



**THE STATUTES OF THE REPUBLIC OF SINGAPORE**

**LEGAL PROFESSION ACT**

**(CHAPTER 161)**

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# Legal Profession Act

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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 wef 03/05/2011]*

[11th February 1967]

## PART I

### PRELIMINARY

#### **Short title**

1. This Act may be cited as the Legal Profession Act.

#### **Interpretation**

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

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

“active practice” does not include practice as a locum solicitor;

“advocate and solicitor”, “advocate” and “solicitor” mean an advocate and solicitor of the Supreme Court;

“Board of Legal Education” means the Board of Legal Education established under section 3 in force immediately before the date of commencement of section 3(a) of the Legal Profession (Amendment) Act 2011;

*[8/2011 wef 03/05/2011]*

“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 a solicitor’s, a law corporation’s or a limited liability law partnership’s costs; and

- (b) in relation to non-contentious business —

- (i) any person who, as a principal or on behalf of another, or as a trustee, an executor or an

administrator, or in any other capacity, has power, express or implied, to retain or employ, and retains or employs or is about to retain or employ, a solicitor, a law corporation or a limited liability law partnership; and

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

“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 High Court or a Judge when sitting in open court;

“Director of Legal Services” means the Director of Legal Services appointed under section 2A(1);

*[Act 40 of 2014 wef 18/11/2015]*

“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;

*[8/2011 wef 03/05/2011]*

*[Act 40 of 2014 wef 18/11/2015]*

“Formal Law Alliance” means a Formal Law Alliance licensed under section 170;

*[Act 40 of 2014 wef 18/11/2015]*

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

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

*[8/2011 wef 03/05/2011]*

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

*[Act 40 of 2014 wef 18/11/2015]*

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

*[Act 40 of 2014 wef 18/11/2015]*

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

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

*[Act 40 of 2014 wef 18/11/2015]*

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

*[Act 40 of 2014 wef 18/11/2015]*

“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;

*[Act 40 of 2014 wef 18/11/2015]*

“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;

*[20/2009 wef 09/10/2009]*

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

*[20/2009 wef 09/10/2009]*

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

*[Act 40 of 2014 wef 18/11/2015]*

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

*[Act 40 of 2014 wef 18/11/2015]*

“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 practice training period;

*[20/2009 wef 09/10/2009]*

“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;

*[20/2009 wef 09/10/2009]*

“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 can be admitted as an advocate and solicitor;

*[20/2009 wef 09/10/2009]*

“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 IV;

“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 (Cap. 2) as a public accountant;

*[Act 40 of 2014 wef 01/01/2015]*



“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 9th October 2009; or
- (c) is approved by the Minister as a qualified person under section 15A(1) in force immediately before the date of commencement of section 3(e) of the Legal Profession (Amendment) Act 2011 or under section 14(1);

*[8/2011 wef 03/05/2011]*

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

*[Act 40 of 2014 wef 18/11/2015]*

“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 VII, 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;

*[Act 40 of 2014 wef 18/11/2015]*

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

*[Act 40 of 2014 wef 18/11/2015]*

“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 VII, 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;

[Act 40 of 2014 wef 18/11/2015]

“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 published in the *Gazette*;

[20/2009 wef 09/10/2009]

“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;

[Act 40 of 2014 wef 18/11/2015]

“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;

[Act 40 of 2014 wef 01/01/2015]

“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;

[8/2011 wef 03/05/2011]

“Singapore law practice” means —

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

*[Act 40 of 2014 wef 18/11/2015]*

“Society” means the Law Society of Singapore established under section 37;

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

*[11/79; 5/81; 17/84; 30/86; 15/89; 16/93; 41/93; 4/2000; 23/2004; 41/2005; 42/2005; 20/2007; 19/2008]*

(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 wef 03/05/2011]*

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

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

*[8/2011 wef 03/05/2011]*

- (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

[8/2011 wef 03/05/2011]

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

[41/93; 20/2007]

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

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

[Act 40 of 2014 wef 18/11/2015]

(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.

[41/2005]

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

[23/2004]

(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,

[Act 40 of 2014 wef 18/11/2015]

shall not include a reference to a limited liability partnership.

[41/2005]

## PART IA

### DIRECTOR OF LEGAL SERVICES

[Act 40 of 2014 wef 18/11/2015]

### **Appointment of Director of Legal Services**

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

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

(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.

*[Act 40 of 2014 wef 18/11/2015]*

### **Investigation of law practice entity by Director of Legal Services**

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

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

*[Act 40 of 2014 wef 18/11/2015]*

### **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 notice in writing 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.

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

- (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.
- (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.
- (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.
- (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.

*[Act 40 of 2014 wef 18/11/2015]*

### **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.

(2) A warrant under this section shall authorise 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 referred to in subsection (1);
- (c) to search the premises and take copies of, or extracts from, any document referred to in subsection (1);
- (d) to take possession of any document referred to 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 referred to 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 referred to 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 referred to in subsection (1).

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

(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.

(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.

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

(7) A warrant issued under this section —

(a) shall —

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

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

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

(10) If there is no one at the premises when the named officer proposes to execute a warrant under this section, he shall, 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, afford him or his legal or other representative a reasonable opportunity to be present when the warrant is executed.

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

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

(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.

(14) In this section —

“court” means 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.

*[Act 40 of 2014 wef 18/11/2015]*

### **Co-operation between Director of Legal Services and Attorney-General, Registrar, Institute, Council or Society, etc.**

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

(a) furnish any information in his 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, the Registrar, the Institute, the Council or the 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, the Registrar, the Institute, the Council or the Society (as the case may be).
- (2) Notwithstanding 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, the Registrar, the Institute, the Council or the Society (as the case may be) to the Director of Legal Services, if the information is required by him for the performance of any of his functions; and
- (b) provide such other assistance to the Director of Legal Services as will facilitate his performance of any of his functions.
- (3) Notwithstanding any written law or rule of law, the Director of Legal Services may —
- (a) furnish any information in his 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, the organ of State or the 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, the organ of State or the statutory board (as the case may be).
- (4) Notwithstanding 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, the organ of State or the statutory board (as the case may be) to the Director of Legal Services, if the

information is required by him for the performance of any of his functions; and

- (b) provide such other assistance to the Director of Legal Services as will facilitate his performance of any of his functions.

*[Act 40 of 2014 wef 18/11/2015]*

### **Power to require law practice entity to provide information**

**2F.** The Director of Legal Services may, for the purposes of carrying out his 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.

*[Act 40 of 2014 wef 18/11/2015]*

### **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.

(2) If a person is charged with an offence under subsection (1) in respect of a requirement to produce a document, it shall be 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.

(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 shall be a defence for the person to prove that the person had a reasonable excuse for failing to comply with the requirement.

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

*[Act 40 of 2014 wef 18/11/2015]*

### **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.

*[Act 40 of 2014 wef 18/11/2015]*

### **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.

(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.

*[Act 40 of 2014 wef 18/11/2015]*

## PART II

## SINGAPORE INSTITUTE OF LEGAL EDUCATION

**Establishment of Institute**

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

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

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

*[8/2011 wef 03/05/2011]*

**Functions and powers of Institute**

4.—(1) The functions of the Institute shall be 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;

*[Act 40 of 2014 wef 18/11/2015]*

- (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;
- [Act 40 of 2014 wef 18/11/2015]*
- (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; and
  - (j) to facilitate the development of Singapore as an international centre for legal education.
- (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 (Cap. 1);
- (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 wef 03/05/2011]*

### **Board of Directors of Institute**

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

(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.

(3) The Board of Directors of the Institute shall consist 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;

*[Act 16 of 2016 wef 01/08/2016]*

(da) the Dean of the School of Law of the Singapore University of Social Sciences;

*[Act 16 of 2016 wef 01/08/2016]*

*[Act 30 of 2017 wef 11/07/2017]*

(e) not less than 8 and not more than 12 other members, all of whom shall 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.

(4) The President of the Academy shall, after consulting the Senate, appoint the Chairman 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.

(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.

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

*[8/2011 wef 03/05/2011]*

### **Appointment of Dean of Institute, officers and employees**

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

(2) The Dean of the Institute —

(a) shall be 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) shall not be removed from office without the consent of the President of the Academy.



(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 wef 03/05/2011]*

### **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.

(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 Chairman 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).

(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.

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

*[8/2011 wef 03/05/2011]*

### **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 Chairman of the Institute, may determine.

(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.

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

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

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

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

(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) The validity of the proceedings of the Board of Directors of the Institute shall not be affected by any vacancy amongst its members or by any irregularity in the appointment of any member.

*[8/2011 wef 03/05/2011]*

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

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

(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.

(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.

(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 wef 03/05/2011]*

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

**10.**—(1) Subject to the provisions of this Part, Part IIA 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 IIA and section 25(1)(ca).

*[Act 3 of 2012 wef 01/04/2012]*

(2) Without prejudice to the generality of 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 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 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);

*[Act 16 of 2016 wef 01/08/2016]*

- (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);

*[Act 16 of 2016 wef 01/08/2016]*

- (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);

*[Act 16 of 2016 wef 01/08/2016]*

- (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);

*[Act 16 of 2016 wef 01/08/2016]*

- (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 IIA, section 25(1)(ca) and any rules made under subsection (1) or this subsection;

*[Act 3 of 2012 wef 01/04/2012]*

*[Act 16 of 2016 wef 01/08/2016]*

- (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

*[Act 40 of 2014 wef 18/11/2015]*

- (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.

(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.

*[Act 16 of 2016 wef 01/08/2016]*

(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.

*[8/2011 wef 03/05/2011]*

*[Act 3 of 2012 wef 01/04/2012]*

*[Act 40 of 2014 wef 18/11/2015]*

### **Protection from personal liability**

**10A.** No liability shall be incurred by the Board of Directors of the Institute, the Chairman 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.

*[Act 3 of 2012 wef 01/04/2012]*

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

11.—(1) As from the relevant date, the Board of Legal Education shall be 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 shall be transferred to and shall vest in the Institute without further assurance, act or deed.

(2) Without prejudice to 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 the relevant date may be continued, completed and enforced by or against the Institute.

(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 the relevant date, whether or not of such nature that the rights and liabilities thereunder could be assigned, shall have 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 the relevant date, a reference to the Institute.

(4) All contracts, agreements, conveyances, deeds, leases, guarantees, bonds, indemnities, instruments, undertakings, schemes and arrangements subsisting immediately before the relevant date to which the Board of Legal Education is a party shall continue in force on and after that date and shall be 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.

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

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

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

(8) Without prejudice to subsection (2), all proceedings or causes of action pending or existing immediately before the relevant date by or against the Board of Legal Education may be continued, completed and enforced by or against the Institute.

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

(10) The operation of this section shall not 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.

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

(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 shall be deemed by this section to have been waived.

(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 shall occur or be 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 shall be deemed by this section to have been waived.

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

(15) In this section, “relevant date” means the date of commencement of section 4 of the Legal Profession (Amendment) Act 2011.

*[8/2011 wef 03/05/2011]*

## PART IIA

### 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.

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

- (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 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.

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

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

(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), shall be entitled to object to that application.

(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 shall make his application under subsection (2).

*[8/2011 wef 03/05/2011]*

### **Requirements for admission**

**13.—**(1) Subject to any rules made under section 14, no qualified person shall be admitted as an advocate and solicitor unless he —

(a) has attained the age of 21 years;

(b) is of good character;

(c) has satisfactorily served the practice training period applicable to him;

(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.

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

[8/2011 wef 03/05/2011]

### **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 discretion, if he 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 such conditions as the Minister may think fit to impose; and

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

(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 such conditions as the Minister may think fit to impose; and

(b) issue to that person a notice in writing to that effect.

(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 such conditions as the Minister may think fit to impose; and
- (b) issue to the person a notice in writing to that effect.

(4) The Minister may, after consulting the Board of Directors of the Institute, make rules (referred to in this subsection as 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.

(5) Without prejudice to subsection (4), upon an application made to the Minister by any qualified person, the Minister may, in his discretion, 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 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 standing and experience or for any other cause, a fit and proper person to be so exempted or to have his practice training period abridged, as the case may be.

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

- (a) may be subject to such conditions as the Minister may think fit to impose by notice in writing to the person;
- (b) shall be notified in writing to the person; and

(c) need not be published in the *Gazette*.

(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 wef 03/05/2011]*

### **Ad hoc admissions**

**15.**—(1) Notwithstanding 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;

*[Act 3 of 2012 wef 01/04/2012]*

(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.

*[Act 3 of 2012 wef 01/04/2012]*

(2) The court shall 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.

*[Act 3 of 2012 wef 01/04/2012]*

(3) Any person who applies to be admitted under this section shall do so by originating summons supported by an affidavit of the

applicant, or of the advocate and solicitor instructing him, stating the names of the parties and brief particulars of the case in which the applicant intends to appear.

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

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

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

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

*[Act 3 of 2012 wef 01/04/2012]*

(7) The Registrar shall, 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.

*[Act 40 of 2014 wef 18/11/2015]*

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

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

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

*[8/2011 wef 03/05/2011]*

### **Roll of advocates and solicitors**

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

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

(3) Every person admitted as an advocate and solicitor shall pay the fee prescribed under section 189 for the purposes of this subsection, and the Registrar shall deliver to him an instrument of admission signed by the Chief Justice or the Judge who admitted the applicant.

*[Act 40 of 2014 wef 18/11/2015]*

(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 shall be struck off the roll.

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

*[8/2011 wef 03/05/2011]*

### **Extension or abridgment of time**

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

*[8/2011 wef 03/05/2011]*

*[Act 22 of 2018 wef 18/04/2018]*

**18. to 24.** *[Repealed by Act 8 of 2011 wef 03/05/2011]*

## **PART III**

### **PRACTISING CERTIFICATES**

#### **Practising certificates**

**25.—**(1) Every solicitor shall, in every year before he does any act in the capacity of an advocate and solicitor, deliver or cause to be delivered to the Registrar an application for a practising certificate in such form and manner as the Registrar may require, the application to be accompanied by —

(a) a declaration in writing stating —

- (i) his full name;
- (ii) in a case where he is practising or intends to practise in a Singapore law practice, the name of the Singapore law practice in which he is or will be practising;
- (iii) in a case where he 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 is or will be practising;

*[8/2011 wef 03/05/2011]*

*[Act 40 of 2014 wef 18/11/2015]*

- (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 will be practising;
- (v) that he is not disqualified under section 26(1) from applying for a practising certificate; and
- (vi) in a case where he is applying for a practising certificate to practise as a locum solicitor, that he is not disqualified under section 26(1A) from applying for such a practising certificate;

*[8/2011 wef 03/05/2011]*

*[8/2011 wef 03/05/2011]*

(b) a declaration in writing stating —

- (i) that he 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 has complied with or is exempt from the rules relating to professional indemnity made under section 75A;
- (iii) if he has been ordered by the Council to pay any penalty under Part VII, that he has paid the penalty;
- (iv) if he has been ordered by any court of law in Singapore or elsewhere to pay any sum to the Council or the Society, that he has paid the sum; and
- (v) that he has complied with such requirements as may be prescribed by the Council in any rules made under section 59(1)(aa);

*[Act 40 of 2014 wef 01/01/2015]*

- (c) a declaration in writing stating that he has paid, or has made arrangements to pay, all moneys, contributions and subscriptions payable by him under the Singapore Academy of Law Act (Cap. 294A) and any rules made thereunder;

*[Act 40 of 2014 wef 01/01/2015]*

- (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;

*[Act 3 of 2012 wef 01/04/2012]*

- (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 case such a report is unnecessary; and

- (e) the prescribed fee.

*[10/91; 40/96; 4/2000; 41/2005; 19/2008]*

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

*[40/96]*

*[Act 40 of 2014 wef 01/01/2015]*

(2A) A practising certificate issued under subsection (2) shall not authorise a solicitor to practise as a locum solicitor unless the practising certificate was issued pursuant to an application by the



solicitor in accordance with any rules made under this section relating to practising certificates to practise as a locum solicitor.

[23/2004]

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

[40/96; 4/2000]

(4) Where the name of a solicitor is removed from or struck off the roll, the practising certificate, if any, of that solicitor for the time being in force shall expire immediately and the date of the expiry shall be entered by the Registrar in the register of practitioners.

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

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

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

- (a) any modification to subsection (1), including any provision requiring a solicitor applying for such a practising certificate to give any undertaking relating to his practice;
- (b) any condition that shall apply to such a practising certificate, including conditions relating to the handling of client’s money by the solicitor and the supervision of the solicitor;
- (c) any training that the solicitor must complete for the purposes of section 26(1A)(b) and the time within which such training must be completed.

[23/2004]

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

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

**25A.**—(1) This section shall apply to any solicitor —

- (a) whose suspension from practice has expired;
- (b) who has been discharged from bankruptcy;
- (c) who has been sentenced to a term of imprisonment in any civil or criminal proceedings in Singapore or elsewhere;
- (d) who has been convicted of an offence involving dishonesty or fraud;
- (e) who has been convicted of an offence in relation to his conduct in his practice of law;
- (f) who has been found guilty of misconduct in any other professional capacity;
- (fa) whose fitness to practise has been determined under section 25C to be impaired by reason of his 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 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 (Cap. 61).

*[17/2011 wef 01/08/2011]*

*[40/96; 19/2008]*

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

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

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

[40/96; 19/2008]

[Act 40 of 2014 wef 18/11/2015]

(2A) [*Deleted by Act 40 of 2014 wef 18/11/2015*]

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

- (a) conditions may be imposed under that subsection for requiring the applicant to take any specified steps that will, in the opinion of the Attorney-General or the Council, be conducive to his carrying on an efficient practice as a solicitor; and
- (b) conditions may be so imposed (whether for the purpose mentioned in paragraph (a) or otherwise) notwithstanding that they may result in expenditure being incurred by the applicant.

[40/96]

(4) Where the Attorney-General or the Council makes a request under subsection (2) by reason only of any such circumstances as are mentioned in subsection (1)(c), (d), (e), (f), (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.

[40/96; 19/2008]

(5) The Attorney-General or the Council, as the case may be, shall, 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.

[40/96]

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

[40/96]

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

- (a) this section applies to the solicitor by reason only of any such circumstances as are mentioned in subsection (1)(a) or (b); or
- (b) disciplinary proceedings against the solicitor under Part VII by reason of any such circumstances as are mentioned in subsection (1) have been disposed of.

[40/96; 19/2008]

[Act 40 of 2014 wef 18/11/2015]

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

**25AA.**—(1) This section shall apply to a solicitor who makes an application for a practising certificate, if he 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 declaration under section 25(1)(b)(i) accompanying the application;
- (b) the whole or any part of any penalty referred to in his declaration under section 25(1)(b)(iii) accompanying the application;
- (c) the whole or any part of any sum referred to in his 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 declaration under section 25(1)(c) accompanying the application;
  - (e) the fee referred to in section 25(1)(e) accompanying the application.
- (2) Where the Registrar becomes aware of the solicitor's failure to make the payment referred to in subsection (1), the Registrar shall —
- (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.
- (3) The Registrar shall revoke his order under subsection (2)(b) when the solicitor makes the payment referred to in subsection (1).

*[Act 40 of 2014 wef 01/01/2015]*

### **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).

*[Act 40 of 2014 wef 01/01/2015]*

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

*[40/96]*

(3) On 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 such other order as the Judge thinks fit.

[40/96]

[Act 40 of 2014 wef 01/01/2015]

(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 such other order as the Judge thinks fit.

[Act 40 of 2014 wef 01/01/2015]

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

[40/96]

### **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.

[19/2008]

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

[19/2008]

(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 shall 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.  
[19/2008]

(4) The registered medical practitioner shall —

(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 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.  
[19/2008]

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

(a) his own observations;

(b) the results of any tests carried out on the solicitor; and

(c) any facts which are communicated to him by the Attorney-General, the Council or any other person.  
[19/2008]

(6) The solicitor shall bear all costs of and incidental to his medical examination under this section, any tests carried out on him for the purposes of the medical examination and the report referred to in subsection (4)(c).  
[19/2008]

(7) Without prejudice to 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 has submitted to a medical examination.

[19/2008]

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

(a) the Council shall, 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 shall cease to have effect, if —

(i) the Council fails to comply with paragraph (a); or

(ii) the application referred to 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 shall 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.

[19/2008]

(9) [*Deleted by Act 40 of 2014 wef 18/11/2015*]



**Disqualification for practising certificates**

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

(a) unless —

(i) he is practising or intends to practise in a Singapore law practice;

(ii) he 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

*[Act 40 of 2014 wef 18/11/2015]*

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

*[(b), (ba), (c) and (ca) — Deleted by Act 19 of 2008]*

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

(e) if he is an undischarged bankrupt;

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

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

(h) if he lacks capacity within the meaning of the Mental Capacity Act 2008 to act as a solicitor.

*[21/2008 wef 01/03/2010]*

*[16/93; 15/95; 40/96; 4/2000; 23/2004; 41/2005;  
19/2008]*

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

- (a) has, for a period of not less than 3 years in the aggregate in the 5 years immediately preceding the application —
- (i) practised as a solicitor in a Singapore law practice; or
  - (ii) been employed as a Legal Service Officer;  
*[20/2009 wef 09/10/2009]*
- (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.  
*[41/2005; 19/2008]*

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

*[10/91]*

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

- (a) a solicitor who is employed by the Society, the Institute or any statutory body or law office in the public service;  
*[8/2011 wef 03/05/2011]*
- (b) a solicitor who is employed as a full-time member of the academic staff of any department of the National University of Singapore or of any department of law in any other institution of higher learning in Singapore and who has been so employed in either case for at least 3 continuous years; or
- (c) a State Counsel, Deputy Public Prosecutor or other legal officer of the government of any country or any territory of that country,

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

*[35/2001; 19/2008]*

(4) Where the Attorney-General has issued a certificate to a solicitor under subsection (3)(a) or (b), the Registrar shall, upon

the solicitor complying with the provisions of this Act, issue him a practising certificate specifying therein the matters in which he may appear and plead in courts of law and the conditions (if any) as contained in the Attorney-General's certificate.

[35/2001]

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

[35/2001]

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

[35/2001]

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

[35/2001]

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

[35/2001]

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

- (a) when the solicitor ceases to practise or to be employed as provided in this section;
- (b) upon the solicitor becoming subject to any disqualification under subsection (1)(e), (f), (g) or (h); or
- (c) when the Registrar subsequently issues another practising certificate to the solicitor.

[40/96; 23/2004]

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

[40/96]

## Register of practitioners

**27.—**(1) Upon the issue of every practising certificate, the Registrar shall cause to be entered in an annual register kept for

that purpose (referred to in this Act as the register of practitioners) the particulars 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.

[40/96]

[8/2011 wef 03/05/2011]

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

[40/96]

### **Imposition of conditions while practising certificates are in force**

**27A.—**(1) Where, at any time during the currency of the practising certificate of a solicitor, section 25A would have effect in relation to him by reason of any such circumstances as are mentioned in section 25A(1) if he were to make an application for a practising certificate at that time, a Judge may, upon an application by the Attorney-General or the Council made by originating summons and served upon the solicitor, direct that the current practising certificate of the solicitor shall have effect subject to such conditions as the Judge thinks fit.

[40/96; 19/2008]

[Act 40 of 2014 wef 18/11/2015]

(1A) [*Deleted by Act 40 of 2014 wef 18/11/2015*]

(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.

[40/96; 19/2008]

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

[40/96]

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

[40/96]

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

[40/96]

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

[40/96]

### **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 VII 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.

[19/2008]

[Act 40 of 2014 wef 18/11/2015]

(1A) [Deleted by Act 40 of 2014 wef 18/11/2015]

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

[40/96]

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

[40/96]

(4) If, 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 shall terminate immediately.

[40/96; 42/2005; 19/2008]

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

[40/96; 42/2005; 19/2008]

(6) Where the suspension of the practising certificate of a solicitor under this section has terminated by reason only of the expiry of the solicitor's current practising certificate and not by reason of the occurrence of any of the events mentioned in subsection (4), the solicitor shall not apply for another practising certificate until any of the events mentioned in subsection (4) has occurred; and if a practising certificate has been issued to him, that certificate shall cease to be in force.

[40/96]

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

[40/96]

### **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 wef 03/05/2011]

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

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

## PART IV

### PRIVILEGES OF ADVOCATES AND SOLICITORS

#### **Privileges of advocates and solicitors**

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

[15/89]

(2) Nothing in subsection (1) shall affect 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;

[Act 41 of 2014 wef 01/01/2015]

[Act 25 of 2014 wef 01/01/2015]

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

(c) the Director of Legal Aid and Assistant Directors of Legal Aid to appear and plead in those courts under the provisions of the Legal Aid and Advice Act (Cap. 160) or the International Child Abduction Act 2010.

[19/2008]

[27/2010 wef 01/03/2011]



(3) Notwithstanding 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 shall not be entitled to practise Singapore law except in accordance with Part IVA and any rules made under section 36M.

[19/2008]

[Act 40 of 2014 wef 18/11/2015]

### **Appointment of Senior Counsel**

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

[20/2009 wef 09/10/2009]

[15/89; 40/96]

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

[40/96]

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

[40/96]

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

[40/96]

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

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

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

[20/2009 wef 09/10/2009]

(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;

*[20/2009 wef 09/10/2009]*

*[Act 16 of 2016 wef 01/08/2016]*

*[Act 30 of 2017 wef 11/07/2017]*

(d) is convicted of an offence by a court of law in Singapore or elsewhere and sentenced to imprisonment for a term of not less than 12 months or to a fine of not less than \$2,000 and has not received a free pardon;

(e) becomes mentally disordered and incapable of managing himself or his affairs;

*[21/2008 wef 01/03/2010]*

(f) is an undischarged bankrupt; or

(g) enters into a composition with his creditors or a deed of arrangement with his creditors.

*[40/96; 20/2007; 19/2008]*

(5A) The appointment of a Senior Counsel shall be 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 Judges of the Supreme Court recommends that the appointment of the Senior Counsel be revoked.

*[19/2008]*

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

*[20/2009 wef 09/10/2009]*

*[15/89]*

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

*[15/89]*

(8) Any person who, on or after 1st June 2007, holds office as the Attorney-General, a Deputy Attorney-General or the Solicitor-

General shall, if he is not a Senior Counsel, be deemed to have been appointed as Senior Counsel under this section on that date or the date on which he is appointed Attorney-General, Deputy Attorney-General or Solicitor-General, whichever is the later.

[20/2007]

[Act 41 of 2014 wef 01/01/2015]

### **Order of precedence of Senior Counsel in court**

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

[Act 41 of 2014 wef 01/01/2015]

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

[15/89]

### **Requirements for practice and unauthorised persons**

**32.**—(1) Subject to this Part and Part IVA, no person shall practise as an advocate and solicitor or do any act as an advocate and solicitor unless —

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

[19/2008]

[Act 40 of 2014 wef 18/11/2015]

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

- (a) his name is not on the roll;
- (b) he 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 practises Singapore law otherwise than in

accordance with Part IVA and any rules made under section 36M.

[19/2008]

[Act 40 of 2014 wef 18/11/2015]

(3) A Judge may, if he 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 practice training period, and who is serving his 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;

[Act 27 of 2014 wef 01/10/2014]

(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

[Act 27 of 2014 wef 01/10/2014]

(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 wef 03/05/2011]

[Act 27 of 2014 wef 01/10/2014]

(4) A qualified person in respect of whom an application under subsection (3) has been granted shall be 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 expiration of 3 months after the last day of that qualified person's practice training period.

[8/2011 wef 03/05/2011]

**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 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 is duly qualified or authorised to act as an advocate or a solicitor, or that he is recognised by law as so qualified or authorised,

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

*[20/2007; 19/2008]*

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

- (a) draws or prepares any document or instrument relating to any movable or immovable property or to any legal proceeding;
- (b) takes instructions for or draws or prepares any papers on which to found or oppose a grant of probate or letters of administration;
- (c) *[Deleted by Act 8/2011 wef 03/05/2011]*
- (d) on behalf of a claimant or person alleging himself to have a claim to a legal right writes, publishes or sends a letter or

notice threatening legal proceedings other than a letter or notice that the matter will be handed to a solicitor for legal proceedings; or

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

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

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

[35/2001]

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

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

[20/2007]

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

[4/2000; 41/2005; 20/2007]

(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 prejudice to the liability of the body corporate) be liable to the punishments provided in subsection (5).

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

[41/2005]

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

(9) Any person who does any act in relation to a contemplated or instituted proceeding in the Supreme Court which is an offence under this section shall also be guilty of a contempt of the court in which the proceeding is contemplated or instituted and may be punished accordingly irrespective of whether he is prosecuted for the offence or not.

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

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

### **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;

[Act 41 of 2014 wef 01/01/2015]

- (b) the Public Trustee, the Official Assignee, Assistant Public Trustees and Assistant Official Assignees acting in the course of their duties under any law relating to those offices;

- (c) the Director of Legal Aid and Assistant Directors of Legal Aid acting in the course of their duties under the provisions of the Legal Aid and Advice Act (Cap. 160) or the International Child Abduction Act 2010;  
*[27/2010 wef 01/03/2010]*
- (d) any other public officer drawing or preparing instruments in the course of his duty;
- (e) any person acting personally for himself only in any matter or proceeding to which he is a party;
- (ea) any officer of a company or limited liability partnership who is duly authorised by the 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 or limited liability partnership, in accordance with the Family Justice Rules or the Rules of Court, in that matter or proceeding;  
*[8/2011 wef 03/05/2011]*  
*[Act 40 of 2014 wef 01/01/2015]*
- (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;  
*[8/2011 wef 03/05/2011]*  
*[Act 40 of 2014 wef 01/01/2015]*
- (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;

*[8/2011 wef 03/05/2011]*

- (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 has been instructed by an advocate and solicitor;
- (i) any accountant drawing or preparing documents in the exercise of his profession;
- (j) any proceeding before the Industrial Arbitration Court or the Syariah Court;
- (k) any person merely employed to engross any instrument or proceeding;
- (l) any public accountant drawing or preparing any instrument which he is empowered to do under any law for the time being in force relating to companies; or

*[Act 40 of 2014 wef 01/01/2015]*

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

*[35/2001; 23/2004]*

(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 wef 03/05/2011]*

(3) In this section —

“company” means a company incorporated under the Companies Act (Cap. 50);

“limited liability partnership” means a limited liability partnership registered under the Limited Liability Partnerships Act (Cap. 163A);

“manager”, in relation to a limited liability partnership, has the same meaning as in the Limited Liability Partnerships Act;

“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; or

(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;

“partner”, in relation to a limited liability partnership, has the same meaning as in the Limited Liability Partnerships Act;

“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.

*[Act 40 of 2014 wef 01/01/2015]*

*[Deleted by Act 40 of 2014 wef 01/01/2015]*

**Sections 32 and 33 not to extend to arbitration proceedings**

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

- (a) any arbitrator or umpire lawfully acting in any arbitration proceedings;
- (b) any person representing any party in arbitration proceedings; or
- (c) the giving of advice, preparation of documents and any other assistance in relation to or arising out of arbitration proceedings except for the right of audience in court proceedings.

[23/2004]

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

- (a) is governed by the Arbitration Act (Cap. 10) or the International Arbitration Act (Cap. 143A); or
- (b) would have been governed by either the Arbitration Act or the International Arbitration Act had the place of arbitration been Singapore.

[23/2004]

**Order to repay upon conviction under section 33**

**35A.**—(1) A court may, on the application of the Public Prosecutor, order any unauthorised person convicted of an offence under section 33(1), (2) or (3) or against whom a court has taken into consideration such an offence in sentencing him —

- (a) to repay any fee, gain or reward received in respect of any such offence to the person who made the payment; or
- (b) to pay any fee, gain or reward referred to in paragraph (a) to the Society for the benefit of the person who made the payment.

[20/2007]

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

[20/2007]

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

[20/2007]

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

[20/2007]

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

[20/2007]

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

[20/2007]

### **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.

(2) In this section —

“certified mediator”, “designated mediation service provider”, “mediation” and “mediator” have the same meanings as in 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.

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

(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.

*[Act 1 of 2017 wef 01/11/2017]*

### **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 shall be recoverable in any action, suit or matter by any person whomsoever.

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

(3) Subsection (2) shall not entitle any person (referred to in this subsection as the claimant) to recover from an unauthorised person

any payment that has been repaid to the claimant or paid to the Society for the benefit of the claimant under section 35A(1).

[20/2007]

## PART IVA

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

[Act 40 of 2014 wef 18/11/2015]

#### **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.

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

- (a) a reference to this Part shall be construed to include 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.

[Act 40 of 2014 wef 18/11/2015]

#### **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.

(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.

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

(a) notwithstanding anything to the contrary in Part IV —

(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.

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

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

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

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

(6) With effect from the prescribed date —

(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 shall be deemed to be registered under this section, subject to —

(i) the conditions referred to 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 shall be enforceable by the Director of Legal Services as if that undertaking was provided under section 177 or 36I (as the case may be).
- (7) The Attorney-General may transfer to the Director of Legal Services the particulars of and documents relating to any foreign lawyer referred to 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.
- (8) With effect from the prescribed date —
- (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, shall be 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 shall be deemed to be an undertaking provided by that foreign lawyer under section 177 or 36I (as the case may be).
- (9) The Attorney-General may transfer to the Director of Legal Services the particulars of and documents relating to any foreign lawyer referred to in subsection (8).

*[Act 40 of 2014 wef 18/11/2015]*

### **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.

(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.
- (3) A foreign lawyer who is registered under this section shall be entitled to such privileges as may be prescribed.
- (4) With effect from the prescribed date —
  - (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 shall be deemed to be registered under this section, subject to —
    - (i) the conditions referred to 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) 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 shall be enforceable by the Director of Legal Services as if that undertaking was provided under section 177 or 36I (as the case may be).
- (5) The Attorney-General may transfer to the Director of Legal Services the particulars of and documents relating to any foreign lawyer referred to 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.
- (6) With effect from the prescribed date —
  - (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, shall be 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 shall be deemed to be an undertaking provided by that foreign lawyer under section 177 or 36I (as the case may be).

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

*[Act 40 of 2014 wef 18/11/2015]*

### **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.

(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.

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

*[Act 40 of 2014 wef 18/11/2015]*

### **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.

(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.

(3) A solicitor who is registered under this section, and who has in force a practising certificate, shall be 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.

(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 shall affect the practice of the solicitor in the Singapore law practice.

(5) With effect from the prescribed date —

- (a) a solicitor who, immediately before that date, was registered under the repealed section 130N as in force immediately before that date shall be deemed to be registered under this section, subject to —
  - (i) the conditions referred to 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) such conditions as 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 shall be enforceable by the Director of Legal Services as if that undertaking was provided under section 177 or 36I (as the case may be).

(6) The Attorney-General may transfer to the Director of Legal Services the particulars of any solicitor referred to 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.

(7) With effect from the prescribed date —

(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, shall be 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 shall be deemed to be an undertaking provided by that solicitor under section 177 or 36I (as the case may be).

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

*[Act 40 of 2014 wef 18/11/2015]*

**36F.** *[Repealed by Act 22 of 2018 wef 18/04/2018]*

### **Registration of regulated non-practitioner**

**36G.**—(1) An individual who is not a regulated legal practitioner shall not be a director, partner or shareholder in, and shall 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.

(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.

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

(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.

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

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

*[Act 40 of 2014 wef 18/11/2015]*

### **Application for and renewal of registration under this Part**

**36H.**—(1) An application for any registration under this Part shall 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.

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

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

(4) The Director of Legal Services may renew any registration referred to 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.

(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.

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

(7) *[Deleted by Act 22 of 2018 wef 18/04/2018]*

(8) *[Deleted by Act 22 of 2018 wef 18/04/2018]*

*[Act 40 of 2014 wef 18/11/2015]*

### **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.

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

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

(4) The Director of Legal Services shall 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.

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

(6) The Director of Legal Services may, if he 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.

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

(a) issued in writing and shall 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.

(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).

(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 shall, with effect from that date, be deemed to be an undertaking provided under this section.

*[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 shall, with effect from that date, be deemed to be guidelines or directions (as the case may be) issued by the Director of Legal Services under this section.

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

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

*[Act 40 of 2014 wef 18/11/2015]*

### **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.

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

(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.

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

*[Act 40 of 2014 wef 18/11/2015]*

### **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 is employed or is practising law shall not be 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).

(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

*[Act 22 of 2018 wef 18/04/2018]*

*[Act 22 of 2018 wef 18/04/2018]*

- (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 is employed or is practising law shall not be 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).

*[Act 40 of 2014 wef 18/11/2015]*

### **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.

(2) Whenever it appears to the Director of Legal Services that any person referred to 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.

(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.

(4) Notwithstanding 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 (referred to in this section as 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.

(5) Nothing in this section shall be construed to prevent 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.

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

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

(8) Rules of Court may be made to —

(a) regulate and prescribe the procedure and practice to be followed in respect of proceedings under this section; and

(b) provide for costs and fees of such proceedings, and for regulating any matter relating to the costs of such proceedings.

(9) This section shall apply notwithstanding that any disciplinary action has been taken against the foreign lawyer, 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).

*[Act 40 of 2014 wef 18/11/2015]*

### **Rules for this Part**

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

(2) Without prejudice to the generality of subsection (1), the Minister may 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 can be registered under section 36B;
- (h) to prescribe the examinations which a foreign lawyer must pass before he 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 referred to in paragraph (f), courses referred to in paragraph (g) or examinations referred to in paragraph (h);

- (j) to require a foreign lawyer referred to 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 prejudice to the generality of 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.

*[Act 40 of 2014 wef 18/11/2015]*

### **Powers of Minister in relation to registration requirements**

**36N.**—(1) Without prejudice to 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 standing and

experience or for any other cause, a fit and proper person to be so exempted.

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

[Act 40 of 2014 wef 18/11/2015]

## PART IVB

### FOREIGN REPRESENTATION IN SINGAPORE INTERNATIONAL COMMERCIAL COURT

#### **Interpretation of this Part**

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

“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 Judge of the Supreme Court, a Judicial Commissioner of the Supreme Court or a Senior Judge of the Supreme Court;

“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 High Court constituted under section 18A of the Supreme Court of Judicature Act.

*[Act 22 of 2018 wef 18/04/2018]*

(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.

*[Act 40 of 2014 wef 01/01/2015]*

### **Registration of foreign lawyer to act in relation to relevant proceedings**

**36P.**—(1) Notwithstanding anything to the contrary in this Act, but without prejudice to 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 Court of Appeal 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.

(2) Notwithstanding anything to the contrary in this Act, but without prejudice to 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 Court of Appeal, in accordance with the Rules of Court;



- (b) appear in the Court of Appeal 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 Court of Appeal, 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 Court of Appeal, in accordance with the Rules of Court.

(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.

(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.

(5) An application for a foreign lawyer to be registered under this section shall 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.

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

(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.

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

(9) An International Judge of the Supreme Court 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.

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

(11) No appeal shall lie from —

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

*[Act 40 of 2014 wef 01/01/2015]*

### **Appointing committee**

**36Q.**—(1) The Chief Justice shall 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 Judge of the Supreme Court or Judicial Commissioner of the Supreme Court; 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.

(2) A member of the appointing committee shall be appointed for a term of 2 years and shall be eligible for reappointment.

(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.

(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.

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

(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; and
- (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.

(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) shall, as soon as practicable after the cessation, notify the appointing committee in writing of the cessation; and
- (b) the appointing committee shall, 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.

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

(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).

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

*[Act 40 of 2014 wef 01/01/2015]*

**Instructing authority**

**36R.**—(1) The Minister may, by notification published 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); and
- (c) making an application under section 36U(1).

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

*[Act 40 of 2014 wef 01/01/2015]*

**Complaints against foreign lawyers registered under section 36P**

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

- (a) to have his registration under section 36P 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).

(2) Any complaint of the conduct of a foreign lawyer who is registered under section 36P —

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

(3) No statutory declaration shall be required if the complaint is made by a Judge, by an International Judge of the Supreme Court, by

the Attorney-General, by the Council or by any public officer acting in the course of the public officer's duties.

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

- (a) furnish the foreign lawyer 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.

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

- (a) a chairman, who shall be a person who has at any time held office as a Judge of the Supreme Court or Judicial Commissioner of the Supreme Court;
- (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.

(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.

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

(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) shall, 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.
- (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 —
- (a) the secretary of the complaints committee shall notify in writing the Chief Justice, the Registrar, the complainant and the foreign lawyer of the opinion of the complaints committee;
  - (b) the Registrar shall, 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 shall, 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; and
  - (d) the solicitor appointed to conduct those proceedings shall frame the charge or charges preferred against the foreign lawyer, 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.

(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 on the basis that there is a *prima facie* case for an investigation into the complaint —

- (a) the Registrar shall notify in writing the Chief Justice, the complaints committee, the appointing committee, the instructing authority, the complainant and the foreign lawyer of the direction of the Judge;
- (b) the appointing committee shall, 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; and
- (c) the solicitor appointed to conduct those proceedings shall frame the charge or charges preferred against the foreign lawyer, 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.

(11) Where subsection (9) or (10) applies, the complaints committee shall give the foreign lawyer a reasonable opportunity to be heard by the complaints committee, and shall, within 16 weeks after the date on which the charge or charges preferred against the foreign lawyer 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; and
- (b) determine that —
  - (i) no cause of sufficient gravity for disciplinary action exists against the foreign lawyer;



- (ii) while no cause of sufficient gravity for disciplinary action exists against the foreign lawyer, the foreign lawyer 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.

(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) 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).

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

- (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 concerned and the instructing authority.

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

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

- (a) the Registrar shall, 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 shall, 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 concerned and to conduct all proceedings relating to the application; and

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

(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 concerned; and
- (b) in such order, specify the amount of those costs or direct that the amount be taxed by the Registrar.

(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.

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

- (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).

(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.

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

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

(22) Any resolution or decision in writing signed by all the members of a complaints committee shall be 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.

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

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

(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 concerned and the secretary of the complaints committee may sue out subpoenas to testify or to produce documents.

(26) No person shall 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.

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

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

(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.

(30) Any person who refuses or fails, without reasonable excuse, 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.

*[Act 40 of 2014 wef 01/01/2015]*

### **Application for review of decision of complaints committee**

**36T.**—(1) Where a complaints committee has made a determination under section 36S(8)(a)(ii) or (11)(b)(i) or (ii), the complainant, the foreign lawyer 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.

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

(a) the instructing authority shall, 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) or (11)(b)(i) or (ii), notify the appointing committee in writing of the intention;

(b) the appointing committee shall, 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 shall file the application on behalf of the instructing authority within one month after the date on which the solicitor is appointed.

(3) An application under subsection (1) shall 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 concerned, if the foreign lawyer is not the applicant;

- (iii) the instructing authority, if the instructing authority is not the applicant; and
- (iv) the secretary of the complaints committee.

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

(5) The Judge hearing the application —

(a) shall have 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 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.

(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 shall, 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 shall file the application on behalf of the instructing authority within one month after the date on which the solicitor is appointed.

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

*[Act 40 of 2014 wef 01/01/2015]*

### **Application for cancellation of registration under section 36P, etc.**

**36U.**—(1) An application for an order that a foreign lawyer who is registered under section 36P —

- (a) have his registration under section 36P 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),

shall be made by originating summons.

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

(3) The court of 3 Judges —

- (a) shall have 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 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.
- (4) The Chief Justice or any other Judge of the Supreme Court shall not be a member of the court of 3 Judges when the application under subsection (1) is in respect of a complaint made by him.
- (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 shall be prohibited from reapplying for such registration until after that date; or
  - (b) in any other case, the foreign lawyer shall be permanently prohibited from reapplying for registration under section 36P.

*[Act 40 of 2014 wef 01/01/2015]*

### **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.

(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.

*[Act 40 of 2014 wef 01/01/2015]*



**Provisions as to penalties payable under this Part**

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

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

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

*[Act 40 of 2014 wef 01/01/2015]*

**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.

(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.

*[Act 40 of 2014 wef 01/01/2015]*

**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.

(2) Without prejudice to the generality of 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;
- (c) to provide, without prejudice to the generality of 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;
- (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; 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;
- (f) to require the submission of information and particulars relating to any foreign lawyer registered under section 36P;
- (g) to provide for the form and manner in which the register of foreign lawyers registered under section 36P 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;
- (j) for regulating the professional practice, etiquette and conduct of foreign lawyers registered under section 36P;
- (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.

*[Act 40 of 2014 wef 01/01/2015]*

## PART V

### THE LAW SOCIETY OF SINGAPORE

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

#### **Establishment of Society**

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

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

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

#### **Purposes and powers of Society**

**38.—**(1) The purposes of the Society shall be —

- (a) to maintain and improve the standards of conduct and learning of the legal profession in Singapore;

- (b) to facilitate the acquisition of legal knowledge by members of the legal profession and others;
- (c) to assist the Government and the courts in all matters affecting legislation submitted to it, and the administration and practice of the law in Singapore;
- (d) to represent, protect and assist members of the legal profession in Singapore and to promote in any manner the Society thinks fit the interests of the legal profession in Singapore;
- (e) to establish a library and to acquire or rent premises to house the library, offices of the Society or amenities for the use of members;
- (f) to protect and assist the public in Singapore in all matters touching or ancillary or incidental to the law;
- (g) to make provision for or assist in the promotion of a scheme whereby impecunious persons on non-capital charges are represented by advocates;
- (h) to grant prizes and scholarships and to establish and subsidise lectureships in educational institutions in subjects of study relating to law;
- (i) to grant pecuniary or other assistance to any association, institute, board or society in Singapore in the interests of the profession of law or of students for that profession;
- (j) to afford pecuniary and other assistance to members or former members and to the wives, widows, children and other dependants, whether of members, former members or deceased members who are in need of any such assistance;
- (k) to promote good relations and social intercourse among members and between members and other persons concerned in the administration of law and justice in Singapore; and
- (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.

[30/86]

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

- (a) purchase or lease any land or building required for any of the purposes of the Society;
- (b) sell, surrender, lease, exchange or mortgage any land or building as may be found most convenient or advantageous;
- (c) borrow money whether by way of bank overdraft or otherwise for such of the purposes of the Society as the Society may from time to time consider desirable;
- (d) exercise such powers or functions as may be conferred upon the Society by this Act or any other written law; and
- (e) do all such other things as are incidental or conducive to the achievement or betterment of the purposes of the Society.

[4/2000]

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

### *Division 2 — Members of Society and subscriptions*

#### **Membership**

**39.** The membership of the Society shall consist of the following:

- (a) all advocates and solicitors who are members of the Society by reason of section 40;
- (b) all 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);

[Act 40 of 2014 wef 18/11/2015]

- (c) all persons who are admitted to membership of the Society under section 41; and

*[Act 40 of 2014 wef 18/11/2015]*

- (d) all persons who are elected as honorary members under section 42.

*[20/2007]*

*[Act 40 of 2014 wef 18/11/2015]*

### **Practising solicitors to be members**

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

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

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

### **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),

shall, without election, admission or appointment, become a member of the Society and remain a member under this section so long and only so long as his registration or approval, as the case may be, continues in force.

(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,

shall be admitted as a member of the Society and remain a member under this section so long and only so long as his registration continues in force.

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

*[Act 40 of 2014 wef 18/11/2015]*

### **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 shall 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 wef 18/11/2015]*
- (c) any qualified person (not being an advocate and solicitor) who is ordinarily resident in Singapore.

*[35/2001; 19/2008]*

(1A) Subject to subsection (5), any of the following persons (not being an advocate and solicitor, a foreign lawyer referred to in section 40A, or a qualified person referred to in subsection (1)) may be admitted as a member of the Society on his 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

*[Act 16 of 2016 wef 01/08/2016]*

*[Act 16 of 2016 wef 01/08/2016]*

*[Act 30 of 2017 wef 11/07/2017]*

- (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).

[19/2008]

[Act 40 of 2014 wef 18/11/2015]

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

[19/2008]

(3) Subsection (1) shall 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
- [Act 40 of 2014 wef 18/11/2015]
- (c) [Deleted by Act 40 of 2014 wef 18/11/2015]
  - (d) [Deleted by Act 40 of 2014 wef 18/11/2015]
  - (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.

[19/2008]

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



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

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

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

*[Act 40 of 2014 wef 18/11/2015]*

(b) *[Deleted by Act 40 of 2014 wef 18/11/2015]*

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

*[19/2008]*

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

*[19/2008]*

### **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 shall have the same rights and privileges.

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

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

### **Expulsion and suspension of rights and privileges**

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

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

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

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

*[Act 40 of 2014 wef 18/11/2015]*

### **Termination of membership**

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

### **Annual subscription to Society**

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

*[20/2007]*

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

*[20/2007]*

*[Act 40 of 2014 wef 18/11/2015]*

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

- (a) if he 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 becomes a member of the Society under section 40A(1); and
  - (ii) in each subsequent year in which his registration or approval (as the case may be) continues in force, not

later than the anniversary of the date referred to in sub-paragraph (i); or

(b) if he 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 is admitted as a member of the Society under section 40A(2); and

(ii) in each subsequent year in which his registration continues in force, not later than the anniversary of the date referred to in sub-paragraph (i).

*[Act 40 of 2014 wef 18/11/2015]*

(1C) *[Deleted by Act 8/2011 wef 03/05/2011]*

(1D) *[Deleted by Act 8/2011 wef 03/05/2011]*

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

*[20/2007]*

(3) The subscriptions payable by non-practitioner members shall at no time exceed the lowest subscription payable by practitioner members for the corresponding period.

*[Act 40 of 2014 wef 18/11/2015]*

(3A) The subscriptions payable by associate members shall at no time exceed the highest subscription payable by practitioner members for the corresponding period.

*[20/2007]*

*[Act 40 of 2014 wef 18/11/2015]*

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

*[20/2007]*

*[Act 40 of 2014 wef 18/11/2015]*

(5) The total of the annual subscription payable under subsection (1), the levies payable under subsection (4) and the

annual contribution payable under section 75 shall not in any calendar year exceed \$500 per practitioner member without the approval of a general meeting of the Society.

[17/84; 20/2007]

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

[17/84; 20/2007]

[8/2011 wef 03/05/2011]

[Act 40 of 2014 wef 18/11/2015]

(7) [Deleted by Act 8/2011 wef 03/05/2011]

### *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 shall be a Council.

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

#### **Statutory members**

**48.—**(1) The following persons shall be statutory members of the Council each time it is constituted:

- (a) the immediate past President of the Society;
- (b) not more than 3 advocates and solicitors appointed by the Minister to sit on the Council; and

- (c) not more than 3 advocates and solicitors appointed by the Council to sit on the Council as soon as practicable after it is constituted.

[35/2001]

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

[35/2001]

### **Elected members**

**49.**—(1) There shall 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 nomination for election to the Council;

[Act 16 of 2016 wef 01/08/2016]

- (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 nomination for election to the Council; and

[Act 16 of 2016 wef 01/08/2016]

- (c) 4 practitioner members, each of whom is an advocate and solicitor of less than 5 years' standing on the day of his nomination for election to the Council.

[Act 16 of 2016 wef 01/08/2016]

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

(3) Subject to subsection (4), a practitioner member who has been struck off the roll or suspended from practising as an advocate and solicitor for a period of 6 months or more or has been convicted of an offence involving fraud or dishonesty shall not be eligible for election or appointment as a member of the Council.

[30/86]

(4) A practitioner member may, after a period of 5 years following the date of his conviction or the date he was reinstated to the roll or the date of the expiry of his suspension, whichever is the later, with

the leave of a court of 3 Judges of the Supreme Court, one of whom shall be the Chief Justice, be eligible for election or appointment as a member of the Council.

[30/86; 41/93]

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

[30/86]

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

[30/86; 42/2005]

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

- (a) notice of intention to apply therefor and all documents in support thereof have been served at least 14 clear days before the date of the hearing on the Attorney-General and on the Society, either or both of whom may be represented at the hearing of, and may oppose, the application;
- (b) the applicant satisfies the court that his conduct since his conviction, striking-out or suspension did not make him unfit to be a member of the Council; and
- (c) the applicant exhibits affidavits of at least 2 practitioner members who are and have been in active practice in Singapore for a total of not less than 5 out of the 7 years immediately preceding the date of the application attesting to the applicant's good behaviour from the date of his conviction, striking-out or suspension and stating whether in their opinion he is a fit and proper person to be a member of the Council.

[30/86]

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

that he has obtained the leave of the court under subsection (4) for election or appointment as a member of the Council.

[30/86]

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

[30/86]

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

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

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

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

#### *Division 4 — Election of members of Council*

### **Compulsory voting**

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

- (a) if he is an advocate and solicitor of not less than 15 years' standing, he shall vote for the election of the members of the Council under section 49(1)(a);

[Act 16 of 2016 wef 01/08/2016]

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

[Act 16 of 2016 wef 01/08/2016]

- (c) if he is an advocate and solicitor of less than 5 years' standing, he shall vote for the election of the members of the Council under section 49(1)(c).

[Act 16 of 2016 wef 01/08/2016]

(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 shall not be entitled to apply for a practising certificate unless he —

- (a) satisfies the Registrar that he was not in Singapore at the time of the election or had a good and sufficient reason for not voting at the last election to the Council; or
- (b) pays a penalty of \$500 to the Society.

[35/2001]

[Act 22 of 2018 wef 18/04/2018]

## Elections

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

- (a) the date of nomination which shall be in the second week of the month of October that year;
- (b) the date of election which shall be in the last week of the month of October that year; and

[Act 16 of 2016 wef 01/08/2016]

(c) [*Deleted by Act 16 of 2016 wef 01/08/2016*]

(d) the names of 3 scrutineers.

[17/84]

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

[35/2001]

[Act 16 of 2016 wef 01/08/2016]

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

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



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

*[Act 16 of 2016 wef 01/08/2016]*

- (c) *[Deleted by Act 16 of 2016 wef 01/08/2016]*

- (d) the names of 3 scrutineers.

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

*[35/2001]*

*[Act 16 of 2016 wef 01/08/2016]*

(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 shall not invalidate an election.

## **Nominations**

**52.** Every nomination of a candidate for election —

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

## **Insufficient nominations**

**53.—**(1) If only so many candidates are nominated for election to the Council as are required to be elected, those candidates shall be deemed to be elected; if fewer, the candidates nominated shall be deemed to have been elected and they together with the statutory members of the Council and the continuing elected members of the Council, if any, shall appoint further members to complete the required number to satisfy the requirements of section 49(1).

(2) If, at any election to be held under section 51(3), no nominations are made for the election of members of the Council, the Chief Justice

shall, after consulting the statutory members of the Council, if any, appoint to be members of the Council a sufficient number of persons who satisfy the requirements as to standing set out in section 49(1).

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

### **Council's term of office**

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

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

### **Casual vacancies**

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

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

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

### *Division 5 — Officers of Council*

#### **President, Vice-Presidents and Treasurer**

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

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

[40/96]

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

[40/96]

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

[40/96]

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

[40/96]

### **Vacation of office of member of Council**

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

- (a) he has been struck off the roll or suspended from practising as an advocate and solicitor or has been convicted of an offence involving fraud or dishonesty;
- (b) he becomes mentally disordered and incapable of managing himself or his affairs;
- (c) he is an undischarged bankrupt;
- (d) he has entered into a composition with his creditors or a deed of arrangement for the benefit of his creditors; or

[21/2008 wef 01/03/2010]

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

[30/86; 15/95]

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

- (a) being elected under section 49(1), he ceases for any reason to have in force a practising certificate;
- (b) he resigns his seat on the Council; or
- (c) he is absent from 3 consecutive meetings of the Council without its consent.

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

[30/86]

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

[30/86]

### *Division 6 — Powers of Council*

#### **General powers of Council**

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

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

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

### Specific powers of Council

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

- (a) to make rules to provide for all matters not expressly reserved to the Society in general meeting whether they are expressed among its powers or not;
- (aa) without prejudice to the generality of 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;  
*[Act 40 of 2014 wef 01/01/2015]*
- (b) to answer questions affecting the practice and etiquette of the profession and the conduct of members thereof;
- (c) to take cognizance of anything affecting the Society or the professional conduct of its members and to bring before any general meeting of the Society any matter which it considers material to the Society or to the interests of the profession and make any recommendations and take such action as it thinks fit in relation thereto;
- (d) to examine and if it thinks fit to report upon current or proposed legislation submitted to it and any other legal matters;
- (e) to represent members of the Society or any section thereof in any matter which may be necessary or expedient;
- (f) to found prizes and scholarships for students of law and to lay down the conditions for their award as it thinks fit;
- (g) to appoint in its discretion such officers, clerks, agents and servants for permanent, temporary or special services as it may from time to time think fit and to determine their duties and terms of service;
- (h) to purchase, rent or otherwise acquire and furnish suitable premises for the use of the Society;

- (i) to communicate from time to time with other similar bodies and with members of the profession in other places for the purpose of obtaining and communicating information on all matters likely to prove beneficial or of interest to members;
- (j) to institute, conduct, defend, compound or abandon any legal proceedings by and against the Society or its officers or otherwise concerning the affairs of the Society and to compound and allow time for payment or satisfaction of any debts due or of any claims or demands made by or against the Society;
- (k) to refer any claims or demands by or against the Society to arbitration and to observe and perform every award made as a result of the arbitration and to nominate arbitrators if so requested;
- (l) to make and give receipts, releases and other discharges for moneys payable to and for claims and demands of the Society;
- (m) to invest the moneys of the Society in such manner as it thinks fit and engage in any financial activity or participate in any financial arrangement for the purpose of managing or hedging against any financial risk that arises or is likely to arise from such investment;
- (n) to form or participate in the formation of any company for the purpose of carrying out all or any of the functions of the Society;
- (o) from time to time to borrow or raise money by bank overdraft or otherwise by the issue of debentures or any other securities founded or based upon all or any of the property and rights of the Society or without any such security and upon such terms as to priority or otherwise as the Council thinks fit; and
- (p) to exercise all such powers, privileges and discretions as are not by this Act expressly and exclusively required to be

exercised by the members of the Society in general meeting.

*[30/86; 40/96; 45/2004]*

(2) Rules made by the Council under this section shall not come into operation until 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.

*[Act 40 of 2014 wef 18/11/2015]*

### **Appointment of committees of Council**

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

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

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

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

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

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

**61.** The Council shall be entitled —

(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.

*[4/2000; 41/2005]*

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

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

**Representation in court**

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



*Division 7 — Proceedings of Council***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.

*[19/2008]*

(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.

*[19/2008]*

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

*[19/2008]*

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

*[19/2008]*

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

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

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

**Passing of resolution of Council by written means**

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

*[19/2008]*

(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.

[19/2008]

(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.

[19/2008]

(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.

[19/2008]

### **Expenses of members**

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

### **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 shall be maintained in all proceedings conducted by the Council, its staff and the Review Committee or Inquiry Committee.

[15/89; 19/2008]

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

[41/93]

*Division 8 — General meetings of Society***Annual general meeting**

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

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

[41/93]

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

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

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

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

**Extraordinary general meeting**

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

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

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

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

## Voting

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

## Convening and procedure

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

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

## PART VA

### PREVENTION OF MONEY LAUNDERING AND FINANCING OF TERRORISM

*[Act 40 of 2015 wef 23/05/2015]*

## Interpretation of this Part

**70A.—(1)** This Part relates to the measures which a legal practitioner or law practice shall 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.

(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.

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

*[Act 40 of 2015 wef 23/05/2015]*

### **Prohibition against anonymous accounts**

**70B.** A legal practitioner or law practice shall 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.

*[Act 40 of 2015 wef 23/05/2015]*

**Customer due diligence measures**

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

*[Act 40 of 2015 wef 23/05/2015]*

**Suspicious transaction reporting**

**70D.** Where a legal practitioner or law practice knows or has reasonable grounds to suspect any matter referred to in section 39(1) of the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act (Cap. 65A), the legal practitioner or law practice shall, in accordance with section 39 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.

*[Act 40 of 2015 wef 23/05/2015]*

**Keeping of records**

**70E.—(1)** A legal practitioner shall 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.

(2) A law practice shall 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.

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

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

*[Act 40 of 2015 wef 23/05/2015]*

### **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.

(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 shall provide to the Council, or to any person appointed by the Council under subsection (1), the document, information or explanation.

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

(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.

(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.

*[Act 40 of 2015 wef 23/05/2015]*

### **Contravention of this Part**

**70G.**—(1) Disciplinary proceedings may be taken against any legal practitioner who contravenes this Part.

(2) Such regulatory action as may be prescribed may be taken against any law practice which contravenes this Part.

*[Act 40 of 2015 wef 23/05/2015]*

### **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.

(2) Without prejudice to the generality of 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.

*[Act 40 of 2015 wef 23/05/2015]*

## PART VI

### PROFESSIONAL PRACTICE, CONDUCT AND DISCIPLINE

*[Act 40 of 2014 wef 18/11/2015]*

#### **Professional Conduct Council and rules as to professional practice, etiquette, conduct and discipline, etc.**

**71.—**(1) For the purposes of this section, there shall be a Professional Conduct Council consisting of —

- (a) the Chief Justice, who shall be the Chairman of the Professional Conduct Council;
- (b) the Attorney-General;
- (c) the President of the Society;
- (d) a Judge of the Supreme Court 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 and not more than 3 advocates and solicitors, each of whom shall be appointed by the Chief Justice for such period as the Chief Justice may specify in writing;
- (h) at least one and not more than 3 foreign lawyers, each of whom is registered under section 36B, 36C or 36D and shall be 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.

(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, every Joint Law Venture, every Formal Law Alliance, every Qualifying Foreign Law Practice and every licensed foreign law practice.

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

- (a) empower the Council to take such action as 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 such action as may be necessary to enable him to ascertain whether or not any rules made under subsection (2)(c) are being complied with.

(4) Upon an application made by any person or entity specified in the following paragraphs, the Professional Conduct Council may, in its discretion, 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.

(5) An exemption granted to a person or an entity under subsection (4) —

- (a) may be subject to such conditions as the Professional Conduct Council may think fit to impose by notice in writing to the person or entity;
- (b) shall be notified in writing to the person or entity; and
- (c) need not be published in the *Gazette*.

(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.

(7) The rules made under subsection (2) shall, to the extent of any inconsistency, prevail 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.

(8) The practice directions, guidance notes and rulings issued under subsection (6) shall, to the extent of any inconsistency, prevail over any practice directions, guidance notes and rulings (relating to professional practice, etiquette, conduct and discipline) issued by the Council or the Society.

(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) shall continue in force until they are revoked by the Council or the Society (as the case may be).

(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.

(11) A committee appointed under subsection (10) may include persons who are not members of the Professional Conduct Council.

(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).

(13) Every committee appointed under subsection (10) shall report to the Professional Conduct Council.

(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).

(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).

*[Act 40 of 2014 wef 18/11/2015]*

**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 partners, clerks or servants, of an account at a bank for moneys of any trust of which he is such a sole trustee or co-trustee;
- (d) as to the keeping by every solicitor referred to in paragraph (c) of accounts containing particulars and information as to moneys received, held or paid by him 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 referred to in paragraph (a) or (c), whether such withdrawal is authorised or effected by the solicitor signing any cheque or other instrument or otherwise; and
- (e) empowering the Council to take such action as may be necessary to enable them to ascertain whether or not the rules are being complied with.

[19/2008]

(2) Any rules made under this section may provide for the manner in which the matters referred to in subsection (1) shall apply to law corporations or to limited liability law partnerships.

[4/2000; 41/2005; 19/2008]

[17/2011 wef 01/08/2011]

(2A) Any rules made under this section shall —

- (a) subject to sections 36M and 184, apply only to Singapore law practices and solicitors practising therein; and

[Act 40 of 2014 wef 18/11/2015]

(b) be subject to any rules made under section 73D of the Conveyancing and Law of Property Act (Cap. 61).

*[17/2011 wef 01/08/2011]*

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

*[17/2011 wef 01/08/2011]*

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

*[19/2008]*

(1A) A solicitor shall not be required to deliver an accountant's report under subsection (1) in respect of any practice of Singapore law by him in a Joint Law Venture or its constituent foreign law practice, a Qualifying Foreign Law Practice or a licensed foreign law practice.

*[19/2008]*

(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, the report shall —

- (a) state that in compliance with this section and rules made thereunder the accountant has examined the books, accounts and documents of the Singapore law practice for the said accounting period;
- (b) state whether or not the accountant is satisfied, from his examination of the books, accounts and documents produced to him and from the information and explanations given to him, that during the said accounting period the 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 he is not so satisfied;
- (d) contain such information as may be prescribed by rules made by the Council under this section; and
- (e) be delivered to the Society not more than 6 months (or such other period as may be prescribed by any rules made under this section) after the end of the said accounting period.

*[4/2000; 41/2005; 19/2008]*

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

- (a) begin at the expiry of the last preceding accounting period for which an accountant's report has been delivered;
- (b) cover not less than 12 months;
- (c) terminate not more than 12 months, or such 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), correspond to a period or consecutive periods for which the accounts of the Singapore law practice in which the solicitor practised are ordinarily made up.

*[4/2000; 41/2005; 19/2008]*

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

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

*[4/2000; 41/2005; 19/2008]*

- (5) Such rules may include provision for —
- (a) permitting in such special circumstances as may be defined in the rules a different accounting period from that specified in subsection (3); and
  - (b) regulating any matters of procedure or matters incidental, ancillary or supplemental to this section.
- (6) Rules made under this section shall not come into operation until they have been approved by the Chief Justice who shall consult the Attorney-General and may, if he thinks fit, consult any of the other Judges before giving his approval.
- (7) Disciplinary proceedings may be taken against any solicitor who fails to comply with this section or any rules made thereunder.
- (8) This section shall not apply to a solicitor who applies for a practising certificate to practise as a locum solicitor.

[23/2004]

### **Intervention in solicitor's practice**

**74.**—(1) Subject to subsection (2), the powers conferred by Part II of the First Schedule shall be exercisable in the circumstances specified in Part I of that Schedule.

[40/96; 19/2008]

(2) The First Schedule shall apply, 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

[Act 40 of 2014 wef 18/11/2015]

- (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 wef 03/05/2011]

[Act 40 of 2014 wef 18/11/2015]

(3) The Minister may make rules to prescribe the modifications to be made to the First Schedule for the purposes of subsection (2).

[19/2008]

[Act 40 of 2014 wef 18/11/2015]



## Compensation Fund

**75.—**(1) The Society shall maintain and administer in accordance with this section a fund to be known as the Compensation Fund (referred to in this section as the Fund).

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

*[Act 40 of 2014 wef 18/11/2015]*

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

*[20/2007]*

(3A) Every foreign lawyer who —

(a) is registered under section 36B; or

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

shall, while his 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 shall pay that contribution to the Fund.

*[Act 40 of 2014 wef 18/11/2015]*

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

(a) if he is registered under section 36B, in each year not later than 14 days after the date of issue of his foreign practitioner certificate; or

*[Act 40 of 2014 wef 18/11/2015]*

(b) if he 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.

*[Act 40 of 2014 wef 18/11/2015]*

(3C) *[Deleted by Act 8/2011 wef 03/05/2011]*

(3D) *[Deleted by Act 8/2011 wef 03/05/2011]*

(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 shall have all the powers vested in trustees under the law for the time being in force in Singapore.

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

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

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

- (a) all annual contributions paid to the Society 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 shall be applicable —

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

(10) If in any year no grant is made from the Fund, and there is no application for a grant from the Fund that is pending at the end of that year, the Council may, in its discretion, transfer from the Fund all interest, dividends and other accretions of capital arising from the Fund or any part thereof to a fund of the Society established for the purposes of purchasing or maintaining a library for the use of the members of the Society.

*[Act 16 of 2016 wef 01/08/2016]*

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

- (a) any solicitor or employee of a solicitor in connection with that solicitor's practice in Singapore as a solicitor or in connection with any trust in Singapore of which that solicitor is a trustee;

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

*[41/2005; 20/2007; 19/2008]*

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

*[4/2000; 41/2005]*

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

*[20/2007]*

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

- (a) the Society shall, to the amount of the grant, be subrogated to any rights and remedies in respect of the loss of the person to whom the grant is made or of the solicitor, foreign lawyer, clerk or servant; and
- (b) the person to whom the grant is made shall have no right under bankruptcy or other legal proceedings or otherwise to receive any sum out of the assets of the solicitor, foreign

lawyer, clerk or servant in respect of the loss until the Society has been reimbursed the full amount of its grant.

[20/2007]

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

[20/2007]

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

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

### **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 practice or with any trust of which he 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.

[10/91; 4/2000; 41/2005]

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

- (a) authorise or require the Society to establish and maintain one or more funds;
- (b) authorise or require the Society to take out and maintain insurance with authorised insurers; or
- (c) require all advocates and solicitors making application for a practising certificate and all law corporations and limited liability law partnerships to take out and maintain insurance with authorised insurers.

[10/91; 4/2000; 41/2005]

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

- (a) specify the terms and conditions on which indemnity is to be available, and any circumstances in which the right to it is to be excluded or modified;
- (b) provide for the management, administration and protection of any fund maintained by virtue of subsection (2)(a) and require all advocates and solicitors who have in force practising certificates and all law corporations and limited liability law partnerships to make 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 such rules, subject to such limits, or in accordance with such provisions, as may be prescribed by those rules;
- (f) specify circumstances in which, where an advocate and solicitor or a law corporation or a limited liability law partnership for whom indemnity is provided has failed to comply with such rules or to make payment for such

indemnity, the Society or the insurers may take proceedings against the advocate and solicitor or the law corporation or the limited liability law partnership in respect of sums paid by way of indemnity in connection with a matter in relation to which the advocate and solicitor or the law corporation or the limited liability law partnership has failed to comply;

- (g) specify the circumstances in which advocates and solicitors or law corporations or limited liability law partnerships are exempt from such rules; and
- (h) empower the Council to take such steps as it considers necessary or expedient to ascertain whether or not the rules are being complied with.

*[10/91; 4/2000; 41/2005; 20/2007]*

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

*[10/91]*

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

*[10/91]*

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

*[41/2005]*

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

*[20/2007]*

### **Redress for inadequate professional services**

**75B.**—(1) Subject to subsection (2), the Second Schedule shall have effect with respect to the provision by solicitors of services on or

after 1st September 1998 which are not of the quality which it is reasonable to expect of them.

[40/96; 19/2008]

(2) The Second Schedule and any rules made under paragraph 11 of that Schedule shall 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 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 him.

[19/2008]

[Act 40 of 2014 wef 18/11/2015]

(2A) The Second Schedule and any rules made under paragraph 11 of that Schedule shall 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 practice of Singapore law; and
- (b) are not of the quality which it is reasonable to expect of him.

[8/2011 wef 03/05/2011]

[Act 40 of 2014 wef 18/11/2015]

(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).

[19/2008]

[8/2011 wef 03/05/2011]

[Act 40 of 2014 wef 18/11/2015]



**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 own account or in partnership (whether in a law firm or a limited liability law partnership) or as a director of a law corporation unless he —

- (a) has successfully completed such legal practice management course within such time as the Council may by rules made under section 59 prescribe; and

*[Act 40 of 2014 wef 18/11/2015]*

- (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 wef 09/10/2009]*

*[40/96; 4/2000; 41/2005; 20/2007; 19/2008]*

(2) The Council may, with the approval of the Minister, exempt a solicitor from subsection (1)(a) or shorten any period referred to in subsection (1)(b) and (c) if it is satisfied that the solicitor has gained substantial experience in law in Singapore or elsewhere.

*[40/96]*

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

*[20/2007]*

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

*[20/2007; 19/2008]*

(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.

[40/96; 20/2007]

(6) [*Deleted by Act 20/2009 wef 09/10/2009*]

### **Qualification to use title of consultant**

**75D.**—(1) Subject to subsection (1A), no solicitor shall take or use the title of consultant unless he has, for a period of not less than 10 years in the aggregate, been —

- (a) a solicitor in practice;
- (b) a relevant legal officer;

[20/2009 wef 09/10/2009]

- (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

[Act 16 of 2016 wef 01/08/2016]

[Act 30 of 2017 wef 11/07/2017]

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

[40/96; 20/2007]

[8/2011 wef 03/05/2011]

(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 capacity as a foreign lawyer, nothing in subsection (1) shall affect his qualification to use that title in relation to that capacity.

[8/2011 wef 03/05/2011]

[Act 40 of 2014 wef 18/11/2015]

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

[40/96; 20/2007]

**Solicitors who are commissioners for oaths or notaries public**

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

**Solicitor not to act as agent for any unauthorised person**

**77.—(1)** No solicitor shall —

- (a) wilfully and knowingly act as agent for any unauthorised person in any legal proceeding of whatsoever kind or in any matter which under this Act can be done only by a solicitor who has in force a practising certificate;
- (b) permit his name to be made use of in any such proceeding or matter upon the account or for the profit of any unauthorised person; or
- (c) send any process to any unauthorised person, or do any other act enabling any unauthorised person to appear, act or practise or purport to practise in any respect as a solicitor in any such proceeding or matter.

(2) No solicitor shall authorise any unauthorised person to operate any bank account in the name of the solicitor or the Singapore law practice in which he practises and maintained by the solicitor or the Singapore law practice in which he practises in connection with his practice as a solicitor.

*[4/2000; 41/2005; 19/2008]*

(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.

*[20/2007]*

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

**Employment or remuneration of certain persons by solicitor**

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

- (a) struck off a roll of legal practitioners by whatever name called otherwise than at his own request in Singapore or in any part of Malaysia or elsewhere and remains struck off;
- (b) suspended from practising as an advocate and solicitor in Singapore or in any part of Malaysia or elsewhere and remains suspended;
- (c) convicted of an offence involving dishonesty;
- (d) convicted of an offence under section 33 of the Miscellaneous Offences (Public Order and Nuisance) Act (Cap. 184) or under any provision of this Act;
- (e) listed as a tout under section 39 of the Family Justice Act 2014, section 62 of the State Courts Act (Cap. 321) or section 73 of the Supreme Court of Judicature Act; or
  - [Act 5 of 2014 wef 07/03/2014]*
  - [Act 27 of 2014 wef 01/10/2014]*
  - [Act 22 of 2018 wef 18/04/2018]*
- (f) a person in respect of whom an order under subsection (4) has been made.

*[40/96]*

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

*[40/96]*

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

*[40/96]*

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

- (a) has been a party to any act or default of a solicitor in respect of which a complaint has been or might properly have been made against that solicitor under the provisions of this Act; or
- (b) has so conducted himself while employed by a solicitor that, had he himself been a solicitor, his conduct might have formed the subject of a complaint under the provisions of this Act against him.

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

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

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

- (a) require the person to make a statutory declaration to show that he is not an undischarged bankrupt and that he does not come within the class of persons enumerated in subsection (1)(a) to (f) and had not been employed as a public officer and that he is not a person in respect of whom an order has been made under subsection (4); and
- (b) within 14 days of commencing to employ the person, deliver to the Society a certified copy of the statutory declaration so made.

[40/96]

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

*[Act 22 of 2018 wef 18/04/2018]*

### **Acting for housing developer and purchaser prohibited**

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

*[10/91; 4/2000]*

(2) In subsection (1) —

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

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

“specified person”, in relation to a solicitor, means —

- (a) the solicitor himself;
- (b) any member or assistant of the firm of which the solicitor is a member either as a partner, 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.

*[4/2000; 41/2005]*

(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 representatives for the delivery of a cash account, or the payment of moneys, or the delivery of securities.

[42/2005]

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

[42/2005]

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

[42/2005]

**Interim certificate**

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

[4/2000; 41/2005]

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

**PART VIA**

*[Repealed by Act 40 of 2014 wef 18/11/2015]*

**PART VIB**

*[Repealed by Act 40 of 2014 wef 18/11/2015]*

## PART VII

## 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 shall be an officer of the Supreme Court.

*[20/2009 wef 09/10/2009]*

*[41/93]*

(2) The provisions of any written law which imposes on officers of the Supreme Court any restrictions as to practice as advocates or solicitors shall not apply to any advocate and solicitor by virtue only of subsection (1).

**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, shall 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 (referred to in this section as a non-practising solicitor).

*[20/2009 wef 09/10/2009]*

*[41/93; 20/2007; 19/2008]*

(2) All Legal Service Officers and non-practising solicitors shall be subject to the control of the Supreme Court and shall be liable on due cause shown to be punished in accordance with this section.

*[20/2009 wef 09/10/2009]*

(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 unbefitting 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

*[20/2009 wef 09/10/2009]*

(b) has been adjudicated bankrupt and has been guilty of any of the acts or omissions mentioned in section 124(5)(a),



(b), (c), (d), (e), (f), (h), (i), (k), (l) or (m) of the Bankruptcy Act (Cap. 20).

[15/95]

[20/2009 wef 09/10/2009]

(4) No application for a Legal Service Officer or non-practising solicitor to be punished under this section shall be made unless leave has been granted by the Chief Justice for an investigation to be made into the complaint of misconduct against the Legal Service Officer or non-practising solicitor concerned.

[20/2009 wef 09/10/2009]

[19/2008]

(5) An application for such leave shall be made by *ex parte* originating summons and shall be accompanied by an affidavit setting out the allegations of misconduct against the Legal Service Officer or non-practising solicitor.

[20/2009 wef 09/10/2009]

(6) Where the Chief Justice is of the opinion that the applicant has made out a *prima facie* case for an investigation into his complaint, the Chief Justice may grant such leave and appoint a Disciplinary Tribunal under section 90.

[19/2008]

(6A) Notwithstanding 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 expiration 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).

[19/2008]

[20/2009 wef 09/10/2009]

(7) The Disciplinary Tribunal shall hear and investigate into the complaint and submit its findings of fact and law in the form of a report to the Chief Justice.

[19/2008]

(8) A copy of the report shall 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 wef 09/10/2009]

(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 shall dismiss the complaint.

[20/2009 wef 09/10/2009]

[19/2008]

(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 wef 09/10/2009]

[42/2005; 19/2008]

(11) Section 98 shall apply, with the necessary modifications, to any application under subsection (10).

(12) On completion of the hearing of the application under subsection (10), the court may —

(a) censure the Legal Service Officer or non-practising solicitor;

[20/2009 wef 09/10/2009]

(b) prohibit him from applying for a practising certificate for such period not exceeding 5 years as it may specify;

(c) order that his name be struck off the roll;

(d) order him to pay a penalty of not more than \$20,000; or

(e) make such other order as it thinks fit.

[19/2008]

(13) The costs of and incidental to any proceedings under this section shall be in the discretion of the Disciplinary Tribunal, Judge or court hearing those proceedings.

[19/2008]

(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.

[19/2008]

(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.

[Act 22 of 2018 wef 18/04/2018]

(15) For the avoidance of doubt, nothing in this section shall prevent 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 wef 09/10/2009]

### **Disciplinary proceedings against regulated non-practitioners**

**82B.**—(1) Every regulated non-practitioner shall be subject to the control of the Supreme Court and shall be liable on due cause shown —

- (a) to divest himself of any shares or equity interests he 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).
- (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 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 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 VA 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 124(5)(a), (b), (c), (d), (e), (f), (h), (i), (k), (l) or (m) of the Bankruptcy Act (Cap. 20);
- (d) carries on by himself or any person in his employment any trade, business or calling that detracts from the profession of law or is in any way incompatible with it, or is employed in any such trade, business or calling; or
- (e) has contravened any of the provisions of this Act in relation thereto if such contravention warrants disciplinary action.

(3) Sections 85 to 99 and 103 to 106 shall 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 shall 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 shall be read as a reference to an order that the regulated non-practitioner divest himself of any shares or equity interests he may have in the Singapore

law practice within such time as the Director of Legal Services may specify.

(4) Sections 85 to 99 and 103 to 106 shall 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 shall be read as a reference to this section; and

(b) any reference to an order that a regulated foreign lawyer have his registration under section 36B, 36C or 36D cancelled or suspended, or have his approval under section 176(1) cancelled or suspended, as the case may be, shall be read as a reference to an order that the regulated non-practitioner divest himself of any shares or equity interests he 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.

(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 past conduct in order to determine what order should be made.

(6) In any proceedings instituted under this section against a regulated non-practitioner consequent upon his conviction for a criminal offence, an Inquiry Committee, a Disciplinary Tribunal and a court of 3 Judges of the Supreme Court referred to in section 98 shall accept his conviction as final and conclusive.

(7) Where a court of 3 Judges of the Supreme Court referred to in section 98 orders a regulated non-practitioner to divest himself of any shares or equity interests he 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) shall 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.

*[Act 40 of 2014 wef 18/11/2015]*

### **Power to strike off roll, etc.**

**83.**—(1) All advocates and solicitors shall be 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).

*[19/2008]*

(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 unfit for his profession;
- (b) has been guilty of fraudulent or grossly improper conduct in the discharge of his professional duty or guilty of such a breach of any 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 VA or any rules made under section 70H;
  - (iii) any rules made under section 36M(2)(r);

*[Act 40 of 2014 wef 18/11/2015]*

- (c) has been adjudicated bankrupt and has been guilty of any of the acts or omissions mentioned in section 124(5)(a),

(b), (c), (d), (e), (f), (h), (i), (k), (l) or (m) of the Bankruptcy Act (Cap. 20);

- (d) has tendered or given or consented to retention, out of any fee payable to him for his services, of any gratification for having procured the employment in any legal business of himself, of any other advocate and solicitor or, in relation only to the practice of Singapore law, of any foreign lawyer registered under section 36B;

*[8/2011 wef 03/05/2011]*

*[Act 40 of 2014 wef 18/11/2015]*

- (e) has, directly or indirectly, procured or attempted to procure the employment of himself, 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 agreed or promised to be so given;

*[8/2011 wef 03/05/2011]*

*[Act 40 of 2014 wef 18/11/2015]*

- (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 8/2011 wef 03/05/2011]*

- (h) has been guilty of such misconduct unbecoming an advocate and solicitor as an officer of the Supreme Court or as a member of an honourable profession;

- (i) carries on by himself or any person in his employment any trade, business or calling that detracts from the profession of law or is in any way incompatible with it, or is employed in any such trade, business or calling;

- (j) has contravened any of the provisions of this Act in relation thereto if such contravention warrants disciplinary action; or

- (k) has been disbarred, struck off, suspended, ordered to pay a penalty, censured or reprimanded in his capacity as a legal



practitioner by whatever name called in any other jurisdiction.

*[41/93; 15/95]*

*[Act 3 of 2012 wef 01/04/2012]*

*[Act 40 of 2014 wef 18/11/2015]*

*[Act 16 of 2016 wef 01/08/2016]*

(2A) Every person admitted under section 15 shall, with the necessary modifications, be 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 be struck off the roll, either or both of the following orders may be made:
  - (i) an order terminating his privilege to practise as an advocate and solicitor for the purpose of each case for which he is admitted under section 15;
  - (ii) an order prohibiting him 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 be suspended, an order may be made suspending his privilege to practise as an advocate and solicitor for the purpose of each case for which he 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) shall be construed as a reference to a suspension of the privilege to practise as an advocate and solicitor referred to 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.

*[Act 40 of 2014 wef 18/11/2015]*

(3) Every practice trainee, and every qualified person in respect of whom an application under section 32(3) has been granted, shall, with the necessary modifications, be 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 be struck off the roll or suspended, an order may be made prohibiting him from applying to the court for admission as an advocate and solicitor until after a date specified in the order.

*[20/2009 wef 09/10/2009]*

*[8/2011 wef 03/05/2011]*

(4) The jurisdiction given by subsection (3) shall be exercised by a single Judge.

(5) In any proceedings under this Part, the court may in addition to the facts of the case take into account the past conduct of the person concerned in order to determine what order should be made.

(6) In any proceedings instituted under this Part against an advocate and solicitor consequent upon his conviction for a criminal offence, an Inquiry Committee, a Disciplinary Tribunal and a court of 3 Judges of the Supreme Court referred to in section 98 shall accept his conviction as final and conclusive.

*[15/89; 41/93; 19/2008]*

(7) The Minister may make rules for the exemption from section 83(2)(d) and (e) of any advocate and solicitor who satisfies such requirements, and does an act referred to in section 83(2)(d) or (e) in such circumstances, as may be prescribed in those rules.

*[Act 16 of 2016 wef 01/08/2016]*

### **Power to discipline regulated foreign lawyers**

**83A.**—(1) Every regulated foreign lawyer shall be subject to the control of the Supreme Court and shall be liable on due cause shown —

- (a) to have his registration under section 36B, 36C or 36D cancelled or suspended (for such period as the court may think fit), to have his registration under section 36P (if any) cancelled or suspended (for such period as the court may think fit), or to have his approval 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).
- (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 unfit for his profession;
  - (b) has been guilty of fraudulent or grossly improper conduct in the discharge of his professional duty or guilty of such a breach of any 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 VA 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 124(5)(a), (b), (c), (d), (e), (f), (h), (i), (k), (l) or (m) of the Bankruptcy Act (Cap. 20);
  - (d) has tendered or given or consented to retention, out of any fee payable to him for his services, of any gratification for having procured the employment in any legal business of himself, 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, 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 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 any person in his employment any trade, business or calling that detracts from the profession of law or is in any way incompatible with it, or is employed in any such trade, business or calling;
- (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 capacity as a legal practitioner by whatever name called in any other jurisdiction.

*[Act 16 of 2016 wef 01/08/2016]*

(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 past conduct in order to determine what order should be made.

(4) In any proceedings instituted under this Part against a regulated foreign lawyer consequent upon his conviction for a criminal offence, an Inquiry Committee, a Disciplinary Tribunal and a court of 3 Judges of the Supreme Court referred to in section 98 shall accept his conviction as final and conclusive.

(5) Subject to subsection (6), sections 36S, 36T and 36U shall not apply to a regulated foreign lawyer who is registered under section 36P.

(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 shall continue to apply to the foreign lawyer in respect of that complaint;
- (b) this Part shall 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 shall not apply to the foreign lawyer in respect of any other complaint relating to the same subject-matter as that complaint.

*[Act 40 of 2014 wef 18/11/2015]*

(7) The Minister may make rules for the exemption from section 83A(2)(d) and (e) of any regulated foreign lawyer who satisfies such requirements, and does an act referred to in section 83A(2)(d) or (e) in such circumstances, as may be prescribed in those rules.

*[Act 16 of 2016 wef 01/08/2016]*

### **Appointment of Inquiry Panel**

**84.—**(1) For the purpose of enabling Inquiry Committees to be constituted in accordance with this Part, the Chief Justice shall appoint a panel (referred to hereinafter as 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.

*[30/86; 15/89; 35/2001]*

*[Act 40 of 2014 wef 18/11/2015]*

(2) An advocate and solicitor or a regulated foreign lawyer shall be eligible to be appointed as a member of the Inquiry Panel if he has not less than 7 years' standing.

*[19/2008]*

*[Act 40 of 2014 wef 18/11/2015]*

(3) A member of the Inquiry Panel shall be appointed for a term of 2 years and shall be eligible for reappointment.

[15/89]

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

(5) The Chief Justice shall appoint, from among the members of the Inquiry Panel who are advocates and solicitors of not less than 12 years' standing, the Chairman and the Deputy Chairman of the Inquiry Panel.

[19/2008]

### **Complaints against regulated legal practitioners**

**85.—**(1) Any complaint of the conduct of a regulated legal practitioner —

(a) shall be made to the Society in writing;

(b) shall include a statement by the complainant —

(i) as to whether, to his knowledge, any other complaint has been made to the Society against the regulated legal practitioner, by him or by any other person, which arises from the same facts as his complaint; and

[Act 40 of 2014 wef 18/11/2015]

(ii) if so, setting out such particulars of each such complaint as the Council may require and he is able to provide; and

(c) shall be supported by such statutory declaration as the Council may require, except that no statutory declaration shall be required if the complaint is made by any public officer or any officer of the Institute.

[19/2008]

[Act 3 of 2012 wef 01/04/2012]

[Act 40 of 2014 wef 18/11/2015]

(1A) Subject to subsection (4A), the Council shall refer every complaint which satisfies the requirements of subsection (1) to the Chairman of the Inquiry Panel.

[19/2008]

(2) The Council may on its own motion refer any information touching upon the conduct of a regulated legal practitioner to the Chairman of the Inquiry Panel.

[15/89; 41/93]

[Act 40 of 2014 wef 18/11/2015]

(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 Chairman 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.

[Act 16 of 2016 wef 01/08/2016]

(3A) For the purposes of subsection (3), the judicial office holders are —

- (a) any Judge of the Supreme Court;
- (b) any Judicial Commissioner of the Supreme Court;
- (c) any Senior Judge of the Supreme Court;
- (d) any International Judge of the Supreme Court;
- (e) the Presiding Judge of the Family Justice Courts; and
- (f) the Presiding Judge of the State Courts.

[Act 16 of 2016 wef 01/08/2016]

(3A) [*Deleted by Act 40 of 2014 wef 18/11/2015*]

(3B) [*Deleted by Act 40 of 2014 wef 18/11/2015*]

(4) Notwithstanding 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 Chairman 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 Chairman 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.

*[Act 3 of 2012 wef 01/04/2012]*

*[Act 40 of 2014 wef 18/11/2015]*

(4A) Subject to subsection (4C), the Council shall not refer a complaint of the conduct of a regulated legal practitioner to the Chairman of the Inquiry Panel under subsection (1A) if the complaint is first made to the Society after the expiration 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).

*[19/2008]*

*[Act 40 of 2014 wef 18/11/2015]*

(4B) Subject to subsection (4C), the Council shall not refer any information touching upon the conduct of a regulated legal practitioner to the Chairman of the Inquiry Panel under subsection (2) after the expiration 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).

[19/2008]

[Act 40 of 2014 wef 18/11/2015]

(4C) The Council may, with the leave of the court —

(a) refer a complaint of the conduct of a regulated legal practitioner to the Chairman of the Inquiry Panel under subsection (1A) after the expiration of the period referred to in subsection (4A); or

[Act 40 of 2014 wef 18/11/2015]

(b) refer any information touching upon the conduct of a regulated legal practitioner to the Chairman of the Inquiry Panel under subsection (2) after the expiration of the period referred to in subsection (4B).

[19/2008]

[Act 40 of 2014 wef 18/11/2015]

(4D) An application for the leave of the court under subsection (4C) shall 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

[Act 40 of 2014 wef 18/11/2015]

(B) the facts constituting the information touching upon the conduct of the regulated legal practitioner concerned,

[Act 40 of 2014 wef 18/11/2015]

as the case may be;

(ii) explaining why the complaint was not made to the Society before the expiration of the period referred to in subsection (4A), or why the information was not

referred to the Chairman of the Inquiry Panel before the expiration of the period referred to 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 Chairman of the Inquiry Panel, notwithstanding the expiration of the period referred to in subsection (4A) or (4B), as the case may be.

[19/2008]

(4E) The application and affidavit referred to in subsection (4D) shall be served on the regulated legal practitioner concerned.

[19/2008]

[Act 40 of 2014 wef 18/11/2015]

(5) Where any complaint or information touching upon the conduct of a regulated legal practitioner is referred to the Chairman of the Inquiry Panel, the Council shall inform the regulated legal practitioner concerned that it has done so and shall furnish him a copy of the complaint or information.

[15/89; 41/93]

[Act 40 of 2014 wef 01/01/2015]

[Act 40 of 2014 wef 18/11/2015]

(6) Where any complaint or information touching upon the conduct of a regulated legal practitioner is referred to the Chairman of the Inquiry Panel under subsection (1A), (2) or (3), the Chairman or Deputy Chairman of the Inquiry Panel shall, within 2 weeks, constitute a Review Committee consisting of —

- (a) a chairman, being the Chairman or Deputy Chairman himself 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; or
  - (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,

*[Act 40 of 2014 wef 18/11/2015]*

to review the complaint or information, and such review by the Review Committee shall start within 2 weeks of its constitution.

*[19/2008]*

*[Act 40 of 2014 wef 18/11/2015]*

(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.

*[35/2001]*

*[Act 40 of 2014 wef 18/11/2015]*

(8) A Review Committee shall 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 Chairman of the Inquiry Panel.

*[35/2001; 19/2008]*

(8A) The Chairman or Deputy Chairman of the Inquiry Panel may, on the application in writing of a Review Committee, grant to the Review Committee an extension of the period specified in subsection (8) if he is satisfied that the circumstances of the case justify the grant of the extension, except that any extension granted shall not extend beyond a period of 6 weeks from the date of the constitution of the Review Committee.

*[19/2008]*

(9) The Council shall, within 7 days of receiving any direction under subsection (8)(a) —

- (a) give effect to the direction to dismiss the matter; and
- (b) inform the complainant and the regulated legal practitioner concerned of the dismissal of the matter and furnish the

complainant with the reasons of the Review Committee in writing.

[35/2001]

[Act 40 of 2014 wef 18/11/2015]

(10) Where any complaint or information touching upon the conduct of a regulated legal practitioner is referred back to the Chairman of the Inquiry Panel under subsection (8)(b), the Chairman or Deputy Chairman of the Inquiry Panel shall, within 3 weeks, constitute an Inquiry Committee consisting of —

(a) a chairman, 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;

[Act 40 of 2014 wef 18/11/2015]

(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,

[20/2009 wef 09/10/2009]

to inquire into the complaint or information.

[35/2001; 19/2008]

[Act 40 of 2014 wef 18/11/2015]

(11) A member of a Review Committee who has reviewed any matter concerning any regulated legal practitioner shall not thereby be disqualified from acting as a member of an Inquiry Committee inquiring into the same matter.

[35/2001; 19/2008]

[Act 40 of 2014 wef 18/11/2015]

(12) An Inquiry Committee may meet for the purposes of its inquiry, adjourn and otherwise regulate the conduct of its inquiry as the members may think fit.

[15/89]

(13) The chairman of an Inquiry Committee may at any time summon a meeting of the Inquiry Committee.

[15/89]

(14) Any questions arising at any meeting of an Inquiry Committee shall be determined by a majority of votes of the members of the Committee, and in the case of an equality of votes, the chairman of the Inquiry Committee shall have a second or casting vote.

[15/89]

(15) All the members of an Inquiry Committee shall be present to constitute a quorum for a meeting of the Inquiry Committee.

[15/89]

(16) Any resolution or decision in writing signed by all the members of an Inquiry Committee shall be as valid and effectual as if it had been made or reached at a meeting of the Inquiry Committee where all its members were present.

[15/89]

(17) Any person who makes a complaint to the Society under this Part shall furnish to the Chairman or Deputy Chairman of the Inquiry Panel, or the chairman of a Review Committee or of an Inquiry Committee, such statutory declarations or affidavits in support of the complaint as that Chairman, Deputy Chairman or chairman may require within such time as that Chairman, Deputy Chairman or chairman may specify.

[19/2008]

(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 shall 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) shall be entitled to recover from the complainant all reasonable costs of such translation as if they were a debt due to the Society.

[19/2008]

(17B) Where any voice recording is tendered in support of a complaint made to the Society under this Part —

- (a) the complainant shall furnish to the Society —
  - (i) a transcript of the recording, such 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) shall be entitled to recover from the complainant all reasonable costs of such transcription and translation as if they were a debt due to the Society.

[19/2008]

(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.

[15/89; 19/2008]

(19) Where the complaint is found to be frivolous or vexatious —

- (a) the Inquiry Committee may, after hearing the complainant (if he 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 such order, specify the amount of those costs or direct that the amount be taxed by the Registrar;
- (b) any sum deposited under subsection (18) shall be applied for the payment of those costs, and any balance of that sum shall 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 him.

[19/2008]

(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.

[19/2008]

(19B) An application under subsection (19A) shall be —

- (a) made by originating summons; and
- (b) served on the Society and on every person against whom any relief is sought.

[19/2008]

(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.

[19/2008]

(20) A member of an Inquiry Committee shall, notwithstanding that he has ceased to be a member of the Inquiry Panel on the expiry of his term of office, be deemed to be a member of the Inquiry Panel until

such time as the Council has decided that the Inquiry Committee of which he is a member has completed its work.

[15/89]

(21) Any person who makes a complaint to the Society under this Part which he knows to be false in any material particular shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

[35/2001]

## **Inquiry**

**86.**—(1) Subject to subsections (2), (3) and (4), an Inquiry Committee shall, within 2 weeks of its appointment, commence its inquiry into any complaint or information touching upon the conduct of 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, not later than 2 months after the date of its appointment; and

[Act 40 of 2014 wef 18/11/2015]

- (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.

[30/86; 15/89; 41/93]

[Act 40 of 2014 wef 18/11/2015]

(2) Where an Inquiry Committee is of the opinion that it will not be able to report its findings to the Council within the period specified in subsection (1)(b) due to the complexity of the matter or serious difficulties encountered by the Inquiry Committee in conducting its inquiry, the Inquiry Committee may apply in writing to the Chairman of the Inquiry Panel for an extension of the time to report its findings to the Council.

[15/89]

(3) The Chairman or Deputy Chairman of the Inquiry Panel may grant an extension of time to an Inquiry Committee to report its findings to the Council if he is satisfied that the circumstances of the



case justify the grant of an extension of time, except that any extension of time granted shall not extend beyond the period of 6 months from the date of the appointment of that Inquiry Committee.

*[15/89; 19/2008]*

(4) No application for an extension of time may be made to the Chairman of the Inquiry Panel under subsection (2) on the expiry of 2 months after the date of the appointment of the Inquiry Committee.

*[15/89]*

(5) Where an Inquiry Committee is satisfied that there are no grounds for disciplinary action under this Part, it shall report to the Council accordingly and state the reasons for its decision.

*[15/89]*

(6) Where an Inquiry Committee is of the opinion that a regulated legal practitioner should be called upon to answer any allegation made against him, the Inquiry Committee shall —

(a) post or deliver to the regulated legal practitioner concerned —

(i) copies of any complaint or information touching upon his conduct and of any statutory declarations or affidavits that have been made in support of the complaint or information; and

(ii) a notice inviting him to give, within such period (not being less than 14 days) as may be specified in the notice to the Inquiry Committee, any written explanation he may wish to offer and to advise the Inquiry Committee if he wishes to be heard by the Committee;

*[Act 40 of 2014 wef 18/11/2015]*

(b) allow the time specified in the notice to elapse;

(c) give the regulated legal practitioner concerned reasonable opportunity to be heard if he so desires; and

*[Act 40 of 2014 wef 18/11/2015]*

(d) give due consideration to any explanation (if any) given by him.

*[15/89; 41/93]*

*[Act 40 of 2014 wef 18/11/2015]*

(7) The report of the Inquiry Committee shall, among other things, deal with the question of the necessity or otherwise of a formal investigation by a Disciplinary Tribunal, and the Inquiry Committee shall 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

*[Act 40 of 2014 wef 18/11/2015]*

- (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 to pay a penalty under section 88, and a penalty sufficient and appropriate to the misconduct committed;

*[Act 3 of 2012 wef 01/04/2012]*

*[Act 40 of 2014 wef 18/11/2015]*

- (ii) that the regulated legal practitioner should be reprimanded or given a warning; or

*[Act 3 of 2012 wef 01/04/2012]*

*[Act 40 of 2014 wef 18/11/2015]*

- (iii) that the complaint be dismissed.

*[Act 3 of 2012 wef 01/04/2012]*

(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, decide on its own motion to inquire into that matter and report its findings to the Council.

*[15/89; 41/93]*

*[Act 40 of 2014 wef 18/11/2015]*

(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 shall record the information in its report to the Council.

[15/89; 41/93]

[Act 40 of 2014 wef 18/11/2015]

(10) Where the complainant withdraws his complaint before the Council has referred the complaint to an Inquiry Committee or before the conclusion of the inquiry by an Inquiry Committee, the Council may, notwithstanding such withdrawal, refer the complaint to or direct an Inquiry Committee to continue the inquiry, as the case may be, and the Inquiry Committee shall comply with the direction and all future proceedings thereon shall be taken as if the complaint had been made by the Society.

[41/93]

(11) Subsections (2) to (6) of section 91 shall apply, with the necessary modifications, in relation to an Inquiry Committee as they apply in relation to a Disciplinary Tribunal and the references in those subsections to a Disciplinary Tribunal shall be read as references to an Inquiry Committee.

[41/93; 19/2008]

(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 referred to 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.

[19/2008]

[Act 40 of 2014 wef 18/11/2015]

(13) Any person who refuses or fails, without lawful excuse, 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.

[19/2008]

### **Council's consideration of report**

**87.—**(1) The Council shall consider the report of the Inquiry Committee and according to the circumstances of the case shall, within one month of the receipt of the report, determine —

- (a) that a formal investigation is not necessary;
- (b) that no cause of sufficient gravity exists for a formal investigation but that the regulated legal practitioner should be given a warning, reprimanded or ordered to pay a penalty under section 88;

[8/2011 wef 03/05/2011]

[Act 40 of 2014 wef 18/11/2015]

- (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.

[41/93; 19/2008]

(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 shall notify the Inquiry Committee accordingly;

- (b) the Inquiry Committee shall 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) shall apply, 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.

[19/2008]

(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 shall 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.

[19/2008]

(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 shall, if it determines that there should be a formal investigation of such misconduct, have power to prefer such charge against the regulated legal practitioner as it thinks fit with respect to that misconduct; or

[Act 40 of 2014 wef 18/11/2015]

- (b) any offence involving fraud or dishonesty by the regulated legal practitioner, the Council shall immediately refer the matter to the police for investigation.

[41/93; 19/2008]

[Act 40 of 2014 wef 18/11/2015]

(4) The Council shall 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 shall on the request of the person furnish him with its reasons in writing.

[41/93; 19/2008]

[Act 40 of 2014 wef 18/11/2015]

### **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 may give him a warning, reprimand him or order him to pay a penalty of not more than \$10,000, as the case may be.

[8/2011 wef 03/05/2011]

[Act 40 of 2014 wef 18/11/2015]

(2) Section 95 shall apply 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 shall notify him of its intention to do so and give him a reasonable opportunity to be heard by it.

[8/2011 wef 03/05/2011]

[Act 40 of 2014 wef 18/11/2015]

(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

[8/2011 wef 03/05/2011]

(b) a regulated legal practitioner has been reprimanded by the Council under subsection (1) or section 94(3)(a),

[8/2011 wef 03/05/2011]

[Act 40 of 2014 wef 18/11/2015]

the Council shall, 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.

[41/93; 35/2001]

[Act 40 of 2014 wef 18/11/2015]

(5) Any notice under subsection (4) shall contain the name of the regulated legal practitioner, the nature of the misconduct committed by him and the penalty payable by him or the reprimand, as the case may be.

[41/93]

[Act 40 of 2014 wef 18/11/2015]

(6) Where an application is made to a Judge by any person under section 97(1), the Council shall not publish the notice under subsection (4) until the application has been withdrawn or deemed to have been withdrawn or disposed of by the Judge under section 97.

[41/93]

### **Application to appoint Disciplinary Tribunal**

**89.**—(1) Where the Council determines under section 87 that there should be a formal investigation, the Council shall within 4 weeks apply to the Chief Justice to appoint a Disciplinary Tribunal which shall hear and investigate the matter.

[30/86; 41/93; 19/2008]

(2) Notwithstanding 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.

[30/86; 41/93]

[Act 40 of 2014 wef 18/11/2015]

(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.

*[30/86; 41/93; 19/2008]*

*[Act 40 of 2014 wef 18/11/2015]*

(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 such misconduct and, after giving notice to him, hear and investigate such charge and section 93 shall apply to such charge accordingly.

*[41/93; 19/2008]*

*[Act 40 of 2014 wef 18/11/2015]*

### **Appointment of Disciplinary Tribunal**

**90.—**(1) The Chief Justice may from time to time appoint one or more Disciplinary Tribunals, each comprising —

(a) a president, who —

(i) is a Senior Judge of the Supreme Court;

(ii) has at any time held office as a Judge of the Supreme Court or Judicial Commissioner of the Supreme Court; or

(iii) is an advocate and solicitor who is a Senior Counsel;  
and

*[Act 22 of 2018 wef 18/04/2018]*

(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.

*[Act 40 of 2014 wef 18/11/2015]*

(2) A Disciplinary Tribunal shall be appointed in connection with one or more matters or for a fixed period of time or as the Chief Justice may think fit.

*[30/86; 19/2008]*

(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.

*[19/2008]*

(4) Without prejudice to the generality of 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,

*[Act 40 of 2014 wef 18/11/2015]*

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.

[19/2008]

(5) The Chief Justice shall appoint a solicitor to be the secretary of every Disciplinary Tribunal.

[19/2008]

(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 shall be evidence that such appointment or revocation has been duly made.

[19/2008]

(7) Every member of a Disciplinary Tribunal appointed under subsection (1), and the secretary of every Disciplinary Tribunal appointed under subsection (5), shall be paid for each case such remuneration as the Chief Justice may determine.

[19/2008]

### **Proceedings and powers of Disciplinary Tribunal**

**91.**—(1) The Rules Committee may from time to time make rules for regulating the hearing and investigation of matters before or by a Disciplinary Tribunal.

[30/86; 15/89; 19/2008]

(1A) If the members of a Disciplinary Tribunal are unable to reach a unanimous decision on any matter, the matter shall be decided in accordance with the decision of the president of the Disciplinary Tribunal.

[19/2008]

(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.

[42/2005; 19/2008]

[Act 40 of 2014 wef 18/11/2015]

(3) No person shall be compelled under any such subpoena to produce any document which he could not be compelled to produce at the trial of an action.

[42/2005]

(4) The subpoenas referred to in subsection (2)(b) shall be served and may be enforced as if they were subpoenas issued in connection with a civil action in the High Court.

[42/2005]

(5) Any person giving evidence before a Disciplinary Tribunal shall be legally bound to tell the truth.

[19/2008]

(6) No fees or other charges shall be payable for any subpoena sued out by the secretary of the Disciplinary Tribunal under subsection (2)(b).

[42/2005; 19/2008]

(7) In sections 172, 173, 174, 175, 177, 179, 182 and 228 of the Penal Code (Cap. 224), “public servant” shall be deemed to include a member of a Disciplinary Tribunal taking part in any investigation under this section, and in sections 193 and 228 of the Penal Code, “judicial proceeding” shall be deemed to include any such investigation as aforesaid.

[19/2008]

### **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.

[19/2008]

(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.

[19/2008]

### **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 is to be construed as including a reference to the Attorney-General.

(2) For the purposes of subsection (1), the judicial office holders are —

- (a) any Judge of the Supreme Court;
- (b) any Judicial Commissioner of the Supreme Court;
- (c) any Senior Judge of the Supreme Court;
- (d) any International Judge of the Supreme Court;
- (e) the Presiding Judge of the Family Justice Courts; and
- (f) the Presiding Judge of the State Courts.

*[Act 16 of 2016 wef 01/08/2016]*

### **Findings of Disciplinary Tribunal**

**93.**—(1) After hearing and investigating any matter referred to it, a Disciplinary Tribunal shall 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 reprimanded or ordered to pay a penalty sufficient and appropriate to the misconduct committed; or
- (c) cause of sufficient gravity for disciplinary action exists under section 83 or 83A (as the case may be).

*[Act 40 of 2014 wef 18/11/2015]*

*[Act 40 of 2014 wef 18/11/2015]*

*[35/2001; 19/2008]*

*[Act 40 of 2014 wef 18/11/2015]*

(2) Where a Disciplinary Tribunal makes a determination under subsection (1)(b) or (c), the Disciplinary Tribunal may make an order for payment by any party of costs, and may, in such order, specify the amount of those costs or direct that the amount be taxed by the Registrar.

[19/2008]

(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 he desires to be heard) —

- (a) order that the costs of the complaint shall be paid by that person; and
- (b) in such order, specify the amount of those costs or direct that the amount be taxed by the Registrar.

[19/2008]

(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 him.

[19/2008]

(3) A Disciplinary Tribunal shall 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.

[30/86; 19/2008]

(4) The findings and determination of the Disciplinary Tribunal under this section shall be drawn up in the form of a report of which —

- (a) a copy shall be submitted to the Chief Justice and the Society; and
- (b) a copy shall on request be supplied to the regulated legal practitioner concerned.

[19/2008]

[Act 40 of 2014 wef 18/11/2015]

(5) The findings and determination of the Disciplinary Tribunal shall be published by the Council in the Singapore Law Gazette or in such other media as the Council may determine which would adequately inform the public of the findings and determination.

*[30/86; 35/2001; 19/2008]*

(6) A copy of the entire record of the proceedings of the Disciplinary Tribunal including its findings and determination shall be made public and copies thereof shall be made available to the members of the public upon payment of the prescribed fee.

*[30/86; 19/2008]*

### **Society to apply to court if cause of sufficient gravity exists**

**94.—**(1) If the determination of the Disciplinary Tribunal under section 93 is that cause of sufficient gravity for disciplinary action exists under section 83 or 83A (as the case may be), the Society shall without further direction make an application under section 98 within one month from the date of the determination of the Disciplinary Tribunal.

*[19/2008]*

*[Act 40 of 2014 wef 18/11/2015]*

(2) If the determination of the Disciplinary Tribunal under section 93 is that no cause of sufficient gravity for disciplinary action exists under section 83 or 83A (as the case may be), it shall not be necessary for the Society to take any further action in the matter unless so directed by the court.

*[19/2008]*

*[Act 40 of 2014 wef 18/11/2015]*

(3) If the determination of the Disciplinary Tribunal under section 93 is that, 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 reprimanded or ordered to pay a penalty, the Council shall —

- (a) if it agrees with the determination, reprimand the regulated legal practitioner or order him 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.

[41/93; 35/2001; 19/2008]

[Act 40 of 2014 wef 18/11/2015]

(4) The Council shall 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 referred to in section 93(4); and

(b) where subsection (3) 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 to pay a penalty or to make an application under section 98,

within 14 days from the date of the decision.

[19/2008]

[Act 40 of 2014 wef 18/11/2015]

### **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 shall, without further direction, proceed to make an application in accordance with section 98.

[41/93]

[Act 40 of 2014 wef 18/11/2015]

(1A) Where a regulated legal practitioner has been convicted of an offence under section 33, the Society may, and shall upon a request by the Attorney-General, without further direction, proceed to make an application in accordance with section 98.

[20/2007]

[Act 40 of 2014 wef 18/11/2015]

(2) Where there is an appeal against conviction, the Society shall not make an application under subsection (1) or (1A) until the appeal has been withdrawn or deemed to have been withdrawn or disposed of by the appellate court.

*[41/93; 20/2007]*

(3) This section shall not apply to a Legal Service Officer.

*[20/2009 wef 09/10/2009]*

*[20/2007]*

**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 wef 03/05/2011]*

*[Act 40 of 2014 wef 18/11/2015]*

(2) Such an application shall be made by way of originating summons and shall be served on the Society and shall be heard in chambers unless the Judge of his own motion or on the application of any party sees fit to order a hearing in open court.

(3) Upon the hearing of the application, the Judge may —

(a) affirm or vary the penalty; or

(b) set aside the order for a penalty,

and may make an order for payment of costs by or to either the Society or the applicant as may be just.

(4) Where the Council has ordered a regulated legal practitioner to pay a penalty, the regulated legal practitioner shall 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.

[19/2008]

[Act 40 of 2014 wef 18/11/2015]

- (5) Any penalty payable to the Society under subsection (4) which is not paid may be recoverable by the Society as a judgment debt.

[19/2008]

**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,

[8/2011 wef 03/05/2011]

[Act 40 of 2014 wef 18/11/2015]

that person may, if he is dissatisfied with the determination of the Council, apply to a Judge under this section within 14 days of being notified of the determination.

[41/93]

(2) Such an application shall be made by originating summons and shall be accompanied by an affidavit or affidavits of the facts constituting the basis of the complaint and by a copy of the complaint originally made to the Society together with a copy of the Council's reasons in writing supplied to the applicant under section 87(4).

[41/93]

(3) The application accompanied by a copy of each of the documents referred to in subsection (2) shall be served on the Society.

(4) At the hearing of the application, the Judge may make an order —

- (a) affirming the determination of the Council; or
- (b) directing the Society to apply to the Chief Justice for the appointment of a Disciplinary Tribunal,

and such order for the payment of costs as may be just.

[19/2008]

(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 shall have the conduct of proceedings before the Disciplinary Tribunal and any subsequent proceedings before the court under section 98, and any such proceedings shall be brought in the name of the applicant.

[19/2008]

### **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.

[19/2008]

[Act 40 of 2014 wef 18/11/2015]

(2) An application under subsection (1) shall be —

(a) made by originating summons; and

(b) served on —

(i) the person who made the complaint, if he had the conduct of the proceedings before the Disciplinary Tribunal and is not the applicant;

(ii) the regulated legal practitioner, if he is not the applicant;

[Act 40 of 2014 wef 18/11/2015]

(iii) the Society, if the Council is not the applicant; and

(iv) the secretary of the Disciplinary Tribunal.

[19/2008]

(3) Upon receiving the application, the secretary of the Disciplinary Tribunal shall file in court the record and report of the hearing and investigation by the Disciplinary Tribunal.

[19/2008]

(4) The Judge hearing the application —

- (a) shall have 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.

[19/2008]

(5) If the Judge makes an order directing the person who made the complaint to make an application under section 98, that person shall have the conduct of the proceedings under that section, and any such proceedings shall be brought in his name.

[19/2008]

(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, shall make the application under that section within one month from the date of the order.

[19/2008]

**Application for order that solicitor be struck off roll, etc.**

**98.**—(1) Each of the following applications shall 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 registration under section 36B, 36C or 36D cancelled or suspended (for such period as the court may think fit), have his registration under section 36P (if any) cancelled or suspended (for such period as the court may think fit), or have his approval 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.

*[Act 40 of 2014 wef 18/11/2015]*

(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.

[19/2008]

[Act 40 of 2014 wef 18/11/2015]

(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 shall apply to the service of the application.

[19/2008]

[Act 40 of 2014 wef 18/11/2015]

[Act 22 of 2018 wef 18/04/2018]

(4) A copy of the affidavit or affidavits in support of the application under subsection (1) shall be served with the application upon the advocate and solicitor or regulated foreign lawyer named in the application.

[19/2008]

[Act 40 of 2014 wef 18/11/2015]

(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.

[19/2008]

(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.

[19/2008]

[Act 40 of 2014 wef 18/11/2015]

(7) The application under subsection (1) shall be heard by a court of 3 Judges of the Supreme Court, and from the decision of that court there shall be no appeal.

[19/2008]

(8) The court of 3 Judges —

- (a) shall have 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;

*[Act 40 of 2014 wef 18/11/2015]*

(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

*[19/2008]*

*[Act 40 of 2014 wef 18/11/2015]*

(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.

*[Act 40 of 2014 wef 18/11/2015]*

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

*[30/86; 19/2008]*

(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 shall be prohibited from reapplying for such registration until after that date; or

- (b) in any other case, the regulated foreign lawyer shall be permanently prohibited from reapplying for registration under section 36P.

*[Act 40 of 2014 wef 18/11/2015]*

(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 shall pay the penalty to the Registrar of the Supreme Court.

*[20/2009 wef 09/10/2009]*

*[19/2008]*

(2) Where the court has ordered a regulated legal practitioner to pay a penalty under section 98, the regulated legal practitioner shall pay the penalty to the Registrar of the Supreme Court.

*[Act 40 of 2014 wef 18/11/2015]*

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

*[19/2008]*

(4) All sums collected by the Registrar of the Supreme Court under subsection (1) or (2) or recovered by the Government under subsection (3) shall be paid into the Consolidated Fund.

*[19/2008]*

### **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 shall be taken as if the application had been made by the Society.

[42/2005; 19/2008]

### **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 name removed from the roll.

(2) Every such application shall be made by way of originating summons and shall be supported by an affidavit in the prescribed form which shall be served on the Society not less than 2 months before the application is heard.

[42/2005]

(3) The Society may for good cause require the applicant to advertise his intention to make the application in such manner as the Society shall direct.

(4) An application under this section shall be heard by a single Judge sitting in open court.

(5) No order shall be made on an application under this section if the Judge is satisfied that —

(a) disciplinary action is pending against the applicant; or

(b) the conduct of the applicant is the subject of inquiry or investigation under the provisions of this Part.

(6) At the hearing of any such application, the Judge may make an order —

(a) directing the Registrar to remove the applicant's name from the roll; or

(b) adjourning the application indefinitely or to such date as 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 shall give the Registrar notice of every order made under this Part that is adverse to an advocate and solicitor, and



the Registrar shall cause a note of the effect of that order to be entered on the roll against the name of the advocate and solicitor concerned.

(2) An order as to costs only need not be so entered on the roll.

### **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 such conditions as the court thinks fit.

[19/2008]

(2) Any application that the name of a solicitor be replaced on the roll shall be made by originating summons, supported by affidavit, before a court of 3 Judges of the Supreme Court of whom the Chief Justice shall be one.

[41/93; 42/2005]

(3) The originating summons shall be served on the Society which shall —

(a) appear at the hearing of the application; and

(b) place before the court a report which shall include —

(i) copies of the record of any proceedings as the result of which the name of the solicitor was removed from or struck off the roll; and

(ii) a statement of any facts which have occurred since the name of the solicitor was removed from or struck off the roll and which, in the opinion of the Council or any member of the Council, are relevant to be considered or investigated in connection with the application.

[42/2005]

### **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 shall be in the discretion of the Judge or of the court before whom the hearing has taken place.

[19/2008]

(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.

[41/93; 19/2008]

[8/2011 wef 03/05/2011]

[Act 40 of 2014 wef 18/11/2015]

### **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.

[19/2008]

### **Provisions as to evidence**

**105.—**(1) In any proceedings under this Part, any publication purporting to be printed under the authority of the General Council of the Bar in England or the Law Society in England setting out any rules or decisions made under the authority of those bodies relevant to the subject-matter of the proceedings shall, until the contrary is proved, be the evidence thereof.

(2) 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 consent in writing 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.

[19/2008]

### **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.

[35/2001; 19/2008]

## **PART VIII**

### **REMUNERATION RECEIVED BY SINGAPORE LAW PRACTICES OR SOLICITORS, OR IN RESPECT OF PRACTICE OF SINGAPORE LAW**

#### **Application of this Part**

**106A.** This Part —

- (a) shall apply 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) shall apply, 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.

[Act 40 of 2014 wef 18/11/2015]

[Act 40 of 2014 wef 18/11/2015]

[Act 40 of 2014 wef 18/11/2015]

**Prohibition of certain stipulations**

**107.—(1)** No solicitor shall —

- (a) purchase or agree to purchase the interest or any part of the interest of his client or of any party in any suit, action or other contentious proceeding brought or to be brought or maintained; or
- (b) enter into any agreement by which he is retained or employed to prosecute any suit or action or other contentious proceeding which stipulates for or contemplates payment only in the event of success in that suit, action or proceeding.

(2) Nothing in this Act shall be construed to give validity to any purchase or agreement prohibited by subsection (1) or to any disposition, contract, settlement, conveyance, delivery, dealing or transfer which is void or invalid against —

- (a) the Official Assignee under the law relating to bankruptcy;
- (b) a liquidator or receiver under the law relating to the winding up of companies or limited liability partnerships; or
- (c) a creditor in any composition.

[41/2005]

(3) A solicitor shall, notwithstanding any provision of this Act, be 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.

*[Act 2 of 2017 wef 01/03/2017]*

(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 same meanings as in section 5B of the Civil Law Act (Cap. 43).

*[Act 2 of 2017 wef 01/03/2017]*

(4) This section shall apply, with the necessary modifications, to a law corporation or a limited liability law partnership.

*[4/2000; 41/2005]*

### **Orders as to remuneration of solicitors, law corporations or limited liability law partnerships for non-contentious business**

**108.**—(1) For the purposes of this section, there shall be a committee consisting of the following persons:

- (a) the Chief Justice;
- (b) the Attorney-General;
- (c) the President of the Society; and
- (d) 2 solicitors nominated by the Council.

(2) The committee or any 4 of the members thereof (the Chief Justice being one) may make general orders prescribing and regulating in such manner as they think fit the remuneration of solicitors or law corporations or limited liability law partnerships in respect of non-contentious business and any order made under this section may revoke or alter any previous order so made.

*[4/2000; 41/2005]*

(3) An order made under this section may, as regards the mode of remuneration, prescribe that it shall be according to a scale of rates of commission or percentage, varying or not in different classes of business, or by a gross sum, or by a fixed sum for each document prepared or perused, without regard to length, or in any other mode,

or partly in one mode and partly in another, and may regulate the amount of remuneration with reference to all or any of the following, amongst other, considerations:

- (a) the position of the party for whom the solicitor or law corporation or limited liability law partnership is concerned in the business, that is, whether as vendor or purchaser, lessor or lessee, mortgagor or mortgagee, and the like;
- (b) the place where, and the circumstances in which, the business or any part thereof is transacted;
- (c) the amount of the capital money or rent to which the business relates;
- (d) the skill, labour and responsibility involved therein on the part of the solicitor or law corporation or limited liability law partnership; and
- (e) the number and importance of the documents prepared or perused, without regard to length.

[41/2005]

(4) An order made under this section may authorise and regulate —

- (a) the taking by a solicitor or a law corporation or a limited liability law partnership from a client of security for payment of any remuneration, to be ascertained by taxation or otherwise, which may become due to him or the law corporation or the limited liability law partnership under any such order; and
- (b) the allowance of interest.

[4/2000; 41/2005]

(5) So long as an order made under this section is in operation, taxation of bills of costs of solicitors or law corporations or limited liability law partnerships in respect of non-contentious business shall, subject to section 109, be regulated by that order.

[4/2000; 41/2005]

(6) Every order made under this section shall be presented to Parliament as soon as possible after publication in the *Gazette*.

[Act 40 of 2014 wef 01/01/2015]

**Agreements with respect to remuneration for non-contentious business**

**109.**—(1) Whether or not any order is in force under section 108, a solicitor and his client may, either before or after or in the course of the transaction of any non-contentious business by the solicitor, make an agreement as to the remuneration of the solicitor or law corporation or limited liability law partnership in respect thereof.

*[4/2000; 41/2005]*

(2) An agreement under subsection (1) shall not provide for costs at a scale lower than that provided by any order made under section 108.

(3) The agreement may provide for the remuneration of the solicitor or law corporation or limited liability law partnership by a gross sum, or by commission or percentage, or by salary, or otherwise, and it may be made on the terms that the amount of the remuneration therein stipulated for either shall or shall not include all or any disbursements made by the solicitor or law corporation or limited liability law partnership in respect of searches, plans, travelling, stamps, fees or other matters.

*[4/2000; 41/2005]*

(4) The agreement shall be in writing and signed by the person to be bound thereby or his agent in that behalf.

(5) The agreement may be sued and recovered on or set aside in the like manner and on the like grounds as an agreement not relating to the remuneration of a solicitor or law corporation or limited liability law partnership.

*[4/2000; 41/2005]*

(6) If on any taxation of costs the agreement is relied on by the solicitor or law corporation or limited liability law partnership and objected to by the client as unfair or unreasonable, the taxing officer may enquire into the facts and certify them to the court, and if on that certificate it appears just to the court that the agreement should be cancelled, or the amount payable thereunder reduced, the court may order the agreement to be cancelled, or the amount payable thereunder to be reduced, and may give such consequential directions as the court thinks fit.

*[4/2000; 41/2005]*

**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 is a member, or the law corporation of which he is a member, director or an employee, or the limited liability law partnership of which he is a partner or an employee, shall be entitled to recover from the mortgagor in respect of all business transacted and acts done by him or them in negotiating the loan, deducing and investigating the title to the property, and preparing and completing the mortgage, such usual costs as he or they would have been entitled to receive if the mortgage had been made to a person who was not a solicitor and that person had retained and employed him or them to transact that business and do those acts.

*[4/2000; 41/2005]*

(2) If a mortgage has been made to, or has become vested by transfer or transmission in, a solicitor, either alone or jointly with any other person, and any business is transacted or acts are done by that solicitor, or by the firm of which he is a member, or by the law corporation of which he is a member, director or an employee, or by the limited liability law partnership of which he is a partner or an employee, in relation to that mortgage or the security thereby created or the property comprised thereunder, then he or they shall be entitled to recover from the person on whose behalf the business was transacted or the acts were done, and to charge against the security, such usual costs as he or they would have been entitled to receive if the mortgage had been made to and had remained vested in a person who was not a solicitor and that person had retained and employed him or them to transact that business and do those acts.

*[4/2000; 41/2005]*

(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 a law corporation or a limited liability law partnership may make an agreement in writing with any client respecting the amount and manner of payment for the whole or any part of its costs



in respect of contentious business done or to be done by the solicitor or the law corporation or the limited liability law partnership, either by a gross sum or otherwise, and at either the same rate as or a greater or a lesser rate than that at which he or the law corporation or the limited liability law partnership would otherwise be entitled to be remunerated.

[4/2000; 41/2005]

(2) Every such agreement shall be signed by the client and shall be 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 shall not affect the amount of, or any rights or remedies for the recovery of, any costs recoverable from the client by, or payable to the client by, any other person, and that person may, unless he has otherwise agreed, require any costs payable or recoverable by him to or from the client to be taxed according to the rules for the time being in force for the taxation of those costs.

(2) Notwithstanding subsection (1), the client shall not be entitled to recover from any other person, under any order for the payment of any costs which are the subject of the agreement, more than the amount payable by the client to his own solicitor or law corporation or limited liability law partnership under the agreement.

[4/2000; 41/2005]

(3) Such an agreement shall be deemed to exclude any further claim of the solicitor or law corporation or limited liability law partnership beyond the terms of agreement in respect of any services, fees, charges or disbursements in relation to the conduct and completion of the business in reference to which the agreement is made, except such services, fees, charges or disbursements (if any) as are expressly excepted by the agreement.

[4/2000; 41/2005]

(4) Subject to the provisions of this Part, the costs of a solicitor or law corporation or limited liability law partnership, in any case where there is such an agreement as is referred to in section 111, shall not be subject to taxation nor to the provisions of section 118.

[4/2000; 41/2005]

(5) A provision in any such agreement that the solicitor or law corporation or limited liability law partnership —

(a) shall not be liable for negligence; or

(b) shall be relieved from any responsibility to which the solicitor or the law corporation or the limited liability law partnership would otherwise be subject as a solicitor or a law corporation or a limited liability law partnership,

shall be wholly void.

[41/2005]

### **Enforcement of agreements**

**113.**—(1) No action or suit shall be brought or instituted upon any such agreement as is referred to in section 111.

(2) Every question respecting the validity or effect of the agreement may be examined and determined, and the agreement may be enforced or set aside without suit or action on the application by originating summons of any person or the representatives of any person, party to the agreement, or being or alleged to be liable to pay, or being or claiming to be entitled to be paid the costs, fees, charges or disbursements in respect of which the agreement is made, by the court in which the business or any part thereof was done or a Judge thereof, or, if the business was not done in any court, then by the High Court or a Judge thereof.

[42/2005]

(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.

[42/2005]

(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.

[42/2005]

(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 him, on such terms and conditions as to the court or Judge seems just.

[4/2000; 41/2005]

(8) Where any such agreement is made by the client in the capacity of guardian or of trustee under a deed or will, or of committee of any person or persons whose estate or property will be chargeable with the amount payable under the agreement or with any part of that amount, the agreement shall before payment be laid before the Registrar, who shall examine it and disallow any part thereof, or may require the direction of the court or a Judge to be taken thereon.

[42/2005]

(9) If in any such case the client pays the whole or any part of the amount payable under the agreement without the previous allowance of the Registrar or court or Judge as aforesaid, he shall be liable at any time to account to the person whose estate or property is charged with the amount paid, or with any part thereof, for the amount so charged.

(10) The solicitor or law corporation or limited liability law partnership who accepts the payment may be ordered by any court which would have had jurisdiction to enforce the agreement, if it

thinks fit, to refund the amount received by him or the law corporation or the limited liability law partnership.

*[4/2000; 41/2005]*

### **Death or incapability of solicitor after agreement**

**114.**—(1) Where a solicitor has made an agreement with his client under section 111 and anything has been done by the solicitor under the agreement, and, before the agreement has been completely performed by him, the solicitor dies or becomes incapable to act, an application may be made to the court by any party thereto or by the representatives of that party.

(2) Where a law corporation has made an agreement with its client under section 111 and anything has been done by the law corporation or any of its directors or employees under the agreement, and, before the agreement has been completely performed by the law corporation or any of its directors or employees, the law corporation is wound up, an application may be made to the court by any party thereto or by the representatives of that party.

*[4/2000]*

(2A) Where a limited liability law partnership has made an agreement with its client under section 111 and anything has been done by the limited liability law partnership or any of its partners or employees under the agreement, and, before the agreement has been completely performed by the limited liability law partnership or any of its partners or employees, the limited liability law partnership is wound up, an application may be made to the court by any party thereto or by the representatives of that party.

*[41/2005]*

(3) The court shall thereupon have the same power to enforce or set aside the agreement, so far as it may have been acted upon, as if the death or incapacity had not happened.

(4) The court may, even if it thinks the agreement to be in all respects fair and reasonable, order the amount due in respect of the business done thereunder to be ascertained by taxation.

(5) The Registrar in ascertaining that amount shall have regard, so far as may be, to the terms of the agreement.

(6) Payment of the amount found to be due may be enforced in the same manner as if the agreement had been completely performed by the solicitor.

### **Change of solicitor after agreement**

**115.**—(1) If, after an agreement under section 111 has been made, the client changes his solicitor before the conclusion of the business to which the agreement relates (which he may do notwithstanding the agreement) the solicitor who is a party to the agreement shall be deemed to have become incapable to act under it within the meaning of section 114.

(2) Upon any order being made for taxation of the amount due to that solicitor in respect of business done under the agreement, the court shall direct the Registrar to have regard to the circumstances under which the change of solicitor has taken place.

(3) Upon such taxation, the solicitor shall not be deemed to be entitled to the full amount of the remuneration agreed to be paid to him unless it appears that there has been no default, negligence, improper delay or other conduct on his part affording reasonable ground to the client for his change of solicitor.

## **PART IX**

### **RECOVERY AND TAXATION OF COSTS**

#### **Interpretation and application of this Part**

**116.**—(1) In this Part —

“court” means the High Court, a Family Court, a District Court or a Magistrate’s Court, and includes the Registrar;

*[Act 27 of 2014 wef 01/10/2014]*

“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;

*[Act 27 of 2014 wef 01/10/2014]*

“solicitor” includes the executors, administrators and assignees of the solicitor in question and a law corporation or a limited liability law partnership.

*[4/2000; 35/2001; 41/2005; 19/2008]*

(2) This Part —

(a) shall apply 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) shall apply, 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;

*[Act 40 of 2014 wef 18/11/2015]*

(ii) a foreign lawyer registered under section 36B; or

*[Act 40 of 2014 wef 18/11/2015]*

(iii) a solicitor registered under section 36E.

*[Act 40 of 2014 wef 18/11/2015]*

### **Charging orders**

**117.**—(1) Any court in which a solicitor has been employed to prosecute or defend any suit, matter or proceeding may —

(a) at any time declare the solicitor entitled to a charge on the property recovered or preserved through his instrumentality for his taxed costs in reference to that suit, matter or proceeding; and

(b) make such orders for the taxation of the costs and for 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 referred to in subsection (1)(a) shall, except in the case of a conveyance to a bona fide purchaser for value without notice, be void as against the solicitor.

(3) No order shall be made under subsection (1) if the right to recover the costs is barred by the Limitation Act (Cap. 163).

### **Solicitor not to commence action for fees until one month after delivery of bills**

**118.**—(1) Subject to the provisions of this Act, no solicitor shall, except by leave of the court, commence or maintain any action for the recovery of any costs due for any business done by him until the expiration of one month after he has delivered to the party to be charged therewith, or sent by post to, or left with him at his office or place of business, dwelling-house or last known place of residence, a bill of those costs.

(2) The bill referred to in subsection (1) shall —

(a) be signed —

(i) by the solicitor;

(ii) in the case of a partnership, by one of the partners, either in his own name or in the name or style of the partnership, or by a solicitor employed by that solicitor or partnership;

(iii) in the case of a law corporation, by a director of, or by a solicitor employed by, that law corporation; or

(iv) in the case of a limited liability law partnership, by one of the partners of, or by a solicitor employed by, that limited liability law partnership; or

(b) be enclosed in or accompanied by a letter, signed in the like manner, referring to the bill.

[4/2000; 41/2005]

(3) Where a bill is proved to have been delivered in compliance with subsection (1), it shall not be necessary in the first instance for the solicitor to prove the contents of the bill and it shall be presumed until the contrary is shown to be a bill bona fide complying with this Act.

### **Court may authorise action for recovery of fees before expiration of one month after delivery of bills**

**119.** The court may authorise a solicitor to commence an action for the recovery of his costs and also refer his bill of costs for taxation by the Registrar, although one month has not expired from the delivery of the bill, upon proof to its satisfaction that any party chargeable therewith is about to quit Singapore, or to have a receiving order made against him, or to compound with his creditors or to take any other steps or do any other act which in its opinion would tend to defeat or delay the solicitor in obtaining payment.

### **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.

*[42/2005]*

(2) The order shall contain such directions and conditions as the court thinks proper, and any party aggrieved by any such order may apply by summons that the order be amended or varied.

*[42/2005]*

(3) In any case where a solicitor and his client consent to taxation of a solicitor's bill, the Registrar may proceed to tax the bill notwithstanding that there is no order therefor.



(4) Section 39 of the State Courts Act (Cap. 321) shall not apply to proceedings brought under this section.

[35/2001]

[Act 5 of 2014 wef 07/03/2014]

### **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, shall, subject to subsection (2), be the sum of \$25 or such other sum as may be prescribed.

[42/2005]

(2) If one of the parties holds out and does not agree to taxation, the costs of obtaining an order of court shall be the sum of \$150 or such other sum as may be prescribed.

[42/2005]

### **Time limit for taxation of bills of costs**

**122.** After the expiration of 12 months from the delivery of a bill of costs, or after payment of the bill, no order shall be made for taxation of a solicitor's bill of costs, except upon notice to the solicitor and under special circumstances to be proved to the satisfaction of the court.

[41/93]

### **Applications for taxation to contain submission to pay**

**123.** All applications made under section 120(1) by a party chargeable with or liable for a bill of costs shall, unless the bill has already been paid, contain a submission by that party to pay the amount thereof to the solicitor when taxed.

[42/2005]

### **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).

[42/2005]

(2) Upon such application being filed, the Registrar shall mark the order thereon immediately, and draw up the order if necessary.

[42/2005]

### **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 shall be drawn in the manner provided by the Rules of Court, and the taxation shall be governed by those Rules.

[Act 22 of 2018 wef 18/04/2018]

### **Interest in respect of disbursements and advances**

**127.** The Registrar may allow interest, at such rate and from such time as he thinks just, on moneys disbursed by a solicitor for his client, and on moneys of the client in the hands of the solicitor and improperly retained by him.

### **How costs of taxation to be borne**

**128.—(1)** In case any order for taxation is made upon the application of the party chargeable or liable, or of the solicitor, the costs of the order and taxation, except when the order has been made after the expiration of 12 months, shall be paid according to the event of the taxation —

- (a) if the bill when taxed is less by a sixth part than the bill delivered, then the solicitor shall pay the costs; or
- (b) if the bill when taxed is not less by a sixth part, then the party chargeable or liable, if the application is made by him, or if he attends the taxation, shall pay the costs.

(2) Every order for such a reference shall direct the Registrar to tax the costs of the reference, and to certify what, upon the reference, is found to be due to or from the solicitor in respect of the bill, and of the costs of the reference, if payable.

(3) The Registrar may certify specially any circumstances relating to the bill or taxation.

(4) The court may thereupon make any such order as it thinks right, respecting the payment of the costs of the taxation.

(5) Where such a reference is made, when it is not authorised except under special circumstances, the court may give any special directions relative to the costs of the reference.

### **Interest on client's money**

**129.**—(1) Rules made under section 72 shall make provision for requiring a solicitor, in such cases as may be prescribed by those rules, either —

- (a) to keep, on deposit in a separate account at a bank for the benefit of the client, money received for or on account of a client; or
- (b) to make good to the client out of the solicitor's own money a sum equivalent to the interest which would have accrued if the money so received had been so kept on deposit.

(2) The cases in which a solicitor may be required to act in accordance with any rules made under this section may be defined, among other things, by reference to the amount of any sum received or the period for which it is or is likely to be retained or both.

(3) Those rules may include provision for enabling a client (without prejudice to any other remedy) to require that any question arising under those rules in relation to the client's money be referred to and determined by the Society.

(4) Subject to any rules made under this section, a solicitor shall not be liable by virtue of the relation between solicitor and client to account to any client for interest received by the solicitor on moneys deposited at a bank being moneys received or held for or on account of his clients generally.

- (5) Nothing in this section, or in any rules made thereunder, shall —
- (a) affect any arrangement in writing, whenever made, between a solicitor and his client as to the application of the client's money or interest thereon; or
  - (b) apply to money received by a solicitor being money subject to a trust of which the solicitor is a trustee.

### **Costs of Government**

**130.**—(1) Nothing in this Act shall affect the right, which is hereby declared, of the Government when represented by any of such persons as are mentioned in section 29(2)(a) to recover costs awarded to it in, or respecting, any cause or matter.

(2) In any such cause or matter, the costs of the Government shall be taxed in accordance with any rules for the time being in force for the taxation of the fees and costs of advocates and solicitors as if an advocate and solicitor who is not in the service of the Government had appeared on behalf of the Government.

## PART IXA

### LAW PRACTICE ENTITIES

*[Act 40 of 2014 wef 18/11/2015]*

#### *Division 1 — Law Firms*

### **Licensing of law firms**

**131.**—(1) A solicitor who wishes to practise on his own account, or to have a partnership (not being a limited liability partnership) licensed as a law firm, shall apply to the Director of Legal Services for —

- (a) the issue of a law firm licence to his practice or the partnership (as the case may be); and
- (b) the approval of the name or proposed name of his practice or the partnership (as the case may be).

(2) An application under subsection (1) shall be made in accordance with rules made under section 136.

(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.

(4) Every law firm licence issued under subsection (3) shall be 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.

(5) The Director of Legal Services shall 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) or the Business Names Registration Act 2014 (whichever is in force).

(6) A law firm shall pay to the Director of Legal Services such licence fee at such times and in such manner as may be prescribed.

(7) Every practice of a solicitor who practises on his own account, and every firm of solicitors, which exists immediately before the prescribed date shall be deemed to be licensed under this section, subject to the conditions referred to 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.

(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.

*[Act 40 of 2014 wef 18/11/2015]*

### **Name of law firm**

**132.—**(1) The Director of Legal Services shall not approve the name or proposed name of a law firm if in his opinion that name or

proposed name fails to satisfy such criteria as may be prescribed by rules made under section 136.

(2) No name of a law firm may be changed without the prior approval in writing of the Director of Legal Services.

(3) Notwithstanding 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 shall 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.

*[Act 40 of 2014 wef 18/11/2015]*

### **Regulatory control over law firm**

**133.**—(1) The Director of Legal Services may, by notice in writing 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.

(2) Without prejudice to the generality of subsection (1), the Director of Legal Services may, by notice in writing to a law firm, do any thing referred to in subsection (1)(a), (b) or (c), if —

- (a) the law firm contravenes Part VA 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.

(3) Before doing under subsection (1) or (2) any thing referred to in subsection (1)(a), (b) or (c), the Director of Legal Services shall give the law firm not less than 14 days after the date of the notice to make representations in writing.

*[Act 40 of 2014 wef 18/11/2015]*

### **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.

(2) A person making an appeal under subsection (1) must comply with any rules made under section 136 for the purposes of this section.

(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.

*[Act 40 of 2014 wef 18/11/2015]*

### **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.

(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.

(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 shall lapse; and
- (b) the Director of Legal Services may cancel the registration of the law firm.

(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.

*[Act 40 of 2014 wef 18/11/2015]*

### **Rules on law firms**

**136.**—(1) The Minister may make rules for the purposes of this Division.

(2) Without prejudice to the generality of 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.

*[Act 40 of 2014 wef 18/11/2015]*



*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 same meanings as are assigned to them in the Limited Liability Partnerships Act (Cap. 163A).

*[Act 40 of 2014 wef 18/11/2015]*

**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 shall 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.

(2) An application under subsection (1) shall be made in accordance with rules made under section 150.

(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.

(4) Every limited liability law partnership licence issued under subsection (3) shall be 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.

(5) If the Director of Legal Services issues a limited liability law partnership licence to a proposed limited liability partnership, the licence shall not be in force until the limited liability partnership is registered under the Limited Liability Partnerships Act (Cap. 163A).

(6) A limited liability law partnership shall pay to the Director of Legal Services such licence fee at such times and in such manner as may be prescribed.

(7) Every limited liability partnership which was approved as a limited liability law partnership, under the repealed section 81Q as in force immediately before the prescribed date, and which continued to exist as such limited liability law partnership immediately before that date shall be deemed to be licensed under this section, subject to the conditions referred to 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.

(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.

(9) With effect from the prescribed date, 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, shall be deemed to be an application under subsection (1).

(10) The Society may transfer to the Director of Legal Services the particulars of and any documents relating to any application referred to in subsection (9).

*[Act 40 of 2014 wef 18/11/2015]*

### **Name of limited liability law partnership**

**139.**—(1) The Director of Legal Services shall not approve the name or proposed name of a limited liability law partnership if in his

opinion that name or proposed name fails to satisfy such criteria as may be prescribed by rules made under section 150.

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

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

(4) Notwithstanding anything in this section or the Limited Liability Partnerships Act (Cap. 163A), 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 shall 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.

*[Act 40 of 2014 wef 18/11/2015]*

### **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.

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

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

(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 shall not affect the personal liability of that regulated legal practitioner at law.

*[Act 40 of 2014 wef 18/11/2015]*

### **Relationship between client and limited liability law partnership**

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

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

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

*[Act 40 of 2014 wef 18/11/2015]*

### **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.

(2) Where the business of a limited liability law partnership 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, a regulated foreign lawyer or a 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.

(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 an employee of a limited liability law partnership who is a solicitor (whether or not he has in force a practising certificate) shall not —

- (a) hold shares in any law corporation;
- (b) be a director, a consultant or an employee of any law corporation;
- (c) be a partner, a consultant or an employee of any law firm or any other limited liability law partnership; or
- (d) practise as a solicitor on his own account.

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

(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 an employee of a limited liability law partnership who is a regulated foreign lawyer shall not —
  - (i) hold shares in any law corporation;

- (ii) be a director, a consultant or an employee of any law corporation; or
  - (iii) be a partner, a consultant or an employee of any law firm or any other limited liability law partnership; and
- (b) a partner or an employee of a limited liability law partnership who is a regulated non-practitioner shall not —
- (i) hold shares in any law corporation;
  - (ii) be a director or an employee of any law corporation; or
  - (iii) be a partner or an employee of any law firm or any other limited liability law partnership.

*[Act 40 of 2014 wef 18/11/2015]*

### **Effect of disciplinary action**

**143.** An individual shall not be a manager of a limited liability law partnership if —

- (a) he 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 registration under section 36B, 36C or 36D has been cancelled or suspended, or his 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) he has been ordered to divest himself of any shares or equity interests he may have in a Singapore law practice pursuant to such disciplinary proceedings under this Act as are applicable to a regulated non-practitioner.

*[Act 40 of 2014 wef 18/11/2015]*

### **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 (Cap. 163A) 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.

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

(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.

*[Act 40 of 2014 wef 18/11/2015]*

### **Regulatory control over limited liability law partnership**

**145.**—(1) The Director of Legal Services may, by notice in writing 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.

(2) Without prejudice to the generality of subsection (1), the Director of Legal Services may, by notice in writing to a limited liability law partnership, do any thing referred to in subsection (1)(a), (b) or (c), if —

- (a) the limited liability law partnership contravenes Part VA 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.

(3) Before doing under subsection (1) or (2) any thing referred to in subsection (1)(a), (b) or (c), the Director of Legal Services shall give the limited liability law partnership not less than 14 days after the date of the notice to make representations in writing.

*[Act 40 of 2014 wef 18/11/2015]*

### **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.

(2) A person making an appeal under subsection (1) must comply with any rules made under section 150 for the purposes of this section.

(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.

*[Act 40 of 2014 wef 18/11/2015]*

### **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.

(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.

(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 shall lapse; and

(b) the Director of Legal Services may cancel the registration of the limited liability law partnership.

*[Act 40 of 2014 wef 18/11/2015]*

### **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 shall prevail over any inconsistent provision of the limited liability partnership agreement of a limited liability law partnership.

*[Act 40 of 2014 wef 18/11/2015]*

### **Application of Limited Liability Partnerships Act and other written law to limited liability law partnerships**

**149.—**(1) Nothing in this Division shall affect the operation of the Limited Liability Partnerships Act (Cap. 163A), and the provisions of this Division shall apply with the provisions of the Limited Liability Partnerships Act.

(2) In the case of a conflict between any provision of the Limited Liability Partnerships Act and any provision in this Division, the provision in this Division shall prevail unless otherwise expressly provided in this Division.

(3) Such provisions of any other written law having effect in relation to solicitors or law firms or law corporations as may be prescribed, shall have effect in relation to limited liability law

partnerships with such prescribed modifications as may be necessary or expedient; and such provisions shall be construed accordingly.

(4) In this section, references to this Division include references to rules made under section 150.

*[Act 40 of 2014 wef 18/11/2015]*

### **Rules on limited liability law partnerships**

**150.**—(1) The Minister may make rules for the purposes of this Division.

(2) Without prejudice to the generality of 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.

*[Act 40 of 2014 wef 18/11/2015]*

**Reference in other written law**

**151.** In any other written law, any reference to a solicitor, an advocate or an advocate and solicitor shall, with such necessary modifications or exceptions as may be prescribed under section 150, be construed as including a reference to a limited liability law partnership.

*[Act 40 of 2014 wef 18/11/2015]*

*Division 3 — Law Corporations***Interpretation of this Division**

**152.** In this Division, unless the context otherwise requires —

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

“legal services” means the legal services which a solicitor can lawfully perform under this Act.

*[Act 40 of 2014 wef 18/11/2015]*

**Licensing of law corporations**

**153.—(1)** A solicitor who wishes to have a company or a proposed company licensed as a law corporation shall 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.

(2) An application under subsection (1) shall be made in accordance with rules made under section 166.

(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.

(4) Every law corporation licence issued under subsection (3) shall be 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.

(5) If the Director of Legal Services issues a law corporation licence to a proposed company, the licence shall not be in force until the company is registered and incorporated under the Companies Act (Cap. 50).

(6) A law corporation shall pay to the Director of Legal Services such licence fee at such times and in such manner as may be prescribed.

(7) Every company which was approved as a law corporation, under the repealed section 81B as in force immediately before the prescribed date, and which continued to exist as such law corporation immediately before that date, shall be deemed to be licensed under this section, subject to the conditions referred to 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.

(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.

(9) With effect from the prescribed date, 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, shall be deemed to be an application under subsection (1).

(10) The Society may transfer to the Director of Legal Services the particulars of and any documents relating to any application referred to in subsection (9).

*[Act 40 of 2014 wef 18/11/2015]*

### **Name of law corporation**

**154.**—(1) The Director of Legal Services shall not approve the name or proposed name of a law corporation if in his opinion that name or proposed name fails to satisfy such criteria as may be prescribed by rules made under section 166.

(2) Notwithstanding section 27 of the Companies Act (Cap. 50), 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.

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

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

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

(6) Notwithstanding anything in this section or section 27 of the Companies Act, 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 shall 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.

*[Act 40 of 2014 wef 18/11/2015]*

### **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.

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

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

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

*[Act 40 of 2014 wef 18/11/2015]*

### **Relationship between client and law corporation**

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

(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 client and extends to every regulated legal practitioner who is an officer or employee of the law corporation.

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

*[Act 40 of 2014 wef 18/11/2015]*

**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.

(2) Where the business of a law corporation 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, a regulated foreign lawyer or a 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.

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

- (a) hold shares in any other law corporation;
- (b) be a director, a consultant or an employee of any other law corporation;

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

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

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

(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 an employee of a law corporation who is a regulated foreign lawyer shall not —

(i) hold shares in any other law corporation;

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

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

(b) a director or an employee of a law corporation who is a regulated non-practitioner shall not —

(i) hold shares in any other law corporation;

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

(iii) be a partner or an employee of any law firm or limited liability law partnership.

*[Act 40 of 2014 wef 18/11/2015]*

### **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.

*[Act 40 of 2014 wef 18/11/2015]*



**Shares of law corporation, etc.**

**159.**—(1) No person shall transfer or dispose of any shares in a law corporation except in accordance with this section and the rules made under section 166.

(2) All the shares in a law corporation shall 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.

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

(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 shall not —

- (a) hold shares in any other law corporation;
- (b) be a director, a consultant or an employee of any other law corporation;
- (c) be a partner, a consultant or an employee of any law firm or limited liability law partnership; or
- (d) practise as a solicitor on his own account.

(5) No security may be created over any share in a law corporation.

(6) An individual shall 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 of any shares or equity interests he may have in a Singapore law practice pursuant to such disciplinary proceedings under this Act as are applicable to a regulated non-practitioner.

(7) An individual shall not, directly or indirectly, take part or be concerned in the management or practice of a law corporation if —

- (a) he 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 registration under section 36B, 36C or 36D has been cancelled or suspended, or his 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) he has been ordered to divest himself of any shares or equity interests he may have in a Singapore law practice pursuant to such disciplinary proceedings under this Act as are applicable to a regulated non-practitioner.

(8) Any transfer or disposal made in contravention of subsections (1) to (6) shall be null and void.

(9) Notwithstanding 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.

(10) The solicitor referred to in subsection (9) shall be treated as a solicitor for the purposes of computing the proportion of any class of shares in the law corporation held by solicitors.

(11) Notwithstanding subsections (2) and (7), where a solicitor has by reason of death, bankruptcy or incapacity by reason of mental or physical disability ceased to hold a practising certificate, the 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.

(12) The grace period of not more than 2 years referred to in subsection (11) shall commence —

- (a) in the case of death, from the date the administrator is appointed or the date the probate or letters of administration are granted;
- (b) in the case of bankruptcy, from the date the solicitor is adjudged a bankrupt; or
- (c) in the case of incapacity by reason of mental or physical disability, from the date the solicitor becomes incapable to act.

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

*[Act 40 of 2014 wef 18/11/2015]*

### **Additional grounds for winding up law corporation**

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

- (a) the law corporation ceases to satisfy the requirements of this Act or the rules made under section 166 relating to a law corporation;
- (b) the business of the law corporation has been conducted in a manner unbefitting the profession.

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

(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.

*[Act 40 of 2014 wef 18/11/2015]*

**Regulatory control over law corporation**

**161.**—(1) The Director of Legal Services may, by notice in writing 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.

(2) Without prejudice to the generality of subsection (1), the Director of Legal Services may, by notice in writing to a law corporation, do any thing referred to in subsection (1)(a), (b) or (c), if —

- (a) the law corporation contravenes Part VA 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.

(3) Before doing under subsection (1) or (2) any thing referred to in subsection (1)(a), (b) or (c), the Director of Legal Services shall give the law corporation not less than 14 days after the date of the notice to make representations in writing.

*[Act 40 of 2014 wef 18/11/2015]*

**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.

(2) A person making an appeal under subsection (1) must comply with any rules made under section 166 for the purposes of this section.

- (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.

*[Act 40 of 2014 wef 18/11/2015]*

### **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.

(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.

(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 shall lapse; and
- (b) the Director of Legal Services may cancel the registration of the law corporation.

*[Act 40 of 2014 wef 18/11/2015]*

### **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 shall prevail over any inconsistent provision of the memorandum and articles of association or constitution of a law corporation.

*[Act 40 of 2014 wef 18/11/2015]*

### **Application of Companies Act and other written law to law corporations**

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

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

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

(4) A law corporation shall not be treated for the purposes of the Companies Act as a public company merely because it has more than 50 members.

(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, shall have effect in relation to law corporations with such prescribed modifications as may be necessary or expedient; and such provisions shall be construed accordingly.

(6) In this section, references to this Division include references to rules made under section 166.

*[Act 40 of 2014 wef 18/11/2015]*

### **Rules on law corporations**

**166.**—(1) The Minister may make rules for the purposes of this Division.

(2) Without prejudice to the generality of 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.

*[Act 40 of 2014 wef 18/11/2015]*

### **Reference in other written law**

**167.** In any other written law, any reference to a solicitor, an advocate or an advocate and solicitor shall, with such necessary modifications or exceptions as may be prescribed under section 166, be construed as including a reference to a law corporation.

*[Act 40 of 2014 wef 18/11/2015]*

### *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.

- (2) In this Division, unless the context otherwise requires —
- (a) a reference to this Division shall be construed so as to include 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).

*[Act 40 of 2014 wef 18/11/2015]*

### **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.

(2) The Director of Legal Services may, after consulting such authorities as he thinks fit, grant or refuse an application under subsection (1).

(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.

(4) A Joint Law Venture licence shall —

- (a) entitle 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) notwithstanding anything to the contrary in Part IV, entitle 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) notwithstanding anything to the contrary in Part IV, entitle 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.

(5) A Joint Law Venture, or its constituent foreign law practice and constituent Singapore law practice, shall pay to the Director of Legal Services such licence fee at such times and in such manner as may be prescribed.

(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 client.

(7) Except as may otherwise be prescribed, nothing in this Act shall prevent 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.

(8) For the avoidance of doubt, Divisions 1, 2 and 3 shall not apply to a Joint Law Venture.

(9) A Joint Law Venture which is a company shall, notwithstanding that the shares in the Joint Law Venture are held by more than 20 members or by a corporation, be deemed to be an exempt private company for the purposes of the Companies Act (Cap. 50).

(10) Notwithstanding section 27 of the Companies Act —

(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.

(11) In exercising his 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.

(12) With effect from the prescribed date —

(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 shall be 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, shall be 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 referred to 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 shall be enforceable by the Director of Legal Services as if that undertaking was provided under section 179.

(13) The Attorney-General may transfer to the Director of Legal Services the particulars of and documents relating to any entity referred to 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 referred to 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.

(14) With effect from the prescribed date —

- (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, shall be 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, shall be deemed to be an undertaking provided under section 179 by that person.

(15) The Attorney-General may transfer to the Director of Legal Services the particulars of and documents relating to any application referred to in subsection (14).

*[Act 40 of 2014 wef 18/11/2015]*

**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.

(2) The Director of Legal Services may, after consulting such authorities as he thinks fit, grant or refuse an application under subsection (1).

(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.

(4) A Formal Law Alliance licence shall —

- (a) entitle the formation of a Formal Law Alliance by the law practices to which the licence has been issued (each referred to in this Division as a member of the Formal Law Alliance);
- (b) notwithstanding anything to the contrary in Part IV, entitle 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) notwithstanding anything to the contrary in Part IV, entitle 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.

(5) A Formal Law Alliance or its members shall pay to the Director of Legal Services such licence fee at such times and in such manner as may be prescribed.

(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 client.

(7) Except as may otherwise be prescribed, nothing in this Act shall prevent 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.

(8) A foreign law practice or Singapore law practice may be a joint applicant for more than one Formal Law Alliance licence.

(9) In exercising his 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.

(10) With effect from the prescribed date —

- (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 shall be 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, shall be 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 referred to 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 shall be enforceable by the Director of Legal Services as if that undertaking was provided under section 179.

(11) The Attorney-General may transfer to the Director of Legal Services the particulars of and documents relating to any alliance referred to 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 referred to 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.

(12) With effect from the prescribed date —

- (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, shall be

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, shall be deemed to be an undertaking provided under section 179 by that person.

(13) The Attorney-General may transfer to the Director of Legal Services the particulars of and documents relating to any application referred to in subsection (12).

*[Act 40 of 2014 wef 18/11/2015]*

### **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.

(2) The Director of Legal Services may, after consulting such authorities as he thinks fit, grant or refuse an application under subsection (1).

(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.

(4) A Qualifying Foreign Law Practice licence shall, notwithstanding anything to the contrary in Part IV, entitle 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.

(5) A Qualifying Foreign Law Practice shall pay to the Director of Legal Services such licence fee at such times and in such manner as may be prescribed.

(6) In exercising his 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.

(7) With effect from the prescribed date —

(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 shall be 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 referred to 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 shall be enforceable by the



Director of Legal Services as if that undertaking was provided under section 179.

(8) The Attorney-General may transfer to the Director of Legal Services the particulars of and documents relating to any foreign law practice referred to 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 referred to 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.

(9) With effect from the prescribed date —

- (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, shall be 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, shall be deemed to be an undertaking provided under section 179 by that person.

(10) The Attorney-General may transfer to the Director of Legal Services the particulars of and documents relating to any application referred to in subsection (9).

*[Act 40 of 2014 wef 18/11/2015]*

### **Licensed foreign law practice**

**172.**—(1) A foreign law practice which intends to provide any legal services in Singapore shall apply for a foreign law practice licence.

(2) The Director of Legal Services may, after consulting such authorities as he thinks fit, grant or refuse an application under subsection (1).

(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.
- (4) A foreign law practice licence shall, notwithstanding anything to the contrary in Part IV, entitle 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.
- (5) A licensed foreign law practice shall pay to the Director of Legal Services such licence fee at such times and in such manner as may be prescribed.
- (6) With effect from the prescribed date —
  - (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 shall be 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 referred to 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 shall be enforceable by the Director of Legal Services as if that undertaking was provided under section 179.

(7) The Attorney-General may transfer to the Director of Legal Services the particulars of and documents relating to any foreign law practice referred to 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 referred to 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.

(8) With effect from the prescribed date —

(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, shall be 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, shall be deemed to be an undertaking provided under section 179 by that person.

(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).

*[Act 40 of 2014 wef 18/11/2015]*

### **Representative office**

**173.**—(1) A foreign law practice which establishes a representative office in Singapore shall 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.

(2) A foreign law practice which ceases to operate its representative office in Singapore shall give the Director of Legal Services notice in the prescribed manner of such cessation, within 7 working days after the date of such cessation.

(3) The Director of Legal Services shall maintain a register of every representative office which is operated in Singapore by a foreign law practice.

(4) Every notice under subsection (1) or (2) shall contain such particulars of the foreign law practice and the representative office as may be prescribed.

(5) Where, immediately before the prescribed date, 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 shall be 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.

(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, referred to 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.

*[Act 40 of 2014 wef 18/11/2015]*

### **Regulatory control over Joint Law Venture or Formal Law Alliance**

**174.**—(1) The Director of Legal Services may, by notice in writing 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.

(2) Without prejudice to the generality of subsection (1), the Director of Legal Services may, by notice in writing to a Joint Law Venture or a Formal Law Alliance, do any thing 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 VA 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.

(3) Before doing under subsection (1) or (2) any thing referred to in subsection (1)(a), (b) or (c), the Director of Legal Services shall 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.

(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 any thing referred to in subsection (1)(a), (b) or (c) in relation to that entity.

*[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 any thing referred to in subsection (1)(a), (b) or (c) in relation to that entity.

*[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 any thing referred to in subsection (1)(a), (b) or (c) in relation to that alliance.

*[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 any thing referred to in subsection (1)(a), (b) or (c) in relation to that entity.

*[Act 40 of 2014 wef 18/11/2015]*

*[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 notice in writing 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.
- (2) Without prejudice to the generality of subsection (1), the Director of Legal Services may, by notice in writing to a foreign law practice, do any thing 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 VA 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.
- (3) Before doing under subsection (1) or (2) any thing referred to in subsection (1)(a), (b) or (c), the Director of Legal Services shall give the foreign law practice not less than 14 days after the date of the notice to make representations in writing.
- (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 any thing referred to in subsection (1)(a), (b) or (c) in relation to that foreign law practice.

*[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 any thing referred to in subsection (1)(a), (b) or (c) in relation to that foreign law practice.

*[Act 40 of 2014 wef 18/11/2015]*

*[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 shall prevent the foreign lawyer, with the approval of the Director of Legal Services, from —

- (a) being a director, partner or shareholder in the Singapore law practice; or
- (b) sharing in the profits of the Singapore law practice.

(2) Every foreign lawyer to whom an approval under subsection (1) has been granted, and every Singapore law practice referred to in subsection (1), shall 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.

(3) For the avoidance of doubt, the approval of the Director of Legal Services under subsection (1) shall lapse if the registration of the foreign lawyer under section 36B, 36C or 36D is cancelled or suspended, or lapses.

(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) shall be deemed to be granted an approval under subsection (1); and

(ii) shall comply with —

(A) the conditions referred to 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 referred to in the repealed section 130L(1) as in force immediately before that date —

(i) shall be deemed to be a Singapore law practice which is referred to in subsection (1); and

(ii) shall comply with —

(A) the conditions referred to 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 shall be enforceable by the Director of Legal Services as if that undertaking was provided under section 177 or 179 (as the case may be).

*[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 referred to 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.

(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, shall be 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, shall be 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).

*[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 referred to in subsection (6).

(8) For the avoidance of doubt, for the purposes of this section and section 177, it shall be irrelevant whether a foreign lawyer practises in Singapore or elsewhere.

(9) Subject to the provisions of this Division, nothing in this Act shall prevent 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.

(10) Every foreign law practice and every Singapore law practice referred to in subsection (9) shall 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.

(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) shall be deemed to be granted an approval under subsection (9); and
  - (ii) shall comply with —
    - (A) the conditions referred to 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 referred to in the repealed section 130L(6) as in force immediately before that date —
- (i) shall be deemed to be a Singapore law practice which is referred to in subsection (9); and
  - (ii) shall comply with —
    - (A) the conditions referred to 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 shall be enforceable by the Director of Legal Services as if that undertaking was provided under section 177 or 179 (as the case may be).

*[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 referred to 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.

(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, shall be 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, shall be 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).

*[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 referred to in subsection (13).

(15) For the avoidance of doubt, for the purposes of this section and section 177, it shall be 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.

*[Act 40 of 2014 wef 18/11/2015]*

### **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).

(2) Where any foreign lawyer, Singapore law practice or partner or director referred to 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) shall 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) shall immediately cease to exercise his 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 shall as soon as practicable repay to the Singapore law practice concerned any payment he 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) shall 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) shall comply with any directions issued by the Director of Legal Services under subsections (3) and (4).

(3) Where any foreign lawyer, Singapore law practice or partner or director referred to 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.
- (4) Without prejudice to the generality of subsection (3)(b), the Director of Legal Services may direct —
- (a) the foreign lawyer concerned to divest himself of any shares or equity interests he 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 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 capacity as a partner, a director or an officer of the Singapore law practice concerned.
- (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).
- (6) Where any Singapore law practice, foreign law practice or partner or director referred to 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) shall without delay notify the Director of Legal Services in writing of the contravention;



- (b) the partner or director concerned shall, if he is a partner or director of the Singapore law practice concerned, immediately cease to exercise his 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 shall 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) shall 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) shall comply with any directions issued by the Director of Legal Services under subsections (7) and (8).

(7) Where any Singapore law practice, foreign law practice or partner or director referred to 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.

(8) Without prejudice to the generality of 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.
- (9) A direction under this section shall be —
- (a) issued in writing and shall 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.
- (10) Any undertaking provided under the repealed section 130M(1) or (4A) as in force immediately before 18 November 2015 shall, with effect from that date, be deemed to be an undertaking provided under subsection (1) or (5), as the case may be.
- [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 shall, with effect from that date, be deemed to be directions issued by the Director of Legal Services under subsection (3), (4), (7) or (8), as the case may be.
- [Act 40 of 2014 wef 18/11/2015]*
- [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 shall 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.

(2) Any licence or approval under this Division which is prescribed for the purposes of this subsection shall remain valid until it is suspended, revoked or cancelled in accordance with this Division.

(3) Any licence or approval under this Division which is prescribed for the purposes of this subsection shall, unless it is sooner suspended, revoked or cancelled in accordance with this Division, be valid for such period as the Director of Legal Services may specify.

(4) The Director of Legal Services may renew any licence or approval referred to 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.

(5) The Director of Legal Services may renew any licence or approval referred to 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.

(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.

(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, shall be deemed to be an application under

subsection (4) to renew the corresponding licence or approval referred to 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).

*[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 referred to in subsection (7).

*[Act 40 of 2014 wef 18/11/2015]*

### **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.

(2) The Director of Legal Services may, from time to time, issue guidelines relating to any licence or approval under this Division.

(3) Where any requirement of any guideline issued under this section conflicts with any requirement specified in this Division, the latter shall prevail.

(4) The Director of Legal Services shall 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.

(5) It shall be a condition of every licence or approval under this Division that the person or entity licensed or granted approval shall comply with the requirements of this Division, including any guideline issued under this section and any undertaking provided under this section or section 177.

(6) The Director of Legal Services may, if he 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.

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

(a) issued in writing and shall 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.

(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.

(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 shall, with effect from that date, be deemed to be an undertaking provided under this section.

*[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 shall, with effect from that date, be deemed to be guidelines or directions (as the case may be) issued by the Director of Legal Services under this section.

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

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

*[Act 40 of 2014 wef 18/11/2015]*

**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.

(2) A person making an appeal under subsection (1) must comply with any rules made under section 184 for the purposes of this section.

(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.

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

*[Act 40 of 2014 wef 18/11/2015]*

**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) shall not be

enforceable in legal proceedings in the name of the Joint Law Venture or foreign law practice.

*[Act 40 of 2014 wef 18/11/2015]*

### **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.

(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.

(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.

(4) Notwithstanding 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 (referred to in

this section as 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.

(5) Nothing in this section shall be construed to prevent 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.

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

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

(8) Rules of Court may be made to —

- (a) regulate and prescribe the procedure and practice to be followed in respect of proceedings under this section; and
- (b) provide for costs and fees of such proceedings, and for regulating any matter relating to the costs of such proceedings.

(9) This section shall apply notwithstanding that any disciplinary action has been taken against the foreign lawyer 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).

*[Act 40 of 2014 wef 18/11/2015]*

### **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 shall be deemed to have contravened the provision, unless he proves that —

- (a) the contravention occurred without his consent or connivance; and
- (b) he exercised such diligence to prevent the contravention as he ought to have exercised having regard to the nature of his function in that capacity and to all the circumstances.

*[Act 40 of 2014 wef 18/11/2015]*

### **Rules for this Division**

**184.**—(1) The Minister may make such rules as may be necessary or expedient for the purposes of this Division.

(2) Without prejudice to the generality of 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 prejudice to the generality of 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 of his 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.

[Act 40 of 2014 wef 18/11/2015]

## PART X

### MISCELLANEOUS

#### General provision as to rules

**185.** All rules made under the provisions of this Act shall be presented to Parliament as soon as possible after publication in the *Gazette*.

[Act 40 of 2014 wef 18/11/2015]

[Act 30 of 2017 wef 11/07/2017]

#### Offices of Institute and Society

**186.—(1)** The Institute and the Society shall each at all times keep and maintain an office and the address of the office and any change thereof shall be published by the Institute and the Council respectively in the *Gazette*.

[8/2011 wef 03/05/2011]

(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 shall be 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 wef 03/05/2011]

[Act 40 of 2014 wef 18/11/2015]

[Act 30 of 2017 wef 11/07/2017]

### 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.

(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 shall be prima facie evidence of service thereof.

*[8/2011 wef 03/05/2011]*

(3) Any document addressed to an advocate and solicitor at his only or principal address last appearing in the register of practitioners shall be deemed to be properly addressed.

*[Act 40 of 2014 wef 18/11/2015]*

*[Act 30 of 2017 wef 11/07/2017]*

### 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 wef 03/05/2011]*

*[Act 40 of 2014 wef 18/11/2015]*

*[Act 30 of 2017 wef 11/07/2017]*

### 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

*[8/2011 wef 03/05/2011]*

(b) the costs referred to in section 121(1) and (2).

*[42/2005; 19/2008]*

*[Act 40 of 2014 wef 18/11/2015]*

*[Act 30 of 2017 wef 11/07/2017]*

### **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.

*[4/2000; 41/2005]*

(2) Nothing in subsection (1) shall relieve a bank from any liability or obligation under which it would be apart from section 73 or this section.

(3) Notwithstanding subsection (1), a bank at which a solicitor or law corporation or limited liability law partnership keeps an account for clients' moneys shall not, in respect of any liability of the solicitor or law corporation or limited liability law partnership to the bank, not being a liability in connection with that account, have or obtain any recourse or right, whether by way of set-off, counterclaim, charge or otherwise, against moneys standing to the credit of that account.

*[4/2000; 41/2005]*

*[Act 40 of 2014 wef 18/11/2015]*

*[Act 30 of 2017 wef 11/07/2017]*

### **Jurisdiction of court**

**191.** Notwithstanding any provision to the contrary in the Criminal Procedure Code (Cap. 68), a District Court shall have jurisdiction to

try any offence under this Act and shall have power to impose the full penalty or punishment in respect of the offence.

[20/2007]

[Act 40 of 2014 wef 18/11/2015]

[Act 30 of 2017 wef 11/07/2017]

## FIRST SCHEDULE

Section 74

### INTERVENTION IN SOLICITOR'S PRACTICE

#### PART I

#### 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 II shall be exercisable where —

(a) the Council has reason to suspect dishonesty on the part of —

(i) a solicitor;

(ii) an employee of a solicitor; or

(iii) the personal representatives of a deceased solicitor,

in connection with that solicitor's practice or in connection with any trust of which that solicitor is or formerly was a trustee;

(b) the Council considers that there has been undue delay on the part of the personal representatives of a deceased solicitor who immediately before his death was practising as a sole solicitor in connection with that solicitor's practice or in connection with any trust of which that solicitor was the sole trustee or was co-trustee only with one or more of his partners or employees;

(c) the Council is satisfied that a solicitor has contravened —

(i) any rules made under section 72; or

(ii) any rules made under section 73D of the Conveyancing and Law of Property Act (Cap. 61);

[17/2011 wef 01/08/2011]

(d) a solicitor has been adjudicated bankrupt or he has made a composition or an arrangement with his creditors;

FIRST SCHEDULE — *continued*

- (e) a solicitor has one or more outstanding judgments against him amounting in the aggregate to \$100,000 which he has been unable to satisfy within 6 months from the date of the earliest judgment;
- (f) a solicitor has been committed to prison in any civil or criminal proceedings;
- (g) the Council is satisfied that a sole solicitor is incapacitated by illness or accident, or by any physical or mental condition, to such an extent as to be unable to attend to his practice;
- (ga) the fitness of a sole proprietor to practise has been determined under section 25C to be impaired by reason of his 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;  
*[21/2008 wef 01/03/2010]*
- (i) the name of a solicitor has been removed from or struck off the roll or a solicitor has been suspended from practice;
- (j) the Council is satisfied that a sole solicitor has abandoned his practice;  
or
- (k) the Council is satisfied that a person has acted as a solicitor at a time when he did not have a practising certificate which was in force.

(2) The powers conferred by Part II shall only be exercisable under sub-paragraph (1)(c) if the Society has given the solicitor notice in writing that the Council is satisfied that he has contravened the rules specified in the notice and also (at the same or any later time) notice that the powers conferred by Part II are accordingly exercisable in his case.

2. On the death of a sole solicitor, paragraphs 10, 11 and 12 shall apply to the client accounts, conveyancing accounts (if any) and conveyancing (CPF) accounts (if any) of his practice.  
*[17/2011 wef 01/08/2011]*

3. The powers conferred by Part II shall also be exercisable, subject to paragraph 9(4), where —

- (a) a complaint is made to the Society that there has been undue delay on the part of a solicitor in connection with any matter in which the solicitor or his firm was instructed on behalf of a client or with any controlled trust;



FIRST SCHEDULE — *continued*

- (b) the Society by notice in writing invites the solicitor to give an explanation within a period of not less than 8 days specified in the notice;
- (c) the solicitor fails within that period to give an explanation which the Council regards as satisfactory; and
- (d) the Society gives notice of the failure to the solicitor and (at the same or any later time) notice that the powers conferred by Part II are accordingly exercisable.

4.—(1) Where the powers conferred by Part II are exercisable in relation to a solicitor, they shall continue to be exercisable after his death or after his name has been removed from or struck off the roll.

(2) The references to the solicitor or his firm in paragraphs 9(1), 10(2) and (3), 12 and 13(1) and (5) include, in any case where the solicitor has died, references to his personal representatives.

## 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 (Cap. 61);

*[17/2011 wef 01/08/2011]*

- (b) a person has been appointed receiver or manager of property of a law corporation;
- (c) a winding up order, or an order for judicial management under the Companies Act (Cap. 50), has been made with respect to a law corporation or a resolution for voluntary winding up has been passed with respect to a law corporation (other than a resolution passed solely for the purposes of its reconstruction or of its amalgamation with another company); or
- (d) the Council has reason to suspect dishonesty on the part of any officer or employee of a law corporation in connection with that law corporation's business or in connection with any trust of which that corporation is or formerly was a trustee,

FIRST SCHEDULE — *continued*

the powers conferred by Part II shall be exercisable in relation to the law corporation and its business in like manner as they are exercisable in relation to a solicitor and his practice.

(2) Those powers shall only be exercisable by virtue of sub-paragraph (1)(a) if the Society has given the law corporation notice in writing that the Council is satisfied that the law corporation has contravened the rules specified in the notice and also (at the same or any later time) notice that those powers are accordingly exercisable in its case by virtue of sub-paragraph (1)(a).

6. The powers conferred by Part II shall also be exercisable as mentioned in paragraph 5(1) where —

- (a) a complaint is made to the Society that there has been undue delay on the part of a law corporation in connection with any matter in which it was instructed on behalf of a client or with any controlled trust;
- (b) the Society by notice in writing invites the law corporation to give an explanation within a period of not less than 8 days specified in the notice;
- (c) the law corporation fails within that period to give an explanation which the Council regards as satisfactory; and
- (d) the Society gives notice of the failure to the law corporation and (at the same or any later time) notice that the powers conferred by Part II are accordingly exercisable.

7.—(1) Where the registration of a law corporation has been cancelled under section 163, the powers conferred by Part II shall be exercisable in relation to the law corporation and its former business as a law corporation as they are exercisable in relation to a solicitor and his practice.

*[Act 40 of 2014 wef 18/11/2015]*

(2) Where the powers conferred by Part II are exercisable in relation to a law corporation in accordance with paragraph 5 or 6, they shall continue to be so exercisable after that law corporation's registration has been cancelled or has otherwise ceased to be in force.

8. In connection with the application of Part II to a law corporation in that Part —

- (a) any reference to the solicitor or to his practice shall be construed as including a reference to the law corporation in relation to which the powers conferred by that Part are exercisable by virtue of paragraph 5, 6 or 7(1) or to its business (or former business) as a law corporation;
- (b) any reference to paragraph 1 shall be construed as including a reference to paragraph 5 or 7(1); and

FIRST SCHEDULE — *continued*

- (c) any reference to paragraph 3 shall be construed as including 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 (Cap. 61);
- [17/2011 wef 01/08/2011]*
- (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 (Cap. 163A) has been made with respect to a limited liability law partnership or a resolution for voluntary winding up has been passed with respect to a limited liability law partnership; or
- (d) the Council has reason to suspect dishonesty on the part of any partner or employee of a limited liability law partnership in connection with that limited liability law partnership's business or in connection with any trust of which that limited liability law partnership is or formerly was a trustee,

the powers conferred by Part II shall be exercisable in relation to the limited liability law partnership and its business in like manner as they are exercisable in relation to a solicitor and his practice.

(2) Those powers shall only be exercisable by virtue of sub-paragraph (1)(a) if the Society has given the limited liability law partnership notice in writing that the Council is satisfied that the limited liability law partnership has contravened the rules specified in the notice and also (at the same or any later time) notice that those powers are accordingly exercisable in its case by virtue of sub-paragraph (1)(a).

8B. The powers conferred by Part II shall also be exercisable as mentioned in paragraph 8A(1) where —

- (a) a complaint is made to the Society that there has been undue delay on the part of a limited liability law partnership in connection with any

FIRST SCHEDULE — *continued*

matter in which it was instructed on behalf of a client or with any controlled trust;

- (b) the Society by notice in writing invites the limited liability law partnership to give an explanation within a period of not less than 8 days specified in the notice;
- (c) the limited liability law partnership fails within that period to give an explanation which the Council regards as satisfactory; and
- (d) the Society gives notice of the failure to the limited liability law partnership and (at the same or any later time) notice that the powers conferred by Part II are accordingly exercisable.

8C.—(1) Where the registration of a limited liability law partnership has been cancelled under section 147, the powers conferred by Part II shall be exercisable in relation to the limited liability law partnership and its former business as a limited liability law partnership as they are exercisable in relation to a solicitor and his practice.

*[Act 40 of 2014 wef 18/11/2015]*

(2) Where the powers conferred by Part II are exercisable in relation to a limited liability law partnership in accordance with paragraph 8A or 8B, they shall continue to be so exercisable after that limited liability law partnership's registration has been cancelled or has otherwise ceased to be in force.

8D. In connection with the application of Part II to a limited liability law partnership in that Part —

- (a) any reference to the solicitor or to his practice shall be construed as including a reference to the limited liability law partnership in relation to which the powers conferred by that Part are exercisable by virtue of paragraph 8A, 8B or 8C(1) or to its business (or former business) as a limited liability law partnership;
- (b) any reference to paragraph 1 shall be construed as including a reference to paragraph 8A or 8C(1); and
- (c) any reference to paragraph 3 shall be construed as including a reference to paragraph 8B.

## PART II

## POWERS EXERCISABLE ON INTERVENTION

## Money

9.—(1) The High Court may, on the application of the Society, order that no payment shall be made without the leave of the Court by any person (whether or

FIRST SCHEDULE — *continued*

not named in the order) of any money held by him (in whatever manner and whether it was received before or after the making of the order) on behalf of the solicitor or his firm.

(2) No order under this paragraph shall take effect in relation to any person to whom it applies unless the Society has served a copy of the order on him (whether or not he is named in it) and, in the case of a bank, has indicated at which of its branches the Society believes that the money to which the order relates is held.

(3) A person shall not be treated as having disobeyed an order under this paragraph by making a payment of money if he satisfies the High Court that he exercised due diligence to ascertain whether it was money to which the order related but nevertheless failed to ascertain that the order related to it.

(4) This paragraph shall not apply where the powers conferred by this Part are exercisable by virtue of paragraph 3.

10.—(1) Without prejudice to paragraph 9, if the Council passes a resolution to the effect that any sums of money to which this paragraph applies, and the right to recover or receive such sums, shall vest in the Society, all such sums shall vest accordingly (whether they were received by the person holding them before or after the Council's resolution) and shall be held by the Society on trust to exercise in relation to them the powers conferred by this Part and subject thereto upon trust for the persons beneficially entitled to them.

(2) This paragraph shall apply —

(a) where the powers conferred by this paragraph are exercisable, by virtue of paragraph 1, to all sums of money held by or on behalf of the solicitor or his firm in connection with his practice or with any trust of which he is or formerly was a trustee;

(b) where the powers conferred by this paragraph are exercisable by virtue of paragraph 2, to all sums of money in any client account, conveyancing account or conveyancing (CPF) account; and  
*[17/2011 wef 01/08/2011]*

(c) where the powers conferred by this paragraph are exercisable by virtue of paragraph 3, to all sums of money held by or on behalf of the solicitor or his firm in connection with the trust or other matter to which the complaint relates.

(3) The Society shall serve on the solicitor or his firm and on any other person having possession of sums of money to which this paragraph applies a certified copy of the Council's resolution and a notice prohibiting the payment out of any such sums of money.

FIRST SCHEDULE — *continued*

(4) Within 14 days of the service of a notice under sub-paragraph (3), the person on whom it was served may, on giving not less than 48 hours' notice in writing to the Society and (if the notice gives the name of the solicitor instructed by the Society) to that solicitor, apply to the High Court for an order directing the Society to withdraw the notice.

(5) If the High Court makes such an order, it shall have power also to make such other order with respect to the matter as it may think fit.

(6) If any person on whom a notice has been served under sub-paragraph (3) pays out sums of money at a time when the payment is prohibited by the notice, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

11.—(1) If the Society takes possession of any sum of money to which paragraph 10 applies, the Society shall pay it into a special account in the name of the Society or of a person nominated on behalf of the Society, and that person shall hold that sum on trust to permit the Society to exercise in relation to it the powers conferred by this Part and subject thereto on trust for the persons beneficially entitled to it.

(2) A bank at which a special account is kept shall be under no obligation to ascertain whether it is being dealt with properly.

(3) Any moneys paid into a special account under sub-paragraph (1) which have not been claimed for a period of 6 years shall be paid by the Society into the Compensation Fund maintained under section 75.

(4) If any claimant makes any demand against the Society for any amount of unclaimed moneys paid into the Compensation Fund under sub-paragraph (3), the Society may pay that amount free of interest to the claimant out of the Compensation Fund.

12. Without prejudice to paragraphs 9, 10 and 11, if the High Court is satisfied, on an application by the Society, that there is reason to suspect that any person holds money on behalf of the solicitor or his firm, the Court may require that person to give the Society information as to that money and the accounts in which it is held.

## Documents

13.—(1) The Society may give notice to the solicitor or his firm requiring the production or delivery to any person appointed by the Society at a time and place to be fixed by the Society —

FIRST SCHEDULE — *continued*

- (a) where the powers conferred by this Part are exercisable by virtue of paragraph 1, of all documents in the possession of the solicitor or his firm in connection with his practice or with any controlled trust; and
- (b) where the powers conferred by this Part are exercisable by virtue of paragraph 3, of all documents in the possession of the solicitor or his firm in connection with the trust or other matters to which the complaint relates (whether or not they relate also to other matters).
- (2) The person appointed by the Society may take possession of any such documents on behalf of the Society.
- (3) Except in a case where an application has been made to the High Court under sub-paragraph (4), if any person having possession of any such documents refuses, neglects or otherwise fails to comply with a requirement under sub-paragraph (1), he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.
- (4) The High Court may, on the application of the Society, order a person required to produce or deliver documents under sub-paragraph (1) to produce or deliver them to any person appointed by the Society at such time and place as may be specified in the order, and authorise him to take possession of them on behalf of the Society.
- (5) If, on an application by the Society, the High Court is satisfied that there is reason to suspect that documents in relation to which the powers conferred by sub-paragraph (1) are exercisable have come into the possession of some person other than the solicitor or his firm, the Court may order that person to produce or deliver the documents to a person appointed by the Society at such time and place as may be specified in the order and authorise him to take possession of them on behalf of the Society.
- (6) On making an order under this paragraph, or at any later time, the High Court may, on the application of the Society, authorise a person appointed by the Society to enter any premises (using such force as is reasonably necessary) to search for and take possession of any documents to which the order relates.
- (7) The Society may, on taking possession of any documents under this paragraph, serve upon the solicitor or his personal representatives and upon any other person from whom they were received on the Society's behalf or from whose premises they were taken a notice that possession has been taken on the date specified in the notice.
- (8) Subject to sub-paragraph (9), a person upon whom a notice under sub-paragraph (7) is served may, on giving not less than 48 hours' notice to the Society and (if the notice gives the name of the solicitor instructed by the Society)

FIRST SCHEDULE — *continued*

to that solicitor, apply to the High Court for an order directing the Society to deliver the documents to such person as the applicant may require.

(9) A notice under sub-paragraph (8) shall be given within 8 days of the service of the Society's notice under sub-paragraph (7).

(10) Without prejudice to the foregoing provisions, the Society may apply to the High Court for an order as to the disposal or destruction of any documents in its possession by virtue of this paragraph.

(11) On an application under sub-paragraph (8) or (10), the High Court may make such order as it thinks fit.

(12) Except so far as its right to do so may be restricted by an order on an application under sub-paragraph (8) or (10), the Society may take copies of or extracts from any documents in its possession by virtue of this paragraph and require any person to whom it is proposed that those documents shall be delivered, as a condition precedent to delivery, to give a reasonable undertaking to supply copies or extracts thereof to the Society.

## Trusts

14.—(1) If the solicitor or his personal representative is a trustee of a controlled trust, the Society may apply to the High Court for an order for the appointment of a new trustee in substitution of him.

(2) The Trustees Act (Cap. 337) shall have effect in relation to an appointment of a new trustee under this paragraph as it has effect in relation to an appointment under section 37 of that Act.

## General

15. The powers in relation to sums of money and documents conferred by this Part shall be exercisable notwithstanding any lien on them or right to their possession.

16. Subject to any order for the payment of costs that may be made on an application to the High Court under this Schedule, any costs incurred by the Society for the purposes of this Schedule, including, without prejudice to the generality of this paragraph, the costs of any person exercising powers under this Part on behalf of the Society shall be paid by the solicitor or his personal representatives and shall be recoverable from him or them as a debt owing to the Society.

17. Where an offence under this Schedule committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other



FIRST SCHEDULE — *continued*

similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

18. Any application to the High Court under this Schedule may be disposed of in chambers.

19. The Society may do all things which are reasonably necessary for the purpose of facilitating the exercise of its powers under this Schedule.

20. In this Schedule —

“controlled trust”, in relation to a solicitor, means a trust of which he is a sole trustee or co-trustee only with one or more of his partners or employees;

“conveyancing account” means a bank account maintained in accordance with any rules made under section 73D of the Conveyancing and Law of Property Act (Cap. 61) 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 for the purpose of depositing money withdrawn from the Central Provident Fund for or in connection with a conveyancing transaction.

[17/2011 wef 01/08/2011]

[41/93; 15/95; 40/96; 4/2000; 35/2001; 41/2005;  
19/2008]

## 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 his firm;
- (b) the law corporation of which he is a director or an employee; or
- (c) the limited liability law partnership of which he is a partner or an employee,

has been instructed by a client have, in any respect, not been of the quality which it is reasonable to expect of him as a solicitor, the Council may take any of the

SECOND SCHEDULE — *continued*

directions mentioned in paragraph 2 (referred to in this Schedule as the directions) with respect to the solicitor.

(2) The Council —

(a) shall 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 expiration of a period of 3 years from the date of the conduct; and

(b) shall 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.

*[Act 3 of 2012 wef 01/04/2012]*

(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;

*[Act 3 of 2012 wef 01/04/2012]*

(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

*[Act 3 of 2012 wef 01/04/2012]*

(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.

*[Act 3 of 2012 wef 01/04/2012]*

**Directions which may be given**

2.—(1) The directions are —

(a) determining that the costs to which the solicitor, or the law corporation of which he is a director or an employee, or the limited liability law partnership of which he is a partner or an employee, is entitled in respect of his services (referred to in this Schedule as the costs) are to be limited to such amount as may be specified in the determination and directing him to comply, or to secure compliance, with one or more of the permitted requirements as appear to the Council to be necessary in order for effect to be given to the Council's determination;

(b) directing the solicitor to secure the rectification, at his expense or at that of his firm, or the law corporation of which he is a director or an employee, or the limited liability law partnership of which he is a partner or an employee, of such error, omission or other deficiency arising in connection with the matter in question as the Council may specify;

SECOND SCHEDULE — *continued*

- (c) directing the solicitor to pay such compensation to the client as the Council sees fit to specify in the direction; and
  - (d) directing the solicitor to take, at his expense or at that of his firm, or the law corporation of which he is a director or an employee, or the limited liability law partnership of which he is a partner or an employee, such other action in the interests of the client as the Council may specify.
- (2) The permitted requirements referred to in sub-paragraph (1)(a) are —
- (a) that the whole or part of any amount already paid by or on behalf of the client in respect of the costs be refunded;
  - (b) that the whole or part of the costs be remitted; and
  - (c) that the right to recover the costs be waived, whether wholly or to any specified extent.
- (3) The power of the Council to take any such directions is not confined to cases where the client may have a cause of action against the solicitor for negligence.

**Compensation**

3.—(1) The amount specified in a direction by virtue of paragraph 2(1)(c) shall not exceed \$10,000.

(2) The Chief Justice may, by order published in the *Gazette*, amend sub-paragraph (1) by substituting for the sum of \$10,000 such other sum as he considers appropriate.

(3) Before making any such order, the Chief Justice shall consult the Society.

**Taxation of costs**

4.—(1) Where the Council has given a direction under paragraph 2(1)(a), then —

- (a) for the purposes of any taxation of a bill covering the costs, the amount charged by the bill in respect of them shall be deemed to be limited to the amount specified in the determination; and
- (b) where a bill covering the costs has not been taxed, the client shall, for the purposes of their recovery (by whatever means and notwithstanding any statutory provision or agreement) be deemed to be liable to pay in respect of them only the amount specified in the determination.

(2) Where a bill covering the costs has been taxed, the direction shall, so far as it relates to the costs, cease to have effect.

SECOND SCHEDULE — *continued***Failure to comply with direction**

5.—(1) If a solicitor or a law corporation or a limited liability law partnership fails to comply with a direction given under this Schedule, any person may make a complaint in respect of that failure to a Judge; but no other proceedings shall be brought in respect of it except pursuant to an order made under sub-paragraph (2).

(2) On the hearing of such a complaint, the Judge may, if he thinks fit, direct that the direction be treated, for the purpose of enforcement, as if it were contained in an order made by the General Division of the High Court.

*[Act 40 of 2019 wef 02/01/2021]*

**Fees**

6.—(1) The Council may, by rules made with the concurrence of the Chief Justice, make provision for the payment, by any client with respect to whom the Council is asked to consider whether to take any of the steps, of such fee as may be prescribed.

(2) The rules may provide for the exemption of such classes of client as may be prescribed.

(3) Where a client pays the prescribed fee, it shall be repaid to him if the Council takes any of the steps in the matter with respect to which the fee was paid.

**Costs**

7. Where the Council takes any of the steps with respect to a solicitor, the Council may also direct him to pay to the Council —

- (a) the amount of the fee payable by the Council to the client under paragraph 6(3); and
- (b) an amount which is calculated by the Council as the cost to it of dealing with the complaint, or which in its opinion represents a reasonable contribution towards that cost.

**Duty of Judge**

8. Where a Judge —

- (a) is considering, or has considered, an application or complaint with respect to a solicitor under this Schedule; and
- (b) is of the opinion that the Council should consider whether to take any of the steps with respect to that solicitor,

he shall inform the Council.

SECOND SCHEDULE — *continued***Powers of Society to examine documents in connection with complaints**

9.—(1) Where the Council is satisfied that it is necessary to do so for the purpose of investigating any complaint made to the Society relating to the quality of any professional services provided by a solicitor, the Society may give notice to —

- (a) the solicitor or his firm;
- (b) the law corporation of which the solicitor is a director or an employee;  
or
- (c) the limited liability law partnership of which the solicitor is a partner or an employee,

requiring the production or delivery to any person appointed by the Society, at a time and place to be fixed by the Society, of all documents in the possession of the persons or entities referred to in sub-paragraph (a), (b) or (c) (as the case may be) in connection with the matters to which the complaint relates (whether or not they relate also to other matters).

(2) Sub-paragraphs (2) to (12) of paragraph 13 and paragraphs 15 to 19 of the First Schedule shall apply in relation to the powers conferred by sub-paragraph (1) as they apply in relation to the powers conferred by paragraph 13(1) of that Schedule and accordingly in those provisions —

- (a) any reference to a person appointed, or to a requirement, under that sub-paragraph shall be construed as including a reference to a person appointed, or to a requirement, under sub-paragraph (1); and
- (b) any reference to any such documents as are mentioned in that sub-paragraph shall be construed as including a reference to any such documents as are mentioned in sub-paragraph (1).

**Exercise of powers by Council**

10. The powers of the Council under this Schedule are exercisable in relation to a person even though his name has been removed from, or struck off, the roll and references to a solicitor in this Schedule, so far as they relate to the exercise of those powers, shall be construed accordingly.

**Rules**

11. The Council may, with the concurrence of the Chief Justice, make rules to give full effect to or to carry out the purposes of the provisions of this Schedule.

*[40/96; 4/2000; 41/2005]*

LEGISLATIVE HISTORY  
LEGAL PROFESSION ACT  
(CHAPTER 161)

This Legislative History is provided for the convenience of users of the Legal Profession Act. It is not part of the Act.

**1. M. Ordinance 57 of 1966 — Legal Profession Ordinance 1966**

Date of First Reading	:	5 December 1966 (Bill No. 57/66 published on 6 December 1966)
Date of Second and Third Readings	:	21 December 1966
Date of commencement	:	9 January 1967 (sections 1, 2, 141, 146 and 147) 11 February 1967 (remaining provisions of the Act)

**2. Act 16 of 1967 — Legal Profession (Amendment) Act 1967**

Date of First Reading	:	24 May 1967 (Bill No. 11/67 published on 27 May 1967)
Date of Second and Third Readings	:	29 June 1967
Date of commencement	:	14 July 1967

**3. Act 16 of 1970 — Legal Profession (Amendment) Act 1970**

Date of First Reading	:	9 March 1970 (Bill No. 6/70 published on 13 March 1970)
Date of Second and Third Readings	:	30 March 1970
Date of commencement	:	12 June 1970

**4. 1970 Revised Edition — Legal Profession Act (Chapter 217)**

Date of operation	:	31 July 1971
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**5. Act 10 of 1972 — Legal Profession (Amendment) Act 1972**

Date of First Reading	:	7 March 1972 (Bill No. 7/72 published on 10 March 1972)
Date of Second and Third Readings	:	23 March 1972
Date of commencement	:	12 May 1972

**6. Act 16 of 1976 — Legal Profession (Amendment) Act 1976**

Date of First Reading : 23 July 1976  
(Bill No. 12/76 published on  
26 July 1976)

Date of Second and Third Readings : 3 September 1976

Date of commencement : 24 September 1976

**7. Act 13 of 1978 — Statutes of the Republic of Singapore (Miscellaneous Amendments) Act 1978**

Date of First Reading : 13 March 1978  
(Bill No. 15/78 published on  
14 March 1978)

Date of Second and Third Readings : 23 March 1978

Date of commencement : 1 April 1977

**8. Act 11 of 1979 — Legal Profession (Amendment) Act 1979**

Date of First Reading : 5 March 1979  
(Bill No. 6/79 published on  
12 March 1979)

Date of Second and Third Readings : 30 March 1979

Date of commencement : 15 October 1979

**9. Act 5 of 1981 — Statutes of the Republic of Singapore (Miscellaneous Amendments) Act 1981**

Date of First Reading : 17 February 1981  
(Bill No. 1/81 published on  
20 February 1981)

Date of Second and Third Readings : 6 March 1981

Date of commencement : 24 April 1981

**10. 1982 Reprint — Legal Profession Act (Chapter 217)**

Date of operation : 1 November 1982

**11. Act 17 of 1984 — Legal Profession (Amendment) Act 1984**

Date of First Reading : 29 June 1984  
(Bill No. 12/84 published on  
9 July 1984)

Date of Second and Third Readings : 25 July 1984

Date of commencement : 17 August 1984

**12. Act 30 of 1986 — Legal Profession (Amendment) Act 1986**

Date of First Reading	:	25 August 1986 (Bill No. 20/86 published on 29 August 1986)
Date of Second Reading	:	22 September 1986
Date Committed to Select Committee	:	22 September 1986
Date of Presentation of Select Committee Report	:	16 October 1986 (Parl 7 of 1986)
Date of Third Reading	:	27 October 1986
Date of commencement	:	31 October 1986

**13. 1985 Revised Edition — Legal Profession Act (Chapter 161)**

Date of operation	:	30 March 1987
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**14. Act 15 of 1989 — Legal Profession (Amendment) Act 1989**

Date of First Reading	:	16 January 1989 (Bill No. 9/89 published on 16 January 1989)
Date of Second and Third Readings	:	17 February 1989
Date of commencement	:	21 April 1989

**15. 1990 Revised Edition — Legal Profession Act (Chapter 161)**

Date of operation	:	20 December 1990
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**16. Act 10 of 1991 — Legal Profession (Amendment) Act 1991**

Date of First Reading	:	3 January 1991 (Bill No. 3/91 published on 4 January 1991)
Date of Second and Third Readings	:	14 January 1991
Date of commencement	:	1 February 1991

**17. Act 7 of 1992 — Legal Profession (Amendment) Act 1992**

Date of First Reading	:	13 January 1992 (Bill No. 1/92 published on 14 January 1992)
Date of Second and Third Readings	:	27 February 1992
Date of commencement	:	27 March 1992



**18. Act 16 of 1993 — Supreme Court of Judicature (Amendment) Act 1993**  
(Consequential amendments made to Act by)

Date of First Reading	:	26 February 1993 (Bill No. 12/93 published on 27 February 1993)
Date of Second and Third Readings	:	12 April 1993
Date of commencement	:	1 July 1993

**19. Act 41 of 1993 — Legal Profession (Amendment) Act 1993**

Date of First Reading	:	12 October 1993 (Bill No. 34/93 published on 13 October 1993)
Date of Second and Third Readings	:	12 November 1993
Date of commencement	:	1 January 1994

**20. 1994 Revised Edition — Legal Profession Act (Chapter 161)**

Date of operation	:	15 March 1994
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**21. Act 15 of 1995 — Bankruptcy Act 1995**

(Consequential amendments made to Act by)

Date of First Reading	:	25 July 1994 (Bill No. 16/94 published on 29 July 1994)
Date of Second Reading	:	25 August 1994
Date Committed to Select Committee	:	25 August 1994
Date of Presentation of Select Committee Report	:	7 March 1995 (Parl 1 of 1995)
Date of Third Reading	:	23 March 1995
Date of commencement	:	15 July 1995

**22. Act 40 of 1996 — Legal Profession (Amendment) Act 1996**

Date of First Reading	:	1 October 1996 (Bill No. 31/96 published on 1 October 1996)
Date of Second and Third Readings	:	10 October 1996
Date of commencement	:	1 September 1996 (section 9) 1 January 1997 (except section 9)

- 23. Act 7 of 1997 — Statutes (Miscellaneous Amendments) Act 1997**
- Date of First Reading : 11 July 1997  
(Bill No. 6/97 published on  
12 July 1997)
- Date of Second and Third Readings : 25 August 1997
- Date of commencement : 1 October 1997
- 24. 1997 Revised Edition — Legal Profession Act (Chapter 161)**
- Date of operation : 20 December 1997
- 25. G. N. No. S 383/1998 — Legal Profession Act (Appointed Day for  
purposes of section 75B) Notification 1998**
- Date of commencement : 1 September 1998
- 26. Act 4 of 2000 — Legal Profession (Amendment) Act 2000**
- Date of First Reading : 23 November 1999  
(Bill No. 41/99 published on  
24 November 1999)
- Date of Second and Third Readings : 17 January 2000
- Date of commencement : 5 May 2000
- 27. Act 28 of 2000 — Statutes (Miscellaneous Amendments and Repeal) Act  
2000**
- Date of First Reading : 25 August 2000  
(Bill No. 22/2000 published on  
26 August 2000)
- Date of Second and Third Readings : 9 October 2000
- Date of commencement : 1 November 2000
- 28. 2000 Revised Edition — Legal Profession Act (Chapter 161)**
- Date of operation : 30 December 2000
- 29. Act 35 of 2001 — Legal Profession (Amendment) Act 2001**
- Date of First Reading : 25 September 2001  
(Bill No. 39/2001 published on  
26 September 2001)
- Date of Second and Third Readings : 5 October 2001
- Date of commencement : 1 November 2001

**30. 2001 Revised Edition — Legal Profession Act (Chapter 161)**

Date of operation : 31 December 2001

**31. Act 23 of 2004 — Legal Profession (Amendment) Act 2004**

Date of First Reading : 19 May 2004  
(Bill No. 17/2004 published on  
20 May 2004)

Date of Second and Third Readings : 15 June 2004

Date of commencement : 14 September 2004 (sections 5  
and 6)  
1 April 2005 (sections 2, 3, 4, 7  
and 8)

**32. Act 45 of 2004 — Trustees (Amendment) Act 2004**

(Consequential amendments made to Act by)

Date of First Reading : 21 September 2004  
(Bill No. 43/2004 published on  
22 September 2004)

Date of Second and Third Readings : 19 October 2004

Date of commencement : 15 December 2004

**33. Act 42 of 2005 — Statutes (Miscellaneous Amendments) (No. 2) Act 2005**

Date of First Reading : 17 October 2005  
(Bill No. 30/2005 published on  
18 October 2005)

Date of Second and Third Readings : 21 November 2005

Date of commencement : 1 January 2006 (First Schedule  
— item (20); Fifth Schedule —  
item (13))

**34. Act 41 of 2005 — Legal Profession (Amendment) Act 2005**

Date of First Reading : 17 October 2005  
(Bill No. 31/2005 published on  
18 October 2005)

Date of Second and Third Readings : 21 November 2005

Date of commencement : 4 December 2006

**35. Act 10 of 2007 — Charities (Amendment) Act 2007**

(Consequential amendments made to Act by)

Date of First Reading	: 8 November 2006 (Bill No. 22/2006 published on 9 November 2006)
Date of Second and Third Readings	: 23 January 2007
Date of commencement	: 1 March 2007

**36. Act 20 of 2007 — Legal Profession (Amendment) Act 2007**

Date of First Reading	: 9 March 2007 (Bill No. 10/2007 published on 10 March 2007)
Date of Second and Third Readings	: 12 April 2007
Date of commencement	: 1 April 2007 (section 24(1)) 1 June 2007

**37. Act 19 of 2008 — Legal Profession (Amendment) Act 2008**

Date of First Reading	: 21 July 2008 (Bill No. 16/2008 published on 22 July 2008)
Date of Second and Third Readings	: 26 August 2008
Date of 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)

**38. 2009 Revised Edition — Legal Profession Act**

Date of operation	: 1 June 2009
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**39. Act 20 of 2009 — Legal Profession (Amendment) Act 2009**

- Date of First Reading : 20 July 2009  
(Bill No. 13/2009 published on  
20 July 2009)
- Date of Second and Third Readings : 18 August 2009
- Date of commencement : 9 October 2009

**40. Act 21 of 2008 — Mental Health (Care and Treatment) Act 2008**  
(Consequential amendments made to Act by)

- Date of First Reading : 21 July 2008  
(Bill No. 11/2008 published on  
22 July 2008)
- Date of Second and Third Readings : 16 September 2008
- Date of commencement : 1 March 2010

**41. Act 27 of 2010 — International Child Abduction Act 2010**  
(Consequential amendments made to Act by)

- Date of First Reading : 16 August 2010  
(Bill No. 22/2010 published on  
16 August 2010)
- Date of Second and Third Readings : 16 September 2010
- Date of commencement : 1 March 2011

**42. Act 8 of 2011 — Legal Profession (Amendment) Act 2011**

- Date of First Reading : 10 January 2011  
(Bill No. 3/2011 published on  
10 January 2011)
- Date of Second and Third Readings : 14 February 2011
- Date of commencement : 3 May 2011

**43. Act 17 of 2011 — Conveyancing (Miscellaneous Amendments) Act 2011**  
(Consequential amendments made to Act by)

- Date of First Reading : 10 March 2011  
(Bill No. 12/2011 published on  
10 March 2011)
- Date of Second and Third Readings : 11 April 2011
- Date of commencement : 1 August 2011

**44. Act 3 of 2012 — Legal Profession (Amendment) Act 2012**

Date of First Reading	:	16 January 2012 (Bill No. 1/2012 published on 16 January 2012)
Date of Second and Third Readings	:	14 February 2012
Date of commencement	:	1 April 2012 (except sections 10, 11, 12 and 14) 1 June 2012 (sections 10, 11, 12 and 14)

**45. Act 5 of 2014 — Subordinate Courts (Amendment) Act 2014**

(Consequential amendments made to Act by)

Date of First Reading	:	11 November 2013 (Bill No. 26/2013 published on 11 November 2013)
Date of Second and Third Readings	:	21 January 2014
Date of commencement	:	7 March 2014 (item (16) of the Schedule)

**46. Act 27 of 2014 — Family Justice Act 2014**

(Consequential amendments made to Act by)

Date of First Reading	:	8 July 2014 (Bill No. 21/2014 published on 8 July 2014)
Date of Second and Third Readings	:	4 August 2014
Date of commencement	:	1 October 2014 (section 62)

**47. Act 40 of 2014 — Legal Profession (Amendment) Act 2014**

Date of First Reading	:	7 October 2014 (Bill No. 36/2014 published on 7 October 2014)
Date of Second and Third Readings	:	4 November 2014
Date of commencement	:	1 January 2015 23 May 2015 18 November 2015

**48. Act 41 of 2014 — Statutes (Miscellaneous Amendments — Deputy Attorney-General) Act 2014**

Date of First Reading	:	7 October 2014 (Bill No. 37/2014 published on 7 October 2014)
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Date of Second and Third Readings : 4 November 2014

Date of commencement : 1 January 2015

**49. Act 25 of 2014 — Attorney-General (Additional Functions) Act 2014**

Date of First Reading : 7 July 2014  
(Bill No. 19/2014)

Date of Second and Third Readings : 5 August 2014

Date of commencement : 1 January 2015

**50. 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

**51. Act 16 of 2016 — Statutes (Miscellaneous Amendments) Act 2016**

Date of First Reading : 14 April 2016 (Bill No. 15/2016  
published on 14 April 2016)

Date of Second and Third Readings : 9 May 2016

Date of commencement : 1 August 2016

**52. Act 2 of 2017 — Civil Law (Amendment) Act 2017**

Date of First Reading : 7 November 2016 (Bill No.  
38/2016 published on  
7 November 2016)

Date of Second and Third Readings : 10 January 2017

Date of commencement : 1 March 2017

**53. Act 30 of 2017 — Singapore University of Social Sciences Act 2017**

Date of First Reading : 3 April 2017 (Bill No. 24/2017  
published on 3 April 2017)

Date of Second and Third Readings : 8 May 2017

Date of commencement : 11 July 2017

**54. Act 1 of 2017 — Mediation Act 2017**

Date of First Reading : 7 November 2016 (Bill No.  
37/2016 published on  
7 November 2016)

Date of Second and Third Readings : 10 January 2017

Date of commencement : 1 November 2017

**55. Act 22 of 2018 — Legal Profession (Amendment) Act 2018**

Date of First Reading : 2 March 2018 (Bill No. 16/2018  
published on 2 March 2018)

Date of Second and Third Readings : 20 March 2018

Date of commencement : 18 April 2018



**COMPARATIVE TABLE**  
**LEGAL PROFESSION ACT**  
**(CHAPTER 161)**

The following provisions in the 2000 Revised Edition of the Legal Profession Act were renumbered by the Law Revision Commissioners in the 2001 Revised Edition.

This Comparative Table is provided for the convenience of users. It is not part of the Legal Profession Act.

<b>2001 Ed.</b>	<b>2000 Ed.</b>
<b>5—(2)</b>	<b>5—(1A)</b>
(3)	(2)
(4)	(3)
<b>6—(1) and (2)</b>	<b>6</b>
<i>Omitted</i>	<b>16—(1), (2) and (3)</b>
<b>16—(1)</b>	<b>16—(4)</b>
(2)	(5)
(3)	(6)
<i>Omitted</i>	(7)
<b>26—(4)</b>	<b>26—(3A)</b>
(5)	(3B)
(6)	(3C)
(7)	(3D)
(8)	(4)
(9)	(5)
(10)	(6)
<b>35</b>	<b>34A</b>
<b>36</b>	<b>35</b>
<b>37</b>	<b>36</b>
<b>38</b>	<b>37</b>
—	<b>38</b> ( <i>Deleted by Act 35/2001</i> )

<b>2001 Ed.</b>	<b>2000 Ed.</b>
<b>85—(7)</b>	<b>85—(6A)</b>
(8)	(6B)
(9)	(6C)
(10)	(6D)
(11)	(6E)
(12)	(7)
(13)	(8)
(14)	(9)
(15)	(10)
(16)	(11)
(17)	(12)
(18)	(13)
(19)	(14)
(20)	(15)
(21)	(16)
<b>90—(8)</b>	<b>90—(7A)</b>
(9)	(8)