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## No. S 692

### LEGAL PROFESSION ACT (CHAPTER 161)

#### LEGAL PROFESSION (DISCIPLINARY TRIBUNAL) (AMENDMENT) RULES 2015

In exercise of the powers conferred by sections 82A(14), 91(1) and 135(a) of the Legal Profession Act, we, the Rules Committee, make the following Rules:

#### **Citation and commencement**

1. These Rules may be cited as the Legal Profession (Disciplinary Tribunal) (Amendment) Rules 2015 and come into operation on 18 November 2015.

#### **Amendment of rule 2**

2. Rule 2 of the Legal Profession (Disciplinary Tribunal) Rules (R 2) (referred to in these Rules as the principal Rules) is amended —

- (a) by inserting, immediately after the words “Judge of the Supreme Court” in paragraph (b) of the definition of “complainant” in paragraph (1), the words “, Judicial Commissioner of the Supreme Court, Senior Judge of the Supreme Court or International Judge of the Supreme Court”;
- (b) by deleting the words “or a solicitor” in the definition of “complaint” in paragraph (1) and substituting the words “, a regulated legal practitioner or a regulated non-practitioner,”;
- (c) by deleting paragraph (a) of the definition of “complaint” in paragraph (1) and substituting the following paragraphs:

“(a) any information touching upon the conduct of a regulated legal practitioner that may be referred —

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- (i) by any Judge of the Supreme Court, Judicial Commissioner of the Supreme Court, Senior Judge of the Supreme Court or International Judge of the Supreme Court, the Attorney-General, the Director of Legal Services or the Institute under section 85(3); or
    - (ii) by the Council under section 85(2);
  - (aa) any information touching upon the conduct of a regulated non-practitioner that may be referred —
    - (i) by any Judge of the Supreme Court, Judicial Commissioner of the Supreme Court, Senior Judge of the Supreme Court or International Judge of the Supreme Court, the Attorney-General, the Director of Legal Services or the Institute under section 85(3) read with section 82B(3) or (4); or
    - (ii) by the Council under section 85(2) read with section 82B(3) or (4); and”;
  - (d) by deleting the definition of “law practice” in paragraph (1) and substituting the following definition:
    - “ “law practice” means any law practice entity other than a representative office;”;
  - (e) by deleting the words “or solicitor” in the definition of “respondent” in paragraph (1) and substituting the words “, regulated legal practitioner or regulated non-practitioner”; and
  - (f) by inserting, immediately after the words “to the Attorney-General,” in paragraph (2)(b), the words “a Deputy Attorney-General,”.

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

- (a) by deleting the words “a solicitor” in paragraph (1) and substituting the words “a regulated legal practitioner”;
- (b) by deleting the words “solicitor concerned” in paragraphs (1)(b)(i) and (v) to (x) and (2)(a) and (b) and substituting in each case the words “regulated legal practitioner”;
- (c) by deleting sub-paragraphs (ii), (iii) and (iv) of paragraph (1)(b) and substituting the following sub-paragraphs:

“(ii) such of the following as may be applicable:

(A) the name of the law practice at which the regulated legal practitioner practises or last practised in Singapore;

(B) if the regulated legal practitioner is a foreign lawyer who is registered under section 36D, the name of the Singapore law practice which the regulated legal practitioner is a director, partner or shareholder in, or shares in the profits of;

(iii) such of the following as may be applicable:

(A) the principal address and any other address or addresses at which the regulated legal practitioner practises or last practised in Singapore;

(B) if the regulated legal practitioner is a foreign lawyer who is registered under section 36D, the principal

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address, and any other address or addresses, in Singapore of the Singapore law practice which the regulated legal practitioner is a director, partner or shareholder in, or shares in the profits of;

(iv) such of the following as may be applicable:

(A) the telephone and facsimile numbers of the office or offices at which the regulated legal practitioner practises or last practised in Singapore;

(B) if the regulated legal practitioner is a foreign lawyer who is registered under section 36D, the telephone and facsimile numbers of the office or offices in Singapore of the Singapore law practice which the regulated legal practitioner is a director, partner or shareholder in, or shares in the profits of;”;

(d) by deleting the words “6 copies” in paragraph (2) and substituting the words “5 copies”; and

(e) by inserting, immediately after paragraph (2), the following paragraphs:

“(3) Where the Council applies to the Chief Justice under section 89(1) read with section 82B(3) or (4) to appoint a Disciplinary Tribunal to hear and investigate a matter against a regulated non-practitioner, the Society must, within 2 working days after the date the Council makes the application —

(a) inform the Secretariat of the application to the Chief Justice; and

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- (b) provide the Secretariat with the following information:
- (i) the full name of the regulated non-practitioner;
  - (ii) the name of the law practice which the regulated non-practitioner is a director, partner or shareholder in, or shares in the profits of;
  - (iii) the principal address, and any other address or addresses, in Singapore of that law practice;
  - (iv) the telephone and facsimile numbers of the office or offices in Singapore of that law practice;
  - (v) the Singapore residential address or addresses of the regulated non-practitioner;
  - (vi) the Singapore residential telephone number or numbers of the regulated non-practitioner;
  - (vii) the electronic mail address or addresses of the regulated non-practitioner;
  - (viii) the identification number of the regulated non-practitioner;
  - (ix) the charge or charges against the regulated non-practitioner;
  - (x) the names of the members of any Review Committee or Inquiry Committee to which the matter against the regulated non-practitioner had been referred;
  - (xi) the name and contact particulars of the solicitor appointed to represent the

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Society before the Disciplinary Tribunal.

(4) The solicitor appointed to represent the Society before the Disciplinary Tribunal must, within 8 days after the date the Council makes the application, furnish the Secretariat with 5 copies of each of the following documents:

- (a) the complaint against the regulated non-practitioner;
- (b) the statement of the case in Form 1, specifying the charges and allegations that the regulated non-practitioner is required to answer.”.

#### **Amendment of rule 4**

4. Rule 4 of the principal Rules is amended —

- (a) by deleting the word “solicitor” in paragraph (1)(b)(i) and substituting the words “regulated legal practitioner”;
- (b) by deleting sub-paragraphs (ii), (iii) and (iv) of paragraph (1)(b) and substituting the following sub-paragraphs:

“(ii) such of the following as may be applicable:

- (A) the name of the law practice at which the regulated legal practitioner practises or last practised in Singapore;
- (B) if the regulated legal practitioner is a foreign lawyer who is registered under section 36D, the name of the Singapore law practice which the regulated legal practitioner is a director, partner or shareholder in, or shares in the profits of;

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- (iii) such of the following as may be applicable:
    - (A) the principal address and any other address or addresses at which the regulated legal practitioner practises or last practised in Singapore;
    - (B) if the regulated legal practitioner is a foreign lawyer who is registered under section 36D, the principal address, and any other address or addresses, in Singapore of the Singapore law practice which the regulated legal practitioner is a director, partner or shareholder in, or shares in the profits of;
  - (iv) such of the following as may be applicable:
    - (A) the telephone and facsimile numbers of the office or offices at which the regulated legal practitioner practises or last practised in Singapore;
    - (B) if the regulated legal practitioner is a foreign lawyer who is registered under section 36D, the telephone and facsimile numbers of the office or offices in Singapore of the Singapore law practice which the regulated legal practitioner is a director, partner or shareholder in, or shares in the profits of;”;
  - (c) by deleting the words “solicitor concerned” in paragraphs (1)(b)(v) to (x) and (2)(b)(i) and (ii) and substituting in each case the words “regulated legal practitioner”;

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- (d) by deleting the words “6 copies” in paragraph (2)(b) and substituting the words “5 copies”; and
- (e) by inserting, immediately after paragraph (2), the following paragraphs:

“(3) Where, on an application by a complainant under section 96(1) read with section 82B(3) or (4), a Judge of the Supreme Court makes an order under section 96(4)(b) read with section 82B(3) or (4) directing the Society to apply to the Chief Justice for the appointment of a Disciplinary Tribunal, the Society must, within 2 working days after the date it makes the application to the Chief Justice —

- (a) inform the Secretariat of the application to the Chief Justice; and
- (b) provide the Secretariat with the following information:
- (i) the full name of the regulated non-practitioner concerned;
  - (ii) the name of the law practice which the regulated non-practitioner is a director, partner or shareholder in, or shares in the profits of;
  - (iii) the principal address, and any other address or addresses, in Singapore of that law practice;
  - (iv) the telephone and facsimile numbers of the office or offices in Singapore of that law practice;
  - (v) the Singapore residential address or addresses of the regulated non-practitioner;
  - (vi) the Singapore residential telephone number or numbers of the regulated non-practitioner;

- (vii) the electronic mail address or addresses of the regulated non-practitioner;
- (viii) the identification number of the regulated non-practitioner;
- (ix) a copy of the complaint against the regulated non-practitioner;
- (x) the names of the members of any Review Committee or Inquiry Committee to which the matter against the regulated non-practitioner had been referred;
- (xi) the name and contact particulars of the complainant and of the complainant's solicitor, if any.

(4) The complainant must, within 8 days after the date the Judge makes the order under section 96(4)(b) read with section 82B(3) or (4) directing the Society to apply to the Chief Justice for the appointment of a Disciplinary Tribunal —

- (a) provide the Secretariat with the name and contact particulars of the complainant's solicitor and an address for the service of documents; and
- (b) furnish the Secretariat with 5 copies of each of the following documents:
  - (i) the complaint against the regulated non-practitioner;
  - (ii) the statement of the case in Form 1, specifying the charges and allegations that the regulated non-practitioner is required to answer.”.

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**Amendment of rule 5**

5. Rule 5 of the principal Rules is amended by deleting the words “6 copies” in paragraph (b)(ii) and substituting the words “5 copies”.

**Amendment of rule 7**

6. Rule 7 of the principal Rules is amended —

- (a) by inserting, immediately after the words “section 82A(5) or 96(1),” in paragraph (2), the words “or under section 96(1) read with section 82B(3) or (4),”;
- (b) by inserting, immediately after the words “represented by” in paragraph (3), the words “a Deputy Attorney-General,”; and
- (c) by inserting, immediately after the words “section 82A(5) or 96(1)” in paragraph (3), the words “, or under section 96(1) read with section 82B(3) or (4)”.

**Amendment of rule 11**

7. Rule 11 of the principal Rules is amended by inserting, immediately after the words “section 91(2)”, the words “, or under section 91(2) read with section 82B(3) or (4),”.

**Amendment of rule 15**

8. Rule 15(1) of the principal Rules is amended by inserting, immediately after the words “section 82A(7) or 93(4),”, the words “or under section 93(4) read with section 82B(3) or (4),”.

**Amendment of rule 19**

9. Rule 19 of the principal Rules is amended —

- (a) by deleting the word “or” at the end of paragraph (1)(b)(ii);
- (b) by inserting, immediately after sub-paragraph (iii) of paragraph (1)(b), the following sub-paragraphs:
  - “(iv) where the respondent is a regulated foreign lawyer who has ceased to practise in Singapore, at the principal

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address at which the respondent last practised in Singapore;

(v) where the respondent is a regulated foreign lawyer who is still practising in Singapore, at the principal address at which the respondent practises in Singapore; or

(vi) where the respondent is a foreign lawyer registered under section 36D, or is a regulated non-practitioner, at the principal address of the law practice which the respondent is a director, partner or shareholder in, or shares in the profits of;”;

(c) by deleting the word “or” at the end of paragraph (1)(c)(ii);

(d) by deleting the word “or” at the end of paragraph (1)(c)(iii);

(e) by inserting, immediately after sub-paragraph (iii) of paragraph (1)(c), the following sub-paragraphs:

“(iv) where the respondent is a regulated foreign lawyer who has ceased to practise in Singapore, at the principal address at which the respondent last practised in Singapore;

(v) where the respondent is a regulated foreign lawyer who is still practising in Singapore, at the principal address at which the respondent practises in Singapore; or

(vi) where the respondent is a foreign lawyer registered under section 36D, or is a regulated non-practitioner, at the principal address of the law practice which the respondent is a director, partner or shareholder in, or shares in the profits of; or”; and

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- (f) by inserting, immediately after the words “section 82A(5) or 96(1),” in paragraph (5), the words “or under section 96(1) read with section 82B(3) or (4),”.

### **Amendment of rule 24**

**10.** Rule 24 of the principal Rules is amended —

- (a) by deleting the word “solicitor” wherever it appears in paragraph (2) and substituting in each case the words “regulated legal practitioner”; and
- (b) by inserting, immediately after paragraph (2), the following paragraph:

“(3) Except as provided in section 93(2) and (2A) read with section 82B(3) or (4), the Disciplinary Tribunal has no power to award costs to or against a regulated non-practitioner in any Disciplinary Tribunal proceedings commenced against the regulated non-practitioner.”.

### **Amendment of rule 25**

**11.** Rule 25 of the principal Rules is amended —

- (a) by inserting, immediately after the words “section 93(6)” in paragraph (1), the words “, or under section 93(6) read with section 82B(3) or (4),”;
- (b) by inserting, immediately after the words “section 97(3)” in paragraph (2), the words “, or under section 97(3) read with section 82B(3) or (4),”;
- (c) by inserting, immediately after the words “section 97(1),” in paragraph (2), the words “or under section 97(1) read with section 82B(3) or (4),”.

### **Amendment of rule 26**

**12.** Rule 26(2) of the principal Rules is amended by inserting, immediately after the words “section 90(2)”, the words “, or under section 90(2) read with section 82B(3) or (4),”.

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## Amendment of Schedule

13. The Schedule to the principal Rules is amended —

(a) by deleting Form 1 and substituting the following Form:

“FORM 1

Rules 3(2) and (4) and 4(2) and (4)

IN THE MATTER OF \_\_\_\_\_,  
 AN ADVOCATE AND SOLICITOR\* /  
 A REGULATED FOREIGN LAWYER\* /  
 A REGULATED NON-PRACTITIONER\*

AND

IN THE MATTER OF THE LEGAL PROFESSION ACT  
 (CHAPTER 161)

### STATEMENT OF THE CASE

1. \_\_\_\_\_ of [state address], an Advocate and Solicitor of the Supreme Court of Singapore of \_\_\_\_\_ years standing\*/a regulated foreign lawyer\*/a regulated non-practitioner\*, is/was\* a/an/the\* [state appointment or designation of respondent] of/in\* [state name of law practice at which respondent practises or last practised, or which the respondent is a director, partner or shareholder in, or shares in the profits of].

2. [State the facts concisely in numbered paragraphs as in a statement of claim in civil proceedings].

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_ .

(Signature)

*Solicitor representing the  
 Law Society/Complainant\*.*

\*Delete as appropriate.”; and

(b) by deleting Forms 3 and 4 and substituting the following Forms:

“FORM 3

Rules 6, 8, 9(1) and 10(5)

IN THE MATTER OF  
A LEGAL SERVICE OFFICER\* AND\*  
AN ADVOCATE AND SOLICITOR\* /  
A REGULATED FOREIGN LAWYER\* /  
A REGULATED NON-PRACTITIONER\*

AND

IN THE MATTER OF THE LEGAL PROFESSION ACT  
(CHAPTER 161)

NOTICE OF DISCIPLINARY TRIBUNAL PROCEEDINGS

1. Notice is hereby given that Disciplinary Tribunal proceedings have been commenced against the respondent, \_\_\_\_\_, a Legal Service Officer\* and\* an Advocate and Solicitor of the Supreme Court of Singapore\*/a regulated foreign lawyer\*/a regulated non-practitioner\*.
2. The respondent is required to answer the allegations contained in the complaint and the statement of the case that accompany this notice.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_.

(Signature)  
*Secretary of the  
Disciplinary Tribunal.*

\*Delete as appropriate.

## FORM 4

Rules 14(2) and 16

IN THE MATTER OF  
 A LEGAL SERVICE OFFICER\* AND\*  
 AN ADVOCATE AND SOLICITOR\* /  
 A REGULATED FOREIGN LAWYER\* /  
 A REGULATED NON-PRACTITIONER\*

AND

IN THE MATTER OF THE LEGAL PROFESSION ACT  
 (CHAPTER 161)

## NOTICE OF DISCIPLINARY TRIBUNAL HEARING

1. Notice is hereby given that the Disciplinary Tribunal proceedings against \_\_\_\_\_ have been fixed for hearing on/from\* \_\_\_\_\_ to\* \_\_\_\_\_.

2. The Disciplinary Tribunal will sit at the Supreme Court Building, \_\_\_\_\_ and the hearing will begin on \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.\*

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_.

(Signature)  
 Secretary of the  
 Disciplinary Tribunal.

\*Delete as appropriate.”.

[G.N. No. S 274/2013]

Made on 19 October 2015.

SUNDARESH MENON  
 Chief Justice.

V K RAJAH, SC  
*Attorney-General.*

BELINDA ANG SAW EAN  
*Judge.*

TAY YONG KWANG  
*Judge.*

QUENTIN LOH  
*Judge.*

STEVEN CHONG  
*Judge.*

VINODH COOMARASWAMY  
*Judge.*

SEE KEE OON  
*Presiding Judge of the State Courts.*

TAN PUAY BOON  
*District Judge.*

CAVINDER BULL, SC  
*Advocate and Solicitor.*

ANG CHENG HOCK, SC  
*Advocate and Solicitor.*

[RSCS R 7/7 Vol. 16; LAW 32/001/9.30 Vol. 1; AG/LEGIS/SL/161/  
2015/12 Vol. 1]

(To be presented to Parliament under section 131 (renumbered as  
section 185 from 18 November 2015) of the Legal Profession Act).