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Legal Profession (Amendment) Bill

Bill No. 32/2023.

Read the first time on 3 October 2023.

A BILL

i n t i t u l e d

An Act to amend the Legal Profession Act 1966 and to make consequential amendments to the Singapore Academy of Law Act 1988.

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

Short title and commencement

1. This Act is the Legal Profession (Amendment) Act 2023 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

Amendment of section 2

2. In the Legal Profession Act 1966 (called in this Act the principal Act), in section 2(1) —

(a) in the definition of “active practice”, after “locum solicitor”, insert “or provisional practice”;

(b) after the definition of “Disciplinary Tribunal”, insert —

““eligible person” means —

(a) a lawyer (NP); or

(b) a person who is approved by the Minister as an eligible person under section 14(1);”;

(c) after the definition of “law practice entity”, insert —

““lawyer (NP)” or “lawyer (non-practitioner)” means a person admitted as a lawyer (NP) under section 11A;”;

(d) in the definition of “lay person”, after “advocate and solicitor,”, insert “a lawyer (NP),”;

(e) in the definition of “practice trainee”, after “qualified person”, insert “or eligible person”;

(f) replace the definition of “practice training contract” with —

““practice training contract” means a formal training arrangement between —

(a) a qualified person or eligible person and a Singapore law practice; or

(b) a qualified person or eligible person
and a qualifying entity,

pursuant to which the qualified person or
eligible person receives, and the Singapore
law practice or qualifying entity provides,
supervised training in relation to the practice
of Singapore law;”;

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(g) in the definition of “practice training period”, after
“qualified person”, insert “or eligible person”;

(h) after the definition of “practising certificate”, insert —

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““provisional practice” means the doing of any act
in the capacity of an advocate and solicitor
under the supervision of a solicitor while
having in force a provisional practising
certificate, and “practise provisionally” has a
corresponding meaning;

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“provisional practising certificate” means a
certificate issued by the Registrar under
section 18;”;

(i) in the definition of “qualified person”, in paragraph (a),
after “section 14(2) or (3)”, insert “as in force immediately
before the date of commencement of section 9(e) of the
Legal Profession (Amendment) Act 2023 or under
section 11C(2) or (3)”;

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(j) in the definition of “qualified person”, in paragraph (c),
replace “or under section 14(1)” with “, under
section 14(1) as in force immediately before the date of
commencement of section 9(d) of the Legal Profession
(Amendment) Act 2023 or under section 11C(1)”;

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(k) after the definition of “qualified person”, insert —

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““qualifying entity” means any sole
proprietorship, incorporated or
unincorporated partnership or body corporate
that is not a Singapore law practice, and that

either satisfies the criteria prescribed for a qualifying entity by rules made under section 10, or is approved as a qualifying entity under those rules;”;

5 (l) in the definition of “register of practitioners”, after “the annual register”, insert “by that name”;

(m) after the definition of “register of practitioners”, insert —

““register of provisional practitioners” means the annual register by that name kept by the Registrar under section 24;”;

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(n) replace the definition of “regulated legal practitioner” with —

““regulated legal practitioner” means an advocate and solicitor, a regulated foreign lawyer or (except as otherwise expressly provided) a lawyer (NP) who has in force a provisional practising certificate;”;

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(o) in the definition of “regulated non-practitioner”, replace “a regulated legal practitioner” with “an advocate and solicitor who has in force a practising certificate, a lawyer (NP) who has in force a provisional practising certificate, or a regulated foreign lawyer”; and

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(p) replace the definition of “roll” with —

““roll of advocates and solicitors” means the roll of advocates and solicitors of the Supreme Court maintained under section 16;

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“roll of lawyers (NP)” means the roll of lawyers (NP) of the Supreme Court maintained under section 11D;”.

30 **Amendment of section 4**

3. In the principal Act, in section 4(1) —

(a) in paragraph (a), after “qualified persons”, insert “and lawyers (NP)”;

- (b) in paragraph (b), replace “advocates and solicitors” with “lawyers (NP)”;
- (c) in paragraph (c)(i), replace “qualified persons” with “eligible persons”;
- (d) in paragraph (c)(i), delete “and” at the end; 5
- (e) in paragraph (c), after sub-paragraph (i), insert —
“*(ia)* qualified persons intending to be admitted as lawyers (NP); and”;
- (f) in paragraph (e), after “Singapore law practices”, insert
“, qualifying entities”;
- (g) in paragraph (h), before sub-paragraph (i), insert —
“(i) lawyers (NP);”; and
- (h) in paragraph (h), renumber sub-paragraphs (i) and (ii) as sub-paragraphs (ii) and (iii), respectively. 10

Amendment of section 10

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4. In the principal Act, in section 10 —

- (a) in the section heading, replace “**and admission of**” with
“, **and admission of lawyers (NP) and of**”;
- (b) in subsections (1) and (2)(h), replace “Part 2A” wherever it appears with “Parts 2AA and 2A”; 20
- (c) in subsection (2), after paragraph (a), insert —
“*(aa)* to prescribe the criteria for a qualifying entity for the purpose of providing supervised training to practice trainees and to provide for the approval of entities
for that purpose that do not otherwise satisfy the criteria;”; 25
- (d) in subsection (2), after paragraph (b), insert —
“*(ba)* to provide that a prescribed period is, at the direction of the Board of Directors of the
Institute, to be disregarded in determining 30

whether a practice trainee had completed the full training period, because of the occurrence of a prescribed event;”;

(e) in subsection (2)(c) and (d), replace “an advocate and solicitor” with “a lawyer (NP)”;

(f) in subsection (2), after paragraph (d), insert —

“(da) to prescribe the courses of instruction which an eligible person must attend and satisfactorily complete before the eligible 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 an eligible person while attending such a course (including through disciplinary measures for any misconduct);

(db) to prescribe the examinations which an eligible person must pass before the eligible person can be admitted as an advocate and solicitor and the conditions for sitting for such an examination, and to regulate the conduct of an eligible person during such an examination (including through disciplinary measures for any misconduct);

(dc) to prescribe any other requirements that an eligible person must satisfy before the eligible person can be admitted as an advocate and solicitor, and to regulate the conduct of an eligible person when carrying out such requirements (including through disciplinary measures for any misconduct);”;

(g) in subsection (2), after paragraph (f), insert —

“(fa) to prescribe the period of validity of each successful completion or pass of a course or examination for the purpose of admission as an advocate and solicitor or a lawyer (NP);”;

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(h) in subsection (2)(g), after “is admitted as”, insert “a lawyer (NP) of the Supreme Court, or by which an eligible person is admitted as”;

(i) in subsection (2)(i), after “must be satisfied by”, insert “lawyers (NP), by”;

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(j) in subsection (2)(j), after “in relation to any”, insert “lawyer (NP),”; and

(k) in subsection (3), after “may be taken against any”, insert “lawyer (NP),”.

New section 10AA

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5. In the principal Act, after section 10, insert —

“Extension or abridgment of time

10AA. Without affecting section 18(2) of, and paragraph 7 of the First Schedule to, the Supreme Court of Judicature Act 1969, the court may, at any time and on any terms it thinks just, by order extend or abridge the time prescribed for any thing under any rules made under section 10(2)(g).”.

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New Part 2AA

6. In the principal Act, after section 11, insert —

“PART 2AA

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ADMISSION OF LAWYERS (NP)

Admission as lawyer (NP) of Supreme Court

11A.—(1) Subject to the provisions of this Act (including any rules made under section 2(2), 10 or 11E), the court may, in its discretion, and with or without an oral hearing, admit a qualified person as a lawyer (NP) of the Supreme Court.

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

(a) do so in accordance with, and comply with all applicable requirements of, any rules made under section 10(2)(g); and

(b) if he or she belongs to a class of qualified persons prescribed by the Minister under section 11E, do so within the time prescribed by the Minister under that section.

(3) The court must 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 are 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), is also entitled to object to that application.

(6) To avoid doubt, the court may, having regard to the conduct and character of the qualified person concerned and all other relevant circumstances, and on such terms as the court thinks fit, do either or both of the following:

(a) adjourn the matter for a specified period or allow the application to be withdrawn;

(b) make such other order as it considers appropriate.

Requirements for admission as lawyer (NP) of Supreme Court

11B.—(1) Subject to any rules made under section 11E, a qualified person must not be admitted as a lawyer (NP) unless he or she —

(a) has attained 21 years of age;

(b) is of good character;

(*c*) has attended and satisfactorily completed such courses of instruction as the Board of Directors of the Institute may prescribe under section 10; and

(*d*) has passed such examinations as the Board of Directors of the Institute may prescribe under section 10.

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(2) For the purposes of subsection (1)(*c*) and (*d*), a person is only considered to have satisfactorily completed a course, or to have passed an examination, if the date of such successful completion or pass falls within the period of validity for such successful completion or pass (as the case may be) as specified in the rules made under section 10(2)(*fa*).

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

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Powers of Minister in relation to requirements for admission as lawyer (NP) of Supreme Court

11C.—(1) Upon an application made to the Minister by any person who is not otherwise entitled to be a qualified person, the Minister may, in his or her discretion, if the Minister is of the opinion that the person possesses such qualification or expertise as would contribute to, promote or enhance the quality of legal services in Singapore or the economic or technological development of Singapore —

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

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

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

institution of higher learning, the Minister may, after consulting the Board of Directors of the Institute —

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

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

(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 as a qualification that is so prescribed, subject to any conditions that the Minister may think fit to impose; and

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

(4) The Minister may, after consulting the Board of Directors of the Institute, make rules under section 11E for 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 those rules from all or any, and from the whole or any part of any, of the requirements under section 11B(1)(c) and (d) and any rules made under section 10(2)(c) and (d).

(5) Without affecting subsection (4), upon an application made to the Minister by any qualified person, the Minister may exempt the qualified person from all or any, and from the whole or any part of any, of the requirements under section 11B(1)(c) and (d) and any rules made under section 10(2)(c) and (d), if the Minister is of the opinion that the qualified person is, by reason of his or her standing and experience or for any other cause, a fit and proper person to be so exempted.

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

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

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Roll of lawyers (NP)

11D.—(1) The Registrar must maintain a roll of lawyers (NP) with the dates of their respective admissions.

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

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

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(4) If, at any time after the admission of any person as a lawyer (NP), it is shown to the satisfaction of the court that any application, affidavit, certificate or other document filed by the person contains any substantially false statement or a suppression of any material fact, or that any such certificate was obtained by fraud or misrepresentation, the name of the person must be struck off the roll of lawyers (NP).

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Rules for this Part

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11E. The Minister may, after consulting the Board of Directors of the Institute, make rules necessary or convenient to be prescribed for carrying out or giving effect to this Part, and may in particular make rules —

- (a) to prescribe the classes of qualified persons to whom section 11A(2)(b) applies;

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(b) to prescribe, in respect of each such class of qualified persons, the time within which a qualified person belonging to that class must make his or her application under section 11A(2);

5 (c) to provide for the fees for applications under section 11C or under any rules made under section 2(2) or this section; and

(d) to provide for any matter related or incidental to any such application.”.

10 **Amendment of section 12**

7. In the principal Act, in section 12 —

(a) in subsection (1), replace “, admit any qualified person” with “and with or without an oral hearing, admit an eligible person”;

15 (b) in subsections (2) and (3), replace “qualified person” with “eligible person”;

(c) in subsections (2)(b) and (6)(a) and (b), replace “qualified persons” with “eligible persons”;

(d) after subsection (5), insert —

20 “(5A) To avoid doubt, the court may, having regard to the conduct and character of the eligible person concerned and all other relevant circumstances, on such terms as the court thinks fit, do either or both of the following:

25 (a) adjourn the matter for a specified period or allow the application to be withdrawn;

(b) make such other order as it considers appropriate.”; and

30 (e) in subsection (6)(b), replace “a qualified person” with “an eligible person”.

Amendment of section 13

8. In the principal Act, in section 13 —

- (a) in the section heading, after “**admission**”, insert “**as advocate and solicitor**”;
- (b) renumber subsection (1) as section 13;
- (c) replace “a qualified person” with “an eligible person”; and
- (d) delete subsection (2).

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Amendment of section 14

9. In the principal Act, in section 14 —

- (a) in the section heading, replace “**admission requirements**” with “**requirements for admission as advocate and solicitor**”;
- (b) in subsection (1), replace “otherwise entitled to be a qualified person” with “a lawyer (NP)”;
- (c) in subsection (1), after “qualification or expertise”, insert “, and standing or relevant experience,”;
- (d) in subsection (1)(a), replace “a qualified person for the purposes of this Act” with “an eligible person”;
- (e) delete subsections (2) and (3);
- (f) in subsection (4)(a) and (b), replace “qualified person” with “eligible person”;
- (g) in subsection (4)(a) and (b), replace “qualified persons” with “eligible persons”;
- (h) in subsections (4)(a) and (5)(a), replace “section 13(1)(c), (d) and (e) and any rules made under section 10(2)(a), (b), (c) and (d)” with “section 13(c), (d) and (e) and any rules made under section 10(2)(a), (b), (da), (db) and (dc)”;
- (i) in subsection (5), replace “any qualified person” with “any eligible person”;
- (j) in subsection (5), replace “the qualified person” wherever it appears with “the eligible person”;

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(*k*) in subsection (5)(*b*), replace “a qualified person” with “an eligible person”;

(*l*) in subsection (7)(*a*), delete “payment of”; and

(*m*) in subsection (7)(*a*)(*i*), delete “2(2) or”.

5 **Amendment of section 15**

10. In the principal Act, in section 15(1)(*a*), replace sub-paragraph (i) with —

“(i) His Majesty’s Patent as King’s Counsel; or”.

Deletion of section 17

10 **11.** In the principal Act, delete section 17.

New Part 2B

12. In the principal Act, before Part 3, insert —

“PART 2B

PROVISIONAL PRACTISING CERTIFICATES

15 **Issue of provisional practising certificate**

18.—(1) This section applies to a lawyer (NP) who —

(*a*) is serving his or her practice training period with a Singapore law practice;

20 (*b*) has served not less than the prescribed period of his or her practice training period in a Singapore law practice (whether or not the same Singapore law practice as that in paragraph (*a*)); and

(*c*) wishes to do any act in the capacity of an advocate and solicitor under the supervision of a solicitor —

25 (i) during his or her practice training period; and

(ii) after the end of that practice training period and before he or she is admitted as an advocate and solicitor.

(2) The lawyer (NP) must, before doing any act mentioned in subsection (1)(c), apply to the Registrar for a provisional practising certificate.

(3) An application under subsection (2) must be made in the form and manner determined by the Registrar, and must be accompanied by —

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(a) the information and documents prescribed under subsection (9); and

(b) the fee prescribed under section 189.

(4) The Registrar may, subject to sections 19, 20 and 21, thereupon issue to the applicant a provisional practising certificate authorising him or her to practise provisionally during the periods mentioned in subsection (1)(c)(i) and (ii).

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(5) A provisional practising certificate issued does not authorise a lawyer (NP) to practise as a locum solicitor, whether or not under the supervision of a solicitor.

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(6) Every provisional practising certificate must be signed or approved by the Registrar and, subject to section 24B, is in force for a period of 12 months starting on the date of the issue or until the lawyer (NP) is admitted as an advocate and solicitor under section 12, whichever is earlier.

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(7) However, a provisional practising certificate ceases to be in force —

(a) upon the lawyer (NP) becoming subject to any disqualification under section 23(1)(c), (d), (e) or (f);

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(b) when the Registrar subsequently issues another provisional practising certificate to the lawyer (NP); or

(c) on the occurrence of such event as may be prescribed.

(8) If the name of a lawyer (NP) is removed from or struck off the roll of lawyers (NP), any provisional practising certificate of the lawyer (NP) that is in force expires immediately, and the date of the expiry must be entered by the Registrar in the register of provisional practitioners.

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(9) Subject to the provisions of this Act, the Council may make rules —

(a) to prescribe the particulars mentioned in section 24(1);

(b) to regulate the issue of provisional practising certificates;

(c) to prescribe conditions that apply to a provisional practising certificate, including conditions relating to the handling of client's moneys by a lawyer (NP) and the supervision of a lawyer (NP);

(d) to provide for any training that the lawyer (NP) must complete for the purposes of subsection (1)(c) and the time within which such training must be completed; and

(e) to prescribe other matters required or permitted to be prescribed under this section.

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

(11) To avoid doubt, a provisional practising certificate may only be issued to or held by a lawyer (NP) to which this section applies.

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

19.—(1) This section applies to any lawyer (NP) —

(a) who is subject to an order under Part 7 prohibiting him or her from applying to the court for admission as an advocate and solicitor until after a date specified in the order, that is still in force;

(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; 5
- (e) who has been convicted of an offence in relation to his or her conduct in his or her practice of law;
- (f) who has been found guilty of misconduct in any other professional capacity;
- (g) whose fitness to practise provisionally has been determined under section 22 to be impaired by reason of his or her physical or mental condition, or who, having been ordered by a Judge to submit to a medical examination under that section to be conducted within such period as the Judge may specify in the order, fails to do so; 10 15
- (h) whom the Attorney-General or the Council is satisfied is incapacitated by illness or accident, or by the lawyer (NP)'s physical or mental condition, to such extent as to be unable to practise provisionally; or 20
- (i) whom the Attorney-General or the Council is satisfied has failed to comply with any rules made under section 73D of the Conveyancing and Law of Property Act 1886. 25

(2) Where a lawyer (NP) to whom this section applies makes an application for a provisional 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; or 30

(b) to issue a provisional practising certificate to the lawyer (NP) 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 lawyer (NP) in writing.

(3) Without limiting subsection (2)(b) —

(a) conditions may be imposed under subsection (2)(b) for requiring the applicant to take any specified steps that will, in the opinion of the Attorney-General or the Council, be conducive to the applicant practising provisionally in an efficient manner; and

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

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

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

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

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

and the Registrar may comply with the request and notify the lawyer (NP) in writing.

(6) Where a provisional practising certificate free of conditions is issued by the Registrar to a lawyer (NP) in relation to whom this section applies by reason of any

circumstances mentioned in subsection (1), then, except in the case of any circumstances of whose existence the Attorney-General or the Council is unaware at the time the certificate is issued, this section does not thereafter apply in relation to that lawyer (NP) by reason of those circumstances. 5

(7) The Registrar must not refuse an application by a lawyer (NP) for a provisional practising certificate where —

- (a) this section applies to the lawyer (NP) by reason only of any circumstances in subsection (1)(a) or (b); or
- (b) disciplinary proceedings against the lawyer (NP) under Part 7 by reason of any circumstances mentioned in subsection (1) have been disposed of. 10

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

20.—(1) This section applies to a lawyer (NP) who applies for a provisional practising certificate, if he or she fails to pay any of the following when the payment is due: 15

- (a) the whole or any part of the moneys, contributions and subscriptions payable by him or her under the Singapore Academy of Law Act 1988 or any rules made under that Act; 20
- (b) the fee mentioned in section 18(3)(b) accompanying the application.

(2) When the Registrar becomes aware of the lawyer (NP)'s failure to make the payment mentioned in subsection (1), the Registrar must — 25

- (a) refuse the lawyer (NP)'s application for a provisional practising certificate until the payment is made; or
- (b) if a provisional practising certificate has been issued to the lawyer (NP) pursuant to the application, order that the provisional practising certificate be suspended. 30

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

Appeals in connection with issue of provisional practising certificates

21.—(1) A lawyer (NP) 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 application:

- (a) refuse the lawyer (NP)'s application for a provisional practising certificate under section 19;
- (b) issue to the lawyer (NP) a provisional practising certificate subject to one or more conditions under section 19;
- (c) refuse the lawyer (NP)'s application for a provisional practising certificate under section 20(2)(a);
- (d) order that the lawyer (NP)'s provisional practising certificate be suspended under section 20(2)(b).

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

(3) On an appeal against a decision in subsection (1)(a) or (b), the Judge may —

- (a) direct the Registrar not to issue a provisional practising certificate to the lawyer (NP);
- (b) direct the Registrar to issue a provisional practising certificate to the lawyer (NP) free of conditions or subject to such conditions as the Judge thinks fit; or
- (c) make any other order the Judge thinks fit.

(4) On an appeal against a decision in subsection (1)(c) or (d), the Judge may —

- (a) affirm the decision of the Registrar;

(b) in the case of a decision in subsection (1)(c), direct the Registrar to issue a provisional practising certificate to the lawyer (NP);

(c) in the case of a decision in subsection (1)(d), set aside the Registrar's order under section 20(2)(b); or

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(d) make any other order the Judge thinks fit.

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

Medical examination required in certain circumstances

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

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

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

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(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

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(b) within such period as the Judge may specify in the order.

(4) The registered medical practitioner must —

(a) personally examine the lawyer (NP);

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(b) determine whether the fitness of the lawyer (NP) to practise provisionally has been impaired by reason of the lawyer (NP)'s physical or mental condition; and

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

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

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

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

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

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

- 25 (a) the Council must, not later than 7 days from the date the direction was given —
 - (i) make an application under subsection (1) in relation to the lawyer (NP); and
 - (ii) serve that application on the lawyer (NP);
- 30 (b) the direction ceases to have effect, if —
 - (i) the Council fails to comply with paragraph (a); or

- (ii) the application mentioned in paragraph (a) is dismissed;
- (c) the lawyer (NP) 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 5
 - (ii) apply to a Judge for an order that the Council's direction be set aside, such application to be made — 10
 - (A) by summons, in a case where the Council has made an application under subsection (1) in relation to the lawyer (NP); or
 - (B) by originating application, in any other case, 15
- and served on the Society; and
- (d) the lawyer (NP) must comply with the Council's direction until it ceases to have effect under paragraph (b) or is rescinded by the Council or set aside by a Judge. 20

Disqualification for provisional practising certificates, etc.

23.—(1) A lawyer (NP) must not apply for a provisional practising certificate —

- (a) unless he or she is practising or intends to practise under the supervision of a solicitor in a Singapore law practice; 25
- (b) if he or she has, for a period of 3 years or more, held office as a Supreme Court Judge, a Judge of the Supreme Court of Malaysia or a Judge of any High Court in any part of Malaysia; 30
- (c) if he or she is an undischarged bankrupt;

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

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

(f) if he or she lacks capacity within the meaning of the Mental Capacity Act 2008 to practise provisionally.

(2) Subsection (1) does not apply to 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 to the person and specifies therein the matters in which the person may appear and plead in courts of law.

(3) When the Attorney-General has issued a certificate to a person under subsection (2), the Registrar must issue to the person a provisional practising certificate specifying therein the matters in which the person may appear and plead in courts of law and the conditions (if any) contained in the Attorney-General's certificate.

(4) The other provisions of this Act do not apply to a person who has been issued a certificate under subsection (2).

(5) For the purposes of this section, "Judge" does not include a Judicial Commissioner.

Register of provisional practitioners

24.—(1) Upon the issue of every provisional practising certificate, the Registrar must cause to be entered in an annual register kept for that purpose (called in this Act the register of provisional practitioners) the prescribed particulars relating to, and any condition imposed on, the provisional practising certificate.

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

(3) If there is any change with respect to any lawyer (NP) in the particulars mentioned in subsection (1) or with respect to the status of his or her provisional practising certificate, including as to whether it has ceased to be in force under section 18(7)(a) or (c), that lawyer (NP) must within one week after the change notify the Registrar and the Council, and the Registrar must thereupon cause the entry in respect of that lawyer (NP) in the register of provisional practitioners to be amended.

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Imposition of conditions while provisional practising certificates in force

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24A.—(1) Where, at any time during the currency of the provisional practising certificate of a lawyer (NP), section 19 would have effect in relation to him or her by reason of any circumstances mentioned in section 19(1) if he or she were to make an application for a provisional practising certificate at that time, a Judge may, upon an application by the Attorney-General or the Council made by originating application and served upon the lawyer (NP), order that the current provisional practising certificate of the lawyer (NP) has effect subject to any conditions that the Judge thinks fit.

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(2) Where an order under subsection (1) is made against a lawyer (NP) by reason only of any circumstances mentioned in section 19(1)(c), (d), (e), (f), (g), (h) or (i), the lawyer (NP) 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.

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

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

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

(6) Section 19(3) applies for the purposes of subsection (1) as it applies for the purposes of section 19(2)(b).

Referral to Disciplinary Tribunal and suspension of provisional practising certificates

24B.—(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 24A, the Judge may —

(a) where the Judge is satisfied that cause of sufficient gravity exists for disciplinary action against a lawyer (NP) who has in force a provisional practising certificate —

(i) request the Society under section 85(3)(b) (as applied by section 83(3)) to refer the matter to a Disciplinary Tribunal unless the matter had been or is being dealt with under Part 7 or is to be dealt with under section 94A; and

(ii) order that the lawyer (NP)'s current provisional practising certificate be suspended; or

(b) order that the lawyer (NP)'s current provisional practising certificate be suspended, if —

(i) the lawyer (NP)'s fitness to practise provisionally has been determined under section 22 to be impaired by reason of the lawyer (NP)'s physical or mental condition;

(ii) the lawyer (NP), having been ordered by a Judge to submit to a medical examination under section 22 to be conducted within a period specified by the Judge in the order, fails to do so; or

(iii) the Judge is satisfied that the lawyer (NP) is incapacitated by illness or accident, or by the lawyer (NP)'s physical or mental condition, to

such extent as to be unable to practise provisionally.

(2) Any application by the Attorney-General or the Council under subsection (1) must be made by originating application which must be served on the lawyer (NP). 5

(3) Where the Attorney-General or the Council makes an application under subsection (1), the Judge has, in addition to his or her powers under that subsection, the powers exercisable by the Judge under section 24A.

(4) If, in a case where a Judge has made an order under subsection (1)(a)(ii) suspending a lawyer (NP)'s current provisional practising certificate — 10

(a) the Disciplinary Tribunal determines under section 93(1)(a) that no cause of sufficient gravity for disciplinary action against the lawyer (NP) exists under section 83 or determines under section 93(1)(b) that the lawyer (NP) should be reprimanded; 15

(b) the application made against the lawyer (NP) under section 98(1) is withdrawn or dismissed; or

(c) an order has been made under section 98 that the lawyer (NP) be struck off the roll of lawyers (NP), prohibited from applying to the court for admission as an advocate and solicitor until after a date specified in the order, or censured, or that the lawyer (NP) pay a penalty, 20 25

the suspension of the provisional practising certificate of the lawyer (NP) terminates immediately.

(5) Nothing in subsection (4) is to be construed as affecting the power of the court of 3 Supreme Court Judges to prohibit a lawyer (NP) from applying to the court for admission as an advocate and solicitor until after a date specified in an order under section 98(1). 30

(6) Where the suspension of the provisional practising certificate of a lawyer (NP) under this section has terminated

by reason only of the expiry of the lawyer (NP)'s current provisional practising certificate, the lawyer (NP) must not apply for another provisional practising certificate; and if a provisional practising certificate has been issued to the lawyer (NP), that certificate ceases to be in force.

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

Cancellation of provisional practising certificates

24C.—(1) The Council may apply to a Judge by originating application for an order directing the Registrar to cancel a provisional practising certificate issued to a lawyer (NP), if it appears to the Council that —

(a) the certificate has been issued to the lawyer (NP) contrary to the provisions of this Act; or

(b) the certificate has ceased to be in force under section 18(7)(a) or (c), but the lawyer (NP) has failed to notify the Registrar and the Council of this in accordance with section 24(3).

(2) The application must be served on the lawyer (NP) concerned and upon the hearing thereof the Judge may make such order as the Judge thinks fit and may also make such order for the payment of costs as may be just.

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

Amendment of section 25

13. In the principal Act, in section 25 —

(a) in subsection (1)(d), delete “and” at the end;

(b) in subsection (1), after paragraph (d), insert —

“(da) any other document prescribed under subsection (7); and”;

(c) in subsection (7)(c), replace the full-stop at the end with a semi-colon; and

(d) in subsection (7), after paragraph (c), insert —

“(d) any other documents which must accompany an application made under subsection (1).”.

5

Amendment of section 29

14. In the principal Act, in section 29(2), after paragraph (f), insert —

“(fa) a lawyer (NP) who has in force a provisional practising certificate to appear and plead in those courts under the supervision of a solicitor;”.

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Amendment of section 32

15. In the principal Act, in section 32 —

(a) after subsection (1), insert —

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“(1A) However, a person may, during the periods mentioned in section 18(1)(c)(i) and (ii), practise provisionally if —

(a) the person’s name is on the roll of lawyers (NP); and

20

(b) the person has in force a provisional practising certificate.”; and

(b) replace subsections (2), (3) and (4) with —

“(2) For the purposes of this Act, a person is an unauthorised person if he or she is not one of the following persons:

25

(a) a person who satisfies all the following conditions:

(i) his or her name is on the roll of advocates and solicitors;

30

(ii) he or she has in force a practising certificate;

(b) a person who satisfies all the following conditions:

(i) his or her name is on the roll of lawyers (NP);

(ii) he or she has in force a provisional practising certificate;

(iii) when carrying out the act in question, he or she is under the supervision of a solicitor.

(3) For the purposes of this Act, a person is also an unauthorised person if, being an advocate and solicitor who practises in a Joint Law Venture or its constituent foreign law practice, a Qualifying Foreign Law Practice or a licensed foreign law practice, he or she practises Singapore law otherwise than in accordance with Part 4A and any rules made under section 36M.”.

Amendment of section 36G

16. In the principal Act, in section 36G —

(a) in subsections (1) and (2), replace “regulated legal practitioner” with “specified individual”; and

(b) after subsection (6), insert —

“(7) In this section, “specified individual” means any of the following:

(a) an advocate and solicitor who has in force a practising certificate;

(b) a lawyer (NP) who has in force a provisional practising certificate;

(c) a regulated foreign lawyer.”.

New section 36GA

17. In the principal Act, after section 36G, insert —

“When registration of regulated non-practitioner lapses

36GA.—(1) This section applies when —

- (a) a regulated non-practitioner (*X*) who is an advocate and solicitor obtains a practising certificate; 5
- (b) a regulated non-practitioner (also called *X*) who is a lawyer (NP) begins to serve his or her practice training period as a practice trainee; or
- (c) such other event as may be prescribed occurs in relation to a regulated non-practitioner (also called *X*). 10

(2) *X*’s registration as a regulated non-practitioner lapses on the occurrence of an event in subsection (1).

(3) The sole proprietor, managing partner or managing director (as the case may be) of the Singapore law practice, Joint Law Venture, Qualifying Foreign Law Practice or licensed foreign law practice in which *X* is a director, partner or shareholder (as the case may be) must give a written notice of the occurrence of the event referred to in subsection (2) to the Director of Legal Services within such time as may be prescribed. 15 20

(4) The Director of Legal Services who becomes aware of the occurrence of an event in subsection (1) (whether by means of the notice in subsection (3) or otherwise) may by written direction to *X* require *X* to do one or more of the following: 25

- (a) cease to be a partner or director of the Singapore law practice, Joint Law Venture, Qualifying Foreign Law Practice or licensed foreign law practice (as the case may be) and to act in such capacity, within such time as the Director of Legal Services may specify; 30
- (b) divest himself or herself of all shares or other equity interests in the Singapore law practice, Joint Law Venture, Qualifying Foreign Law Practice or licensed

foreign law practice (as the case may be) within such time as the Director of Legal Services may specify;

(c) comply with any requirement of this Act (including its subsidiary legislation).”.

5 **Amendment of section 39**

18. In the principal Act, in section 39, after paragraph (b), insert —

“(ba) all lawyers (NP) who are members of the Society by reason of section 40B;”.

New section 40B

10 **19.** In the principal Act, after section 40A, insert —

“Lawyers (NP) with provisional practising certificates to be members

15 **40B.—**(1) Every lawyer (NP) who has in force a provisional practising certificate becomes without election, admission or appointment a member of the Society and remains a member under this section so long and only so long as he or she has in force a provisional practising certificate.

(2) Every lawyer (NP) who is a member of the Society under this section is called in this Act a provisional practitioner member.”.

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Amendment of section 41

20. In the principal Act, in section 41 —

(a) in subsection (1), after paragraph (a), insert —

25 “(b) any lawyer (NP) who does not have in force a provisional practising certificate;”;

(b) in subsection (1)(c), replace “(not being an advocate and solicitor) who is ordinarily resident in Singapore” with “, not being an advocate and solicitor mentioned in paragraph (a), or a lawyer (NP) mentioned in paragraph (b)”;

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- (c) in subsection (1A), replace “(not being an advocate and solicitor, a foreign lawyer mentioned in section 40A, or a qualified person mentioned in subsection (1))” with “(not being an advocate and solicitor mentioned in subsection (1)(a), a lawyer (NP) mentioned in subsection (1)(b), a foreign lawyer mentioned in section 40A, or a qualified person mentioned in subsection (1)(c))”; 5
- (d) in subsections (3)(a)(i) and (4)(a)(i), after “struck off the roll”, insert “of advocates and solicitors”; 10
- (e) in subsections (3)(a)(i) and (4)(a)(ii), replace “from the roll” with “from that roll”;
- (f) in subsection (3)(a)(ii), replace “on the roll” with “on that roll”;
- (g) in subsection (3)(b), delete “or” at the end; 15
- (h) in subsection (3), after paragraph (b), insert —
 - “(c) a lawyer (NP) —
 - (i) who has been struck off the roll of lawyers (NP), or whose name has been removed from that roll under section 100; and 20
 - (ii) whose name has not been replaced on that roll under section 102B;
 - (d) a lawyer (NP) who is subject to an order in section 98 (read with section 82A or 83(3)) prohibiting him or her from applying to the court for admission as an advocate and solicitor until after a date specified in the order, that is still in force; or”; 25
- (i) in subsection (3)(e), replace “who has been prohibited under section 83(3) from applying to the court for admission” with “or a lawyer (NP) who has been prohibited under section 83(3) from applying to the court for admission as an advocate and solicitor”; 30

(j) in subsection (4)(a)(ii), delete “or” at the end;

(k) in subsection (4), after paragraph (a), insert —

“(b) being a lawyer (NP) mentioned in subsection (1)(b), he or she has been struck off the roll of lawyers (NP), or has had his or her name removed from that roll under section 100; or”;

(l) in subsection (4)(c), after “being a”, insert “lawyer (NP) mentioned in subsection (1)(b) or a”;

(m) in subsection (4)(c), delete “under section 83(3)”; and

(n) in subsection (4)(c), after “admission”, insert “as an advocate and solicitor”.

Amendment of section 44

21. In the principal Act, in section 44, after subsection (3), insert —

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

Amendment of section 46

22. In the principal Act, in section 46(5) —

(a) after “section 75”, insert “(if applicable)”; and

(b) after “practitioner member”, insert “or provisional practitioner member”.

Amendment of section 51

23. In the principal Act, in section 51(1), replace paragraphs (a) and (b) with —

“(a) the date of nomination which must be between the 8th day and the 15th day (both days inclusive) of the month of October that year;

- (b) the date of election which must be between the 22nd day and the 31st day (both days inclusive) of the month of October that year; and”.

New section 81A

- 24.** In the principal Act, before section 82, insert —

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“Reference to regulated legal practitioner excludes lawyer (NP)

81A. In this Part, a reference to a regulated legal practitioner excludes a lawyer (NP) who has in force a provisional practising certificate.”.

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Amendment of section 82

- 25.** In the principal Act, in section 82 —

- (a) in the section heading, after “**Supreme Court over**”, insert “**lawyers (NP),**”; and
- (b) in subsection (1)(a), after “admitted as”, insert “a lawyer (NP) or”.

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Amendment of section 82A

- 26.** In the principal Act, in section 82A —

- (a) in the section heading, replace “**and non-practising solicitors**” with “**, non-practising solicitors, and lawyers (NP) with no provisional practising certificates**”;
- (b) in subsection (1), replace “102” with “102C”;
- (c) in subsection (1), replace “or any advocate and solicitor” with “**, any advocate and solicitor**”;
- (d) in subsection (1), after “(called in this section a non-practising solicitor)”, insert “**, or any lawyer (NP) who, at the time of the misconduct, is not a practice trainee and does not have in force a provisional practising certificate (called in this section and section 82B a relevant lawyer (NP))**”;

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(*e*) in subsection (2), replace “and non-practising solicitors” with “, non-practising solicitors and relevant lawyers (NP)”;

(*f*) in subsection (3), replace “or a non-practising solicitor” with “, a non-practising solicitor or a relevant lawyer (NP)”;

(*g*) in subsection (3)(*a*), replace “or an advocate and solicitor” with “, an advocate and solicitor or a lawyer (NP)”;

(*h*) in subsections (4), (5), (6A), (8), (9), (10) and (12)(*a*), replace “or non-practising solicitor” wherever it appears with “, non-practising solicitor or relevant lawyer (NP)”;

(*i*) in subsections (10) and (12)(*c*), after “the roll”, insert “of advocates and solicitors or the roll of lawyers (NP)”;

(*j*) in subsection (12), replace paragraph (*b*) with —

“(b) if he or she is a non-practising solicitor — prohibit him or her from applying for a practising certificate for such period not exceeding 5 years as it may specify;

(ba) if he or she is a relevant lawyer (NP) — prohibit him or her from applying to the court for admission as an advocate and solicitor until after a date specified;”; and

(*k*) after subsection (12), insert —

“(12A) Without affecting subsection (12), if the non-practising solicitor or relevant lawyer (NP) is also a regulated non-practitioner, the court may also order one or both of the following:

(a) the cancellation or suspension of his or her registration under section 36G;

(b) that he or she divest himself or herself of any shares or equity interests he or she may have in the 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.

(12B) When the court makes an order in subsection (12A)(b), the Director of Legal Services —

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(a) must enforce the order; and

(b) must give the individual such further directions as the Director of Legal Services thinks proper for the purpose of giving effect to that order.”.

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Amendment of section 82B

27. In the principal Act, in section 82B, after subsection (7), insert —

“(8) This section does not apply to a regulated non-practitioner who is a relevant lawyer (NP) or a non-practising solicitor.”.

15

Amendment of section 83

28. In the principal Act, in section 83, replace subsections (3) and (4) with —

“(3) Every individual who is a practice trainee (whether or not a lawyer (NP)), or a lawyer (NP) who has in force a provisional practising certificate, is, with the following modifications and all other necessary modifications, subject to the same jurisdiction as can be exercised over advocates and solicitors under this Part, except that —

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(a) where the individual is a lawyer (NP) at the time of the application under section 98, then —

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(i) in lieu of an order that he or she be struck off the roll of advocates and solicitors, an order may be made that he or she be struck off the roll of lawyers (NP) and (if he or she has been admitted as an advocate and solicitor) also from the roll of advocates and solicitors; and

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(ii) in lieu of an order that he or she be suspended, an order may be made prohibiting him or her from applying to the court for admission as an advocate and solicitor until after a date specified in the order; and

(b) where the individual is not a lawyer (NP) at the time of the application under section 98, then —

(i) in lieu of an order that he or she be struck off the roll of advocates and solicitors or suspended, an order may be made prohibiting him or her from applying to the court for admission as a lawyer (NP), or as an advocate and solicitor, or both, until after a date or dates specified in the order; and

(ii) the jurisdiction is to be exercised by a single Judge.”.

Amendment of section 94A

29. In the principal Act, in section 94A —

(a) after subsection (1A), insert —

“(1B) Where a lawyer (NP) who has in force a provisional practising certificate —

(a) has been convicted of an offence involving fraud or dishonesty; or

(b) has been convicted of an offence under section 33,

the Society must, without further direction, proceed to make an application in accordance with section 98.”; and

(b) in subsection (2), replace “or (1A)” with “, (1A) or (1B)”.

Amendment of section 98

30. In the principal Act, in section 98 —

(a) in subsection (1), after paragraph (b), insert —

“(ba) an application for an order that a lawyer (NP) —

- (i) be struck off the roll of lawyers (NP);
- (ii) be prohibited from applying to the court for admission as an advocate and solicitor until after a date specified in the order; 5
- (iii) pay a penalty of not more than \$100,000;
- (iv) be censured; or 10
- (v) suffer the punishment mentioned in sub-paragraph (iii) in addition to the punishment in sub-paragraph (ii) or (iv);”;
- (b) in subsection (1)(c), after “an advocate and solicitor”, insert “, a lawyer (NP)”; 15
- (c) in subsections (2), (3), (4) and (6), after “advocate and solicitor”, insert “, lawyer (NP)”; and
- (d) after subsection (8), insert —
 - “(8A) The court of 3 Judges may, when making an order that an individual (being one who is on both the roll of advocates and solicitors and the roll of lawyers (NP)) be struck off one of the rolls, make an additional order that he or she be struck off the other roll, and may do so whether or not an application for the latter is made.”. 20 25

Amendment of section 98A

31. In the principal Act, in section 98A(1), replace “or non-practising solicitor” wherever it appears with “, non-practising solicitor or relevant lawyer (NP)”. 30

Amendment of section 100

32. In the principal Act, in section 100 —

(a) in the section heading, after “**Solicitor’s**”, insert “**or lawyer (NP)’s**”;

(b) in subsection (1), replace “thereunder” with “for the purpose of this section”;

(c) after subsection (1), insert —

“(1A) A lawyer (NP) may, subject to this section and any rules made for the purpose of this section, apply to the court to have his or her name removed from the roll of lawyers (NP).”;

(d) in subsection (2), replace “such application” with “application under this section”; and

(e) in subsection (6)(a), replace “the roll” with “the roll of advocates and solicitors or the roll of lawyers (NP), as the case may be”.

New sections 102A, 102B and 102C

33. In the principal Act, after section 102, insert —

“Adverse orders to be noted on roll of lawyers (NP)

102A.—(1) The Society must give the Registrar notice of every order made under this Part that is adverse to a lawyer (NP), and the Registrar must cause a note of the effect of that order to be entered on the roll of lawyers (NP) against the name of the lawyer (NP) concerned.

(2) An order as to costs only need not be so entered on the roll of lawyers (NP).

(3) An order to comply with one or more remedial measures (whether or not in addition to an order to pay a penalty, a reprimand or a warning) need not be entered on the roll of lawyers (NP).

Replacement on roll of lawyers (NP) of name of lawyer (NP) who has been struck off

102B.—(1) Where the name of a lawyer (NP) has been removed from, or struck off, the roll of lawyers (NP), the court may, if it thinks fit, at any time order the Registrar to replace on the roll the name of the lawyer (NP) —

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(a) free of conditions; or

(b) subject to any conditions the court thinks fit.

(2) An application that the name of a lawyer (NP) be replaced on the roll of lawyers (NP) must be made by originating application, supported by affidavit, before a court of 3 Judges of the Supreme Court of whom the Chief Justice is one.

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(3) The originating application must be served on the Society which must —

(a) appear at the hearing of the application; and

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(b) place before the court a report which must include —

(i) copies of the record of any proceedings as the result of which the name of the lawyer (NP) was removed from or struck off the roll of lawyers (NP); and

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(ii) a statement of any facts which have occurred since the name of the lawyer (NP) was removed from or struck off the roll of lawyers (NP) 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.

25

Applications under sections 102 and 102B may be made and heard at same time

102C. Applications under sections 102 and 102B by an applicant may be made in the same originating application and may be heard at the same time.”.

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Amendment of section 137

34. In the principal Act, in section 137, in the definition of “legal services”, replace “a solicitor can lawfully perform” with “an advocate and solicitor who has in force a practising certificate can perform”.

Amendment of section 142

35. In the principal Act, in section 142(3), after “practising certificate)”, insert “or a lawyer (NP) (whether or not he or she has in force a provisional practising certificate),”.

Amendment of section 143

36. In the principal Act, in section 143, replace paragraph (a) with —

“(a) pursuant to such disciplinary proceedings under this Act as are applicable to a solicitor or lawyer (NP), he or she —

(i) has been suspended from practice or struck off the roll of advocates and solicitors;

(ii) is struck off the roll of lawyers (NP); or

(iii) is subject to an order in section 98 prohibiting him or her from applying to the court for admission as an advocate and solicitor until after a date specified in the order;”.

Amendment of section 152

37. In the principal Act, in section 152, in the definition of “legal services”, replace “a solicitor can lawfully perform” with “an advocate and solicitor who has in force a practising certificate can perform”.

Amendment of section 157

38. In the principal Act, in section 157(3), after “practising certificate)”, insert “or a lawyer (NP) (whether or not he or she has in force a provisional practising certificate),”.

Amendment of section 159

39. In the principal Act, in section 159(9), after “practising certificate”, insert “and the solicitor is not a regulated non-practitioner registered under section 36G”.

Amendment of section 169

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40. In the principal Act, in section 169, after subsection (8), insert —

“(8A) Where a Joint Law Venture does not have any regulated foreign lawyer or solicitor registered under section 36E, the Director of Legal Services may revoke the Joint Law Venture licence issued to the foreign law practice and the Singapore law practice in accordance with section 174.”.

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Amendment of section 171

41. In the principal Act, in section 171, after subsection (6), insert —

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“(6A) Where a Qualifying Foreign Law Practice does not have any regulated foreign lawyer or solicitor registered under section 36E, the Director of Legal Services may revoke the Qualifying Foreign Law Practice licence of the Qualifying Foreign Law Practice in accordance with section 175.”.

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Amendment of section 172

42. In the principal Act, in section 172, after subsection (5), insert —

“(5A) Where a licensed foreign law practice does not have any regulated foreign lawyer or solicitor registered under section 36E, the Director of Legal Services may revoke the foreign law practice licence of the foreign law practice in accordance with section 175.”.

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Amendment of section 177

43. In the principal Act, in section 177(4), replace paragraph (c) with —

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“(c) the foreign lawyer concerned to cease —

(i) to be a partner, a director or an officer of the Singapore law practice concerned; and

(ii) to act in such capacity,

5 within such time as the Director of Legal Services may specify.”.

Amendment of section 189

44. In the principal Act, in section 189(a), replace “sections 15(7), 16(3),” with “sections 11D(3), 15(7), 16(3), 18(3)(b),”.

10 **New section 194**

45. In the principal Act, after section 193, insert —

“Court of 3 Supreme Court Judges may conduct hearing through electronic means of communication

15 **194.**—(1) A court of 3 Supreme Court Judges may conduct the hearing of any matter or proceeding under this Act (other than a matter or proceeding prescribed by rules made under section 193(1) for the purpose of this subsection) through a live video link, a live television link, a live audio link or any other electronic means of communication approved by the Chief Justice.

(2) Subsection (1) does not affect the operation of section 62A of the Evidence Act 1893.

20 (3) A court of 3 Supreme Court Judges must not conduct any part of a hearing of a matter or proceeding through a live audio link only, without an accompanying live video link or live television link —

(a) where oral evidence is given during that part of the hearing, unless all the parties consent; or

25 (b) where the matter or proceeding is prescribed by rules made under section 193(1) for the purpose of this subsection.

30

(4) For the purposes of subsection (3), a court of 3 Supreme Court Judges is not considered to have conducted a part of a hearing of a matter or proceeding through a live audio link only and without an accompanying live video link or live television link, by reason only of a temporary disruption in the accompanying live video link or live television link that was insignificant and which did not affect the court’s duty to conduct proceedings fairly. 5

(5) A court of 3 Supreme Court Judges must not conduct a hearing of a matter or proceeding in the manner provided under subsection (1), if to do so would be inconsistent with the court’s duty to ensure that the hearing is conducted fairly to all parties. 10

(6) To avoid doubt, a court of 3 Supreme Court Judges may conduct the hearing of any matter or proceeding in the manner provided under subsection (1) whether any Judge sitting in the court is situated in Singapore or outside Singapore; and the court is deemed to be sitting in Singapore even though any Judge sitting in the court is situated outside Singapore.”. 15

Miscellaneous amendments

46.—(1) In the principal Act, in the following provisions, after “roll” wherever it appears, insert “of advocates and solicitors”: 20

Section 16(4)

Section 25(4)

Section 27B(4)(c)

Section 30(5A)(a) 25

Section 32(1)(a)

Section 49(3) and (4)

Section 57(1)(a)

Section 75(12)

Section 82B(3)(b) 30

Section 83(1)(a) and (2A)(a)

Section 98(1)(a)(i)

Section 100(1)

Section 101(1), (2) and (3)

Section 102(1), (2) and (3)(b)(i) and (ii)

5 Section 159(6)(a) and (7)(a)

First Schedule, Part 1, paragraphs 1(1)(i) and 4(1)

Second Schedule, paragraph 10.

(2) In the principal Act, in section 26(3), delete “under his or her hand”.

10 (3) In the principal Act, in the following provisions, in the section heading, after “**roll**”, insert “**of advocates and solicitors**”:

Section 83

Section 98

Section 101.

15 (4) In the principal Act, in section 102, in the section heading, after “**roll**”, insert “**of advocates and solicitors of name**”.

(5) In the principal Act, in section 103(3), replace “or 102” with “, 102 or 102B”.

20 **Consequential amendments to Singapore Academy of Law Act 1988**

47. In the Singapore Academy of Law Act 1988 —

(a) in section 2, after the definition of “Law Society”, insert —

““lawyer (NP)” has the meaning given by
section 2(1) of the Legal Profession
25 Act 1966;”;

(b) in section 14, after paragraph (a), insert —

“(aa) is admitted as a lawyer (NP) whether or not
he or she has in force a provisional

practising certificate issued under
section 18 of the Legal Profession
Act 1966;”;

(c) in section 16(1)(a), after “roll”, insert “of advocates and
solicitors or roll of lawyers (NP)”;

5

(d) in section 16, after subsection (3), insert —

“(3A) Where a member of the Academy is subject
to an order prohibiting him or her from applying to the
court for admission as an advocate and solicitor until
after a date specified in the order, his or her
membership is deemed to be suspended until after
that date.”;

10

(e) in section 16(4), after “roll” wherever it appears, insert “of
advocates and solicitors”;

(f) in section 16, after subsection (4), insert —

15

“(4A) Where a member being a lawyer (NP) has
been struck off the roll of lawyers (NP), he or she on
being reinstated to the roll of lawyers (NP) becomes a
member of the Academy.”;

(g) in section 16, after subsection (5), insert —

20

“(6) In this section, “roll of advocates and
solicitors” and “roll of lawyers (NP)” have the
meanings given by section 2(1) of the Legal
Profession Act 1966.”;

(h) in section 26, replace “or by a member or qualified person”
with “, lawyer (NP), member, qualified person or eligible
person”;

25

(i) renumber section 26 as subsection (1) of that section; and

(j) in section 26, after subsection (1), insert —

“(2) In this section, “eligible person” has the
meaning given by section 2(1) of the Legal
Profession Act 1966.”.

30

Saving and transitional provisions

48.—(1) Despite anything in this Act, the old law continues to apply in relation to an individual who satisfies all of the following conditions:

5 (a) the individual became a qualified person before 1 November 2023;

 (b) the individual successfully passed, before the appointed date, or any later date as the Minister may approve in his or her case, the examinations prescribed by rules made under
10 section 10(2)(d) of the principal Act as in force immediately before the appointed date (called in this section the Part B examinations);

 (c) the individual applied before the appointed date, or any later date as the Minister may approve in his or her case, to
15 be admitted as an advocate and solicitor of the Supreme Court under section 12 of the principal Act as in force immediately before the appointed date.

(2) If an individual satisfies subsection (1)(b) but not subsection (1)(c) —

20 (a) the individual is further considered as not having satisfied section 11B(1)(c) and (d) of the principal Act (as inserted by section 6) for the purposes of his or her admission as a lawyer (NP) by reason of having satisfactorily completed the relevant courses of instruction and passed the Part B
25 examinations, and the individual must accordingly attend and satisfactorily complete the relevant courses of instruction and retake those examinations for the purposes of such admission; and

 (b) any practice training period already served by the
30 individual is likewise disregarded.

(3) Despite anything in this Act but subject to subsections (4) and (5), the old law also continues to apply in relation to an individual (X) if both of the following conditions are satisfied:

(a) *X* became a qualified person at any time between 1 November 2023 and 31 January 2024 (both dates inclusive);

(b) *X* satisfactorily completed the practice training period applicable to him or her before the appointed date or any later date as the Minister may approve in his or her case.

5

(4) If *X* does not successfully pass, before the prescribed date or any later date approved by the Minister in his or her case, the Part B examinations, then the old law ceases to apply to *X* and the new law applies to *X* instead, and for this purpose any practice training period already served by *X* is disregarded.

10

(5) If *X* —

(a) successfully passes, before the prescribed date or any later date approved by the Minister in his or her case, the Part B examinations; but

15

(b) fails to apply, before the prescribed date or any later date approved by the Minister in his or her case, to be admitted as an advocate and solicitor of the Supreme Court under section 12 of the principal Act as in force immediately before the appointed date,

20

then the old law ceases to apply to *X* and the new law applies to *X* instead.

(6) For the purpose of applying the new law to *X* under subsection (5) —

(a) *X* is, unless the Minister approved otherwise, considered as not having satisfied section 11B(1)(c) and (d) of the principal Act for the purposes of his or her admission as a lawyer (NP) by reason of having satisfactorily completed the relevant courses of instruction and passed the Part B examinations, and *X* must accordingly attend and satisfactorily complete the relevant courses of instruction and retake those examinations for the purposes of such admission; and

25

30

(b) any practice training period already served by *X* is likewise disregarded.

(7) An application for the Minister's approval mentioned in subsection (1)(b) or (c), (3)(b), (4), (5)(a) or (b) or (6)(a) must —

5 (a) be made before the prescribed date; and

 (b) be accompanied by the prescribed fee.

(8) For the purposes of subsection (7), the Minister may prescribe different dates and different fees for different applications.

10 (9) To avoid doubt, section 32(3) and (4) of the principal Act as in force immediately before the appointed date continues to apply to an individual mentioned in subsection (1) or (3) for so long as the old law applies to him or her.

15 (10) Rules may be made under section 10(2) of the principal Act to prescribe a shorter duration of the practice training period for admission as an advocate and solicitor of the Supreme Court, for an individual to which subsection (2), (4) or (6) applies who satisfies the prescribed conditions.

(11) Despite section 16, an individual —

20 (a) who is an advocate and solicitor who does not hold a practising certificate; and

 (b) who immediately before the date of commencement of section 16, was a director, partner or shareholder in a Singapore law practice, Joint Law Venture, Qualifying Foreign Law Practice or licensed foreign law practice,

25 may continue to be such director, partner or shareholder —

 (c) for a period of 2 years from that date; or

30 (d) if before the expiry of that period he or she applies for registration under section 36G of the principal Act — until the date he or she is registered or the date the application is refused or withdrawn.

(12) For a period of 2 years after the date of commencement of any provision of this Act, the Minister may, by regulations prescribe such additional provisions of a saving or transitional nature consequent on

the enactment of that provision as the Minister may consider necessary or expedient.

(13) In this section —

“appointed date” means the date of commencement of sections 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14 and 15 of this Act; 5

“new law” means the principal Act as in force on the appointed date;

“old law” means the principal Act as in force immediately before the appointed date;

“qualified person” has the meaning given by section 2(1) of the principal Act as in force immediately before the appointed date. 10

EXPLANATORY STATEMENT

This Bill seeks to amend the Legal Profession Act 1966 (the Act) to implement the following recommendations of the Committee for the Professional Training of Lawyers, set up by the Chief Justice:

- (a) to enable qualified persons who have completed the requisite courses of instruction and passed the requisite examinations for admission to the Singapore Bar to be admitted as lawyers (non-practitioner) (called lawyers (NP)), without having to also complete a period of practice training (called the new admission framework);
- (b) to extend the period of supervised training from 6 months to one year, and conferring on practice trainees limited practising rights after 6 months (called the limited practising rights framework);
- (c) to permit up to 3 months of the practising training period to be completed at approved in-house legal departments of pre-qualified entities (called the qualifying entity framework);
- (d) to introduce a moratorium date on the application for a practice training contract, before which law students may not apply for, and law practices may not offer, practice training contracts.

This Bill also makes other miscellaneous changes to the Act, including —

- (a) to clarify the periods in which the date of nomination and date of election of members of the Council of the Law Society must fall;

- (b) to clarify that a licence for a Joint Law Venture, a Qualifying Foreign Law Practice or a foreign law practice may be revoked if it has no regulated foreign lawyer or solicitor registered to practise under section 36E; and
- (c) to clarify that a court of 3 Supreme Court Judges may conduct the hearing of a matter or proceeding under the Act via electronic means of communication in certain circumstances.

Clause 2 amends section 2 (Interpretation) for the following main purposes:

- (a) it introduces a definition of “eligible person” which is a lawyer (NP) or a person approved by the Minister as an eligible person. An eligible person is a person eligible to apply for admission as an advocate and solicitor;
- (b) it introduces a definition for “lawyer (NP)” for the purpose of the new admission framework. A lawyer (NP) is an individual who is admitted as one without being required to complete a period of practice training;
- (c) it amends the definitions of “practice trainee” and “practice training period” to enable an eligible person (besides a qualified person) to undergo practice training. The references to “qualified person” in those definitions are retained as there may be exceptional circumstances where qualified persons may commence practice training before they are admitted as lawyers (NP);
- (d) it introduces definitions for “provisional practice”, “provisional practice certificate” and “register of provisional practitioners” to support various new provisions, and make related amendments to other definitions, to implement the limited practising rights framework;
- (e) it introduces a definition for “qualifying entity” and replaces the definition of “practice training contract”, for the same purpose as in paragraph (d), and to give effect to the qualifying entity framework.

Clause 3 amends section 4 (Functions and powers of Institute) —

- (a) to enable the Singapore Institute of Legal Education (SILE) to make recommendations on qualifications to be a lawyer (NP) as part of SILE’s broader function to maintain and improve the standards of legal education in Singapore, to register lawyers (NP) seeking admission as advocates and solicitors, and to determine the requirements relating to the continuing professional development of lawyers (NP); and
- (b) to enable SILE to exercise supervision over qualifying entities that carry out supervised training of practice trainees.

Clause 4 amends section 10 (Rules relating to legal education, continuing professional development and admission of advocates and solicitors) to enable the Board of Directors of SILE to make rules —

- (a) for the purposes of giving effect to the new admission framework and the qualifying entity framework;
- (b) to enable the Board of Directors of SILE to disregard a prescribed period in computing the training period that has been completed by a practice trainee, because of a prescribed event. Such events may include a contravention of the moratorium date on applications for practice training contracts;
- (c) to provide that the completion or a pass of a specified course or examination for the purpose of admission as an advocate and solicitor or a lawyer (NP) is only valid for a limited period; and
- (d) to prescribe any other requirements which an eligible person must satisfy before the eligible person can be admitted as an advocate and solicitor.

Clause 5 inserts a new section 10AA which is a re-enactment of section 17 (to be deleted by clause 11). The new section 10AA allows the General Division of the High Court or a Judge sitting in open court in that Division (the court) to extend or abridge any period prescribed in rules regarding the procedure for admission of a lawyer (NP) or an advocate and solicitor.

Clause 6 inserts a new Part 2AA (comprising the new sections 11A to 11E) which deals with the admission of qualified persons as lawyers (NP). Provisions in this Part are based on the provisions in Part 2A.

The new section 11A deals with the admission by the court of a qualified person as a lawyer (NP) of the Supreme Court. It provides for the procedure and requirements for applying to the court for admission, and for objections to an application. It also clarifies (in subsection (6)) that the court may, having regard to the conduct and character of the qualified person concerned and all other relevant circumstances, make other orders such as adjourn the matter or allow the application to be withdrawn. The inclusion of this clarification does not imply that the court has no power to make similar orders in other parts of the Act merely because there is no similar clarification in those parts.

The new section 11B sets out the requirements for admission as a lawyer (NP).

The new section 11C makes provision for persons who do not meet the requirements for admission to be approved for such admission or to be exempt from those requirements.

The Minister may on application approve (subject to conditions) a person as a qualified person if the Minister is of the opinion that the person has such

qualification or expertise as would contribute to, or promote or enhance the quality of legal services in Singapore or Singapore's economic or technological development.

The Minister may also (after consulting the Board of Directors of SILE) deem certain qualifications as qualifications required for admission, subject to conditions.

The Minister may (after consulting the Board of Directors of SILE) make rules to exempt persons who satisfy prescribed requirements from complying with certain requirements for admission as a lawyer (NP).

Finally, the Minister may, upon application by a qualified person, exempt the qualified person from certain requirements for admission as a lawyer (NP) (subject to conditions), if the Minister is of the opinion that the person is a fit and proper person to be so exempted.

The new section 11D provides for the maintenance of a roll of lawyers (NP) and the entry of particulars of admitted persons in the roll. A person admitted as a lawyer (NP) must pay a fee to the Registrar of the Supreme Court (the Registrar), who must deliver to him or her an instrument of admission. The new section 11D also provides that a person's name is to be struck off the roll on certain grounds.

The new section 11E enables the Minister to make rules for the new Part 2AA after consulting the Board of Directors of SILE.

Clause 7 amends section 12 (Admission as advocate and solicitor of Supreme Court) to replace references to "qualified person" with "eligible person", in order to implement the new admission framework. It also inserts a new subsection (5A) to clarify that the court may, having regard to the conduct and character of the eligible person concerned and all other relevant circumstances, make other orders such as adjourn the matter or allow the application to be withdrawn. The inclusion of this clarification does not imply that the court has no power to make similar orders in other parts of the Act merely because there is no similar clarification in those parts.

Clause 8 amends section 13 (Requirements for admission) to replace a reference to "qualified person" with "eligible person", and make other consequential amendments, in order to implement the new admission framework.

Clause 9 amends section 14 (Powers of Minister in relation to admission requirements) to replace references to "qualified person" with "eligible person", and make other consequential amendments, in order to implement the new admission framework. It further amends section 14 to allow the Minister to approve a person as an eligible person, on the ground of his or her qualification or expertise, and standing or experience, as would contribute to, promote or enhance the quality of legal services in Singapore or Singapore's economic or technological development.

Clause 9 also deletes subsections (2) and (3) of section 14 which allow the deeming of certain academic qualifications as equivalent to the qualifications prescribed for admission as an advocate and solicitor. Such deeming is only relevant for the purposes of admission as a lawyer (NP) but not as an advocate and solicitor. Finally, it makes an amendment to section 14(7) to make it consistent with the new section 11E(c).

Clause 10 amends section 15 (Ad hoc admissions) to replace the reference to “Queen’s Counsel” with “King’s Counsel”.

Clause 11 deletes section 17 (Extension or abridgment of time) in view of the amendment made to section 10(2)(g) and the new section 10AA.

Clause 12 inserts a new Part 2B (comprising the new sections 18 to 24C) which deals with the issue of provisional practising certificates to lawyers (NP) who wish to practise under the supervision of a solicitor during his or her practice training period and before his or her admission as an advocate and solicitor. Provisions in this Part are based on the provisions in Part 3 of the Act.

The new section 18 provides that a lawyer (NP) who is serving his or her practice training period with a Singapore law practice and has served a prescribed period of that practice training period with a Singapore law practice, and wishes to do any act in the capacity of an advocate and solicitor under the supervision of a solicitor during his or her practice training period and after the end of that period but before being admitted as an advocate and solicitor, must apply to the Registrar for a provisional practising certificate. The new section provides for (among other matters) the manner of application for the certificate, the term of the certificate and when it expires. It also enables the Council (called the Council) of the Law Society of Singapore (called the Law Society) to make rules for matters relating to a provisional practising certificate.

The new section 19 enables the Attorney-General or the Council to request the Registrar to refuse an application by a lawyer (NP) for a provisional practising certificate, or to issue such a certificate to him or her on conditions specified by the Attorney-General or the Council, under certain circumstances.

The new section 20 enables the Registrar to refuse an application for a provisional practising certificate, or to suspend such certificate, for a failure to pay any dues under the Singapore Academy of Law Act 1988 or the application fee.

The new section 21 allows a lawyer (NP) to appeal to a Judge sitting in chambers in the General Division of the High Court (a Judge) against a decision of the Registrar under the new section 19 or 20.

The new section 22 empowers a Judge, on an application by the Attorney-General or the Council, to order a lawyer (NP) to submit to a medical examination by a registered medical practitioner, to determine whether the lawyer (NP)’s fitness to practise provisionally has been impaired by a physical or

mental condition. The new section also empowers the Council to direct a lawyer (NP) to stop practising provisionally until he or she has submitted to a medical examination, if the Council is satisfied that his or her fitness to practise provisionally appears to have been impaired because of a physical or mental condition.

The new section 23 sets out various grounds on which a lawyer (NP) is disqualified from applying for a provisional practising certificate. These grounds do not apply to a State Counsel, Deputy Public Prosecutor or legal officer of the government of any country or territory of that country to whom the Attorney-General has issued a certificate specifying matters in which the person may appear and plead in court. The provisional practising certificate to be issued to that person must specify those matters and the conditions contained in the Attorney-General's certificate.

The new section 24 provides for the maintenance, updating and inspection of a register of provisional practitioners.

The new section 24A enables a Judge, on an application by the Attorney-General or the Council, to impose conditions on a provisional practising certificate, where there are circumstances which would have enabled the Attorney-General or the Council to make a request under the new section 19 to the Registrar to refuse an application for a provisional practising certificate or to issue one with conditions. If a Judge makes an order imposing conditions on a provisional practising certificate, the lawyer (NP) may (for certain circumstances) apply to a Judge to reconsider the matter because of a change in the circumstances or for any good cause.

The new section 24B enables a Judge, on an application by the Attorney-General or the Council or when hearing an application under the new section 24A, to request the Law Society to refer the matter to a Disciplinary Tribunal and order the provisional practising certificate of the lawyer (NP) concerned to be suspended, if the Judge is satisfied that cause of sufficient gravity exists for disciplinary action to be taken against him or her. The Judge may also order the provisional practising certificate of the lawyer (NP) concerned to be suspended if the lawyer (NP)'s fitness to practise provisionally is impaired because of a physical or mental condition, or if the lawyer (NP) failed to comply with a court order to submit to a medical examination. The Judge may also impose conditions on the provisional practising certificate.

The new section 24C enables the Council to apply to a Judge for an order directing the Registrar to cancel a provisional practising certificate in certain circumstances. It also provides that disciplinary proceedings may be taken against a lawyer (NP) for making a false statement material to his or her application for a provisional practising certificate.

Clause 13 amends section 25 (Practising certificates) to require an application for a practising certificate to be accompanied by other documents to be prescribed by rules.

Clause 14 amends section 29 (Privileges of advocates and solicitors) to provide that subsection (1), which sets out the exclusive right of an advocate and solicitor to appear and plead in all courts in Singapore, does not affect the right of a lawyer (NP) with a provisional practising certificate to do so under the supervision of a solicitor.

Clause 15 amends section 32 (Requirements for practice and unauthorised persons) —

- (a) to allow a lawyer (NP) who has a provisional practising certificate to practise provisionally during his or her practice training period, as well as after the end of that practice training period and before he or she is admitted as an advocate and solicitor;
- (b) to exclude a lawyer (NP) who has in force a provisional practising certificate from the scope of the term “unauthorised person” in the Act when doing an act in the capacity of an advocate and solicitor under the supervision of a solicitor; and
- (c) to delete subsections (3) and (4) which are no longer needed in light of the new rule allowing a lawyer (NP) with a provisional practising certificate to appear and plead in court under the supervision of a solicitor.

Clause 16 amends section 36G (Registration of regulated non-practitioner) to provide that only an advocate and solicitor who has in force a practising certificate, a lawyer (NP) who has in force a provisional practising certificate or a regulated foreign lawyer, may be a director, partner or shareholder in a Singapore law practice, Joint Law Venture, Qualifying Foreign Law Practice or licensed foreign law practice, or share in the profits of any of these, without registration under that section.

Clause 17 inserts a new section 36GA to provide that the registration of a regulated non-practitioner lapses on the occurrence of certain events. These events include when he or she (being an advocate and solicitor) obtains a practising certificate, and when he or she (being a lawyer (NP)) begins his or her practice training period. The sole proprietor, managing partner or managing director of the law practice entity concerned must give notice of such event to the Director of Legal Services. The Director of Legal Services may require the individual to cease to be a partner or director of the law practice entity concerned and to divest himself or herself of all shares or other equity interests in the law practice entity and to comply with any requirement of the Act.

Clause 19 inserts a new section 40B to provide that a lawyer (NP) who has in force a provisional practising certificate is a provisional practitioner member of the Law Society. Clause 18 amends section 39 (Membership) accordingly.

Clause 20 amends section 41 (Non-practitioner members) to allow a lawyer (NP) who does not have in force a provisional practising certificate to be admitted as a non-practitioner member of the Law Society. This does not apply to a lawyer (NP) who has been struck off the roll of lawyers (NP) or whose name has been removed from that roll, or who is subject to an order prohibiting him or her from applying to the court for admission as an advocate and solicitor. Clause 20 also removes the requirement in section 41(1)(c) for a qualified person (not being an advocate and solicitor or a lawyer (NP)) to be ordinarily resident in Singapore before he or she may apply to be a non-practitioner member.

Clause 21 amends section 44 (Expulsion and suspension of rights and privileges) to provide that a provisional practitioner member must not be expelled from membership of the Law Society so long as he or she has in force a provisional practising certificate.

Clause 22 amends section 46 (Annual subscription to Society) to provide that the total of the annual subscription, levies and annual contribution to the Compensation Fund payable in a calendar year to the Law Society by a provisional practitioner member must not exceed \$500 without the approval of a general meeting of the Law Society.

Clause 23 amends section 51 (Elections) to clarify the periods in which the date of nomination and date of election of members of the Council must fall.

Clause 24 inserts a new section 81A to provide that a reference in Part 7 (Disciplinary Proceedings) to a regulated legal practitioner excludes a lawyer (NP) who has in force a provisional practising certificate, as the disciplinary proceedings to be prescribed for lawyers (NP) are different from those prescribed for other regulated legal practitioners.

Clause 25 amends section 82 (Jurisdiction of Supreme Court over solicitors, Judicial Service Officers, Legal Service Officers and PD Officers) to provide that a lawyer (NP) is an officer of the Supreme Court.

Clause 26 extends the provisions for disciplinary proceedings under section 82A (Disciplinary proceedings against Judicial Service Officers, Legal Service Officers, PD Officers and non-practising solicitors) to a lawyer (NP) who is not a practice trainee and does not have a provisional practising certificate (called a relevant lawyer (NP)).

Clause 27 amends section 82B (Disciplinary proceedings against regulated non-practitioners) to disapply that section to a regulated non-practitioner who is a relevant lawyer (NP) or a non-practising solicitor. Proceedings against such an individual will be initiated under the amended section 82A.

Clause 28 amends section 83 (Power to strike off roll, etc.) to provide for how the jurisdiction exercisable over advocates and solicitors under Part 7 is to be modified in its application to a practice trainee (who may be a qualified person or a lawyer (NP)), or a lawyer (NP) who holds a provisional practising certificate.

Clause 29 amends section 94A (Society to apply to court for cases involving fraud or dishonesty, or under section 33) to provide that where a lawyer (NP) with a provisional practising certificate has been convicted of an offence involving fraud or dishonesty or an offence under section 33 (Unauthorised person acting as advocate or solicitor), the Law Society must proceed to apply to the court for an order under section 98.

Clause 30 amends section 98 (Application for order that solicitor be struck off roll, etc.) to apply that section to an application to a court of 3 Supreme Court Judges to make certain orders against a lawyer (NP). These include orders for the lawyer (NP) to be struck off the roll of lawyers (NP), to be prohibited from applying to the court for admission as an advocate and solicitor, to pay a financial penalty, and to be censured. Where the respondent is on both the roll of advocates and solicitors and the roll of lawyers (NP), the court may, when ordering that he or she be struck off one roll, also order that he or she be struck off the other roll whether or not an application is made for the latter.

Clause 31 amends section 98A (Provisions as to penalties ordered by court) to provide that where a lawyer (NP) has been ordered to pay a financial penalty under section 82A, he or she must pay it to the Registrar.

Clause 32 amends section 100 (Solicitor's application to remove own name) to enable a lawyer (NP) to apply to the court to have his or her name removed from the roll of lawyers (NP).

Clause 33 inserts new sections 102A, 102B and 102C.

The new section 102A (which is based on section 101) requires the Law Society to give to the Registrar a notice of any adverse order against a lawyer (NP), and the Registrar must then cause a note of this to be entered on the roll of lawyers (NP) against the name of the lawyer (NP).

The new section 102B (which is based on section 102) enables the court, on application, to order the Registrar to replace on the roll of lawyers (NP) the name of a lawyer (NP) who has been removed from or struck off the roll, either with or without conditions. The originating application must be served on the Law Society which must appear at the hearing and provide a report to the court of certain matters relevant to the application.

The new section 102C allows applications under section 102 (Replacement on roll of solicitor who has been struck off) and the new section 102B to be made in the same originating application and heard at the same time.

Clause 34 amends section 137 (Interpretation of this Division) to amend the definition of the term “legal services” for the purposes of Division 2 of Part 9A, to make it consistent with the definition of that term in section 135(4).

Clause 35 amends section 142 (Professional misconduct) to provide that a partner or employee of a limited liability law partnership who is a lawyer (NP) must not hold shares in or be a director, consultant or employee of a law corporation, be a partner, consultant or employee of a law firm or another limited liability law partnership, or practise as a solicitor on his or her own account, except with the prior approval of the Director of Legal Services or in prescribed circumstances.

Clause 36 amends section 143 (Effect of disciplinary action) to provide that a lawyer (NP) who has been suspended from practice, struck off the roll of lawyers (NP) or is subject to an order prohibiting him or her from applying to the court for admission as an advocate and solicitor, must not be a manager of a limited liability law partnership.

Clause 37 amends section 152 (Interpretation of this Division) to amend the definition of the term “legal services” for the purposes of Division 3 of Part 9A, to make it consistent with the definition of that term in section 135(4).

Clause 38 amends section 157 (Professional misconduct) to provide that a director or employee of a law corporation who is a lawyer (NP) must not hold shares in or be a director, consultant or employee of another law corporation, be a partner, consultant or employee of a law firm or limited liability law partnership, or practise as a solicitor on his or her own account, except with the prior approval of the Director of Legal Services or in prescribed circumstances.

Clause 39 amends section 159 (Shares of law corporation, etc.) to clarify that the grace period to transfer a solicitor’s shares in the law corporation is only relevant where the solicitor is not a regulated non-practitioner registered under section 36G.

Clause 40 amends section 169 (Joint Law Venture) to clarify that the Director of Legal Services may revoke a Joint Law Venture licence in accordance with section 174 (Regulatory control over Joint Law Venture or Formal Law Alliance) if the Joint Law Venture does not have any regulated foreign lawyer or solicitor registered under section 36E (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).

Clauses 41 and 42 amend section 171 (Qualifying Foreign Law Practice) and section 172 (Licensed foreign law practice), respectively, for a similar purpose as clause 40 in relation to a Qualifying Foreign Law Practice licence and a foreign law practice licence.

Clause 43 amends section 177 (Measures to ensure compliance with section 176) to provide that where a foreign lawyer has contravened section 176 (Foreign interests in Singapore law practices) or an undertaking to prevent a circumvention of section 176 or certain conditions, the Director of Legal Services may direct him or her to cease to be a partner, director or officer of the Singapore law practice concerned or to cease to act in such capacity within a specified time.

Clause 44 amends section 189 (Rules Committee to prescribe certain fees and costs) to include provisions inserted by the Bill imposing fees and for which rules have to be made by the Rules Committee.

Clause 45 inserts a new section 194 to clarify that a court of 3 Supreme Court Judges (called the C3J) may conduct a hearing of any matter or proceeding under the Act (other than a prescribed matter or proceeding) through a live video link, a live television link, a live audio link or any other electronic means of communication approved by the Chief Justice. There must also be an accompanying live video link or live television link for any part of the hearing of a matter or proceeding via a live audio link, where oral evidence is given during that part of the hearing unless all parties consent, or where the matter or proceeding is one prescribed by rules. The C3J must not conduct a hearing through an electronic means of communication if this would be inconsistent with the court's duty to ensure that the hearing is conducted fairly to all parties. The new section also clarifies that the C3J may conduct a hearing through an electronic means in accordance with the new section whether any Judge is situated in or outside Singapore.

Clause 46 makes miscellaneous amendments to certain provisions in the Act to clarify that those provisions refer to the roll of advocates and solicitors, because the definition of "roll" in section 2(1) is replaced with the definitions of "roll of advocates and solicitors" and "roll of lawyers (NP)". The clause also amends section 26(3) to align with the new section 23(2), and amends section 103(3) (costs of certain proceedings are in the Judge or court's discretion) to extend it to proceedings under the new section 102B.

Clause 47 makes various consequential amendments to the Singapore Academy of Law Act 1988, including —

- (a) an amendment to section 14 (Ordinary members) to provide that a person admitted as a lawyer (NP) becomes an ordinary member of the Academy whether or not he or she has a provisional practising certificate, unless he or she is disqualified from membership or has had his or her membership terminated; and
- (b) amendments to section 16 (Disqualifications for membership of Academy) to provide that the membership of a member who is subject to an order prohibiting him or her from applying to the court for

admission as an advocate or solicitor is suspended until the order ends, and that a member who is struck off the roll of lawyers (NP) ceases to be a member, but becomes a member again if he or she is reinstated to that roll.

Clause 48 contains saving and transitional provisions, and allows the Minister to make further saving and transitional provisions by regulations.

In particular, clause 48 sets out how the admission framework that is in force before the date of implementation of the new admission framework (the appointed date), may apply to 2 groups of people.

The first group are those who are most likely to be able to fulfil all the requirements for admission under the old law by the appointed date. They will have to pass the Part B examinations, and apply to be admitted as an advocate and solicitor, before the appointed date. To be able to do the latter, they are also expected to have completed the practice training period applicable to them under the old law.

The second group are those who will become qualified persons between 1 November 2023 and 31 January 2024 and who satisfactorily complete their practice training periods before the appointed date. The old law ceases to apply to any of them if he or she does not pass the Part B examinations before the prescribed date or does not apply to be admitted as an advocate and solicitor before the prescribed date.

EXPENDITURE OF PUBLIC MONEY

This Bill will not involve the Government in any extra financial expenditure.
