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No. S 241

LEGAL PROFESSION ACT
(CHAPTER 161)

LEGAL PROFESSION
(INTERNATIONAL SERVICES)
(AMENDMENT) RULES 2011

In exercise of the powers conferred by section 130W of the Legal Profession Act, the Minister for Law, after consulting the Attorney-General, hereby makes the following Rules:

Citation and commencement

1. These Rules may be cited as the Legal Profession (International Services) (Amendment) Rules 2011 and shall come into operation on 3rd May 2011.

Amendment of rule 4

2. Rule 4 of the Legal Profession (International Services) Rules 2008 (G.N. No. S 481/2008) (referred to in these Rules as the principal Rules) is amended by deleting paragraph (3) and substituting the following paragraph:

“(3) For the purposes of determining whether a solicitor or foreign lawyer satisfies the period of relevant legal expertise and experience required under paragraph (2), any period spent in attending any course of instruction, course of study or postgraduate education (not being a period spent to satisfy any applicable requirements relating to continuing professional development), and any period spent in serving any articles, period of pupillage, practice training period or other period of supervised training in relation to the practice of law (by whatever name called), shall be disregarded.”

Amendment of rule 5**3. Rule 5 of the principal Rules is amended —**

(a) by deleting paragraph (2) and substituting the following paragraph:

“(2) A Joint Law Venture shall not practise Singapore law except —

(a) in the permitted areas of legal practice; and

(b) through —

(i) a solicitor who practises in the constituent Singapore law practice of the Joint Law Venture;

(ii) a solicitor registered under section 130N of the Act who practises in the Joint Law Venture or its constituent foreign law practice; or

(iii) a foreign lawyer registered under section 130I of the Act who practises in the Joint Law Venture, its constituent foreign law practice or its constituent Singapore law practice.”;

(b) by deleting paragraph (4) and substituting the following paragraph:

“(4) The number of solicitors registered under section 130N of the Act to practise Singapore law in a Joint Law Venture or its constituent foreign law practice shall not at any time exceed the total number of —

(a) foreign lawyers registered under section 130I of the Act to practise Singapore law in the Joint Law Venture;

(b) foreign lawyers registered under section 130K of the Act to practise foreign law in the Joint Law Venture; and

(c) solicitors registered under section 130O of the Act to practise foreign law in the Joint Law Venture.”;

(c) by inserting, immediately after paragraph (5), the following paragraph:

“(5A) The number of foreign lawyers registered under section 130I of the Act to practise Singapore law in the

constituent Singapore law practice of a Joint Law Venture shall not at any time exceed the total number of solicitors in active practice in the Singapore law practice.”; and

(d) by deleting paragraphs (8) and (9) and substituting the following paragraphs:

“(8) A solicitor may concurrently be —

- (a) a partner or director of a Joint Law Venture;
- (b) a partner or director of its constituent Singapore law practice; and
- (c) a partner or director of its constituent foreign law practice.

(9) Subject to paragraph (8), no foreign lawyer shall concurrently be —

- (a) a partner, a director or an employee of the constituent Singapore law practice of a Joint Law Venture; and
- (b) a partner, a director or an employee of the Joint Law Venture or its constituent foreign law practice.”.

Amendment of rule 8

4. Rule 8 of the principal Rules is amended by deleting paragraph (2) and substituting the following paragraph:

“(2) For the purposes of determining whether a solicitor or foreign lawyer satisfies the period of relevant legal expertise and experience required under paragraph (1), any period spent in attending any course of instruction, course of study or postgraduate education (not being a period spent to satisfy any applicable requirements relating to continuing professional development), and any period spent in serving any articles, period of pupillage, practice training period or other period of supervised training in relation to the practice of law (by whatever name called), shall be disregarded.”.

Amendment of rule 9

5. Rule 9(2) of the principal Rules is amended by deleting “130J” in sub-paragraph (b) and substituting “130I”.

Amendment of rule 11

6. Rule 11 of the principal Rules is amended by deleting paragraphs (1) and (2) and substituting the following paragraphs:

“(1) A Qualifying Foreign Law Practice shall not practise Singapore law except —

- (a) in the permitted areas of legal practice; and
- (b) through a solicitor registered under section 130N of the Act, or a foreign lawyer registered under section 130I of the Act, who practises in the Qualifying Foreign Law Practice.

(2) The number of solicitors registered under section 130N of the Act to practise Singapore law in a Qualifying Foreign Law Practice shall not at any time exceed 4 times the total number of —

- (a) foreign lawyers registered under section 130I of the Act to practise Singapore law in the Qualifying Foreign Law Practice;
- (b) foreign lawyers registered under section 130K of the Act to practise foreign law in the Qualifying Foreign Law Practice; and
- (c) solicitors registered under section 130O of the Act to practise foreign law in the Qualifying Foreign Law Practice.”.

Amendment of rule 18

7. Rule 18(1) of the principal Rules is amended by inserting, immediately after the words “a director”, the words “, a consultant”.

Amendment of rule 19

8. Rule 19 of the principal Rules is amended by deleting paragraph (1) and substituting the following paragraph:

“(1) A foreign lawyer who is registered under section 130K of the Act may practise foreign law in or from Singapore in a Joint Law Venture, foreign law practice or Singapore law practice in which he is so registered to practise.”.

Deletion and substitution of rules 20 and 21

9. Rules 20 and 21 of the principal Rules are deleted and the following rules substituted therefor:

“Application for registration of foreign lawyer to practise Singapore law in Joint Law Venture, Qualifying Foreign Law Practice, licensed foreign law practice or Singapore law practice under section 130I of Act

20.—(1) Subject to paragraph (3), a foreign lawyer may apply for registration to practise Singapore law in a Joint Law Venture, Qualifying Foreign Law Practice, licensed foreign law practice or Singapore law practice under section 130I of the Act if he —

- (a) has attained the age of 21 years;
- (b) is of good character;
- (c) has passed the Foreign Practitioner Examinations conducted by the Institute;
- (d) is not the subject of any disciplinary proceedings as a solicitor or foreign lawyer in Singapore or elsewhere, and has not been previously disciplined for any disciplinary offence;
- (e) is not a party to any criminal or civil proceedings that may lead to disciplinary proceedings being taken against him as a solicitor or foreign lawyer in Singapore or elsewhere;
- (f) is not, as a result of any criminal or civil proceedings against him in Singapore or elsewhere, prohibited from practising law in Singapore or elsewhere or subject to any special conditions in the practice of law;
- (g) has been engaged in relevant legal practice or work, in Singapore or elsewhere, in one or more of the permitted areas of legal practice in any foreign law, for at least 3 years; and
- (h) satisfies the Attorney-General that he is a fit and proper person to be registered to practise Singapore law in Singapore in a Joint Law Venture, Qualifying Foreign Law Practice, licensed foreign law practice or Singapore law practice.

(2) For the purposes of determining whether a foreign lawyer has been engaged in relevant legal practice or work for at least 3 years, as required under paragraph (1)(g), any period spent

in attending any course of instruction, course of study or postgraduate education (not being a period spent to satisfy any applicable requirements relating to continuing professional development), and any period spent in serving any articles, period of pupillage, practice training period or other period of supervised training in relation to the practice of law (by whatever name called), shall be disregarded.

(3) A foreign lawyer shall not be entitled to apply for registration under section 130I of the Act unless his application is made within the period of 5 years beginning on —

- (a) the date on which he passed the Foreign Practitioner Examinations conducted by the Institute; or
- (b) the date on which his last registration under that section was cancelled or suspended or otherwise lapsed.

(4) Without prejudice to the generality of section 130P(1)(b) and (4)(b) of the Act, an application by a foreign lawyer for registration under section 130I of the Act, or for the renewal of his registration under section 130I of the Act, shall be accompanied by the following documents:

- (a) a declaration in writing stating —
 - (i) his full name;
 - (ii) the name of the Joint Law Venture, Qualifying Foreign Law Practice, licensed foreign law practice or Singapore law practice, or of each of the Joint Law Venture and its constituent foreign law practice, in which he is practising or intends to practise;
 - (iii) the principal address, and every other address in Singapore, of the Joint Law Venture, Qualifying Foreign Law Practice, licensed foreign law practice or Singapore law practice, or of each of the Joint Law Venture and its constituent foreign law practice, in which he is practising or intends to practise; and
 - (iv) that he satisfies the requirements referred to in paragraph (1)(a) to (g);

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- (b) a certificate from the Council or such other evidence as the Attorney-General may require that —
- (i) he is not in arrears in respect of any contribution to the Compensation Fund, subscription or levy lawfully due to the Society under the provisions of the Act;
 - (ii) if he has been ordered by the Council to pay any penalty under section 88(1) or 94(3)(a) of the Act read with section 82B(3) of the Act, he has paid the penalty; and
 - (iii) if he has been ordered by any court of law in Singapore or elsewhere to pay any sum to the Council or the Society, he has paid the sum;
- (c) a certificate from the Academy that he has paid all moneys, contributions and subscriptions payable by him under the Singapore Academy of Law Act (Cap. 294A) and any rules made thereunder; and
- (d) such accountant's report as may be required under the Legal Profession (Modified Application of Act for International Services) Rules 2011 (G.N. No. S 242/2011), unless he satisfies the Attorney-General that owing to the circumstances of his case such a report is unnecessary.
- (5) The applicant shall be notified in writing of the decision of the Attorney-General under section 130I(2) of the Act.
- (6) If an application for registration under section 130I(1) of the Act is approved, the applicant shall be issued a foreign practitioner certificate.
- (7) In this rule, “relevant legal practice or work” means —
- (a) active practice as —
 - (i) a legal practitioner, by whatever name called, in any jurisdiction other than Singapore; or
 - (ii) a foreign lawyer in Singapore; or
 - (b) work of a legal nature which is performed as a legal counsel in any corporation or other entity the equity securities of which are listed on the official list of a securities exchange in Singapore or elsewhere.

Privileges and conditions relevant to registration under section 130I of Act

21.—(1) A foreign lawyer who is registered under section 130I of the Act may —

- (a) practise Singapore law in a Joint Law Venture, Qualifying Foreign Law Practice or Singapore law practice only in the permitted areas of legal practice;
- (b) practise Singapore law in a licensed foreign law practice only in accordance with rule 14(2); and
- (c) practise foreign law in or from Singapore in a Joint Law Venture, Qualifying Foreign Law Practice, licensed foreign law practice or Singapore law practice.

(2) A foreign lawyer who is registered under section 130I of the Act may practise Singapore law in a Singapore law practice only if the number of foreign lawyers registered under section 130I of the Act to practise Singapore law in the Singapore law practice does not at any time exceed the total number of solicitors in active practice in the Singapore law practice.

(3) Every foreign lawyer registered under section 130I of the Act shall maintain, throughout his period of registration, one or more insurance policies which provide indemnity against loss arising from claims in respect of civil liability in connection with his practice in the Joint Law Venture, Qualifying Foreign Law Practice, licensed foreign law practice or Singapore law practice, as the case may be.

(4) The insurance policies referred to in paragraph (3) shall be of similar coverage terms and for at least the amount required under any rules made under section 75A of the Act in respect of solicitors or such other amount as may be specified by the Attorney-General.

(5) Paragraphs (3) and (4) shall not apply to a foreign lawyer registered under section 130I of the Act if the Joint Law Venture, Qualifying Foreign Law Practice, licensed foreign law practice or Singapore law practice, as the case may be, in which the foreign lawyer practises has provided for its insurance policies to cover him to the extent required under those paragraphs.

(6) The registration under section 130I of the Act of a foreign lawyer who practises Singapore law in a Joint Law Venture,

Qualifying Foreign Law Practice, licensed foreign law practice or Singapore law practice —

(a) shall lapse, if —

- (i) the Joint Law Venture, Qualifying Foreign Law Practice, licensed foreign law practice or Singapore law practice is dissolved or in liquidation; or
- (ii) the Joint Law Venture licence of the Joint Law Venture, the Qualifying Foreign Law Practice licence of the Qualifying Foreign Law Practice, or the foreign law practice licence of the licensed foreign law practice, as the case may be, is suspended or revoked under section 130G of the Act; and

(b) shall be suspended for such period as the Attorney-General may think fit, if the foreign lawyer ceases to be a partner, a director, a consultant or an employee of any Joint Law Venture, Qualifying Foreign Law Practice, licensed foreign law practice or Singapore law practice.”.

Deletion of rules 22 to 25

10. Rules 22 to 25 of the principal Rules are deleted.

Amendment of rule 26

11. Rule 26(1) of the principal Rules is amended by deleting the words “or 130J”.

Deletion and substitution of rule 27

12. Rule 27 of the principal Rules is deleted and the following rule substituted therefor:

“Qualification to be consultant of, or use title of foreign law consultant in, Singapore law practice

27.—(1) Subject to paragraph (3), a foreign lawyer who is a consultant of a Singapore law practice —

- (a) may take or use the title of foreign law consultant; but
- (b) shall not take or use the title of consultant.

(2) Subject to paragraph (3), no foreign lawyer shall be a consultant of, or take or use the title of foreign law consultant in,

a Singapore law practice unless he has, for a period of not less than 10 years in the aggregate, been —

- (a) a foreign lawyer in practice in a Joint Law Venture, foreign law practice or Singapore law practice;
- (b) a state counsel or deputy public prosecutor, or any other legal officer, of the government of any country (other than Singapore) or any territory of that country;
- (c) a full-time member of the academic staff of —
 - (i) the Faculty of Law of the National University of Singapore;
 - (ii) the School of Law of the Singapore Management University; or
 - (iii) a faculty of law, by whatever name called, of any institution of higher learning in any country (other than Singapore) or any territory of that country; or
- (d) holding any combination of occupations referred to in sub-paragraphs (a), (b) and (c).

(3) Where any person who is both a solicitor and a foreign lawyer is qualified under section 75D(1) of the Act to take or use the title of consultant in relation to his capacity as a solicitor, nothing in paragraph (1) or (2) shall affect that qualification of that person to use that title in relation to that capacity.”.

Amendment of rule 30

13. Rule 30 of the principal Rules is amended by deleting paragraphs (1), (2) and (3) and substituting the following paragraphs:

“(1) A solicitor who is registered under section 130N of the Act may, if he has in force a practising certificate —

- (a) practise Singapore law —
 - (i) in a Joint Law Venture or its constituent foreign law practice or a Qualifying Foreign Law Practice in which he is so registered to practise, only in the permitted areas of legal practice; or
 - (ii) in a licensed foreign law practice in which he is so registered to practise, only in accordance with rule 14(2); and

(b) practise foreign law in or from Singapore in a Joint Law Venture or its constituent foreign law practice, a Qualifying Foreign Law Practice or a licensed foreign law practice in which he is so registered to practise.

(2) A solicitor who is registered under section 130N of the Act, who practises in a Joint Law Venture or its constituent foreign law practice, and who does not practise concurrently in the constituent Singapore law practice of the Joint Law Venture, may practise Singapore law only through the Joint Law Venture.

(3) A solicitor registered under section 130N of the Act who practises Singapore law through a Joint Law Venture —

(a) may practise concurrently in the Joint Law Venture and its constituent foreign law practice, only if he is both —

(i) a partner or director of the Joint Law Venture; and

(ii) a partner or director of the constituent foreign law practice; and

(b) may practise concurrently in the Joint Law Venture and its constituent Singapore law practice, only if he is both —

(i) a partner or director of the Joint Law Venture; and

(ii) a partner or director of the constituent Singapore law practice.”.

Amendment of rule 31

14. Rule 31(3) of the principal Rules is amended by deleting “30(2)” in sub-paragraph (a) and substituting “30(3)”.

Amendment of rule 33

15. Rule 33 of the principal Rules is amended by deleting paragraph (1) and substituting the following paragraph:

“(1) A solicitor who is registered under section 130O of the Act may practise foreign law in or from Singapore in a Joint Law Venture or foreign law practice in which he is so registered to practise.”.

Amendment of rule 34

16. Rule 34(1) of the principal Rules is amended by deleting “130J” and substituting “130I”.

Amendment of rule 37

17. Rule 37(2) of the principal Rules is amended by deleting the words “or 130J” in sub-paragraph (*d*).

Amendment of rule 38

18. Rule 38 of the principal Rules is amended by deleting paragraph (1) and substituting the following paragraph:

“(1) The Attorney-General may, at any time in his discretion, waive or modify any condition imposed by him under —

- (a) Part IXA of the Act; or
- (b) these Rules.”.

Amendment of rule 40

19. Rule 40 of the principal Rules is amended —

- (a) by deleting sub-paragraph (*g*) of paragraph (1);
- (b) by inserting, immediately after paragraph (1), the following paragraph:

“(1A) Upon the issue of a foreign practitioner certificate to a foreign lawyer registered under section 130I of the Act, the Attorney-General shall cause to be entered, in the register of foreign lawyers registered under that section, the particulars of the foreign lawyer referred to in rule 20(4)(a)(i), (ii) and (iii).”;

- (c) by deleting the words “and foreign law practice” in paragraph (3) and substituting the words “, Qualifying Foreign Law Practice and licensed foreign law practice”;
- (d) by deleting the word “lawyer” in paragraph (3)(*d*) and substituting the words “solicitor or foreign lawyer”; and
- (e) by inserting, immediately after paragraph (5), the following paragraph:

“(5A) Every foreign lawyer registered under section 130I of the Act shall notify the Attorney-General in writing

of any change in any of the foreign lawyer's particulars referred to in rule 20(4)(a)(i), (ii) and (iii), or with respect to the status of the foreign lawyer's registration under that section (including as to whether the registration has lapsed or been suspended under rule 21(6)), within 7 days of such change, and the Attorney-General shall thereupon cause to be amended the entry in respect of the foreign lawyer in the register of foreign lawyers registered under that section."

Amendment of rule 41

20. Rule 41 of the principal Rules is amended —

- (a) by inserting, at the end of paragraph (b), the word "or";
- (b) by deleting the word "; or" at the end of paragraph (c) and substituting a full-stop; and
- (c) by deleting paragraph (d).

New rule 41A

21. The principal Rules are amended by inserting, immediately after rule 41, the following rule:

"Cancellation of registration or approval in certain circumstances

41A.—(1) If, at any time after the registration of a foreign lawyer under section 130I or 130K of the Act, the Attorney-General is satisfied that the foreign lawyer's application for the registration, or any certificate or other document accompanying that application, contains any substantially false statement or a suppression of any material fact, or that any such certificate or document was obtained by fraud or misrepresentation —

- (a) the Attorney-General may cancel the registration of the foreign lawyer; and
- (b) upon the cancellation of the registration, the foreign lawyer's foreign practitioner certificate or certificate of registration, as the case may be, shall cease to be in force.

(2) If, at any time after a foreign lawyer has been granted an approval under section 130L of the Act, the Attorney-General is satisfied that the foreign lawyer's application for the approval, or any certificate or other document accompanying that application, contains any substantially false statement or a suppression of

any material fact, or that any such certificate or document was obtained by fraud or misrepresentation —

- (a) the Attorney-General may cancel the approval; and
- (b) upon the cancellation of the approval, the foreign lawyer's certificate of approval under section 130L of the Act shall cease to be in force.

(3) If, at any time after the registration of a solicitor under section 130N or 130O of the Act, the Attorney-General is satisfied that the solicitor's application for the registration, or any certificate or other document accompanying that application, contains any substantially false statement or a suppression of any material fact, or that any such certificate or document was obtained by fraud or misrepresentation —

- (a) the Attorney-General may cancel the registration of the solicitor; and
- (b) upon the cancellation of the registration, the solicitor's certificate of registration shall cease to be in force.

(4) For the purposes of this rule, it shall be irrelevant whether any application for registration or approval referred to in paragraph (1), (2) or (3), or any certificate or other document accompanying that application, is made before, on or after 3rd May 2011.”.

Deletion and substitution of rule 44

22. Rule 44 of the principal Rules is deleted and the following rule substituted therefor:

“Savings and transitional provisions

44.—(1) Subject to paragraph (3), where a foreign lawyer is deemed by section 130I(6) of the Act in force on 19th September 2008 to be registered under section 130I of the Act in force on that date, his certificate of registration issued under rule 14 of the revoked Legal Profession (International Services) Rules 2007 (referred to in this rule as the revoked Rules) shall remain in force until —

- (a) the date on which it would otherwise have become due for renewal under that rule; or

(b) if his deemed registration is sooner cancelled or suspended, the date on which his deemed registration is cancelled or suspended.

(2) Subject to paragraph (3), where a foreign lawyer is deemed by section 130J(6) of the Act in force on 19th September 2008 to be registered under section 130J of the Act in force on that date, his certificate of registration issued under rule 16 of the revoked Rules shall remain in force until —

- (a) the date on which it would otherwise have become due for renewal under that rule; or
- (b) if his deemed registration is sooner cancelled or suspended, the date on which his deemed registration is cancelled or suspended.

(3) Where a foreign lawyer is deemed by section 130I(6) of the Act to be registered under section 130I of the Act, his certificate of registration issued under rule 14 or 16 of the revoked Rules, or under rule 20(3) or 22(3) in force immediately before 3rd May 2011, shall remain in force until —

- (a) where the certificate of registration was issued under rule 14 or 16 of the revoked Rules —
 - (i) the date on which it would otherwise have become due for renewal under rule 14 or 16 of the revoked Rules, as the case may be; or
 - (ii) if his deemed registration is sooner cancelled or suspended, the date on which his deemed registration is cancelled or suspended; or
- (b) where the certificate of registration was issued under rule 20(3) or 22(3) in force immediately before 3rd May 2011 —
 - (i) the date on which his registration under section 130I or 130J of the Act in force immediately before 3rd May 2011 would otherwise have become due for renewal under section 130P of the Act; or
 - (ii) if his deemed registration is sooner cancelled or suspended, the date on which his deemed registration is cancelled or suspended.

(4) Where a foreign lawyer is deemed by section 130K(4) of the Act to be registered under section 130K of the Act, his

certificate of registration issued under rule 11 of the revoked Rules shall remain in force until —

- (a) the date on which it would otherwise have become due for renewal under that rule; or
- (b) if his deemed registration is sooner cancelled or suspended, the date on which his deemed registration is cancelled or suspended.

(5) Where a solicitor is deemed by section 130O(4) of the Act to be registered under section 130O of the Act, his certificate of registration issued under rule 12 of the revoked Rules shall remain in force until —

- (a) the date on which it would otherwise have become due for renewal under that rule; or
- (b) if his deemed registration is sooner cancelled or suspended, the date on which his deemed registration is cancelled or suspended.”.

Amendment of Second Schedule

23. The Second Schedule to the principal Rules is amended —

- (a) by deleting items 7 and 8 and substituting the following item:
 - “7. Fee for foreign practitioner certificate issued under rule 20(6) or the renewal thereof, for a period of 12 months or part thereof \$1,000”;
- (b) by deleting item 11;
- (c) by inserting, at the end of paragraph (b) of item 14, the word “or”;
- (d) by deleting the word “; or” at the end of paragraph (c) of item 14; and
- (e) by deleting paragraph (d) of item 14.

Made this 29th day of April 2011.

PANG KIN KEONG
*Permanent Secretary,
Ministry of Law,
Singapore.*

[LAW 32/001/8.15 V10; AG/LLRD/SL/161/2010/4 Vol. 2]

(To be presented to Parliament under section 131 of the Legal Profession Act).