



REPUBLIC OF SINGAPORE

GOVERNMENT GAZETTE

BILLS SUPPLEMENT

Published by Authority

NO. 13]

TUESDAY, JULY 21

[2009

First published in the *Government Gazette*, Electronic Edition, on 20th July 2009 at 5:00 pm.

Notification No. B 13 — The Legal Profession (Amendment) Bill is hereby published for general information. It was introduced in Parliament on the 20th day of July 2009.

Legal Profession (Amendment) Bill

Bill No. 13/2009.

Read the first time on 20th July 2009.

A BILL

i n t i t u l e d

An Act to amend the Legal Profession Act (Chapter 161 of the 2009 Revised Edition) and to make related amendments to the Patents Act (Chapter 221 of the 2005 Revised Edition) and the Singapore Academy of Law Act (Chapter 294A of the 1997 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 2009 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

5 Amendment of section 2

2. Section 2(1) of the Legal Profession Act (referred to in this Act as the principal Act) is amended —

- (a) by deleting the words “legal officer” in the definition of “lay person” and substituting the words “Legal Service Officer”;
- 10 (b) by deleting the definition of “legal officer” and substituting the following definition:

“ “Legal Service Officer” means an officer in the Singapore Legal Service;”;

- 15 (c) by inserting, immediately after the definition of “Malayan practitioner”, the following definitions:

“ “practice training contract” means a formal training arrangement between a qualified person and a Singapore law practice, pursuant to which the qualified person receives, and the Singapore law practice provides, supervised training in relation to the practice of Singapore law;

“practice training period” means the period during which a qualified person is required to receive supervised training in relation to the practice of Singapore law before he can be admitted as an advocate and solicitor;”;

- (d) by deleting the word “or” at the end of paragraph (b) of the definition of “qualified person”;

- 30 (e) by deleting paragraph (c) of the definition of “qualified person” and substituting the following paragraphs:

“(c) is approved by the Board as a qualified person under section 7 in force immediately before the date of commencement of section 2(e) of the Legal Profession (Amendment) Act 2009; or

(d) is approved by the Minister as a qualified person under section 15A(1);” and

(f) by inserting, immediately after the definition of “Registrar”, the following definition:

5 “ “relevant legal officer” means —

(a) a Legal Service Officer; or

(b) a legal officer of such statutory body or law office in the public service as the Minister may prescribe by rules published in the *Gazette*.”.

10 **Amendment of section 4**

3. Section 4 of the principal Act is amended by deleting paragraph (c) and substituting the following paragraph:

“(c) to exercise supervision over qualified persons during their respective practice training periods;”.

15 **Amendment of section 5**

4. Section 5(4) of the principal Act is amended by deleting paragraphs (b) to (f) and substituting the following paragraphs:

20 “(b) with respect to the supervised training in relation to the practice of Singapore law which qualified persons are required to receive before they can be admitted as advocates and solicitors;

(c) for regulating the manner in which qualified persons are to serve their respective practice training periods before they can be admitted as advocates and solicitors;

25 (d) for prescribing the courses of instruction, and the subjects therein, which qualified persons are required to attend before they can be admitted as advocates and solicitors, and for regulating the conduct of qualified persons attending such courses of instruction;

30 (e) for prescribing the examinations which qualified persons are required to pass before they can be admitted as advocates and solicitors, and for regulating the conduct of qualified persons during such examinations;

- (f) for regulating the manner in which qualified persons are to keep dining terms before they can be admitted as advocates and solicitors;”.

Repeal of section 7

- 5 **5.** Section 7 of the principal Act is repealed.

Amendment of section 12

- 6.** Section 12 of the principal Act is amended —

- (a) by deleting paragraphs (c) and (d) of subsection (1) and substituting the following paragraphs:

10 “(c) has satisfactorily served the practice training period applicable to him, and has, during that period, received such supervised training in relation to the practice of Singapore law as may be prescribed by the Board;

15 (d) has attended and satisfactorily completed such courses of instruction as may be prescribed by the Board;”;

- (b) by deleting the full-stop at the end of paragraph (e) of subsection (1) and substituting the word “; and”, and by inserting immediately thereafter the following paragraph:

 “(f) has kept such dining terms as may be prescribed by the Board.”; and

- (c) by deleting subsection (2) and substituting the following subsections:

25 “(2) The Board may, in its discretion, exempt a qualified person from the whole or any part of the requirement under subsection (1)(f), if the Board is of the opinion that the qualified person is, by reason of his standing and experience or for any other cause, a fit and proper person to be so exempted.

30 (3) An exemption granted to a person under subsection (2) —

- (a) may be subject to such conditions as the Board may think fit to impose by notice in writing to the person;

- (b) may be notified in writing to the person; and
- (c) need not be published in the *Gazette*.”.

Repeal and re-enactment of sections 13 and 14

7. Sections 13 and 14 of the principal Act are repealed and the following
5 sections substituted therefor:

“Service of practice training period

13.—(1) A qualified person shall serve his practice training period, and receive supervised training in relation to the practice of Singapore law during that period —

- 10 (a) under a practice training contract;
- (b) through working —
 - (i) as a Legal Service Officer; or
 - (ii) under the supervision of a relevant legal officer (referred to in this section and section 14 as a qualifying relevant legal officer) who is an advocate and solicitor of not less than 5 years’ standing and who, for a total of not less than 5 out of the 7 years immediately preceding the date of commencement of the supervised training, has been a relevant legal officer or has been in active practice in a Singapore law practice or both;
- 20 (c) under 2 or more practice training contracts;
- (d) through working under the supervision of 2 or more qualifying relevant legal officers;
- 25 (e) partly through working as a Legal Service Officer and partly through working under the supervision of one or more qualifying relevant legal officers;
- (f) partly under one or more practice training contracts and partly through working as a Legal Service Officer or under the supervision of one or more qualifying relevant legal officers; or
- 30 (g) partly under one or more practice training contracts, partly through working as a Legal Service Officer and partly

through working under the supervision of one or more qualifying relevant legal officers.

(2) Subject to subsection (3), section 15A and any rules made under section 15A(2), the practice training period applicable to a qualified person shall be 6 months.

(3) Six months of supervised training in relation to the practice of Singapore law received by a qualified person through working as a Legal Service Officer, or through working under the supervision of a qualifying relevant legal officer, shall count as one month of the qualified person's practice training period.

(4) Subject to subsection (5), no qualified person shall, without the permission in writing of the Board, hold any office or engage in any employment, whether full-time or part-time, during his practice training period.

(5) Subsection (4) shall not —

- (a) apply to service as a Legal Service Officer or any other relevant legal officer;
- (b) apply to service as an Assistant Public Prosecutor in the Attorney-General's Chambers; or
- (c) preclude a qualified person from receiving remuneration from a Singapore law practice while receiving supervised training in relation to the practice of Singapore law under a practice training contract with that Singapore law practice.

(6) Where a qualified person attends a course of instruction referred to in section 12(1)(d) while concurrently receiving any supervised training in relation to the practice of Singapore law under a practice training contract, or through working as a Legal Service Officer or under the supervision of a qualifying relevant legal officer, the period spent in attendance at the course of instruction shall not count as part of the qualified person's practice training period.

Transitional arrangements relating to period of pupillage

14.—(1) Where, before the appointed day, a qualified person has served his period of pupillage or any part thereof with an advocate and solicitor referred to in section 14(1)(a) or (c) in force immediately before that day (being an advocate and solicitor in active

practice in a Singapore law practice), then on and after that day, the qualified person shall be deemed to have received, during that period of pupillage or part thereof, supervised training in relation to the practice of Singapore law under a practice training contract.

5 (2) Where, before the appointed day, a qualified person has served his period of pupillage or any part thereof with a legal officer referred to in section 14(1)(b) in force immediately before that day, then on and after that day, the qualified person shall be deemed to have received, during that period of pupillage or part thereof, supervised
10 training in relation to the practice of Singapore law —

(a) in any case where the qualified person was a Legal Service Officer during that period of pupillage or part thereof — through working as a Legal Service Officer; or

(b) in any other case — through working under the supervision
15 of a qualifying relevant legal officer.

(3) Where, before the appointed day, a qualified person has served his period of pupillage or any part thereof in accordance with section 14(1) in force immediately before that day, then on and after that day —

20 (a) his practice training period shall be deemed to have commenced on the date his period of pupillage commenced; and

(b) the period of pupillage or part thereof which he has served shall count as part of his practice training period.

25 (4) In this section, “appointed day” means the date of commencement of section 7 of the Legal Profession (Amendment) Act 2009.”.

Amendment of section 15

30 **8.** Section 15 of the principal Act is amended by deleting the words “period of pupillage” in subsections (1) and (2) and substituting in each case the words “practice training period”.

New section 15A

9. The principal Act is amended by inserting, immediately after section 15, the following section:

“Powers of Minister in relation to admission requirements

15A.—(1) Upon an application made to the Minister by any person who is not otherwise entitled to be a qualified person, the Minister may, in his discretion, if he is of the opinion that the person possesses
 5 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 —

(a) approve the person as a qualified person for the purposes of this Act; and

10 (b) issue to the person a notice in writing to that effect.

(2) The Minister may, after consultation with the Board, make rules for —

(a) the exemption of any qualified person who satisfies, or any class of qualified persons each of whom satisfies, such
 15 requirements as may be prescribed in those rules from all or any, and from the whole or any part of any, of the requirements under sections 12(1)(c), (d) and (e) and 15(1); and

(b) the abridgment of the practice training period applicable to
 20 any qualified person who satisfies, or any class of qualified persons each of whom satisfies, such requirements as may be prescribed in those rules.

(3) Without prejudice to subsection (2), the Minister may, in his discretion, exempt a qualified person from all or any, and from the
 25 whole or any part of any, of the requirements under sections 12(1)(c), (d) and (e) and 15(1), or abridge the practice training period applicable to a qualified person, if the Minister is of the opinion that the qualified person is, by reason of his standing and experience or for any other cause, a fit and proper person to be so exempted.

30 (4) An exemption or abridgment granted to a person under subsection (3) —

(a) may be subject to such conditions as the Minister may think fit to impose by notice in writing to the person;

(b) may be notified in writing to the person; and

35 (c) need not be published in the *Gazette*.”.

Amendment of section 17

10. Section 17(4) of the principal Act is amended by deleting paragraphs (d) and (e) and substituting the following paragraphs:

- 5 “(d) in the case of an applicant who is required to serve a practice training period, such certificate or certificates as the Board may prescribe under rules made under section 5(4), or such other evidence as the court may require, that the applicant has served his practice training period with diligence; and
- 10 (e) a certificate signed by the Secretary of the Board stating that the applicant —
 - (i) has satisfactorily served the practice training period applicable to him, or has been exempted therefrom under section 15(1), under any rules made under section 15A(2) or by the Minister under section 15A(3);
 - 15 (ii) has attended the courses of instruction referred to in section 12(1)(d), or has been exempted therefrom under section 15(1), under any rules made under section 15A(2) or by the Minister under section 15A(3);
 - 20 (iii) has passed the examinations referred to in section 12(1)(e) or 15(1), or has been exempted therefrom under any rules made under section 15A(2) or by the Minister under section 15A(3); and
 - 25 (iv) has kept the dining terms referred to in section 12(1)(f), or has been exempted therefrom by the Board under section 12(2).”.

Amendment of section 32

11. Section 32 of the principal Act is amended by deleting subsection (3) and substituting the following subsection:

- 30 “(3) A Judge may, if he thinks fit, on the application of any advocate and solicitor in active practice in a Singapore law practice, allow a qualified person who is receiving supervised training in relation to the practice of Singapore law under a practice training contract with that Singapore law practice, and who has served not less than 4 months of his practice training period, to appear on behalf of

that Singapore law practice, or any advocate and solicitor in active practice therein, before —

- (a) a Judge or the Registrar in chambers;
- (b) a District Judge, a Magistrate, the Registrar of the Subordinate Courts or a Deputy Registrar of the Subordinate Courts in chambers; and
- (c) a District Judge or a Magistrate to mention a case or to apply for bail.”.

Amendment of section 83

- 10 **12.** Section 83 of the principal Act is amended by deleting subsection (3) and substituting the following subsection:

“ (3) A qualified person who is serving his practice training period shall, with the necessary modifications, be subject to the same jurisdiction as can be exercised over advocates and solicitors under this Part, except that in lieu of any order that he be struck off the roll or suspended, an order may be made prohibiting him from applying to the court for admission as an advocate and solicitor until after a date specified in the order.”.

Miscellaneous amendments

- 20 **13.** The principal Act is amended —

- (a) by deleting the words “some other legal officer” in section 8(3) and substituting the words “a Legal Service Officer”;
- (b) by deleting the words “legal officer” wherever they appear in the following provisions and substituting in each case the words “Legal Service Officer”:

Sections 26(1A)(a)(ii), 30(1), (5)(b) and (6), 82(1), 82A(1), (3), (4), (5), (6A), (8), (9), (10), (12)(a) and (15), 85(6)(b) and (10)(d), 94A(3) and 98A(1);
- (c) by inserting, immediately after the words “dismissed from the Faculty” in section 30(5)(c), the words “or School, as the case may be”;
- (d) by deleting the words “legal officer” in sections 75C(1)(c) and 75D(1)(b) and substituting in each case the words “relevant legal officer”;

- (e) by deleting subsection (6) of section 75C; and
- (f) by deleting the words “legal officers” in section 82A(2) and in the section headings of sections 82 and 82A and substituting in each case the words “Legal Service Officers”.

5 **Related amendments to Patents Act**

14. The Patents Act (Cap. 221) is amended —

- (a) by deleting the definition of “legal officer” in section 2(1) and substituting the following definition:

10 “ “Legal Service Officer” means an officer in the Singapore Legal Service;”; and

- (b) by deleting the words “legal officer” in sections 93(2) and 105(11) and substituting in each case the words “Legal Service Officer”.

Related amendments to Singapore Academy of Law Act

15 15. The Singapore Academy of Law Act (Cap. 294A) is amended —

- (a) by deleting the definition of “legal officer” in section 2 and substituting the following definition:

 “ “Legal Service Officer” means an officer in the Singapore Legal Service;”;

- 20 (b) by deleting the words “Faculty of Law” immediately before the words “of the Singapore Management University” in sections 5(1)(f) and 16(1)(c) and substituting in each case the words “School of Law”;

- 25 (c) by deleting the words “legal officer” in sections 10(5), 14(b) and 16(1)(b) and substituting in each case the words “Legal Service Officer”; and

- (d) by inserting, immediately after the words “dismissed from the Faculty” in section 16(1)(c), the words “or School, as the case may be,”.

EXPLANATORY STATEMENT

This Bill seeks to amend the Legal Profession Act (Cap. 161) for the following main purposes:

- (a) to require a qualified person to serve a practice training period in place of a period of pupillage, so as to implement (with refinements) certain proposals of the Committee to Develop the Singapore Legal Sector relating to legal education;
- (b) to transfer to the Minister certain powers of the Board of Legal Education (the Board) in relation to the admission of advocates and solicitors;
- (c) to update certain references in the Act to “legal officer” with references to “Legal Service Officer” or “relevant legal officer”, as appropriate, so as to clearly distinguish an officer in the Singapore Legal Service from a legal officer of a statutory body or law office in the public service or any other legal officer; and
- (d) to make a technical amendment arising from the branding of the Singapore Management University’s Faculty of Law as a “School of Law”.

The Bill also makes the following related amendments to the Patents Act (Cap. 221) and the Singapore Academy of Law Act (Cap. 294A), so as to promote consistency in the drafting and use of nomenclature which is common to those Acts and the Legal Profession Act:

- (a) related amendments to the Patents Act and the Singapore Academy of Law Act to update certain references in those Acts to “legal officer” with references to “Legal Service Officer”; and
- (b) related amendments to the Singapore Academy of Law Act arising from the branding of the Singapore Management University’s Faculty of Law as a “School of Law”.

Clause 1 relates to the short title and commencement.

Clause 2(a) amends the definition of “lay person” in section 2(1) to update the reference in that definition to “legal officer” with a reference to “Legal Service Officer”.

Clause 2(b) and (f) amends section 2(1) by replacing the definition of “legal officer” with new definitions for “Legal Service Officer” and “relevant legal officer”. The term “Legal Service Officer” is used to describe an officer in the Singapore Legal Service. The term “relevant legal officer” is used, in the re-enacted sections 13 and 14 (to be inserted by clause 7) and the amended sections 75C(1)(c) and 75D(1)(b) (by clause 13(d)), to refer to a Legal Service Officer or a legal officer of such statutory body or law office in the public service as the Minister may prescribe by rules published in the *Gazette*.

Clause 2(c) amends section 2(1) by introducing new definitions for “practice training contract” and “practice training period” to provide for the replacement of the period of pupillage with a practice training period (by clauses 6(a) and 7). The term “practice training period” refers to the period during which a qualified person is required to receive supervised training in relation to the practice of Singapore law before he can be admitted as an advocate and solicitor. The term “practice training contract” refers to a formal training arrangement between a qualified person and a Singapore law practice, pursuant to which the qualified person receives, and the Singapore law practice provides, supervised training in relation to the practice of Singapore law.

Clause 2(d) and (e) amends the definition of “qualified person” in section 2(1) to provide for —

- (a) the repeal of section 7 (by clause 5), which removes the power of the Board to approve certain persons as qualified persons; and
- (b) the insertion of the new section 15A(1) (by clause 9), which empowers the Minister to approve certain persons as qualified persons.

Clause 3 deletes and substitutes section 4(c) as a consequence of the replacement of the period of pupillage with a practice training period (by clauses 6(a) and 7).

Clause 4 deletes and substitutes section 5(4)(b) to (f) —

- (a) to make changes that are consequential to the replacement of the period of pupillage with a practice training period (by clauses 6(a) and 7), or that are technical in nature; and
- (b) to remove the Board’s power to make rules exempting qualified persons from courses of instruction or examinations, as that power will be transferred to the Minister to be exercised by him under the new section 15A (to be inserted by clause 9).

Clause 5 repeals section 7, as the Board’s power to approve certain persons as qualified persons will be transferred to the Minister to be exercised by him under the new section 15A(1) (to be inserted by clause 9).

Clause 6(a) deletes and substitutes section 12(1)(c) to require a qualified person to serve a practice training period in place of a period of pupillage.

Clause 6(a) and (b) also makes amendments to section 12(1) that are consequential to the deletion and substitution of section 12(2) (by clause 6(c)) and the enactment of the new section 15A (by clause 9).

Clause 6(c) deletes and substitutes section 12(2) to remove the Board’s power to administratively exempt a qualified person from attending such courses of instruction and passing such examinations as may be prescribed by the Board, as that power will be transferred to the Minister to be exercised by him under the new section 15A (to be inserted by clause 9).

Clause 7 repeals and re-enacts sections 13 and 14 to provide for —

- (a) the manner in which a qualified person is to serve his practice training period; and
- (b) how any period of pupillage served by a qualified person before the date of commencement of that clause is to be treated, on and after that date, for the purposes of his practice training period.

A qualified person is required to serve his practice training period under a practice training contract with a Singapore law practice, through working as a Legal Service Officer or under the supervision of a relevant legal officer who satisfies certain requirements, or through a combination of practice training contracts or such working experience or both. The usual practice training period will be 6 months. However, 6 months of supervised training in relation to the practice of Singapore law received by a qualified person through working as a Legal Service Officer or under the supervision of a qualifying relevant legal officer will only count as one month of his practice training period. Any period spent in attendance at a course of instruction prescribed by the Board under the new section 12(1)(d) will not count as part of the practice training period.

Clause 8 makes technical changes to section 15(1) and (2) as a consequence of the replacement of the period of pupillage with a practice training period (by clauses 6(a) and 7).

Clause 9 inserts a new section 15A to empower the Minister —

- (a) to administratively approve certain persons as qualified persons;
- (b) after consultation with the Board, to make rules for —
 - (i) the exemption of any qualified person, or any class of qualified persons, from all or any, and from the whole or any part of any, of the requirements under the amended sections 12(1)(c), (d) and (e) and 15(1); and
 - (ii) the abridgment of the practice training period applicable to any qualified person or class of qualified persons; and
- (c) to administratively —
 - (i) exempt a qualified person from all or any, and from the whole or any part of any, of the requirements under the amended sections 12(1)(c), (d) and (e) and 15(1); or
 - (ii) abridge the practice training period applicable to a qualified person.

Clause 10 deletes and substitutes paragraphs (d) and (e) of section 17(4) to make changes that are consequential to —

- (a) the replacement of the period of pupillage with a practice training period (by clauses 6(a) and 7);
- (b) the removal (by clauses 6(c) and 7) of the Board's powers of exemption under the existing sections 12(2) and 14(5); and

- (c) the conferring on the Minister of certain powers of exemption under the new section 15A (to be inserted by clause 9).

Clauses 11 and 12 delete and substitute sections 32(3) and 83(3), respectively, to make changes that are consequential to the replacement of the period of pupillage with a practice training period (by clauses 6(a) and 7).

Clause 13 makes miscellaneous amendments —

- (a) to update certain references in the Act to “legal officer” with references to “Legal Service Officer” or “relevant legal officer”, as appropriate; and
- (b) to make a technical amendment to section 30(5)(c) arising from the branding of the Singapore Management University’s Faculty of Law as a “School of Law”.

Clause 14 makes related amendments to sections 2(1), 93(2) and 105(11) of the Patents Act (Cap. 221) to update certain references in those provisions to “legal officer” with references to “Legal Service Officer”.

Clause 15 makes related amendments to sections 2, 10(5), 14(b) and 16(1)(b) of the Singapore Academy of Law Act (Cap. 294A) to update certain references in those provisions to “legal officer” with references to “Legal Service Officer”. The clause also makes related amendments to sections 5(1)(f) and 16(1)(c) of the Singapore Academy of Law Act arising from the branding of the Singapore Management University’s Faculty of Law as a “School of Law”.

EXPENDITURE OF PUBLIC MONEY

This Bill will not involve the Government in any extra financial expenditure.
