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LEGAL PROFESSION ACT
(CHAPTER 161)

LEGAL PROFESSION (INTERNATIONAL SERVICES)
RULES 2008

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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:

PART I
PRELIMINARY

Citation and commencement

1. These Rules may be cited as the Legal Profession (International Services) Rules 2008 and shall come into operation on 19th September 2008.

Licence or registration required to provide legal services

2.—(1) A foreign law practice shall not provide any legal services in or from Singapore unless it is licensed under Part IXA of the Act to provide such legal services.

(2) A foreign lawyer shall not provide any legal services in or from Singapore unless he is registered under Part IXA of the Act to provide such legal services.

(3) Nothing in this rule shall affect the privilege of any person who is both a solicitor and a foreign lawyer to practise as a solicitor under the Act or any rules made thereunder.

Permitted areas of legal practice

3.—(1) For the purposes of the definition of “permitted areas of legal practice” in section 130A(1) of the Act, the areas of legal practice to be excluded from the ambit of that definition are —

- (a) constitutional and administrative law;
- (b) conveyancing;
- (c) criminal law;
- (d) family law;
- (e) succession law, including matters relating to wills, intestate succession and probate and administration;
- (f) trust law, in any case where the settlor is an individual;

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- (g) appearing or pleading in any court of justice in Singapore, representing a client in any proceedings instituted in such a court or giving advice, the main purpose of which is to advise the client on the conduct of such proceedings, except where such appearance, pleading, representation or advice is otherwise permitted under the Act or these Rules or any other written law; and
- (h) appearing in any hearing before a quasi-judicial or regulatory body, authority or tribunal in Singapore, except where such appearance is otherwise permitted under the Act or these Rules or any other written law.

(2) Sub-paragraphs (a) and (c) of paragraph (1) do not exclude, from the ambit of the definition of “permitted areas of legal practice” in section 130A of the Act, the giving of advice on any area of legal practice referred to in those sub-paragraphs the main purpose of which is to advise a business entity on commercial and corporate law.

(3) In this rule —

“business entity” means any sole-proprietorship, partnership or body corporate, with or without limited liability, which engages in any business;

“conveyancing” does not include any securitisation transaction involving immovable property or the giving of advice on land law in the course of advisory work on a commercial transaction;

“quasi-judicial or regulatory body, authority or tribunal” does not include any such body, authority or tribunal specified in the First Schedule;

“securitisation transaction” has the same meaning as in section 262(3) of the Securities and Futures Act (Cap. 289).

PART II
JOINT LAW VENTURE

Application for Joint Law Venture licence

4.—(1) A Joint Law Venture may be constituted by —

- (a) a partnership between a foreign law practice and a Singapore law practice; or
- (b) the incorporation of a company under Singapore law, with the shares in the company being held by a foreign law practice and a Singapore law practice or by their respective nominees.

(2) The following conditions shall apply to an application for a Joint Law Venture licence under section 130B(1) of the Act:

- (a) the foreign law practice and the Singapore law practice must have relevant legal expertise and experience which are acceptable to the Attorney-General in any of the following areas of legal practice:
 - (i) banking law;
 - (ii) finance law;
 - (iii) corporate law;
 - (iv) arbitration;
 - (v) intellectual property law;
 - (vi) maritime law;
 - (vii) any other areas of legal practice that facilitate or assist in the growth and development of the Singapore economy;
- (b) the foreign law practice must have 5 or more foreign lawyers resident in Singapore, who must each have at least 5 years of relevant legal expertise and experience in any of the areas of legal practice referred to in sub-paragraph (a);
- (c) at least 2 of the foreign lawyers referred to in sub-paragraph (b) must be equity partners in the foreign

law practice or, in the case of a foreign law practice constituted as a corporation, directors of such corporation;

- (d) the Singapore law practice must have 5 or more solicitors, who must each have at least 5 years of relevant legal expertise and experience in any of the areas of legal practice referred to in sub-paragraph (a);
- (e) at least 2 of the solicitors referred to in sub-paragraph (d) must be equity partners in the Singapore law practice or, in the case of a law corporation, directors of such law corporation;
- (f) if the Joint Law Venture is to be constituted as a partnership, the number of equity partners in the foreign law practice who are resident in Singapore shall not at any time be greater than the number of equity partners in the Singapore law practice;
- (g) if the Joint Law Venture is to be constituted as a corporation, the number of directors nominated by the foreign law practice shall not at any time be greater than the number of directors nominated by the Singapore law practice;
- (h) the foreign law practice and the Singapore law practice have entered into a written agreement to jointly manage the Joint Law Venture and, if requested, must submit a copy of such agreement to the Attorney-General; and
- (i) the foreign law practice and the Singapore law practice shall submit an agreed written business plan describing the objectives of the Joint Law Venture and the implementation of the business plan (including plans to transfer legal and other related skills, expertise, know-how or technology of the foreign law practice to the Singapore law practice).

(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.

[S 241/2011 wef 03/05/2011]

(4) The applicant shall be notified in writing of the decision of the Attorney-General under section 130B(2) of the Act.

(5) If an application for a Joint Law Venture licence under section 130B(1) of the Act is granted, the applicant shall be issued a Joint Law Venture licence.

Privileges and conditions relevant to Joint Law Venture licence

5.—(1) Subject to the provisions of these Rules, a Joint Law Venture may —

- (a) practise in the areas of legal practice mutually agreed between the constituent law practices constituting the Joint Law Venture;
- (b) market or publicise itself as a single service provider competent to provide legal services in all areas which the constituent law practices are qualified to provide; and
- (c) bill its clients as if it were a single law practice.

(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.

[S 241/2011 wef 03/05/2011]

(3) A constituent foreign law practice shall not practise law in or from Singapore except through the Joint Law Venture.

(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.

[S 241/2011 wef 03/05/2011]

(5) For the purposes of ascertaining the total number of foreign lawyers referred to in paragraph (4), there shall be excluded any foreign lawyer who has practised law for less than 3 years in any period after being authorised or registered to practise law.

(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.

[S 241/2011 wef 03/05/2011]

(6) Subject to paragraph (7), a constituent foreign law practice of the Joint Law Venture may share in the profits of the constituent Singapore law practice of the Joint Law Venture.

(7) The total amount of payments made by the constituent Singapore law practice of a Joint Law Venture, during any financial year of that Singapore law practice, to the constituent foreign law practice of the Joint Law Venture under paragraph (6) shall not exceed 49% of the total profits of that Singapore law practice during that financial year arising from the permitted areas of legal practice, as in the audited financial statement of the Singapore law practice.

(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.

[S 241/2011 wef 03/05/2011]

(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.

[S 241/2011 wef 03/05/2011]

(10) Every Joint Law Venture shall maintain, throughout the period while its Joint Law Venture licence is in force, one or more insurance policies which provide indemnity against loss arising from claims in respect of civil liability in connection with the provision of legal services in or from Singapore by the Joint Law Venture.

(11) The insurance policies referred to in paragraph (10) 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 Singapore law practices or such other amount as may be specified by the Attorney-General.

(12) The directors of a Joint Law Venture which is a limited company shall ensure that every invoice or official correspondence of the Joint Law Venture bears the statement that it is incorporated with limited liability.

(13) No material modification shall be made to an agreement referred to in rule 4(2)(h) or a business plan submitted under rule 4(2)(i) without the prior written approval of the Attorney-General.

(14) The conditions in rule 4(2) shall continue to apply for so long as the Joint Law Venture licence is in force.

(15) The Joint Law Venture shall submit an annual report of its performance, containing such information as the Attorney-General may require, to the Attorney-General within 3 months after the end of

each period of 12 months commencing from such date as the Attorney-General may specify.

Professional conduct and publicity rules for Joint Law Ventures

6. The following Rules relating to professional conduct and etiquette shall, so far as relevant and with the necessary modifications, apply to Joint Law Ventures in respect of the practice of Singapore law:

- (a) the Legal Profession (Professional Conduct) Rules (R 1); and
- (b) the Legal Profession (Publicity) Rules (R 13).

Transitional provision for foreign law practices

7. Notwithstanding rule 5(3), a licensed foreign law practice which has become a constituent foreign law practice of a Joint Law Venture may, except as otherwise agreed with the constituent Singapore law practice in the Joint Law Venture, continue to provide legal services as a foreign law practice for which instructions were received by that foreign law practice before the date of issue of the Joint Law Venture licence.

PART III

FORMAL LAW ALLIANCE

Application for Formal Law Alliance licence

8.—(1) The following conditions shall apply to an application for a Formal Law Alliance licence under section 130C(1) of the Act:

- (a) the foreign law practice and the Singapore law practice must have relevant legal expertise and experience which are acceptable to the Attorney-General in any of the following areas of legal practice:
 - (i) banking law;
 - (ii) finance law;
 - (iii) corporate law;
 - (iv) technology law;

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- (v) telecommunications law;
 - (vi) arbitration;
 - (vii) intellectual property law;
 - (viii) maritime law;
 - (ix) any other areas of legal practice that facilitate or assist in the growth and development of the Singapore economy;
- (b) the foreign law practice must have 5 or more foreign lawyers resident in Singapore, who must each have at least 5 years of relevant legal expertise and experience in any of the areas of legal practice referred to in sub-paragraph (a);
 - (c) at least 2 of the foreign lawyers referred to in sub-paragraph (b) must be equity partners in the foreign law practice or, in the case of a foreign law practice constituted as a corporation, directors of such corporation;
 - (d) the Singapore law practice must have 5 or more solicitors, who must each have at least 5 years of relevant legal expertise and experience in any of the areas of legal practice referred to in sub-paragraph (a);
 - (e) at least 2 of the solicitors referred to in sub-paragraph (d) must be equity partners in the Singapore law practice or, in the case of a law corporation, directors of such law corporation;
 - (f) the foreign law practice and the Singapore law practice have entered into a written agreement to form a Formal Law Alliance and, if requested, must submit a copy of such agreement to the Attorney-General; and
 - (g) the foreign law practice and the Singapore law practice shall submit an agreed written business plan describing the objectives of the Formal Law Alliance and the implementation of the business plan (including plans to transfer legal and other related skills, expertise, know-how or technology of the foreign law practice to the Singapore law practice).

(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.

[S 241/2011 wef 03/05/2011]

(3) The applicant shall be notified in writing of the decision of the Attorney-General under section 130C(2) of the Act.

(4) If an application for a Formal Law Alliance licence under section 130C(1) of the Act is granted, the applicant shall be issued a Formal Law Alliance licence.

Privileges and conditions relevant to Formal Law Alliance licence

9.—(1) Subject to the provisions of these Rules, a Formal Law Alliance may —

- (a) market or publicise itself as a single service provider competent to provide legal services in all areas in which the constituent law practices are qualified to provide; and
- (b) bill its clients as if it were a single law practice.

(2) A foreign lawyer or solicitor registered to practise foreign law in a licensed foreign law practice which is a member of the Formal Law Alliance may prepare all the documents in a transaction involving the law or regulatory regime of more than one country or territory, except that any legal opinion relating to Singapore law must be given by —

- (a) a solicitor who has in force a practising certificate; or
- (b) a foreign lawyer registered under section 130J130I of the Act,

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who is permitted under the Act or any rules made thereunder to render such a legal opinion.

(3) No material modification shall be made to an agreement referred to in rule 8(1)(f) or a business plan submitted under rule 8(1)(g) without the prior written approval of the Attorney-General.

(4) The conditions in rule 8(1) shall continue to apply for so long as the Formal Law Alliance licence is in force.

(5) The Formal Law Alliance shall submit an annual report of its performance, containing such information as the Attorney-General may require, to the Attorney-General within 3 months after the end of each period of 12 months commencing from such date as the Attorney-General may specify.

PART IV

QUALIFYING FOREIGN LAW PRACTICE

Application for Qualifying Foreign Law Practice licence

10.—(1) The applicant shall be notified in writing of the decision of the Attorney-General under section 130D(2) of the Act.

(2) If an application for a Qualifying Foreign Law Practice licence under section 130D(1) of the Act is granted, the applicant shall be issued a Qualifying Foreign Law Practice licence for such period as the Attorney-General may specify in the licence.

Privileges and conditions relevant to Qualifying Foreign Law Practice licence

11.—(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.

[S 241/2011 wef 03/05/2011]

(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 —

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- (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.

[S 241/2011 wef 03/05/2011]

(3) For the purposes of ascertaining the total number of foreign lawyers referred to in paragraph (2), there shall be excluded any foreign lawyer who has practised law for less than 3 years in any period after being authorised or registered to practise law.

(4) A solicitor who is a partner, a director or an employee of a Qualifying Foreign Law Practice shall not become a partner, a director or an employee of a Singapore law practice.

(5) Every Qualifying Foreign Law Practice shall maintain, throughout the period while its Qualifying Foreign Law Practice licence is in force, one or more insurance policies which provide indemnity against loss arising from claims in respect of civil liability in connection with the provision of legal services in or from Singapore by the Qualifying Foreign Law Practice.

(6) The insurance policies referred to in paragraph (5) 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 Singapore law practices or such other amount as may be specified by the Attorney-General.

(7) The Qualifying Foreign Law Practice shall submit an annual report of its performance, containing such information as the Attorney-General may require, to the Attorney-General within 3 months after the end of each period of 12 months commencing from such date as the Attorney-General may specify.

Professional conduct and publicity rules for Qualifying Foreign Law Practice

12. The following Rules relating to professional conduct and etiquette shall, so far as relevant and with the necessary modifications, apply to Qualifying Foreign Law Practices in respect of the practice of Singapore law:

- (a) the Legal Profession (Professional Conduct) Rules (R 1); and
- (b) the Legal Profession (Publicity) Rules (R 13).

PART V**LICENSED FOREIGN LAW PRACTICE****Application for foreign law practice licence**

13.—(1) The applicant shall be notified in writing of the decision of the Attorney-General under section 130E(2) of the Act.

(2) If an application for a foreign law practice licence under section 130E(1) of the Act is granted, the applicant shall be issued a foreign law practice licence.

Privileges and conditions applicable to foreign law practice licence

14.—(1) A licensed foreign law practice may practise Singapore law in relation to a relevant agreement through a solicitor who is so permitted under paragraph (2).

(2) A solicitor may practise Singapore law in relation to a relevant agreement in a licensed foreign law practice if he —

- (a) is registered under section 130N of the Act to practise Singapore law in the licensed foreign law practice; and
- (b) has in force a practising certificate.

(3) Paragraphs (1) and (2) shall only apply to the practice of Singapore law which is necessitated by reason that it is proposed, under the relevant agreement, that Singapore will be the place of the arbitration or that Singapore law will apply.

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- (4) Paragraphs (1) and (2) shall only apply —
- (a) in a case where it is proposed that Singapore will be the place of the arbitration under the relevant agreement and the arbitration is international within the meaning of section 5(2) of the International Arbitration Act (Cap. 143A); or
 - (b) in a case where it is proposed that Singapore law will apply under the relevant agreement and any one or more of the following circumstances exist:
 - (i) every party to the relevant agreement is incorporated, resident or has its place of business outside Singapore;
 - (ii) the subject-matter of the relevant agreement —
 - (A) is most closely connected to a place located outside Singapore; or
 - (B) has no physical connection to Singapore;
 - (iii) the obligations under the relevant agreement are to be performed entirely outside Singapore.
- (5) In this rule —
- “arbitration agreement” has the same meaning as in section 2 of the International Arbitration Act;
 - “place of the arbitration” means the juridical seat of the arbitration;
 - “practise Singapore law”, in relation to a relevant agreement, means rendering a legal opinion on Singapore law, or drafting any document, necessary to conclude the relevant agreement;
 - “relevant agreement” means an arbitration agreement, or an agreement containing or incorporating an arbitration agreement.
- (6) The privileges conferred by paragraphs (1) and (2) —
- (a) shall apply in addition to anything permitted under section 35 of the Act; but

(b) shall not include any privilege to practise Singapore law in any area of legal practice that is excluded from the ambit of the definition of “permitted areas of legal practice” by rule 3.

(7) Every licensed foreign law practice shall maintain, throughout the period while its foreign law practice licence is in force, one or more insurance policies which provide indemnity against loss arising from claims in respect of civil liability in connection with the provision of legal services in or from Singapore by the foreign law practice.

(8) The insurance policies referred to in paragraph (7) 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 Singapore law practices or such other amount as may be specified by the Attorney-General.

Professional conduct and publicity rules for licensed foreign law practice

15. The following Rules relating to professional conduct and etiquette shall, so far as relevant and with the necessary modifications, apply to licensed foreign law practices in respect of the practice of Singapore law:

- (a) the Legal Profession (Professional Conduct) Rules (R 1); and
- (b) the Legal Profession (Publicity) Rules (R 13).

PART VI

REPRESENTATIVE OFFICE

Application for registration of representative office

16.—(1) The applicant shall be notified in writing of the decision of the Attorney-General under section 130F(2) of the Act.

(2) If an application for a representative office licence under section 130F(1) of the Act is granted, the applicant shall be issued a representative office licence for such period as the Attorney-General may specify.

Privileges and conditions relevant to representative office licence

17. The foreign law practice shall use its representative office for liaison or promotional work only, without providing legal services or conducting any other business activities in Singapore and, in particular, shall not provide legal advice, conclude contracts or open or negotiate any letters of credit through its representative office.

PART VII**FOREIGN LAWYER PRACTISING LAW IN SINGAPORE****Application for registration of foreign lawyer to practise foreign law under section 130K of Act**

18.—(1) For the purposes of section 130K(1) of the Act, a foreign lawyer may apply for registration to practise foreign law in a Joint Law Venture, foreign law practice or Singapore law practice if he is a partner, a director, a consultant or an employee of the Joint Law Venture, foreign law practice or Singapore law practice, as the case may be.

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(2) The applicant shall be notified in writing of the decision of the Attorney-General under section 130K(2) of the Act.

(3) If an application for registration under section 130K(1) of the Act is approved, the applicant shall be issued a certificate of registration for such period as the Attorney-General may specify.

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

19.—(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.

[S 241/2011 wef 03/05/2011]

(2) Every Joint Law Venture, foreign law practice or Singapore law practice, as the case may be, in which a foreign lawyer is registered to practise under section 130K of the Act, shall maintain throughout the

period of registration of the foreign lawyer 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, foreign law practice or Singapore law practice, as the case may be.

(3) The insurance policies referred to in paragraph (2) 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.

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;

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- (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);
 - (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.

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- (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.

[S 241/2011 wef 03/05/2011]

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.

[S 241/2011 wef 03/05/2011]

22. to 25. *[Deleted by S 241/2011 wef 03/05/2011]*

Professional conduct and etiquette of foreign lawyer registered to practise Singapore law

26.—(1) The following Rules relating to professional conduct and etiquette shall, so far as relevant and with the necessary modifications, apply to a foreign lawyer registered to practise Singapore law under section 130I of the Act unless the Attorney-General is satisfied that the foreign lawyer is bound by the rules in the applicable jurisdiction in respect of his practice in Singapore:

- (a) the Legal Profession (Professional Conduct) Rules (R 1); and
- (b) the Legal Profession (Publicity) Rules (R 13).

[S 241/2011 wef 03/05/2011]

(2) For the purposes of paragraph (1), if the foreign lawyer is qualified in more than one jurisdiction, the applicable jurisdiction shall refer to the principal jurisdiction of the foreign lawyer.

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;

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- (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.

[S 241/2011 wef 03/05/2011]

Part not to apply to solicitor with practising certificate

28. This Part shall not apply to a foreign lawyer who is a solicitor who has in force a practising certificate.

PART VIII

SOLICITOR PRACTISING IN JOINT LAW VENTURE OR ITS CONSTITUENT FOREIGN LAW PRACTICE, QUALIFYING FOREIGN LAW PRACTICE OR LICENSED FOREIGN LAW PRACTICE, ETC.

Application for registration of solicitor to practise Singapore law under section 130N of Act

29.—(1) The applicant shall be notified in writing of the decision of the Attorney-General under section 130N(2) of the Act.

(2) If an application under section 130N(1) of the Act is approved, the applicant shall be issued a certificate of registration for such period as the Attorney-General may specify.

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

30.—(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.

[S 241/2011 wef 03/05/2011]

(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.

[S 241/2011 wef 03/05/2011]

(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.

[S 241/2011 wef 03/05/2011]

(4) Every solicitor registered under section 130N 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 or its constituent foreign law practice, the Qualifying Foreign Law Practice or the licensed foreign law practice, as the case may be.

(5) The insurance policies referred to in paragraph (4) 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.

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

(7) A solicitor registered under section 130N of the Act to practise Singapore law in a Joint Law Venture or its constituent foreign law practice, a Qualifying Foreign Law Practice or licensed foreign law practice shall notify the Attorney-General within 7 days —

- (a) of being issued a practising certificate; or
- (b) if his practising certificate is suspended or cancelled, of such suspension or cancellation.

Professional conduct and etiquette of solicitor registered to practise Singapore law

31.—(1) The following Rules relating to professional conduct and etiquette shall, so far as relevant and with the necessary modifications, apply to a solicitor registered to practise Singapore law under section 130N of the Act:

- (a) the Legal Profession (Professional Conduct) Rules (R 1); and
- (b) the Legal Profession (Publicity) Rules (R 13).

(2) For the purposes of paragraph (1), references to the law firm or law practice of an advocate and solicitor in the Rules referred to in paragraph (1) shall be read as references to the Joint Law Venture or its constituent foreign law practice, the Qualifying Foreign Law Practice

or the licensed foreign law practice in which the solicitor is registered under section 130N of the Act to practise Singapore law.

(3) Rule 5 of the Legal Profession (Professional Conduct) Rules shall not prevent —

(a) any solicitor from practising concurrently in accordance with rule 30(2)30(3); or

[S 241/2011 wef 03/05/2011]

(b) any solicitor practising in a constituent foreign law practice of a Joint Law Venture or a constituent Singapore law practice of a Joint Law Venture from practising through the Joint Law Venture in accordance with rule 5 of these Rules.

Application for registration of solicitor to practise foreign law under section 130O of Act

32.—(1) The applicant shall be notified in writing of the decision of the Attorney-General under section 130O(2) of the Act.

(2) If an application under section 130O(1) of the Act is approved, the applicant shall be issued a certificate of registration for such period as the Attorney-General may specify.

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

33.—(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.

[S 241/2011 wef 03/05/2011]

(2) Every solicitor registered under section 130O 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 or foreign law practice.

(3) The insurance policies referred to in paragraph (2) 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.

(4) Paragraph (2) shall not apply to a solicitor registered under section 130O of the Act if the Joint Law Venture, constituent foreign law practice of a Joint Law Venture, Qualifying Foreign Law Practice or licensed foreign law practice, as the case may be, in which the solicitor is registered to practise has provided for its insurance policies to cover him to the extent required under that paragraph.

(5) A solicitor registered under section 130O of the Act shall notify the Attorney-General in writing within 7 days of being issued a practising certificate under section 25 of the Act.

PART IX

FOREIGN INTERESTS IN SINGAPORE LAW PRACTICES

Application for approval under section 130L of Act

34.—(1) Every Singapore law practice in which a foreign lawyer is registered to practise foreign law under section 130K of the Act or Singapore law under section 130J130I of the Act shall, before entering into any arrangement that may result in the foreign lawyer —

(a) becoming a director, a partner or a shareholder of the Singapore law practice; or

(b) sharing in the profits of the Singapore law practice,

apply to the Attorney-General for the approval of the Attorney-General under section 130L of the Act.

[S 241/2011 wef 03/05/2011]

(2) On receipt of the application referred to in paragraph (1), the Attorney-General may —

(a) approve the application subject to such conditions as he thinks fit; or

(b) reject the application on such grounds as he thinks fit.

(3) The applicant shall be notified in writing of the decision of the Attorney-General under paragraph (2).

(4) If an approval under section 130L of the Act is granted, the applicant shall be issued a certificate of approval.

(5) Without prejudice to any other powers of the Attorney-General to cancel an approval under section 130L of the Act, the Attorney-General may cancel such an approval if —

- (a) the foreign lawyer fails to comply with any undertaking given to the Attorney-General upon making the application or any condition of the approval;
- (b) the partner or director of the Singapore law practice who gave any such undertaking fails to comply with that undertaking or any condition of the approval; or
- (c) the Singapore law practice or the foreign lawyer or a partner or director of the Singapore law practice applies in writing for such cancellation.

Conditions of approval

35.—(1) A foreign lawyer to whom an approval under section 130L of the Act has been granted shall not —

- (a) be a managing partner, a managing director or a manager of any Singapore law practice; and
- (b) while such an approval remains in force, be —
 - (i) a partner, a director, a shareholder, an employee or a consultant in any foreign law practice; or
 - (ii) a nominee of any foreign law practice or any other foreign lawyer in respect of the management of, or the control of any voting power or equity interest in, the Singapore law practice in which he is practising.

(2) The total value of equity interests in a Singapore law practice held by foreign lawyers (whether individually or collectively) as shareholders or partners of the Singapore law practice shall not exceed 25% of the total value of equity interests in the Singapore law practice.

(3) Foreign lawyers (whether individually or collectively) shall not, directly or indirectly, have a controlling interest in a Singapore law practice.

(4) For the purposes of paragraph (3), foreign lawyers shall be deemed to have a controlling interest in a Singapore law practice if —

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- (a) foreign lawyers (whether individually or collectively) are entitled to exercise or control the exercise of more than 25% of the total voting rights exercisable by the shareholders or partners (as the case may be) in the Singapore law practice; or
 - (b) the majority of the partners, directors or managers (as the case may be) of the Singapore law practice are, in any matter relating to the management of the Singapore law practice, nominees of foreign lawyers (whether individually or collectively).

(5) Except as provided in rule 5(7), the total amount of payments made by a Singapore law practice, during the financial year of that practice, to foreign lawyers —

- (a) as remuneration to its directors;
- (b) as dividends to its shareholders or partners; and
- (c) under any other profit-sharing arrangement,

shall not exceed 25% of the total amount of remuneration to its directors, dividends to its shareholders or partners and payments under any other profit-sharing arrangement paid by that Singapore law practice during the financial year of that practice.

(6) For the purposes of paragraphs (1)(b)(ii) and (4)(b), a person shall be deemed to be a nominee of a foreign law practice or foreign lawyer if that person is accustomed, or under an obligation whether formal or informal, to act in accordance with the directions, instructions or wishes of that foreign law practice or foreign lawyer.

(7) In this rule, “manager” —

- (a) in relation to a body corporate or partnership, means the principal executive officer of the body corporate or partnership for the time being by whatever name called and whether or not he is a director or partner thereof; and
- (b) in relation to a limited liability partnership, has the same meaning as in section 2(1) of the Limited Liability Partnerships Act (Cap. 163A).

(8) Every foreign lawyer to whom approval under section 130L of the Act has been granted shall maintain, throughout the period while such approval is in force, adequate insurance policies which provide indemnity against loss arising from claims in respect of civil liability in connection with his practice in the Singapore law practice.

(9) The insurance policies referred to in paragraph (8) 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.

(10) Paragraph (8) shall not apply to a foreign lawyer to whom approval under section 130L of the Act has been granted if the Singapore law practice has provided for its insurance policies to cover the foreign lawyer to the extent required under that paragraph.

PART X GENERAL

Forms and fees

36.—(1) Every application for a licence, an approval or registration under Part IXA of the Act, or a renewal of such licence, approval or registration, shall be —

- (a) made to the Attorney-General in such form and manner as the Attorney-General may require;
- (b) accompanied by the appropriate fee specified in the Second Schedule; and
- (c) accompanied by such documents and information as the Attorney-General may require.

(2) Any licence or certificate issued under Part IXA of the Act shall be in such form as the Attorney-General may determine.

(3) All forms used for the purposes of these Rules shall be completed in the English language and in accordance with such directions as may be specified in the form or by the Attorney-General.

(4) The Attorney-General may refuse to issue any certificate, letter or other document if the appropriate fee referred to in these Rules has not been paid.

(5) Where strict compliance with any form is not possible, the Attorney-General may allow for the necessary modifications to be made to that form, or for the requirements of that form to be complied with in such other manner as the Attorney-General thinks fit.

(6) The fees referred to in paragraph (1) shall not be refundable.

(7) Notwithstanding paragraph (6), the Attorney-General may, in his discretion, waive or remit any fee or part thereof payable under these Rules.

Period of validity and renewal of licence, approval or registration

37.—(1) The following licences and approval are prescribed for the purposes of section 130P(2) of the Act and shall remain valid until they are suspended, revoked or cancelled in accordance with Part IXA of the Act:

- (a) Joint Law Venture licence;
- (b) Formal Law Alliance licence;
- (c) foreign law practice licence;
- (d) approval under section 130L of the Act.

(2) The following licences and registrations are prescribed for the purposes of section 130P(3) of the Act and shall, unless they are sooner suspended, revoked or cancelled in accordance with Part IXA of the Act, be valid for such period as the Attorney-General may specify:

- (a) Qualifying Foreign Law Practice licence;
- (b) representative office licence;
- (c) registration of foreign lawyer to practise foreign law under section 130K of the Act;

(d) registration of foreign lawyer to practise Singapore law under section 130I 130J of the Act;

[S 241/2011 wef 03/05/2011]

(e) registration of solicitor to practise Singapore law under section 130N of the Act;

(f) registration of solicitor to practise foreign law under section 130O of the Act.

(3) The provisions of these Rules shall, with the necessary modifications, apply to an application for renewal of a licence, an approval or registration under Part IXA of the Act as they apply to an application for such licence, approval or registration.

Power to waive or modify conditions or requirements

38.—(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.

[S 241/2011 wef 03/05/2011]

(2) If the Attorney-General is satisfied that differences between a Joint Law Venture, a Qualifying Foreign Law Practice or a licensed foreign law practice (as the case may be) and Singapore law practices so require, the Attorney-General may, upon the application of any Joint Law Venture, Qualifying Foreign Law Practice or licensed foreign law practice (as the case may be) and with the approval of the Minister, waive or modify any requirement imposed by —

(a) the Rules referred to in rule 6 in respect of that Joint Law Venture;

(b) the Rules referred to in rule 12 in respect of that Qualifying Foreign Law Practice; or

(c) the Rules referred to in rule 15 in respect of that licensed foreign law practice.

(3) If the Attorney-General is satisfied that differences between a foreign lawyer and solicitors so require, the Attorney-General may, upon the application of any foreign lawyer, waive or modify any

requirement imposed by the Rules referred to in rule 26 in respect of that foreign lawyer.

Power to require information, etc.

39. The Attorney-General may require any Joint Law Venture, Formal Law Alliance, foreign law practice, representative office, Singapore law practice, foreign lawyer or solicitor to provide the Attorney-General with such documents, particulars or information as the Attorney-General considers necessary for the purposes of ascertaining whether —

- (a) any of the provisions of Part IXA of the Act or any rules made thereunder or any of the conditions imposed thereunder have been complied with;
- (b) any licence issued or registration granted under Part IXA of the Act should be cancelled; or
- (c) any approval of the Attorney-General referred to in section 130L(1) of the Act should be cancelled.

Register

40.—(1) The Attorney-General shall keep, in such form and manner as he thinks fit, one or more registers of —

- (a) Joint Law Ventures;
- (b) Formal Law Alliances;
- (c) Qualifying Foreign Law Practices;
- (d) licensed foreign law practices;
- (e) representative offices;
- (f) foreign lawyers registered under section 130I of the Act;
- (g) [*Deleted by S 241/2011 wef 03/05/2011*]
- (h) foreign lawyers registered under section 130K of the Act;
- (i) foreign lawyers granted the approval of the Attorney-General under section 130L of the Act;
- (j) solicitors registered under section 130N of the Act; and

(k) solicitors registered under section 130O of the Act.

(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).

[S 241/2011 wef 03/05/2011]

(2) On application and on payment of the appropriate fee specified in the Second Schedule by an applicant, the Attorney-General may, subject to such conditions as the Attorney-General thinks fit —

- (a) allow the applicant to inspect the register; or
- (b) make any information in the register available to the applicant in such form and manner as the Attorney-General thinks fit.

(3) Every Joint Law Venture, Formal Law Alliance, Qualifying Foreign Law Practice and licensed foreign law practice (referred to in this paragraph as “the practice”) shall notify the Attorney-General in writing of any change in any of the following particulars within 7 days of such change:

- (a) the name and nationality of the practice;
- (b) the address of the practice, including the registered address of all of its offices and places of business in Singapore;
- (c) the telephone and fax numbers, and the email address of the practice;
- (d) the name, nationality and designation of any solicitor or foreign lawyer working in the practice.

[S 241/2011 wef 03/05/2011]

[S 241/2011 wef 03/05/2011]

(4) Every Singapore law practice shall notify the Attorney-General in writing of any change in the name, nationality and designation of any foreign lawyer working in the practice within 7 days of such change.

(5) Every foreign law practice with a representative office in Singapore shall notify the Attorney-General in writing of any change

in any of the following particulars of the representative office within 7 days of such change:

- (a) the name and nationality of the foreign law practice;
- (b) the address of the office;
- (c) the telephone and fax numbers, and the email address of the office;
- (d) the name, nationality and contact information of the existing representative of the office;
- (e) the name, nationality and designation of any person working in the office.

(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.

[S 241/2011 wef 03/05/2011]

- (6) The Attorney-General may —
- (a) correct any error in the register;
 - (b) make any necessary alteration to the register as a result of any change in circumstances or particulars or as authorised under any provision of the Act; and
 - (c) upon the request of any Joint Law Venture, Formal Law Alliance, foreign law practice, representative office, Singapore law practice, foreign lawyer or solicitor, remove the name of that person or entity from the register.

Amendment and issuance of certificates, etc.

41. The Attorney-General may, on application by any Joint Law Venture, Formal Law Alliance, foreign law practice, representative

office, Singapore law firm, foreign lawyer or solicitor and on payment of the appropriate fee specified in the Second Schedule —

- (a) amend or issue a certificate of registration or approval issued under these Rules;
- (b) issue a certified true copy thereof; or
[S 241/2011 wef 03/05/2011]
- (c) issue the appropriate letter or certificate of good standing.
[S 241/2011 wef 03/05/2011]
- (d) *[Deleted by S 241/2011 wef 03/05/2011]*

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.

[S 241/2011 wef 03/05/2011]

Consultation with Law Society

42. The Attorney-General may, if he considers it appropriate, consult the Council of the Law Society in relation to his exercise of any power, duty or function under these Rules.

Revocation

43. The Legal Profession (International Services) Rules 2007 (G.N. No. S 361/2007) are revoked.

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

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- (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.

[S 241/2011 wef 03/05/2011]

FIRST SCHEDULE

Rule 3(3)

SPECIFIED QUASI-JUDICIAL AND REGULATORY BODIES, AUTHORITIES AND TRIBUNALS

1. An Appeal Advisory Committee constituted under section 88 of the Business Trusts Act (Cap. 31A).
2. An Appeal Advisory Committee constituted under section 91 of the Financial Advisers Act (Cap. 110).
3. An Appeal Advisory Committee constituted under section 49G of the Insurance Act (Cap. 142).
4. An Appeal Advisory Committee constituted under section 310 of the Securities and Futures Act (Cap. 289).

FIRST SCHEDULE — *continued*

5. An Appeal Advisory Committee constituted under section 51 of the Trust Companies Act (Cap. 336).

6. The Securities Industry Council established under section 138(1) of the Securities and Futures Act in relation to any enquiry conducted under section 138(4) or 139(10) of that Act.

7. The following committees established under Rules issued by the Singapore Exchange Limited (SGX):

- (a) SGX-ST disciplinary committee established under the Singapore Exchange Securities Trading Limited (SGX-ST) Rules;
- (b) CDP disciplinary committee established under the Central Depository (Pte) Limited (CDP) Clearing Rules;
- (c) SGX-DT disciplinary committee established under the Futures Trading Rules of Singapore Exchange Derivatives Trading Limited (SGX-DT);
- (d) SGX-DC disciplinary committee established under the Singapore Exchange Derivatives Clearing Limited (SGX-DC) Clearing Rules;
- (e) SGX appeals committee referred to in the Singapore Exchange Securities Trading Limited (SGX-ST) Rules, Central Depository (Pte) Limited (CDP) Clearing Rules, Futures Trading Rules of Singapore Exchange Derivatives Trading Limited (SGX-DT) and Singapore Exchange Derivatives Clearing Limited (SGX-DC) Clearing Rules;
- (f) Catalist disciplinary committee established under Rules of Catalist; and
- (g) Catalist appeals committee established under Rules of Catalist.

SECOND SCHEDULE

Rules 25(6), 36(1), 40(2) and 41

FEES

| <i>First column</i> | <i>Second column</i> |
|--|----------------------|
| 1. Fee for Joint Law Venture licence | \$5,000 |
| 2. Fee for Formal Law Alliance licence | \$2,500 |
| 3. Fee for Qualifying Foreign Law Practice licence or renewal thereof, for a period of 5 years or part thereof | \$20,000 |
| 4. Fee for foreign law practice licence | \$2,500 |

SECOND SCHEDULE — *continued*

| | |
|--|---|
| 5. Fee for representative office licence or renewal thereof, for a period of 12 months or part thereof | \$500 |
| 6. Fee for certificate of registration of a foreign lawyer under section 130K of the Act or renewal thereof, issued under rule 18(3) — | |
| (a) for a period of 12 months or part thereof; | \$160 |
| (b) for a period of 24 months or part thereof; | \$320 |
| (c) for a period of 36 months or part thereof | \$480 |
| 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 |
| 8. <i>[Deleted by S 241/2011 wef 03/05/2011]</i> | |
| 9. Fee for certificate of registration of a solicitor under section 130N of the Act or renewal thereof, issued under rule 29(2) — | |
| (a) where the certificate of registration commences on 1 st April of any year — | |
| (i) for a period of 12 months or part thereof; | \$1,000 |
| (ii) for a period of 24 months or part thereof; | \$2,000 |
| (iii) for a period of 36 months or part thereof | \$3,000 |
| (b) where the certificate of registration commences on any other date, the sum of the following amounts: | |
| (i) for the period from that other date up to the 31 st March occurring immediately thereafter (both dates inclusive); and | \$100 for each month or part thereof or \$1000, whichever is less |
| (ii) for the remainder of the period of the certificate of registration | the amount determined in accordance with paragraph (a) of this item |
| 10. Fee for certificate of registration of a solicitor under section 130O of the Act or renewal thereof, issued under rule 32(2) — | |
| (a) for a period of 12 months or part thereof; | \$160 |
| (b) for a period of 24 months or part thereof; | \$320 |

SECOND SCHEDULE — *continued*

| | |
|---|---------|
| (c) for a period of 36 months or part thereof | \$480 |
| 11. <i>[Deleted by S 241/2011 wef 03/05/2011]</i> | |
| 12. Fee for certificate of approval under section 130L of the Act | \$3,000 |
| 13. Application fee for inspection of any register or release of any information from the register under rule 40(2) | \$30 |
| 14. Application fee under rule 41 to — | \$30. |
| (a) amend or issue a certificate of registration or approval issued under these Rules; | |
| (b) issue a certified true copy thereof; or | |
| (c) issue the appropriate letter or certificate of good standing | |
| (d) <i>[Deleted by S 241/2011 wef 03/05/2011]</i> | |

[S 241/2011 wef 03/05/2011]

Made this 18th day of September 2008.

CHAN LAI FUNG
*Permanent Secretary,
 Ministry of Law,
 Singapore.*

[LAW 32/001/8.15 V6; AG/LEG/SL/161/2002/1 Vol. 8]

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