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No. S 217

LEGAL PROFESSION ACT 1966

LEGAL PROFESSION (PROCEEDINGS BEFORE COURT OF 3 SUPREME COURT JUDGES) RULES 2022

ARRANGEMENT OF RULES

Rule

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In exercise of the powers conferred by sections 36Y, 82A(14) and 98(10) of the Legal Profession Act 1966 and all other powers enabling us under any written law, we, the Rules Committee, make the following Rules:

Citation and commencement

1. These Rules are the Legal Profession (Proceedings before Court of 3 Supreme Court Judges) Rules 2022 and come into operation on 1 April 2022.

Definitions

2. In these Rules —

“applicant” means the party who brings an application before the Court under the Act;

“bundle of authorities” means a compilation of authorities for the application, including case authorities, statutes and law journal articles;

“complaints committee” means a complaints committee appointed by the Chief Justice under section 36S(5) of the Act;

“Court” means a court of 3 Supreme Court Judges mentioned in the Act;

“record of proceedings” means any written grounds of decision, the record of evidence or notes of arguments taken, the affidavits or statutory declarations filed, as well as the submissions and any other documents tendered in respect of the proceedings before the Disciplinary Tribunal or the complaints committee, as the case may be;

“respondent” means the respondent in an originating application before the Court under the Act.

Application

3. These Rules apply to all proceedings under the Act before the Court, which are commenced on or after 1 April 2022, including —

- (a) the fees payable for any such proceedings; and
- (b) any matter incidental to or relating to the procedure and practice to be followed in any such proceedings.

Applications under sections 36U, 82A, 82B and 98 of Act

4.—(1) A party who intends to make an application under section 36U(1) of the Act must file and serve the originating application mentioned in that provision and the affidavit or affidavits in support of the application on all parties who have an interest in the application.

(2) A party who intends to make an application mentioned in section 82A(10) of the Act must file and serve the summons mentioned in that provision and the affidavit or affidavits in support of the application in accordance with section 98(4) of the Act as applied by section 82A(11) of the Act.

(3) A party who intends to make an application under section 98(1) or section 98(1) as applied to section 82B(1) of the Act must file and serve the originating application mentioned in section 98(1) of the Act and the affidavit or affidavits in support of the application in accordance with section 98(4) of the Act, or that provision as applied by section 82B(3) or (4) of the Act, as the case may be.

(4) The respondent must, if the respondent wishes to file an affidavit or affidavits in reply to the application, file and serve the affidavit or affidavits within 21 days after the date the application and affidavits mentioned in paragraphs (1), (2) and (3) (as the case may be) are served on the respondent.

(5) No further affidavits may be filed without the permission of the Court.

(6) The applicant must file and serve —

- (a) the record of proceedings;
- (b) the applicant's written submissions; and
- (c) the applicant's bundle of authorities,

within 8 weeks after the date on which the Registry informs the parties that the originating application or summons (as the case may be) has been fixed for hearing.

(7) The respondent must file and serve —

- (a) the respondent's written submissions; and
- (b) the respondent's bundle of authorities,

within 28 days after the applicant serves the documents mentioned in paragraph (6) on the respondent.

(8) The written submissions for the application are subject to a page limit of 55 pages, unless the Court otherwise orders.

(9) The Court may allow the page limit mentioned in paragraph (8) to be exceeded —

- (a) in special circumstances; and

(b) unless the Court otherwise orders under paragraph (10), upon the payment of the fees specified in the Schedule for the filing of pages in excess of the page limit.

(10) The Court may upon application waive, refund, defer or apportion the payment of the fees mentioned in paragraph (9)(b).

(11) There must not be more than one set of submissions for each party or set of parties represented by the same firm of solicitors, unless the Court otherwise orders.

(12) The concluding paragraphs of the written submissions must include —

(a) submissions on the appropriate costs orders to be made in the application; and

(b) submissions on the amount of costs and disbursements that should be awarded in respect of all parties to the application.

Applications under section 49 of Act

5.—(1) A party who intends to make an application for permission of the Court under section 49(4) of the Act must file and serve on all parties who have an interest in the application —

(a) the originating application mentioned in section 49(4) of the Act;

(b) an affidavit in support of the application; and

(c) the affidavits mentioned in section 49(7)(c) of the Act.

(2) The respondent must, if the respondent wishes to file an affidavit in reply to the application, file and serve that affidavit on the applicant within 14 days after the date the application and the affidavits mentioned in paragraph (1) are served on the respondent.

(3) No further affidavits may be filed without the permission of the Court.

(4) Unless the Court otherwise directs, the applicant and the respondent must file and serve written submissions (if any) as well as

any bundle of authorities within 14 days after the date on which the respondent's affidavit in reply is to be filed and served.

(5) The written submissions for the application are subject to a page limit of 35 pages, unless the Court otherwise orders.

(6) The Court may allow the page limit mentioned in paragraph (5) to be exceeded —

(a) in special circumstances; and

(b) unless the Court otherwise orders under paragraph (7), upon the payment of the fees specified in the Schedule for the filing of pages in excess of the page limit.

(7) The Court may upon application waive, refund, defer or apportion the payment of the fees mentioned in paragraph (6)(b).

(8) There must not be more than one set of submissions for each party or set of parties represented by the same firm of solicitors, unless the Court otherwise orders.

(9) The concluding paragraphs of the written submissions must include —

(a) submissions on the appropriate costs orders to be made in the application; and

(b) submissions on the amount of costs and disbursements that should be awarded in respect of all parties to the application.

Applications under section 102 of Act

6.—(1) A party who intends to make an application under section 102(2) of the Act must file and serve the originating application and the affidavit in support of the application mentioned in section 102(2) of the Act on the Society in accordance with section 102(3) of the Act.

(2) The Society must file and serve the report referred to in section 102(3)(b) of the Act on the applicant within 28 days after the applicant serves the documents mentioned in paragraph (1) on the Society, unless the Court otherwise orders.

(3) No further affidavits may be filed without the permission of the Court.

(4) Unless the Court otherwise directs, the applicant and the respondent must file and serve written submissions (if any) as well as any bundle of authorities within 14 days after the date on which the Society's report is to be filed and served.

(5) The written submissions for the application are subject to a page limit of 35 pages, unless the Court otherwise orders.

(6) The Court may allow the page limit mentioned in paragraph (5) to be exceeded —

(a) in special circumstances; and

(b) unless the Court otherwise orders under paragraph (7), upon the payment of the fees specified in the Schedule for the filing of pages in excess of the page limit.

(7) The Court may upon application waive, refund, defer or apportion the payment of the fees mentioned in paragraph (6)(b).

(8) There must not be more than one set of submissions for each party or set of parties represented by the same firm of solicitors, unless the Court otherwise orders.

(9) The concluding paragraphs of the written submissions must include —

(a) submissions on the appropriate costs orders to be made in the application; and

(b) submissions on the amount of costs and disbursements that should be awarded in respect of all parties to the application.

Other applications to Court

7.—(1) Unless otherwise provided for in these Rules, every application to the Court must be made either by originating application or, in an application which is pending before the Court, by summons.

(2) No oral arguments are to be made in an interlocutory application to the Court, unless the Court otherwise orders.

(3) The respondent must, if the respondent wishes to file an affidavit in reply to the application, file and serve that affidavit on the applicant within 14 days after the date the application and the affidavit in support of the application (if any) are served on the respondent.

(4) No further affidavits may be filed without the permission of the Court.

(5) Unless the Court otherwise directs, the applicant and the respondent must file and serve written submissions (if any) as well as any bundle of authorities within 14 days after the date on which the respondent's affidavit in reply is to be filed and served.

(6) The written submissions for the application are subject to a page limit of 35 pages, unless the Court otherwise orders.

(7) The Court may allow the page limit mentioned in paragraph (6) to be exceeded —

(a) in special circumstances; and

(b) unless the Court otherwise orders under paragraph (8), upon the payment of the fees specified in the Schedule for the filing of pages in excess of the page limit.

(8) The Court may upon application waive, refund, defer or apportion the payment of the fees mentioned in paragraph (7)(b).

(9) There must not be more than one set of submissions for each party or set of parties represented by the same firm of solicitors, unless the Court otherwise orders.

(10) The concluding paragraphs of the written submissions must include —

(a) submissions on the appropriate costs orders to be made in the application; and

(b) submissions on the amount of costs and disbursements that should be awarded in respect of all parties to the application.

Court fees

8. Subject to these Rules, the provisions in Order 25 of, and the Fourth Schedule to, the Rules of Court 2021 (G.N. No. S 914/2021) that are applicable to proceedings before the General Division of the High Court apply to proceedings before the Court.

THE SCHEDULE

Rules 4(9)(b), 5(6)(b), 6(6)(b)
and 7(7)(b)

FEES

The following fees must be paid at the time of filing or sealing (as the case may be) of the following specified documents with the electronic filing service provider or at any such other time or manner that the Registrar of the Supreme Court may determine:

<i>First column</i>	<i>Second column</i>	<i>Third column</i>
<i>Item</i>	<i>Fee payable</i>	<i>Document to be stamped and remarks</i>
1. Written submissions for applications to the Court — fees under rules 4(9), 5(6), 6(6) and 7(7) for pages in excess of page limit	(a) first 10 pages or less exceeding the limit: \$20 per page (b) every subsequent 10 pages or less: N + \$20 per page (where “N” is the fee payable per page for the previous 10 pages), subject to a maximum of \$200 per page	The filed copy

Made on 18 March 2022.

SUNDARESH MENON
Chief Justice.

LUCIEN WONG
Attorney-General.

TAY YONG KWANG
Justice of the Court of Appeal.

STEVEN CHONG
Justice of the Court of Appeal.

BELINDA ANG SAW EAN
Judge of the Appellate Division.

QUENTIN LOH
Judge of the Appellate Division.

VINODH COOMARASWAMY
Judge.

VINCENT HOONG SENG LEI
Presiding Judge of the State Courts.

CHRISTOPHER TAN PHENG WEE
*District Judge and Registrar of the
State Courts.*

SIRAJ OMAR, SC
Advocate and Solicitor.

CHAN TAI-HUI JASON, SC
Advocate and Solicitor.

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(To be presented to Parliament under section 185 of the Legal Profession Act 1966).