

SINGAPORE ACADEMY OF LAW ACT 1988

(No. 18 of 1988)

ARRANGEMENT OF SECTIONS

PRELIMINARY

Section

1. Short title and commencement
2. Interpretation

ESTABLISHMENT, INCORPORATION, FUNCTIONS AND POWERS OF THE SINGAPORE ACADEMY OF LAW

3. Establishment of Singapore Academy of Law
4. Functions and powers of Academy

CONSTITUTION AND POWERS OF THE SENATE

5. Constitution of Senate
6. President and Vice-Presidents
7. Powers of Senate
8. Employment of officers
9. Meetings of Senate
10. Appointment of committees and boards

MEMBERSHIP OF THE ACADEMY

11. Categories and rights of members
12. Fellows of Academy
13. Honorary members
14. Ordinary members
15. Associate members
16. Disqualifications for membership of Academy
17. Annual subscriptions payable by members
18. Termination of membership

ACCOUNTS

19. Proper accounts to be kept
20. Financial statements
21. Copies for members

Section

- 22. Appointment and powers of Academy's auditor
- 23. Income of Academy to be exempt from tax, etc

MISCELLANEOUS

- 24. Common seal
 - 25. No action can be maintained by members against Academy, etc
 - 26. Power to make rules
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An Act to establish the Singapore Academy of Law and for matters connected therewith.

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

PRELIMINARY

Short title and commencement

1. This Act may be cited as the Singapore Academy of Law Act 1988 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Interpretation

2. In this Act, unless the context otherwise requires —

“Academy” means the Singapore Academy of Law established under section 3;

“advocate and solicitor” means an advocate and solicitor of the Supreme Court but shall not include any person admitted ad hoc under section 20 of the Legal Profession Act (Cap. 161);

“Board” means the Board of Legal Education established under section 3 of the Legal Profession Act;

“Constitution” means the Constitution of the Republic of Singapore;

“Faculty” means the Faculty of Law of the National University of Singapore;

“judge of the Supreme Court” includes —

(a) a person designated to sit as a judge of the Supreme Court under Article 94(3) of the Constitution; and

(b) a Judicial Commissioner appointed under Article 94(4) of the Constitution;

“Law Society” means the Law Society of Singapore established under section 33 of the Legal Profession Act;

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

“member” includes a Fellow, honorary member, ordinary member and associate member of the Academy;

“President” means the President of the Academy;

“qualified person” shall have the same meaning assigned to it by section 2 of the Legal Profession Act;

“Senate” means the Senate of the Academy established under section 5;

“Vice-President” means a Vice-President of the Academy.

ESTABLISHMENT, INCORPORATION, FUNCTIONS AND POWERS OF THE SINGAPORE ACADEMY OF LAW

Establishment of Singapore Academy of Law

3. There shall be established a body to be called the Singapore Academy of Law which shall be a body corporate with perpetual succession and a common seal, with power to sue and be sued in its corporate name and to acquire and dispose of property, both movable and immovable, and to perform such other acts which bodies corporate may by law perform.

Functions and powers of Academy

4.—(1) The functions of the Academy shall be as follows:

- (a) to promote and maintain high standards of conduct and learning of the legal profession in Singapore;
- (b) to promote the advancement and dissemination of knowledge of the laws and the legal system and to promote research and scholarship;
- (c) to provide continuing legal education for its members;
- (d) to provide legal training and education for persons intending to practise the profession of law;
- (e) to consider proposals and suggestions regarding matters which are referred to the Academy by the Law Society or the Board;
- (f) to refer to the Law Society or the Board proposals and suggestions regarding matters which in the opinion of the Senate require consideration by the Law Society or the Board; and
- (g) to promote good relations and social interaction amongst members and between members and law students and

persons concerned in the administration of law and justice in Singapore.

(2) The Academy may for the purpose of performing its functions —

- (a) provide training and educational facilities for persons practising and intending to practise the profession of law;
- (b) establish a library and common rooms for its members;
- (c) grant prizes and scholarships and establish and subsidize lectureships in educational institutions in subjects of study relating to law;
- (d) contribute a collegiate element in the training of students and young lawyers by organising moots, lectures, talks and practical exercises;
- (e) provide facilities for social interaction amongst its members and between its members and law students;
- (f) purchase or lease any land or building required for any of the purposes of the Academy;
- (g) sell, surrender, lease, exchange or mortgage any land or building as may be found most convenient or advantageous;
- (h) receive grants from the Government or donations and gifts from the Law Society or any source;
- (i) borrow money whether by way of bank overdraft or otherwise for such of the purposes of the Academy as the Senate may from time to time consider desirable;
- (j) invest the moneys of the Academy, not immediately required, in any investments authorised by law for the investment of trust funds; and
- (k) do all such other things as are incidental or conducive to the attainment of the functions of the Academy.

CONSTITUTION AND POWERS OF THE SENATE

Constitution of Senate

5.—(1) The management of the affairs of the Academy and of its properties shall be vested in a Senate which shall consist of —

- (a) the Chief Justice;
- (b) judges of the Supreme Court and persons who have held the office of a judge of the Supreme Court since 1st January 1980 for not less than two years;
- (c) the Attorney-General and persons who have held office as Attorney-General since 1st January 1980 for not less than two years;
- (d) the President of the Law Society;
- (e) the Dean of the Faculty and persons who have held office as Dean of the Faculty since 1st January 1980 for not less than one term; and
- (f) nine other members who are nominated by the Chief Justice after consultation with the Attorney-General, the President of the Law Society and the Dean of the Faculty.

(2) No person may be nominated as a member of the Senate pursuant to subsection (1)(f) unless he is a member of the Academy and a citizen of Singapore.

(3) Any person nominated as a member of the Senate pursuant to subsection (1)(f) shall hold office for a term of two years and shall be eligible for reappointment on the expiration of his term of office.

(4) No person who has been removed from the office of judge of the Supreme Court pursuant to a recommendation of a tribunal appointed under Article 98(4) of the Constitution shall hold office as a member of the Senate, and shall vacate office as such a member if he is so removed from the office of judge of the Supreme Court.

President and Vice-Presidents

6.—(1) The Chief Justice shall be the President of the Academy.

(2) The Senate may appoint from amongst their members such number of Vice-Presidents of the Academy as they may think fit.

(3) The President may delegate his duties to any of the Vice-Presidents.

(4) The President or in his absence any of the Vice-Presidents shall preside at all meetings of the Senate.

Powers of Senate

7.—(1) The Senate may exercise all such powers of the Academy as they think fit except as otherwise provided by this Act.

(2) The Senate may on behalf of the Academy accept by way of grant, gift, testamentary disposition or otherwise, property and moneys in aid of the finances of the Academy on such conditions as they may determine.

Employment of officers

8. The Academy may employ such number of officers as the Senate consider necessary and the duties and salaries of the officers shall be determined by the Senate.

Meetings of Senate

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

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

(3) All questions arising at any meeting of the Senate shall be decided by a majority of the votes of the members present.

(4) At any meeting of the Senate, the President or in his absence the Vice-President presiding at the meeting shall have a deliberative vote and shall, in the event of an equality of votes, have a casting vote.

(5) Subject to any rules made under this Act, the Senate may regulate their 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.

(6) The validity of the proceedings of the Senate shall not be affected by any vacancy amongst their members or by any irregularity in the appointment of any member.

Appointment of committees and boards

10.—(1) The Senate may appoint one or more committees and boards for any general or special purpose which in the opinion of the Senate may be better dealt with or managed by a committee or board and the Senate may delegate to any committee or board so appointed, with or without restrictions or conditions as they think fit, the exercise of any functions exercisable by the Senate.

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

(3) A committee or board appointed under this section may include persons who are not members of the Senate but who shall be members of the Academy.

(4) Every committee or board appointed under subsection (1) shall have amongst its members at least one person who is a practising advocate and solicitor and who has for an aggregate period of 7 years been a practising advocate and solicitor or a legal officer or both, nominated by the Council of the Law Society.

MEMBERSHIP OF THE ACADEMY

Categories and rights of members

11.—(1) The Academy shall consist of the following categories of members:

- (a) Fellows;
- (b) honorary members;
- (c) ordinary members; and
- (d) associate members.

(2) Subject to subsection (3), the members of the Academy shall be entitled to the use of the library and other premises of the Academy subject to such terms and conditions as may be determined by the Senate and to such privileges as may be conferred upon them by the Senate.

(3) The Senate may restrict the use of the facilities or any part of the premises of the Academy to any category of members.

(4) No rights or privilege of any member of the Senate or member of the Academy shall be in any way transferable or transmissible, but all such rights and privileges shall cease upon the member of the Senate or the member of the Academy ceasing to be such whether by death, retirement or otherwise.

Fellows of Academy

12. The Fellows of the Academy shall consist of —

- (a) the Chief Justice;
- (b) judges of the Supreme Court;
- (c) the Attorney-General;
- (d) the President of the Law Society;
- (e) the Dean of the Faculty;
- (f) honorary or associate members who are elected by the Senate as Fellows for life or for such period as the Senate may in any case consider appropriate; and
- (g) members who have been appointed as Senior Counsel under the Legal Profession Act (Cap. 161).

Honorary members

13. The Senate may elect as honorary members of the Academy such persons as they may think fit, either for life or for such period as the Senate may in any case consider appropriate.

Ordinary members

14. Every person who —

- (a) is admitted as an advocate and solicitor, whether or not he has in force a practising certificate issued under section 24 of the Legal Profession Act; or
- (b) is a legal officer,

shall become, by virtue of this section and without election, admission or appointment by the Senate, an ordinary member of the Academy unless he is disqualified from being a member under section 16 or his membership has been terminated under section 18.

Associate members

15. The Senate may elect as associate members of the Academy persons who may benefit from, or be able to contribute to, the work of the Academy.

Disqualifications for membership of Academy

16.—(1) A person shall not be qualified to be a member of the Academy or, if he is a member, shall cease to be a member if —

- (a) he has been struck off the roll;
- (b) being a legal officer, he has been dismissed from the Singapore Legal Service for misconduct in his professional capacity;
- (c) being a member of the Faculty, he has been dismissed from the Faculty for misconduct in the discharge of his duties;
- (d) he has been convicted of an offence involving fraud or dishonesty;
- (e) he is or becomes of unsound mind;
- (f) he is an undischarged bankrupt or a receiving order in bankruptcy is in force against him; or
- (g) he has entered into a composition with his creditors or a deed of arrangement for the benefit of his creditors.

(2) Any question whether a person has ceased to be a member shall be determined by the Senate whose decision shall be final.

(3) Where a member of the Academy has been suspended from practising as an advocate and solicitor for any period his membership shall be deemed to be suspended for the duration of his suspension.

(4) Where a member being an advocate and solicitor has been struck off the roll, he shall, on being re-instated to the roll, become a member of the Academy but nothing in this subsection shall affect the right of the Senate to terminate the membership of any such member pursuant to section 18.

Annual subscriptions payable by members

17.—(1) Every member shall pay to the Academy an annual subscription of an amount determined by the Senate from time to time, which shall become due and payable on the day appointed by the Senate.

(2) In fixing the amount of annual subscription, the Senate shall be at liberty to divide members of each category into classes, and to provide that different amounts shall be paid by different classes and extend over different periods, and generally to regulate, and to vary from time to time, the subscriptions payable by members or different classes of members, as the Senate may think fit.

(3) If any member fails to pay his annual subscription within 30 days of the same becoming due, he shall pay interest (if any) at the rate determined by the Senate.

(4) The Senate may in their discretion waive the subscription payable by any member of the Academy.

Termination of membership

18.—(1) The Senate may by resolution terminate the membership of a member if he has been guilty of conduct which in the opinion of the Senate renders him unfit to be a member or would bring the Academy into disrepute.

(2) No termination of membership shall be made unless the member concerned has been given an opportunity to give an explanation in

writing as to why his membership should not be terminated under subsection (1).

ACCOUNTS

Proper accounts to be kept

19. The Senate shall cause proper books of accounts to be kept with respect to —

- (a) all sums of moneys received and expended by the Academy and the matters in respect of which the receipt and expenditure takes place; and
- (b) all property acquired by the Academy.

Financial statements

20. The Senate shall from time to time cause to be prepared financial statements that will give a true and fair view of the income and expenditure of the Academy and its assets and liabilities.

Copies for members

21. Copies of the financial statements together with the auditor's report thereon shall be circulated to all members.

Appointment and powers of Academy's auditor

22.—(1) The accounts of the Academy shall be audited by an auditor appointed annually by the Senate.

(2) No person shall be appointed as an auditor of the Academy unless he is an approved company auditor under the Companies Act (Cap. 50).

(3) The Academy's auditor shall report —

- (a) whether the financial statements show fairly the financial transactions and the state of affairs of the Academy; and
- (b) on such other matters arising from the audit as he considers necessary.

- (4) The Academy's auditor shall state in his report whether —
- (a) proper accounting and other records have been kept;
 - (b) the financial statements are prepared on a basis similar to that adopted for the preceding year; and
 - (c) the financial statements are in agreement with the accounting and other records.

(5) The Academy's auditor or a person authorised by him shall be entitled to full and free access to all accounting and other records relating, directly or indirectly, to the financial transactions of the Academy and may make copies of, or extracts from, any such accounting and other records.

(6) The Academy's auditor or a person authorised by him may require any person to furnish him with such information which such person possesses or has access to as the auditor or duly authorised person considers necessary for the purposes of the functions of the auditor under this Act.

(7) An officer of the Academy who refuses or fails without any reasonable cause to allow the Academy's auditor access to any accounting and other records of the Academy in his custody or power or to give any information possessed by him as and when required or who otherwise hinders, obstructs or delays the Academy's auditor in the performance of his duties or the exercise of his powers shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 and, in the case of a continuing offence, to a further fine not exceeding \$100 for every day or part thereof during which the offence continues after conviction.

Income of Academy to be exempt from tax, etc

- 23.** The Academy shall be deemed to be —
- (a) an institution specified in the First Schedule to, and under section 13(l)(e) of, the Income Tax Act (Cap. 134); and
 - (b) an institution of a public character approved by the Minister for the purposes of section 37(2)(c) of the Income Tax Act.

MISCELLANEOUS

Common seal

24.—(1) The common seal of the Academy may, from time to time, be broken, changed, altered and made anew as the Senate think fit.

(2) All deeds, documents and other instruments requiring the seal of the Academy shall be sealed with the common seal of the Academy and every instrument to which the common seal is affixed shall be signed by a member and shall be countersigned by any two members of the Senate duly authorised by the Senate for that purpose, and such signing shall be sufficient evidence that the seal was duly and properly affixed and that the seal is the lawful seal of the Academy.

(3) The Senate may by resolution or otherwise appoint an officer of the Academy or any other agent, either generally or in a particular case, to execute or sign on behalf of the Academy any agreement or other instrument not under seal in relation to any matter coming within the powers of the Academy.

(4) Section 12 of the Registration of Deeds Act (Cap. 269) shall not apply to any instrument purporting to have been executed under subsection (2).

No action can be maintained by members against Academy, etc

25. No action shall be maintained against the Academy and the members of the Senate by an advocate and solicitor or by a member or qualified person in respect of any act done by the members of the Senate in their official capacity.

Power to make rules

26.—(1) The Senate may from time to time make such rules as they may consider necessary or expedient to give effect to the provisions and purposes of this Act and for the due administration thereof.

(2) Rules made under this Act may make different provisions for different classes of persons and different circumstances.