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LEGAL PROFESSION ACT
(CHAPTER 161)

LEGAL PROFESSION
(LIMITED LIABILITY LAW PARTNERSHIP)
(AMENDMENT) RULES 2012

In exercise of the powers conferred by section 81ZB of the Legal Profession Act, the Minister for Law, after consulting 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 (Limited Liability Law Partnership) (Amendment) Rules 2012 and shall come into operation on 1st June 2012.

New rule 1A

2. The Legal Profession (Limited Liability Law Partnership) Rules 2006 (G.N. No. S 654/2006) (referred to in these Rules as the principal Rules) are amended by inserting, immediately after rule 1, the following rule:

“Definitions

1A.—(1) In these Rules, unless the context otherwise requires, “law firm” means a firm of solicitors and includes a sole proprietorship and a partnership of 2 or more solicitors, but does not include a limited liability law partnership.

(2) For the purposes of these Rules, a law corporation and a limited liability law partnership are related if —

(a) either of the following applies:

(i) the limited liability law partnership is the sole shareholder of the law corporation; or

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- (ii) every shareholder of the law corporation is a partner, a consultant or an employee of the limited liability law partnership; and
 - (b) every director, consultant or employee of the law corporation is a partner, a consultant or an employee of the limited liability law partnership.”.

Deletion and substitution of rule 5

3. Rule 5 of the principal Rules is deleted and the following rule substituted therefor:

“Partners

5. Every partner of a limited liability law partnership shall be —
- (a) a solicitor who has in force a practising certificate; or
 - (b) a foreign lawyer —
 - (i) who is registered under section 130I of the Act to practise Singapore law, or is registered under section 130K of the Act to practise foreign law, in the limited liability law partnership; and
 - (ii) to whom the Attorney-General has granted approval under section 130L(1) of the Act to be a partner of the limited liability law partnership.”.

New rules 10, 11, 12 and 13

4. The principal Rules are amended by inserting, immediately after rule 9, the following rules:

“Relationship between client and limited liability law partnership with related law corporation

10. Subject to rule 13(5), section 81T(1) and (2) of the Act shall apply to a limited liability law partnership, and to every solicitor who is a partner, an officer or an employee of the limited liability law partnership, except to the limited extent necessary to enable each such solicitor to practise concurrently in a law corporation that is related to the limited liability law partnership.

Holding of shares in related law corporation

11. Section 81U(3)(a) of the Act shall apply to a solicitor who is a partner or an employee of a limited liability law partnership, except to the limited extent necessary to enable him to hold shares in a law corporation that is related to the limited liability law partnership.

Concurrent appointments in limited liability law partnership and in related law corporation

12. Section 81U(3)(b) of the Act shall not apply to a solicitor who holds concurrent appointments as a partner or an employee of a limited liability law partnership, and as a director, a consultant or an employee of a law corporation that is related to the limited liability law partnership.

Supplementary provisions applicable to limited liability law partnership with foreign lawyer

13.—(1) This rule applies where any foreign lawyer is registered under section 130I of the Act to practise Singapore law, or is registered under section 130K of the Act to practise foreign law, in a limited liability law partnership.

(2) A foreign lawyer who provides legal services as a partner or an employee of a limited liability law partnership shall be subject to the same standards of professional conduct and competence in respect of such services as if he were personally providing the legal services as a foreign lawyer in a law firm.

(3) The mere fact that a foreign lawyer personally provides legal services as a partner or an employee of a limited liability law partnership shall not affect the personal liability of that foreign lawyer at law.

(4) The solicitor-client privilege that exists between a limited liability law partnership and a client of the limited liability law partnership extends to every foreign lawyer who is a partner, an officer or an employee of the limited liability law partnership.

(5) Section 81T(1) and (2) of the Act and paragraph (4) shall apply to a limited liability law partnership, and to every solicitor or foreign lawyer who is a partner, an officer or an employee of the

limited liability law partnership, except to the limited extent necessary to enable each such solicitor or foreign lawyer to practise concurrently in a law corporation that is related to the limited liability law partnership.

(6) An act or omission of a foreign lawyer may constitute unsatisfactory professional conduct or professional misconduct even though it is only done or occurs while the foreign lawyer provides legal services through a limited liability law partnership.

(7) The partners of a limited liability law partnership who are solicitors shall be jointly liable to disciplinary proceedings under the Act, and the partners of the limited liability law partnership who are foreign lawyers shall be jointly liable to disciplinary proceedings under Part IXA of the Act, if the business of the limited liability law partnership is conducted in a manner unbecoming an honourable profession and where such conduct cannot be attributed to the act or omission of any particular solicitor or foreign lawyer whose identity is known.

(8) A partner or an employee of a limited liability law partnership who is a foreign lawyer shall not —

- (a) hold shares in any law corporation;
- (b) be a director or a consultant or an employee of any law corporation; or
- (c) be a partner or a consultant or an employee of any law firm or another limited liability law partnership.

(9) Paragraph (8)(a) shall apply to a foreign lawyer who is a partner or an employee of a limited liability law partnership, except to the limited extent necessary to enable him to hold shares in a law corporation that is related to the limited liability law partnership.

(10) Paragraph (8)(b) shall not apply to a foreign lawyer who holds concurrent appointments as a partner or an employee of a limited liability law partnership, and as a director, a consultant or an employee of a law corporation that is related to the limited liability law partnership.”.

Made this 28th day of May 2012.

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

[LAW 06/011/002; AG/LLRD/SL/161/2010/6 Vol. 1]

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