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LEGAL PROFESSION ACT (CHAPTER 161)

LEGAL PROFESSION (MANDATORY REPORTING OF SPECIFIED PRO BONO SERVICES) RULES 2015

ARRANGEMENT OF RULES

Rule

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In exercise of the powers conferred by section 59(1)(aa) of the Legal Profession Act, the Council of the Law Society of Singapore, with the approval of the Chief Justice, hereby makes the following Rules:

Citation and commencement

1. These Rules may be cited as the Legal Profession (Mandatory Reporting of Specified Pro Bono Services) Rules 2015 and come into operation on 1 March 2015.

Definitions

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

“charitable or community organisation” means any charitable, religious, civic, community, scientific, medical or educational organisation or institution;

“charity” has the same meaning as in section 2(1) of the Charities Act (Cap. 37);

“disadvantaged individual” means an individual who is disadvantaged in obtaining access to justice due to the individual’s financial circumstances, physical or intellectual disability, physical or mental illness, or lack of education;

“practice year” means the period beginning on 1 April in any calendar year and ending on 31 March in the next calendar year;

“relevant body” means —

- (a) any ministry or department of the Government;
- (b) any Organ of State;
- (c) the Academy;
- (d) the Institute;
- (e) the Society;
- (f) any statutory board;
- (g) the Singapore International Arbitration Centre;
- (h) the Singapore Mediation Centre;
- (i) the Singapore International Mediation Centre;
- (j) the Singapore International Mediation Institute; or
- (k) any other body in Singapore the work of which relates to any relevant matter;

“relevant committee” means a body of persons (such as a board of directors or an executive council) that is the governing body, or a committee, of a society or charity, and that deals with the corporate governance, risk management or audit of the society or charity, or any other matter requiring legal expertise;

“relevant law-related service” means providing legal advice or assistance in connection with the application of the law or legal representation in any form of legal dispute, or any other service the provision of which requires legal knowledge, and includes —

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- (a) drafting any written law or quasi-law, any agreement, or any other document intended to have legal effect; and
 - (b) providing legal education;

“relevant legal assistance scheme” means any of the following schemes:

- (a) the Legal Aid Scheme provided by the Legal Aid Bureau;
- (b) the Criminal Legal Aid Scheme provided by the Society;
- (c) the Association of Criminal Lawyers of Singapore Legal Advice Scheme;
- (d) the Supreme Court Legal Assistance Scheme for Capital Offences;

“relevant matter” means —

- (a) any matter in Singapore relating to —
 - (i) law reform;
 - (ii) law awareness;
 - (iii) the administration of justice;
 - (iv) access to justice;
 - (v) legal education;
 - (vi) the advancement of the legal profession;
 - (vii) professional conduct and discipline, including serving in any of the following:
 - (A) a Review Committee;
 - (B) an Inquiry Committee;
 - (C) a Disciplinary Tribunal;
 - (D) the Inquiry Panel appointed under section 84 of the Act;
 - (E) an appointing committee appointed in accordance with section 36Q of the Act;

(F) a complaints committee appointed under section 36S(5) of the Act; or

(viii) alternative dispute resolution; or

(b) any other matter in Singapore requiring legal expertise;

“society” has the same meaning as in section 2 of the Societies Act (Cap. 311);

“specified pro bono service” means engaging in an activity referred to in the following paragraphs without any fee, gain or reward (other than an honorarium for, or reimbursement of any expenses incurred in, the activity):

(a) providing any relevant law-related service —

(i) to any individual who is reasonably perceived, by the solicitor providing the service, to be a disadvantaged individual;

(ii) under the auspices of any ministry or department of the Government, any Organ of State, any statutory board or any charitable or community organisation, in connection with any activity organised primarily to assist disadvantaged individuals;

(iii) to any ministry or department of the Government, any Organ of State or any statutory board; or

(iv) to any charitable or community organisation, for any of the purposes for which that organisation is lawfully conducted;

(b) participating in any activity under any relevant legal assistance scheme;

(c) participating as a member of any relevant committee;

(d) participating in any relevant matter under the auspices of any relevant body.

(2) In these Rules, a reference to a practising certificate is a reference to a practising certificate for the whole or any part of the

practice year beginning on 1 April 2015 or any subsequent practice year.

Reporting of specified pro bono services

3. Every solicitor must, when applying under section 25(1) of the Act for a practising certificate for the whole or any part of a practice year, make a declaration stating —

- (a) whether the solicitor provided any specified pro bono service at any time in the immediately preceding practice year;
- (b) the following details of each specified pro bono service, if any, provided in the immediately preceding practice year:
 - (i) the charitable or community organisation, the body providing a relevant legal assistance scheme, the charity or society or the relevant body, if any, to which, or under the auspices of which, the specified pro bono service was provided;
 - (ii) the name of the relevant law-related service, relevant legal assistance scheme, relevant committee or relevant matter, if any, in respect of which the specified pro bono service was provided;
 - (iii) the designation, if any, used by the solicitor in relation to providing the specified pro bono service;
 - (iv) a description of the specified pro bono service;
 - (v) the estimated amount of time (in hours) spent providing the specified pro bono service;
 - (vi) the date on which, or period over which, the specified pro bono service was provided, or the term of service of the solicitor as a member of a relevant committee;
 - (vii) the amount of honorarium (if any) offered for the specified pro bono service provided, whether or not the honorarium was accepted; and
- (c) the total estimated amount of time (in hours) spent providing specified pro bono services in the immediately preceding practice year.

Prescribed requirements for section 25(1)(b)(v) of Act

4. For the purposes of section 25(1)(b)(v) of the Act, a solicitor's application for a practising certificate must be accompanied by a declaration in writing stating that the solicitor has complied with the requirements under rule 3.

Made on 27 February 2015.

THIO SHEN YI, SC
President,
Council of the Law Society of
Singapore.

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