



REPUBLIC OF SINGAPORE
GOVERNMENT GAZETTE
ACTS SUPPLEMENT

Published by Authority

NO. 39]

FRIDAY, OCTOBER 26

[2001

First published in the *Government Gazette*, Electronic Edition, on 24th October 2001 at 5:00 pm.

The following Act was passed by Parliament on 5th October 2001 and assented to by the President on 17th October 2001:—

REPUBLIC OF SINGAPORE

No. 35 of 2001.

I assent.



S R NATHAN,
President.
17th October 2001.

An Act to amend the Legal Profession Act (Chapter 161 of the 2000 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act may be cited as the Legal Profession (Amendment) Act 2001 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Amendment of section 5

2. Section 5 of the Legal Profession Act (referred to in this Act as the principal Act) is amended —

(a) by inserting, immediately after subsection (1), the following subsection:

“(1A) The Board may —

(a) invest its moneys in such manner as it thinks fit, including the deposit of moneys with financial institutions and other business or professional bodies; and

(b) engage in any financial activity or participate in any financial arrangement for the purpose of managing or hedging against any financial risk that arises or is likely to arise from such investment.”; and

(b) by inserting, immediately after the word “pupils” in subsection (3) (c), the words “keep dining terms and”.

Amendment of section 7

3. Section 7 of the principal Act is amended by deleting subsection (1) and substituting the following subsection:

“(1) The Board may, in its discretion, upon an application made to it by any person who is not otherwise entitled to become a qualified person but who, in the opinion of the Board, possesses such qualification or expertise as would contribute to, promote or enhance the quality of legal services in Singapore or the economic or technological development of Singapore, approve the person as a qualified person for the purpose of this Act and issue to him a certificate to that effect.”.

Amendment of section 8

4. Section 8 of the principal Act is amended —

(a) by inserting, immediately after paragraph (a) of subsection (1), the following paragraph:

“(aa) the President of the Society;”;

(b) by deleting “5” in subsection (1) (c) and substituting “4”;

- (c) by inserting, immediately after the word “Attorney-General” in subsection (2), the words “, the President of the Society”;
- (d) by inserting, immediately after the word “Attorney-General” in the 1st line of subsection (3), the words “, the President of the Society”; and
- (e) by inserting, immediately after the word “Faculty” in the 4th line of subsection (3), the words “or the Council”.

Amendment of section 12

5. Section 12 of the principal Act is amended —

- (a) by inserting, immediately after the word “instruction” in subsection (1) (d), the words “and kept such dining terms”; and
- (b) by inserting, immediately after the word “instruction” in the 3rd line of subsection (2), the words “, keeping such dining terms”.

Amendment of section 14

6. Section 14 of the principal Act is amended —

- (a) by inserting, immediately after the word “Singapore” in subsection (3), the words “or of such other statutory board or authority as the Minister may prescribe”; and
- (b) by deleting the words “a maximum of 3 months’ pupillage” in the 2nd line of subsection (5) and substituting the words “pupillage, wholly or for such period as the Board thinks fit,”.

Amendment of section 26

7. Section 26 of the principal Act is amended by deleting subsections (3) and (4) and substituting the following subsections:

“(3) Subsection (1) shall not apply to —

- (a) a solicitor who is employed by the Society, the Board or any statutory board or authority;
- (b) a solicitor who is employed as a full-time member of the academic staff of any department of the National University of Singapore or of any department of law in any other institution of higher learning in Singapore

and who has been so employed in either case for at least 3 continuous years; or

- (c) a State Counsel, Deputy Public Prosecutor or other legal officer of the government of any country or any territory of that country,

if the Attorney-General issues a certificate under his hand to the person and specifies therein the matters in which the person may appear and plead in courts of law.

(3A) Where the Attorney-General has issued a certificate to a solicitor under subsection (3) (a) or (b), the Registrar shall, upon the solicitor complying with the provisions of this Act, issue him a practising certificate specifying therein the matters in which he may appear and plead in courts of law and the conditions (if any) as contained in the Attorney-General's certificate.

(3B) Where the Attorney-General has issued a certificate to a person under subsection (3) (c), the Registrar shall issue him a practising certificate specifying therein the matters in which he may appear and plead in courts of law and the conditions (if any) as contained in the Attorney-General's certificate.

(3C) The Attorney-General may shorten the period referred to in subsection (3) (b) if he is satisfied that the solicitor has gained substantial experience in law for the purposes of that subsection.

(3D) Sections 72 and 73 shall not apply to a solicitor who has been issued with a certificate under subsection (3) (a) or (b).

(4) The other provisions of this Act shall not apply to a person who has been issued a certificate under subsection (3) (c)."

Amendment of section 32

8. Section 32 (3) of the principal Act is amended by inserting, immediately after the word "partner" in the 4th line and "director" in the 5th line, the words "or consultant".

Amendment of section 33

9. Section 33 (3) of the principal Act is amended by inserting, immediately after the word "who", the words ", for or in expectation of any fee, gain or reward,".

Amendment of section 34

10. Section 34 of the principal Act is amended by deleting paragraph (*h*) and substituting the following paragraph:

“(h) any full-time member of the academic staff of any department of the National University of Singapore or of any department of law in any other institution of higher learning in Singapore who is a qualified person rendering any opinion or acting in an advisory capacity on any matter in which he has been instructed by an advocate and solicitor;”.

Repeal of section 38

11. Section 38 of the principal Act is repealed.

Amendment of section 41

12. Section 41 (1) of the principal Act is amended by deleting the word “and” at the end of paragraph (*a*), and by inserting immediately thereafter the following paragraph:

“(aa) any foreign lawyer registered under rules made under section 130I; and”.

Repeal and re-enactment of section 48

13. Section 48 of the principal Act is repealed and the following section substituted therefor:

“Statutory members

48.—(1) The following persons shall be statutory members of the Council each time it is constituted:

- (a) the immediate past President of the Society;
- (b) not more than 3 advocates and solicitors appointed by the Minister to sit on the Council; and
- (c) not more than 3 advocates and solicitors appointed by the Council to sit on the Council as soon as practicable after it is constituted.

(2) Every member of the Council appointed by the Minister under subsection (1) (*b*) or by the Council under subsection (1) (*c*) shall hold office for a term of 2 years and may, from time to time, be re-appointed.”.

Amendment of section 50

14. Section 50 (2) of the principal Act is amended by inserting, immediately after the word “he” in paragraph (a), the words “was not in Singapore at the time of the election or”.

Amendment of section 51

15. Section 51 of the principal Act is amended —

- (a) by deleting the words “by secret ballot” in subsection (2) and substituting the words “conducted in such manner as may be prescribed by rules made under section 59”; and
- (b) by deleting the words “take place by secret ballot” in subsection (4) and substituting the words “be conducted in such manner as may be prescribed by rules made under section 59”.

Amendment of section 84

16. Section 84 (1) of the principal Act is amended by deleting the words “not more than 40 advocates and solicitors (whether in practice or not) and not more than 40 lay persons” at the end thereof and substituting the words “such number of advocates and solicitors (whether in practice or not) and lay persons as the Chief Justice may determine”.

Amendment of section 85

17. Section 85 of the principal Act is amended —

- (a) by deleting subsection (3) and substituting the following subsection:

“(3) Any Judge of the Supreme Court or the Attorney-General may at any time refer to the Society any information touching upon the conduct of any advocate and solicitor and the Council shall —

- (a) refer the matter to the Chairman of the Inquiry Panel; or
- (b) where the Judge or the Attorney-General requests that the matter be referred to a Disciplinary Committee, apply to the Chief Justice to appoint a Disciplinary Committee.”;

- (b) by deleting subsection (6) and substituting the following subsections:

“(6) Where any complaint or information touching upon the conduct of any advocate and solicitor is referred to the Chairman of the Inquiry Panel under subsection (1), (2) or (3), the Chairman shall immediately constitute one or more Review Committees consisting of —

- (a) a chairman, being himself or a member of the Inquiry Panel who is an advocate and solicitor; and
- (b) a legal officer who has not less than 10 years’ experience,

to review the complaint or information within 2 weeks of its constitution.

(6A) A Review Committee may, in the course of a review under subsection (6), require the complainant or the advocate and solicitor concerned to answer any inquiry or to furnish any record that the Review Committee considers relevant for the purpose of the review.

(6B) On the completion of a review under subsection (6), a Review Committee shall —

- (a) direct the Council to dismiss the matter if it is unanimously of the opinion that the complaint or information is frivolous, vexatious, misconceived or lacking in substance and give the reasons for the dismissal; or
- (b) in any other case, refer the matter back to the Chairman of the Inquiry Panel.

(6C) The Council shall, within 7 days of receiving any direction under subsection (6B) (a) —

- (a) give effect to the direction to dismiss the matter; and
- (b) inform the complainant and the advocate and solicitor concerned of the dismissal of the matter and furnish the complainant with the reasons of the Review Committee in writing.

(6D) Where any complaint or information touching upon the conduct of any advocate and solicitor is referred back to the Chairman of the Inquiry Panel under subsection (6B) (b), the Chairman shall immediately constitute an Inquiry Committee consisting of —

- (a) a chairman, being a member of the Inquiry Panel who is an advocate and solicitor;
- (b) a member of the Inquiry Panel who is an advocate and solicitor;
- (c) a member of the Inquiry Panel who is a lay person; and
- (d) a legal officer who has not less than 10 years' experience,

to inquire into the complaint or information.

(6E) A member of a Review Committee who has reviewed any matter concerning any advocate and solicitor shall not be a member of an Inquiry Committee inquiring into the same matter.”; and

- (c) by inserting, immediately after subsection (15), the following subsection:

“(16) Any person who makes a complaint to the Society under this Part which he knows to be false in any material particular shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.”.

Amendment of section 88

18. Section 88 (4) of the principal Act is amended by deleting the words “if the penalty payable exceeds \$1,000” in the penultimate and last lines.

Amendment of section 90

19. Section 90 of the principal Act is amended —

- (a) by deleting paragraph (a) of subsection (1) and substituting the following paragraph:

“(a) a chairman from a panel appointed by the Chief Justice, being retired Judges or persons who have had not less than 12 years' standing as advocates and solicitors;”; and

- (b) by inserting, immediately after subsection (7), the following subsection:

“(7A) Any question arising at any meeting of a Disciplinary Committee shall be determined by a majority of votes of the members of the Committee, and in the case of an equality of votes, the chairman of the Committee shall have a second or casting vote.”.

Amendment of section 92

20. Section 92 of the principal Act is amended by deleting the words “the Supreme Court or a Judge thereof” in the 1st line and substituting the words “any Judge of the Supreme Court”.

Amendment of section 93

21. Section 93 of the principal Act is amended —

- (a) by inserting, immediately after the word “reprimanded” in subsection (1) (b), the words “or ordered to pay a penalty sufficient and appropriate to the misconduct committed”; and
- (b) by inserting, immediately after the word “published” in subsection (5), the words “by the Council in the Singapore Law Gazette or in such other media as the Council may determine which would adequately inform the public of the findings and determination”.

Amendment of section 94

22. Section 94 (3) of the principal Act is amended —

- (a) by inserting, immediately after the word “reprimanded” in the 4th line, the words “or ordered to pay a penalty”; and
- (b) by inserting, immediately after the word “solicitor” in paragraph (a), the words “or order him to pay a penalty of not more than \$10,000, as the case may be”.

Amendment of section 95

23. Section 95 (4) of the principal Act is amended by deleting the words “and the Society shall pay the penalty into the Consolidated Fund”.

Amendment of section 97

24. Section 97 (1) of the principal Act is amended by inserting, immediately after the word “reprimanded” in paragraph (b), the words “or ordered to pay a penalty”.

Amendment of section 106

25. Section 106 of the principal Act is amended by inserting, immediately after the word “against” in the 1st line, the words “the Attorney-General, a Review Committee constituted under section 85 (6),”.

Repeal and re-enactment of section 116

26. Section 116 of the principal Act is repealed and the following section substituted therefor:

“Interpretation of this Part

116. In this Part —

“court” means the High Court, a Judge when sitting in open court or in chambers, a District Court or a Magistrate’s Court and includes the Registrar;

“Registrar” means the Registrar of the Supreme Court or the Registrar of the Subordinate Courts, and includes —

- (a) the Deputy Registrar of the Supreme Court;
- (b) an Assistant Registrar of the Supreme Court; and
- (c) a Deputy Registrar of the Subordinate Courts;

“solicitor” includes the executors, administrators and assignees of the solicitor in question and a law corporation.”.

Amendment of section 120

27. Section 120 of the principal Act is amended by inserting, immediately after subsection (3), the following subsection:

“(4) Section 40 of the Subordinate Courts Act (Cap. 321) shall not apply to proceedings brought under this section.”.

Amendment of First Schedule

28. Paragraph 1 (1) of the First Schedule to the principal Act is amended —

- (a) by deleting the word “or” at the end of sub-paragraph (h); and
- (b) by deleting the full-stop at the end of sub-paragraph (i) and substituting a semi-colon, and by inserting immediately thereafter the following sub-paragraphs:
 - “(j) the Council is satisfied that a sole solicitor has abandoned his practice; or
 - (k) the Council is satisfied that a person has acted as a solicitor at a time when he did not have a practising certificate which was in force.”.

Transitional provisions

29.—(1) On the date of commencement of this Act, the appointment of all members of the Board nominated under section 8 (1) (c) of the principal Act shall be revoked but such members shall be eligible for re-nomination under section 8 (6) of the principal Act.

(2) Where, on the date of commencement of this Act, any complaint or information touching upon the conduct of an advocate and solicitor referred to the Chairman of the Inquiry Panel under section 85 (1), (2) or (3) of the principal Act —

- (a) has not been referred to an Inquiry Committee; or
- (b) has been referred to an Inquiry Committee but the Inquiry Committee has not reported its findings to the Council under section 86 (1) of the principal Act,

the Chairman of the Inquiry Panel may, if he thinks fit, refer or transfer the complaint or information, as the case may be, to a Review Committee constituted under section 85 (6) of the principal Act, and thereupon the Inquiry Committee referred to in subsection (2) (b) shall be dissolved where applicable.
