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LEGAL PROFESSION ACT (CHAPTER 161)

LEGAL PROFESSION (CONTINUING PROFESSIONAL DEVELOPMENT) RULES 2012

ARRANGEMENT OF RULES

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In exercise of the powers conferred by section 10(1) and (2) of the Legal Profession Act, the Singapore Institute of Legal Education, after consulting the Minister for Law and the Council of the Law Society of Singapore, hereby makes the following Rules:

Citation and commencement

1. These Rules may be cited as the Legal Profession (Continuing Professional Development) Rules 2012 and shall come into operation on 1st April 2012.

Definitions

2. In these Rules, unless the context otherwise requires —

“Accreditation Committee” means the Accreditation Committee appointed by the Board under rule 4(1);

“accredited CPD activity” means a CPD activity accredited by the Accreditation Committee;

“Board” means the Board of Directors of the Institute;

“Chairman” means the Chairman of the Institute;

“Compliance Committee” means the Compliance Committee appointed by the Board under rule 5(1);

“CPD activity” means an activity that —

(a) is undertaken by a solicitor for the purposes of continuing professional development; and

(b) satisfies the requirements under rule 3;

“CPD point” means a continuing professional development point which a solicitor obtains by undertaking any CPD activity;

“CPD requirement” means a requirement relating to continuing professional development under rule 9, 10, 11 or 12(5) or (7);

“CPD Review Board” means the CPD Review Board appointed by the Chairman under rule 7(1);

“Director” means the Director of Continuing Professional Development appointed by the Board, and includes any Deputy Director of Continuing Professional Development appointed by the Board;

“practice year” means the period from 1st April in any calendar year to 31st March in the next calendar year;

“Programmes Committee” means the Programmes Committee appointed by the Board under rule 6(1);

“relevant solicitor” means a solicitor who was admitted as a solicitor on or after 2nd January 2007.

CPD activities

3.—(1) A CPD activity may consist of —

- (a) attending, or reviewing a recording of, any conference, lecture, seminar, workshop or discussion group that satisfies the requirements under paragraphs (2) and (3);
- (b) reviewing any multimedia, Internet-based, audio-visual, audio or video programme or material that satisfies the requirements under paragraph (2); or
- (c) writing an article that —
 - (i) satisfies the requirements under paragraph (4); and
 - (ii) is published in any publication that the Institute may specify in any guidelines issued under rule 14, or that the Accreditation Committee may approve on a case by case basis.

(2) Every conference, lecture, seminar, workshop or discussion group referred to in paragraph (1)(a), or multimedia, Internet-based, audio-visual, audio or video programme or material referred to in paragraph (1)(b), to which a CPD activity relates shall —

- (a) deal primarily with matters relating to the practice of law;
- (b) comprise significant intellectual or practical content; and
- (c) seek to extend the knowledge or skill of a solicitor undertaking the CPD activity in one or more areas that are relevant to the solicitor's practice needs.

(3) Every presentation at a conference, lecture, seminar, workshop or discussion group referred to in paragraph (1)(a) shall be conducted by a person who is qualified to give the presentation by practical or academic experience in the subject matter of the presentation.

(4) Every article referred to in paragraph (1)(c) shall —

- (a) deal primarily with matters relating to the practice of law; and
- (b) be of significant intellectual or practical content.

(5) Notwithstanding paragraphs (1) to (4), where the Institute has specified, in any guidelines issued under rule 14, that an activity does not qualify as a CPD activity, that activity shall not be a CPD activity.

Accreditation Committee

4.—(1) The Board may appoint, from among the members of the Board or from other persons, an Accreditation Committee consisting of a chairman and such number of members as the Board may determine to do any of the following:

- (a) to accredit any CPD activity, and to authorise any person to organise or administer an accredited CPD activity;
- (b) to determine the terms and conditions for the accreditation of a CPD activity, and the terms and conditions under which a person may organise or administer an accredited CPD activity;
- (c) to determine whether any activity or class of activities is a CPD activity or class of CPD activities, and to propose guidelines specifying the types of accredited CPD activities and other CPD activities, and the types of activities which do not qualify as CPD activities;
- (d) to propose guidelines specifying, and to approve on a case by case basis, any publication referred to in rule 3(1)(c)(ii);
- (e) to determine or approve the number of CPD points which may be obtained by undertaking any CPD activity or class of CPD activities, and to propose guidelines specifying, for each type of CPD activity, the manner in which the number of CPD points which may be obtained by undertaking that type of CPD activity is to be calculated;
- (f) to perform such other functions related to the matters referred to in sub-paragraphs (a) to (e) as the Board may determine from time to time.

(2) The chairman and members of the Accreditation Committee shall each be appointed for such period as the Board may determine.

(3) The Accreditation Committee may determine its own procedures.

(4) The Accreditation Committee shall not be bound by the provisions of the Evidence Act (Cap. 97) or by any other law relating to evidence, and may inform itself on any matter in such manner as it thinks fit.

Compliance Committee

5.—(1) The Board may appoint, from among the members of the Board or from other persons, a Compliance Committee consisting of a chairman and such number of members as the Board may determine to do any of the following:

- (a) to propose guidelines, and to consider applications, for the full or partial waiver of any CPD requirement;
- (b) to establish a system for verifying whether a solicitor has complied with any CPD requirement;
- (c) to propose guidelines on the types of evidence that a solicitor shall maintain, and to determine whether any evidence provided by a solicitor is sufficient, to show that the solicitor has undertaken a CPD activity;
- (d) to determine the measures to be taken against a solicitor who has failed to comply with any CPD requirement;
- (e) to perform such other functions related to the matters referred to in sub-paragraphs (a) to (d) as the Board may determine from time to time.

(2) The chairman and members of the Compliance Committee shall each be appointed for such period as the Board may determine.

(3) The Compliance Committee shall not be bound to act in a formal manner and may determine its own procedures.

(4) The Compliance Committee shall not be bound by the provisions of the Evidence Act (Cap. 97) or by any other law relating to evidence, and may inform itself on any matter in such manner as it thinks fit.

Programmes Committee

6.—(1) The Board may appoint, from among the members of the Board or from other persons, a Programmes Committee consisting of a chairman and such number of members as the Board may determine to do any of the following:

- (a) to recommend the types of CPD activities which should be undertaken by solicitors in general or by any class of solicitors;
- (b) to determine the types of CPD activities to be provided by the Institute or by any other person;
- (c) to determine whether any CPD activity should be designated as a mandatory CPD activity for the purposes of rule 9(a), either for solicitors in general or for any class of solicitors, and to propose guidelines designating the mandatory CPD activities (if any) for solicitors in general and for each class of solicitors;
- (d) to perform such other functions related to the matters referred to in sub-paragraphs (a), (b) and (c) as the Board may determine from time to time.

(2) The chairman and members of the Programmes Committee shall each be appointed for such period as the Board may determine.

(3) The Programmes Committee may determine its own procedures.

(4) The Programmes Committee shall not be bound by the provisions of the Evidence Act (Cap. 97) or by any other law relating to evidence, and may inform itself on any matter in such manner as it thinks fit.

CPD Review Board

7.—(1) The Chairman may appoint any 3 members of the Board to constitute a CPD Review Board, and shall appoint one of the members of the CPD Review Board to preside over it.

(2) The CPD Review Board may be appointed in connection with one or more matters or for a fixed period of time as the Chairman may think fit.

(3) If any member of the CPD Review Board is unable to act for any reason in any case, the Chairman may appoint another member of the Board to replace him for that case.

(4) A decision of the CPD Review Board shall be made by a majority vote of its members.

(5) The CPD Review Board shall not be bound to act in a formal manner and may determine its own procedures.

(6) The CPD Review Board shall not be bound by the provisions of the Evidence Act (Cap. 97) or by any other law relating to evidence, and may inform itself on any matter in such manner as it thinks fit.

Declaration under section 25(1)(ca) of Act

8. For the purposes of section 25(1)(ca) of the Act, in every practice year, a solicitor's application for a practising certificate shall be accompanied by one of the following declarations:

- (a) a declaration stating that the solicitor has complied with every CPD requirement that was applicable to him at any time in the calendar year immediately preceding that practice year;
- (b) a declaration stating that —
 - (i) the Compliance Committee has granted the solicitor a waiver of one or more of the CPD requirements that were applicable to him at any time in the calendar year immediately preceding that practice year; and
 - (ii) the solicitor has complied with every other CPD requirement that was applicable to him at any time in the calendar year immediately preceding that practice year;
- (c) a declaration stating that no CPD requirement was applicable to the solicitor at any time in the calendar year immediately preceding that practice year.

Undertaking of CPD activities

9. Every relevant solicitor who is of less than 5 years' standing on 1st January in any calendar year specified in the first column of the Schedule, and who in that calendar year has in force a practising certificate (not being a practising certificate to practise as a locum solicitor) for any period specified in the second column of the Schedule, shall —

- (a) undertake in that calendar year, in accordance with any guidelines issued under rule 14, such CPD activities as the Institute may designate as mandatory CPD activities in those guidelines; and
- (b) obtain —
 - (i) from all CPD activities undertaken by him in that calendar year, at least the number of CPD points specified in the third column of the Schedule; and
 - (ii) from all accredited CPD activities undertaken by him in that calendar year, at least the number of CPD points specified in the fourth column of the Schedule.

Record and evidence of CPD activities

10.—(1) Subject to paragraph (3), every relevant solicitor shall maintain —

- (a) a record of the CPD activities that he has undertaken in each calendar year; and
- (b) for each such CPD activity, such evidence to show that he has undertaken that CPD activity as the Institute may specify in any guidelines issued under rule 14.

(2) Subject to paragraph (3), a relevant solicitor shall maintain the record under paragraph (1)(a) of the CPD activities that he has undertaken in any calendar year, and the evidence under paragraph (1)(b) of each such CPD activity, for a period of 3 years after 31st December in that calendar year.

(3) A relevant solicitor need not comply with paragraphs (1) and (2) in relation to —

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- (a) any CPD activity undertaken by him before 1st April 2012, unless —
 - (i) he relies on that CPD activity for the purposes of satisfying the requirement under rule 9(a); or
 - (ii) he relies on any CPD points obtained by undertaking that CPD activity for the purposes of satisfying the requirement under rule 9(b)(i) or (ii); or
 - (b) any CPD activity undertaken by him on or after 1st April 2012, if —
 - (i) he does not rely on that CPD activity for the purposes of satisfying the requirement under rule 9(a); and
 - (ii) he does not rely on any CPD points obtained by undertaking that CPD activity for the purposes of satisfying the requirement under rule 9(b)(i) or (ii).

Verification of compliance with CPD requirements

11.—(1) For the purpose of verifying whether a relevant solicitor has complied with any CPD requirement that was applicable to him, the Institute may require him —

- (a) to produce to the Institute —
 - (i) any record or evidence that he is required to maintain under rule 10; and
 - (ii) any other record in his possession or control that is relevant to that purpose; and
- (b) to provide the Institute with —
 - (i) if he has made a declaration under section 25(1)(ca) of the Act stating that he has complied with that CPD requirement, a statement of his reasons for making that declaration; and
 - (ii) if he has made a declaration under section 25(1)(ca) of the Act stating that the Compliance Committee has granted him a waiver of that CPD requirement, the

particulars of the waiver granted by the Compliance Committee.

(2) A relevant solicitor shall comply with a requirement of the Institute under paragraph (1) within such time as the Institute may specify.

Non-compliance with CPD requirements

12.—(1) An application for a waiver of any CPD requirement shall be made to the Director —

- (a) in such form and manner as the Director may require;
- (b) within such period as the Director may specify; and
- (c) be accompanied by such documents as the Director may require.

(2) For the purposes of paragraph (1), the Director may require an applicant —

- (a) to provide, in addition to any documents referred to in paragraph (1)(c), such other evidence as the Director considers necessary;
- (b) to depose to any facts relevant to the application by a statutory declaration; and
- (c) to attend an interview.

(3) The Director shall cause an application under paragraph (1) to be referred to the Compliance Committee as soon as practicable.

(4) Upon considering an application under paragraph (1), the Compliance Committee may —

- (a) grant the applicant a full or partial waiver of the CPD requirement, subject to such conditions as the Compliance Committee may think fit to impose;
- (b) extend the time for complying with the CPD requirement, subject to such conditions as the Compliance Committee may think fit to impose; or
- (c) refuse the application.

(5) The applicant shall comply with every condition imposed under paragraph (4)(a) or (b).

(6) Where a relevant solicitor has failed to comply with any CPD requirement, the Compliance Committee may, after giving him a reasonable opportunity to be heard —

- (a) recommend that the Institute issue a written notice to him directing him to comply with such requirements as may be specified in the notice;
- (b) recommend that the Institute issue a private reprimand to him;
- (c) recommend that the Institute —
 - (i) make a complaint of his conduct under section 85(1) of the Act; or
 - (ii) refer information touching upon his conduct under section 85(3) of the Act; or
- (d) determine that no action be taken against him.

(7) Where, pursuant to a recommendation of the Compliance Committee under paragraph (6)(a), the Institute has issued a written notice to a relevant solicitor directing him to comply with such requirements as may be specified in the notice, he shall comply with those requirements within such period as may be specified in the notice.

Application to review decision of Director, etc.

13.—(1) Any person who is aggrieved by any decision of the Director, the Accreditation Committee, the Compliance Committee or the Programmes Committee may, within 14 days after the date on which the decision was communicated to him, apply to the Institute in such manner as the Institute may specify for the decision to be reviewed by the CPD Review Board.

(2) Upon considering an application under paragraph (1), the CPD Review Board may —

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- (a) affirm, vary or substitute the decision of the Director, the Accreditation Committee, the Compliance Committee or the Programmes Committee (as the case may be); or
 - (b) remit the matter, with such directions as the CPD Review Board may think fit, to the Director, the Accreditation Committee, the Compliance Committee or the Programmes Committee (as the case may be) for reconsideration.
- (3) The decision of the CPD Review Board under paragraph (2) shall be final.
- (4) The Institute shall give notice in writing to a person who has made an application under paragraph (1) of the decision of the CPD Review Board on the application.

Guidelines

- 14.**—(1) The Institute may, from time to time, issue guidelines for the purposes of these Rules.
- (2) The guidelines issued under paragraph (1) may explain, clarify or provide examples or illustrations to explain or clarify any requirement under these Rules.
- (3) Without prejudice to the generality of paragraphs (1) and (2), the guidelines issued under paragraph (1) may —
- (a) specify the types of accredited CPD activities and other CPD activities, and the types of activities which do not qualify as CPD activities;
 - (b) specify any publication referred to in rule 3(1)(c)(ii);
 - (c) specify, for each type of CPD activity, the manner in which the number of CPD points which may be obtained by undertaking that type of CPD activity is to be calculated;
 - (d) designate any CPD activity as a mandatory CPD activity for the purposes of rule 9(a), for solicitors in general or for any class of solicitors;
 - (e) specify how each type of CPD activity is to be undertaken;

- (f) specify any matter relating to an application for the full or partial waiver of any CPD requirement; and
- (g) specify the types of evidence that a solicitor shall maintain to show that he has undertaken a CPD activity.

THE SCHEDULE

Rule 9

UNDERTAKING OF CPD ACTIVITIES

<i>First column</i> <i>Calendar year</i>	<i>Second column</i> <i>Period when practising certificate was in force</i>	<i>Third column</i> <i>Minimum number of CPD points from all CPD activities</i>	<i>Fourth column</i> <i>Minimum number of CPD points from accredited CPD activities</i>
1. 2012	(a) more than 8 months, in the period between 1st April and 31st December (both dates inclusive)	8	4
	(b) more than 5 months up to 8 months, in the period between 1st April and 31st December (both dates inclusive)	4	2
	(c) 5 months or less, in the period between 1st April and 31st December (both dates inclusive)	0	0

THE SCHEDULE — *continued*

2. 2013 or any subsequent calendar year	(a) more than 8 months	16	8
	(b) more than 5 months up to 8 months	8	4
	(c) 5 months or less	0	0

Made this 28th day of March 2012.

JUSTICE V K RAJAH
Chairman,
Singapore Institute of Legal
Education.

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