fund.

(6) No interest is payable on any transferred unclaimed intervention money by the Society to any claimant under sub-paragraph (5).

12. Without affecting paragraphs 9, 10 and 11, if the General Division of 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 or her firm, the General Division of the High 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 or her 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 or her firm in connection with his or her 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 or her 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 General Division of 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 or she shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

(4) The General Division of 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 the appointed person to take possession of the documents on behalf of the Society.

(5) If, on an application by the Society, the General Division of 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 or her firm, the General

FIRST SCHEDULE — *continued*

Division of the High 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 the appointed person to take possession of the documents on behalf of the Society.

(6) On making an order under this paragraph, or at any later time, the General Division of 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 or her personal representatives and upon any other person from whom the documents were received on the Society's behalf or from whose premises the documents 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 General Division of 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) must be given within 8 days of the service of the Society's notice under sub-paragraph (7).

(10) Without affecting the foregoing provisions, the Society may apply to the General Division of 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 General Division of 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 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 or her personal representative is a trustee of a controlled trust, the Society may apply to the General Division of the High Court for an order for the appointment of a new trustee in substitution of him or her.

FIRST SCHEDULE — *continued*

(2) The Trustees Act 1967 has 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 are exercisable despite 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 General Division of the High Court under this Schedule, any costs incurred by the Society for the purposes of this Schedule, including, without limiting this paragraph, the costs of any person exercising powers under this Part on behalf of the Society, must be paid by the solicitor or his or her personal representatives and are recoverable from him or her 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 or she, 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 General Division of 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 the solicitor is a sole trustee or co-trustee only with one or more of his or her partners or employees;

“conveyancing account” means a bank account maintained in accordance with any rules made under section 73D of the Conveyancing and Law of Property Act 1886 for the purpose of depositing conveyancing money;

“conveyancing (CPF) account” means a bank account maintained in accordance with any rules made under section 73D of the Conveyancing and Law of Property Act 1886 for the purpose of depositing money withdrawn from the Central Provident Fund for or in connection with a conveyancing transaction.

[21/2008; 17/2011; 40/2014; 22/2018; 40/2018; 40/2019]

SECOND SCHEDULE

Section 75B

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 she or his or her firm;
- (b) the law corporation of which he or she is a director or an employee; or
- (c) the limited liability law partnership of which he or she 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 or her as a solicitor, the Council may take any of the directions mentioned in paragraph 2 (called in this Schedule the directions) with respect to the solicitor.

(2) The Council —

- (a) must not take any of the directions pursuant to a complaint of the conduct of the solicitor, if the complaint is made to the Society after the expiry of a period of 3 years from the date of the conduct; and
- (b) must not take any of the directions, unless the Council 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;
- (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; and
- (c) where the client has attempted to contact the solicitor with a view to resolving a matter, have regard to whether the solicitor has responded to the client or attempted to resolve the matter.

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 or she is a director or employee, or the limited liability law partnership of which he or she is a partner or employee, is entitled in

SECOND SCHEDULE — *continued*

respect of his or her services (called in this Schedule the costs) are to be limited to such amount as may be specified in the determination and directing him or her 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 or her expense or at that of his or her firm, or the law corporation of which he or she is a director or employee, or the limited liability law partnership of which he or she is a partner or 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 or her expense or at that of his or her firm, or the law corporation of which he or she is a director or employee, or the limited liability law partnership of which he or she is a partner or employee, such other action in the interests of the client as the Council may specify.

(2) The permitted requirements mentioned 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) must not exceed \$10,000.

(2) The Chief Justice may, by order in the *Gazette*, amend sub-paragraph (1) by substituting for the sum of \$10,000 such other sum as the Chief Justice considers appropriate.

(3) Before making any such order, the Chief Justice is to consult the Society.

SECOND SCHEDULE — *continued***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 is 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 is deemed, for the purposes of their recovery (by whatever means and despite any statutory provision or agreement), 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, so far as it relates to the costs, ceases 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 may 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 or she thinks fit, direct that the direction be treated, for the purpose of enforcement, as if it were contained in an order made by the General Division of 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 must be repaid to the client 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 or her to pay to the Council —

- (a) the amount of the fee payable by the Council to the client under paragraph 6(3); and

SECOND SCHEDULE — *continued*

- (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,

the Judge is to 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 or her firm;
- (b) the law corporation of which the solicitor is a director or employee; or
- (c) the limited liability law partnership of which the solicitor is a partner or 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 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 includes 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 includes a reference to any such documents as are mentioned in sub-paragraph (1).

SECOND SCHEDULE — *continued***Exercise of powers by Council**

10. The powers of the Council under this Schedule are exercisable in relation to a person even though his or her 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, are to 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.

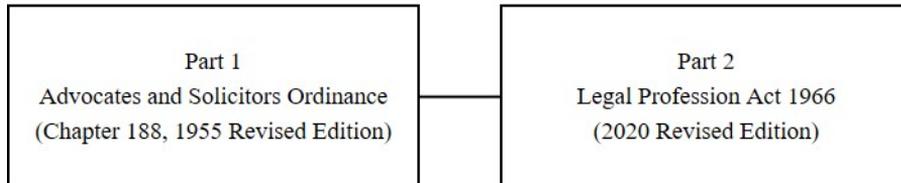
[3/2012; 40/2019]

LEGISLATIVE HISTORY

LEGAL PROFESSION ACT 1966

This Legislative History is a service provided by the Law Revision Commission on a best-efforts basis. It is not part of the Act.

PICTORIAL OVERVIEW OF PREDECESSOR ACTS



LEGISLATIVE HISTORY DETAILS

PART 1 ADVOCATES AND SOLICITORS ORDINANCE (CHAPTER 188, 1955 REVISED EDITION)

1. Ordinance 32 of 1934 — Advocates and Solicitors Ordinance, 1934

Bill	:	G.N. No. 245/1934
First Reading	:	12 February 1934
Second Reading	:	17 April 1934
Notice of Amendments	:	28 May 1934
Third Reading	:	28 May 1934
Commencement	:	1 January 1935

Note: Previously in Ordinance No. 101 (Courts) (1926 Revised Edition).

2. Ordinance 60 of 1935 — The Advocates and Solicitors (Amendment) Ordinance, 1935

Bill	:	G.N. No. 2752/1935
First Reading	:	28 October 1935
Second Reading	:	9 December 1935
Notice of Amendments	:	9 December 1935
Third Reading	:	9 December 1935
Commencement	:	20 December 1935

**3. 1936 Revised Edition — Advocates and Solicitors Ordinance
(Chapter 62)**

Operation : 1 September 1936

**4. Ordinance 6 of 1936 — Statute Law (Revised Edition) Operation
Ordinance, 1936**

(Amendments made by section 3 read with Part I of Schedule *B* to the above Ordinance)

Bill : G.N. No. 1839/1936

First, Second and Third
Readings : 24 August 1936

Commencement : 1 September 1936 (section 3 read with
Part I of Schedule *B*)

**5. Ordinance 44 of 1940 — Advocates and Solicitors (Amendment)
Ordinance, 1940**

Bill : G.N. No. 2887/1940

First Reading : 26 August 1940

Second and Third Readings : 14 October 1940

Commencement : 26 October 1940

**6. Ordinance 45 of 1941 — Advocates and Solicitors (Amendment)
Ordinance, 1941**

Bill : G.N. No. 1294/1941

First Reading : 9 June 1941

Second and Third Readings : 25 August 1941

Commencement : 10 September 1941

7. Ordinance 1 of 1947 — Solicitors Remuneration Ordinance, 1947

Bill : G.N. No. S 303/1946

First, Second and Third
Readings : 9 January 1947

Commencement : 31 January 1947

**8. Ordinance 9 of 1947 — Advocates and Solicitors (Amendment)
Ordinance, 1947**

Bill : G.N. No. S 29/1947

First, Second and Third
Readings : 20 February 1947

Commencement : 18 March 1947

9. Ordinance 3 of 1953 — Advocates and Solicitors (Amendment) Ordinance, 1953

Bill : 52/1952
 First Reading : 16 December 1952
 Second and Third Readings : 25 February 1953
 Commencement : 3 March 1953

10. Ordinance 37 of 1952 — Law Revision (Penalties Amendment) Ordinance, 1952

(Amendments made by section 2 read with item 18 of the Schedule to the above Ordinance)

Bill : 32/1952
 First Reading : 16 September 1952
 Second and Third Readings : 14 October 1952
 Commencement : 30 April 1955 (section 2 read with item 18 of the Schedule)

11. 1955 Revised Edition — Advocates and Solicitors Ordinance (Chapter 188)

Operation : 1 July 1956

12. Ordinance 62 of 1959 — State Advocate-General (Transfer of Powers) Ordinance, 1959

(Amendments made by section 4 and section 5 read with the Schedule to the above Ordinance)

Bill : 22/1959
 First Reading : 13 August 1959
 Second and Third Readings : 2 September 1959
 Commencement : 11 September 1959 (section 4 and section 5 read with the Schedule)

13. Ordinance 23 of 1961 — Advocates and Solicitors (Amendment) Ordinance, 1961

Bill : 144/1961
 First Reading : 24 May 1961
 Second and Third Readings : 14 June 1961
 Commencement : 23 June 1961

14. Ordinance 22 of 1962 — Advocates and Solicitors (Amendment) Ordinance, 1962

Bill	:	174/1962
First Reading	:	26 March 1962
Second Reading	:	6 July 1962
Notice of Amendments	:	6 July 1962
Third Reading	:	6 July 1962
Commencement	:	25 July 1962

15. Act 19 of 1966 — Advocates and Solicitors (Amendment) Act, 1966

Bill	:	18/1966
First Reading	:	21 April 1966
Second and Third Readings	:	22 June 1966
Commencement	:	15 July 1966

PART 2

LEGAL PROFESSION ACT 1966
(2020 REVISED EDITION)

16. Act 57 of 1966 — Legal Profession Act, 1966

Bill	:	57/1966
First Reading	:	5 December 1966
Second Reading	:	21 December 1966
Notice of Amendments	:	21 December 1966
Third Reading	:	21 December 1966
Commencement	:	9 January 1967 (sections 1, 2, 141, 146 and 147) 11 February 1967 (except sections 1, 2, 141, 146 and 147)

17. Act 16 of 1967 — Legal Profession (Amendment) Act, 1967

Bill	:	11/1967
First Reading	:	24 May 1967
Second and Third Readings	:	29 June 1967
Commencement	:	14 July 1967

18. Act 16 of 1970 — Legal Profession (Amendment) Act, 1970

Bill	:	6/1970
First Reading	:	9 March 1970
Second Reading	:	30 March 1970
Notice of Amendments	:	30 March 1970
Third Reading	:	30 March 1970
Commencement	:	12 June 1970

19. 1970 Revised Edition — Legal Profession Act (Chapter 217)

Operation	:	31 July 1971
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20. Act 10 of 1972 — Legal Profession (Amendment) Act, 1972

Bill	:	7/1972
First Reading	:	7 March 1972
Second and Third Readings	:	23 March 1972
Commencement	:	12 May 1972

21. Act 16 of 1976 — Legal Profession (Amendment) Act, 1976

Bill	:	12/1976
First Reading	:	23 July 1976
Second Reading	:	3 September 1976
Notice of Amendments	:	3 September 1976
Third Reading	:	3 September 1976
Commencement	:	24 September 1976

22. Act 13 of 1978 — Statutes of the Republic of Singapore (Miscellaneous Amendments) Act, 1978

(Amendments made by section 2 read with the Schedule to the above Act)

Bill	:	15/1978
First Reading	:	13 March 1978
Second and Third Readings	:	23 March 1978
Commencement	:	1 April 1977 (section 2 read with the Schedule)

23. Act 11 of 1979 — Legal Profession (Amendment) Act, 1979

Bill	:	6/1979
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First Reading	:	5 March 1979
Second Reading	:	30 March 1979
Notice of Amendments	:	30 March 1979
Third Reading	:	30 March 1979
Commencement	:	15 October 1979

24. Act 5 of 1981 — Statutes of the Republic of Singapore (Miscellaneous Amendments) Act, 1981

(Amendments made by section 2 read with the Schedule to the above Act)

Bill	:	1/1981
First Reading	:	17 February 1981
Second and Third Readings	:	6 March 1981
Commencement	:	24 April 1981 (section 2 read with the Schedule)

25. 1982 Reprint — Legal Profession Act (Chapter 217)

Reprint	:	1 November 1982
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26. Act 17 of 1984 — Legal Profession (Amendment) Act 1984

Bill	:	12/1984
First Reading	:	29 June 1984
Second and Third Readings	:	25 July 1984
Commencement	:	17 August 1984

27. Act 30 of 1986 — Legal Profession (Amendment) Act 1986

Bill	:	20/1986
First Reading	:	25 August 1986
Second Reading	:	22 September 1986
Select Committee Report	:	Parl. 7 of 1986
Notice of Amendments	:	27 October 1986
Third Reading	:	27 October 1986
Commencement	:	31 October 1986

28. 1985 Revised Edition — Legal Profession Act (Chapter 161)

Operation	:	30 March 1987
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29. Act 15 of 1989 — Legal Profession (Amendment) Act 1989

Bill	:	9/1989
First Reading	:	16 January 1989
Second Reading	:	17 February 1989
Notice of Amendments	:	17 February 1989
Third Reading	:	17 February 1989
Commencement	:	21 April 1989

30. 1990 Revised Edition — Legal Profession Act (Chapter 161)

Operation	:	20 December 1990
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31. Act 10 of 1991 — Legal Profession (Amendment) Act 1991

Bill	:	3/1991
First Reading	:	3 January 1991
Second and Third Readings	:	14 January 1991
Commencement	:	1 February 1991

32. Act 7 of 1992 — Legal Profession (Amendment) Act 1992

Bill	:	1/1992
First Reading	:	13 January 1992
Second and Third Readings	:	27 February 1992
Commencement	:	27 March 1992

33. Act 16 of 1993 — Supreme Court of Judicature (Amendment) Act 1993
(Amendments made by section 29(3) and section 29(5) read with item (9) of the Schedule to the above Act)

Bill	:	12/1993
First Reading	:	26 February 1993
Second Reading	:	12 April 1993
Notice of Amendments	:	12 April 1993
Third Reading	:	12 April 1993
Commencement	:	1 July 1993 (section 29(3) and section 29(5) read with item (9) of the Schedule)

34. Act 41 of 1993 — Legal Profession (Amendment) Act 1993

Bill	:	34/1993
First Reading	:	12 October 1993
Second Reading	:	12 November 1993
Notice of Amendments	:	12 November 1993
Third Reading	:	12 November 1993
Commencement	:	1 January 1994

35. 1994 Revised Edition — Legal Profession Act (Chapter 161)

Operation	:	15 March 1994
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36. Act 15 of 1995 — Bankruptcy Act 1995

(Amendments made by section 167(4) read with item (11) of the Second Schedule to the above Act)

Bill	:	16/1994
First Reading	:	25 July 1994
Second Reading	:	25 August 1994
Select Committee Report	:	Parl. 1 of 1995
Third Reading	:	23 March 1995
Commencement	:	15 July 1995 (section 167(4) read with item (11) of the Second Schedule)

37. Act 40 of 1996 — Legal Profession (Amendment) Act 1996

Bill	:	31/1996
First Reading	:	1 October 1996
Second and Third Readings	:	10 October 1996
Commencement	:	1 September 1996 (section 9) 1 January 1997 (except section 9)

38. Act 7 of 1997 — Statutes (Miscellaneous Amendments) Act 1997

(Amendments made by section 6 read with item (10) of the First Schedule to the above Act)

Bill	:	6/1997
First Reading	:	11 July 1997
Second and Third Readings	:	25 August 1997

- Commencement : 1 October 1997 (section 6 read with item (10) of the First Schedule)
- 39. 1997 Revised Edition — Legal Profession Act (Chapter 161)**
- Operation : 20 December 1997
- 40. G.N. No. S 383/1998 — Legal Profession Act (Appointed Day for purposes of section 75B) Notification 1998**
- Commencement : 17 July 1998
- 41. Act 4 of 2000 — Legal Profession (Amendment) Act 2000**
- Bill : 41/1999
- First Reading : 23 November 1999
- Second Reading : 17 January 2000
- Notice of Amendments : 17 January 2000
- Third Reading : 17 January 2000
- Commencement : 5 May 2000
- 42. Act 28 of 2000 — Statutes (Miscellaneous Amendments and Repeal) Act 2000**
(Amendments made by section 4 of the above Act)
- Bill : 22/2000
- First Reading : 25 August 2000
- Second and Third Readings : 9 October 2000
- Commencement : 1 November 2000 (section 4)
- 43. 2000 Revised Edition — Legal Profession Act (Chapter 161)**
- Operation : 30 December 2000
- 44. Act 35 of 2001 — Legal Profession (Amendment) Act 2001**
- Bill : 39/2001
- First Reading : 25 September 2001
- Second and Third Readings : 5 October 2001
- Commencement : 1 November 2001
- 45. 2001 Revised Edition — Legal Profession Act (Chapter 161)**
- Operation : 31 December 2001

46. Act 23 of 2004 — Legal Profession (Amendment) Act 2004

Bill	:	17/2004
First Reading	:	19 May 2004
Second and Third Readings	:	15 June 2004
Commencement	:	14 September 2004 (sections 5 and 6) 1 April 2005 (sections 2, 3, 4, 7 and 8)

47. Act 45 of 2004 — Trustees (Amendment) Act 2004

(Amendments made by section 25(4) read with item (25) of the Schedule to the above Act)

Bill	:	43/2004
First Reading	:	21 September 2004
Second and Third Readings	:	19 October 2004
Commencement	:	15 December 2004 (section 25(4) read with item (25) of the Schedule)

48. Act 42 of 2005 — Statutes (Miscellaneous Amendments) (No. 2) Act 2005

(Amendments made by section 5 read with item (20) of the First Schedule and section 7 read with item (13) of the Fifth Schedule to the above Act)

Bill	:	30/2005
First Reading	:	17 October 2005
Second and Third Readings	:	21 November 2005
Commencement	:	1 January 2006 (section 5 read with item (20) of the First Schedule and section 7 read with item (13) of the Fifth Schedule)

49. Act 41 of 2005 — Legal Profession (Amendment) Act 2005

Bill	:	31/2005
First Reading	:	17 October 2005
Second and Third Readings	:	21 November 2005
Commencement	:	4 December 2006

50. Act 10 of 2007 — Charities (Amendment) Act 2007

(Amendments made by section 22 read with item (4) of the Schedule to the above Act)

Bill	:	22/2006
First Reading	:	8 November 2006

Second and Third Readings	:	23 January 2007
Commencement	:	1 March 2007 (section 22 read with item (4) of the Schedule)

51. Act 20 of 2007 — Legal Profession (Amendment) Act 2007

Bill	:	10/2007
First Reading	:	9 March 2007
Second and Third Readings	:	12 April 2007
Commencement	:	1 April 2007 (section 24(1)) 1 June 2007 (except section 24(1))

52. Act 19 of 2008 — Legal Profession (Amendment) Act 2008

Bill	:	16/2008
First Reading	:	21 July 2008
Second and Third Readings	:	26 August 2008
Commencement	:	1 June 2007 (section 15(b)) 19 September 2008 (except sections 2(c) and (f), 4, 5, 6, 7(a) and (b), 8, 9, 11, 26 to 36, 37(a), (b), (c) and (e), 38 to 49, 55 and 56) 15 October 2008 (sections 4, 5(c), (d) and (g), 7(a) and (b), 8(a) and (b), 26(d), 28, 29(a) and (c) to (o), 30(a) and (d) and 31(b) to (f)) 1 December 2008 (sections 2(c) and (f), 5(a), (b), (e) and (f), 6, 8(c) and (d), 9, 11, 26(a), (b), (c), (e) and (f), 27, 29(b), 30(b) and (c), 31(a), 32 to 36, 37(a), (b), (c) and (e), 38 to 49, 55 and 56)

53. 2009 Revised Edition — Legal Profession Act (Chapter 161)

Operation	:	1 June 2009
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54. Act 20 of 2009 — Legal Profession (Amendment) Act 2009

Bill	:	13/2009
First Reading	:	20 July 2009
Second and Third Readings	:	18 August 2009
Commencement	:	9 October 2009

55. Act 21 of 2008 — Mental Health (Care and Treatment) Act 2008

(Amendments made by section 33 read with item 1(26) of the Second Schedule to the above Act)

Bill	:	11/2008
First Reading	:	21 July 2008
Second and Third Readings	:	15 September 2008
Commencement	:	1 March 2010 (section 33 read with item 1(26) of the Second Schedule)

56. Act 27 of 2010 — International Child Abduction Act 2010

(Amendments made by section 26 of the above Act)

Bill	:	22/2010
First Reading	:	16 August 2010
Second and Third Readings	:	16 September 2010
Commencement	:	1 March 2011 (section 26)

57. Act 8 of 2011 — Legal Profession (Amendment) Act 2011

Bill	:	3/2011
First Reading	:	10 January 2011
Second and Third Readings	:	14 February 2011
Commencement	:	3 May 2011

58. Act 17 of 2011 — Conveyancing (Miscellaneous Amendments) Act 2011

(Amendments made by section 3 of the above Act)

Bill	:	12/2011
First Reading	:	10 March 2011
Second and Third Readings	:	11 April 2011
Commencement	:	1 August 2011 (section 3)

59. Act 3 of 2012 — Legal Profession (Amendment) Act 2012

Bill	:	1/2012
First Reading	:	16 January 2012
Second and Third Readings	:	14 February 2012
Commencement	:	1 April 2012 (except sections 10, 11, 12 and 14) 1 June 2012 (sections 10, 11, 12 and 14)

60. Act 5 of 2014 — Subordinate Courts (Amendment) Act 2014

(Amendments made by section 11(9) read with item 16 of the Schedule to the above Act)

Bill	:	26/2013
First Reading	:	11 November 2013
Second and Third Readings	:	21 January 2014
Commencement	:	7 March 2014 (section 11(9) read with item 16 of the Schedule)

61. Act 27 of 2014 — Family Justice Act 2014

(Amendments made by section 62 of the above Act)

Bill	:	21/2014
First Reading	:	8 July 2014
Second Reading	:	4 August 2014
Notice of Amendments	:	4 August 2014
Third Reading	:	4 August 2014
Commencement	:	1 October 2014 (section 62)

62. Act 25 of 2014 — Attorney-General (Additional Functions) Act 2014

(Amendments made by section 7 of the above Act)

Bill	:	19/2014
First Reading	:	7 July 2014
Second and Third Readings	:	5 August 2014
Commencement	:	1 January 2015 (section 7)

63. Act 40 of 2014 — Legal Profession (Amendment) Act 2014

Bill	:	36/2014
First Reading	:	7 October 2014
Second and Third Readings	:	4 November 2014
Commencement	:	1 January 2015 (except sections 2(a) to (h), (j) to (l), (n), (o) and (p), 3, 4, 5, 6(a), 7, 10 to 15, 17, 19 to 23, 24(b), 25 to 37, 38(a), (b), (d), (e), (g), (h) and (j) to (m), 39 to 42, 43(b) and (c), 44, 45(b), 46 to 55 and 57 to 62) 23 May 2015 (section 25) 18 November 2015 (sections 2(a) to

(*h*), (*j*) to (*l*), (*n*), (*o*) and (*p*), 3, 4, 5, 6(*a*), 7, 10 to 15, 17, 19 to 23, 24(*b*), 26 to 37, 38(*a*), (*b*), (*d*), (*e*), (*g*), (*h*) and (*j*) to (*m*), 39 to 42, 43(*b*) and (*c*), 44, 45(*b*), 46 to 55 and 57 to 62)

64. Act 8 of 2022 — Legal Profession (Amendment) Act 2022

Date of First Reading	:	1 November 2021 (Bill No. 40/2021)
Date of Second and Third Readings	:	12 January 2022
Date of commencement	:	18 November 2015

65. Act 41 of 2014 — Statutes (Miscellaneous Amendments — Deputy Attorney-General) Act 2014

(Amendments made by section 7 of the above Act)

Bill	:	37/2014
First Reading	:	7 October 2014
Second and Third Readings	:	4 November 2014
Commencement	:	1 January 2015 (section 7)

66. Act 16 of 2016 — Statutes (Miscellaneous Amendments) Act 2016

(Amendments made by section 16 of the above Act)

Bill	:	15/2016
First Reading	:	14 April 2016
Second and Third Readings	:	9 May 2016
Commencement	:	1 August 2016 (section 16)

67. Act 2 of 2017 — Civil Law (Amendment) Act 2017

(Amendments made by section 3 of the above Act)

Bill	:	38/2016
First Reading	:	7 November 2016
Second and Third Readings	:	10 January 2017
Commencement	:	1 March 2017 (section 3)

68. Act 30 of 2017 — Singapore University of Social Sciences Act 2017

(Amendments made by section 12(1) of the above Act)

Bill	:	24/2017
First Reading	:	3 April 2017

Second and Third Readings	:	8 May 2017
Commencement	:	11 July 2017 (section 12(1))

69. Act 1 of 2017 — Mediation Act 2017

(Amendments made by section 17 of the above Act)

Bill	:	37/2016
First Reading	:	7 November 2016
Second and Third Readings	:	10 January 2017
Commencement	:	1 November 2017 (section 17)

70. Act 22 of 2018 — Legal Profession (Amendment) Act 2018

Bill	:	16/2018
First Reading	:	2 March 2018
Second and Third Readings	:	20 March 2018
Commencement	:	18 April 2018 (sections 5, 6, 7, 17, 21, 25, 32 and 34) 1 August 2018 (section 30) 1 October 2018 (sections 2, 4, 19, 22, 23, 24 and 26 to 29) 1 November 2018 (sections 8 to 16 and 33) 1 November 2019 (sections 18 and 31)

71. Act 50 of 2018 — Legal Aid and Advice (Amendment) Act 2018

(Amendments made by section 23 of the above Act)

Bill	:	42/2018
First Reading	:	1 October 2018
Second and Third Readings	:	19 November 2018
Commencement	:	31 May 2019 (section 23)

72. G.N. No. S 461/2020 — Variable Capital Companies (Consequential Amendments to Other Acts) Order 2020

Commencement	:	15 June 2020
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73. Act 40 of 2018 — Insolvency, Restructuring and Dissolution Act 2018

(Amendments made by section 488 of the above Act)

Bill	:	32/2018
First Reading	:	10 September 2018
Second and Third Readings	:	1 October 2018

Commencement : 30 July 2020 (section 488)

74. Act 40 of 2019 — Supreme Court of Judicature (Amendment) Act 2019
(Amendments made by section 28(1) read with item 87 of the Schedule to the above Act)

Bill : 32/2019
 First Reading : 7 October 2019
 Second Reading : 5 November 2019
 Notice of Amendments : 5 November 2019
 Third Reading : 5 November 2019
 Commencement : 2 January 2021 (section 28(1) read with item 87 of the Schedule)

75. 2020 Revised Edition — Legal Profession Act 1966

Operation : 31 December 2021

76. G.N. No. S 759/2022 — Revised Edition of the Laws (Rectification of Acts) (No. 2) Order 2022

Operation : 31 December 2021
 Publication : 26 September 2022

Abbreviations

(updated on 29 August 2022)

G.N.	Gazette Notification
G.N. Sp.	Gazette Notification (Special Supplement)
L.A.	Legislative Assembly
L.N.	Legal Notification (Federal/Malaysian)
M.	Malaya/Malaysia (including Federated Malay States, Malayan Union, Federation of Malaya and Federation of Malaysia)
Parl.	Parliament
S	Subsidiary Legislation
S.I.	Statutory Instrument (United Kingdom)
S (N.S.)	Subsidiary Legislation (New Series)
S.S.G.G.	Straits Settlements Government Gazette
S.S.G.G. (E)	Straits Settlements Government Gazette (Extraordinary)

COMPARATIVE TABLE
LEGAL PROFESSION ACT 1966

This Act has undergone renumbering in the 2020 Revised Edition. This Comparative Table is provided to help readers locate the corresponding provisions in the last Revised Edition.

2020 Ed.	2009 Ed.
<i>[Omitted as having had effect]</i>	11 —(15)
—	25C —(9) <i>[Deleted by Act 40 of 2014]</i>
—	36H —(7) <i>[Deleted by Act 22 of 2018]</i>
—	(8) <i>[Deleted by Act 22 of 2018]</i>
—	46 —(7) <i>[Deleted by Act 8 of 2011]</i>
—	75C —(6) <i>[Deleted by Act 20 of 2009]</i>