

# Legal Profession (Amendment) Bill

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**Bill No. 3/2011.**

*Read the first time on 10th January 2011.*

A BILL

*intituled*

An Act to amend the Legal Profession Act (Chapter 161 of the 2009 Revised Edition) and to make consequential and related amendments to 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 2011 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

### 5 Amendment of long title

2. The long title to the Legal Profession Act (referred to in this Act as the principal Act) is amended by deleting the words “Board of Legal Education” and substituting the words “Singapore Institute of Legal Education”.

### 10 Amendment of section 2

3. Section 2 of the principal Act is amended —

(a) by deleting the definition of “Board” in subsection (1) and substituting the following definition:

15 ““Board of Legal Education” means the Board of Legal Education established under section 3 in force immediately before the date of commencement of section 3(a) of the Legal Profession (Amendment) Act 2011;”;

20 (b) by inserting, immediately after the definition of “foreign lawyer” in subsection (1), the following definition:

““foreign practitioner certificate” means a certificate issued by the Attorney-General in respect of the registration of a foreign lawyer under section 130I;”;

25 (c) by inserting, immediately after the definition of “Inquiry Committee” in subsection (1), the following definition:

““Institute” means the Singapore Institute of Legal Education established under section 3;”;

(d) by deleting the definition of “Malayan practitioner” in subsection (1) and substituting the following definition:

30 ““practice trainee” means a qualified person who is serving his practice training period;”;

(e) by deleting the definition of “qualified person” in subsection (1) and substituting the following definition:

“ “qualified person” means any person who —

- 5 (a) possesses such qualifications as the Minister may prescribe under subsection (2), or may deem under section 14(2) or (3) to be so prescribed, and satisfies such requirements as the Minister may prescribe under subsection (2);
- (b) was approved by the Board of Legal Education as a qualified person under section 7 in force immediately before 9th October 2009; or
- 10 (c) is approved by the Minister as a qualified person under section 15A(1) in force immediately before the date of commencement of section 3(e) of the Legal Profession (Amendment) Act 2011 or under section 14(1);”;
- 15 (f) by inserting, immediately after the definition of “Rules Committee” in subsection (1), the following definition:
- “ “Senate” means the Senate of the Academy established under section 5 of the Singapore Academy of Law Act;”;
- 20 (g) by deleting subsection (2) and substituting the following subsection:
- “(2) For the purposes of the definition of “qualified person” in subsection (1), the Minister may, after consulting the Board of Directors of the Institute, make rules to prescribe the qualifications, education and training for, and any other requirements that must be satisfied by, persons seeking to be qualified persons under this Act.”; and
- (h) by deleting the word “Board” in subsection (3)(a) and (d) and substituting in each case the word “Institute”.

30 **Repeal and re-enactment of Part II and new Part IIA**

**4.** Part II of the principal Act is repealed and the following Parts substituted therefor:

## “PART II

## SINGAPORE INSTITUTE OF LEGAL EDUCATION

**Establishment of Institute**

5       **3.**—(1) There shall be established a body to be called the Singapore Institute of Legal Education.

(2) The Institute shall be a body corporate with perpetual succession and a common seal, and with powers subject to the provisions of this Act —

10       (a) to sue and be sued in its corporate name;

(b) to acquire and dispose of property, both movable and immovable; and

(c) to do and perform such other acts as bodies corporate may by law perform.

**Functions and powers of Institute**

15       **4.**—(1) The functions of the Institute shall be as follows:

20       (a) to maintain and improve the standards of legal education in Singapore and, in particular, to make recommendations to the appropriate authorities on the training and education required for the qualification of persons as qualified persons, and to review the implementation of initiatives, programmes and curricula relating to legal education in Singapore, including diploma, undergraduate and postgraduate programmes, and continuing professional development;

25       (b) to register qualified persons seeking admission as advocates and solicitors;

(c) to provide for the training, education and examination, by the Institute or by any other body, of —

(i) qualified persons intending to practise the profession of law in Singapore; and

30       (ii) foreign lawyers intending to be registered by the Attorney-General under section 130I;

- (d) to exercise supervision over practice trainees during their practice training periods;
- 5 (e) to exercise supervision over Singapore law practices and relevant legal officers as regards the supervised training in relation to the practice of Singapore law that is to be provided to a practice trainee during the practice training period;
- 10 (f) to certify whether any degree conferred by any institution of higher learning in or outside Singapore is a qualification prescribed by any rules made under section 2(2);
- (g) to grant prizes and scholarships, and to establish and subsidise lectureships in educational institutions, in subjects of study relating to law;
- 15 (h) to determine the requirements relating to continuing professional development that must be satisfied by —
- (i) advocates and solicitors; and
  - (ii) foreign lawyers registered by the Attorney-General under section 130I;
- 20 (i) to coordinate and exercise supervision over continuing professional development for the legal profession in Singapore, including the provision of courses and materials relating to continuing professional development; and
- (j) to facilitate the development of Singapore as an international centre for legal education.
- 25 (2) In addition to the powers conferred by the other provisions of this Act, the Institute may —
- (a) purchase or lease any land or building required for any of the purposes of the Institute;
  - (b) sell, surrender, lease, exchange or mortgage any land or building as may be found most convenient or advantageous;
  - 30 (c) receive grants from the Government or donations and gifts from the Academy, the Society or any other source;

- (d) borrow money, whether by way of bank overdraft or otherwise, for such of the purposes of the Institute as it may from time to time consider desirable;
- 5 (e) invest the moneys and funds of the Institute in accordance with the standard investment power of statutory bodies as defined in section 33A of the Interpretation Act (Cap. 1);
- 10 (f) 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;
- (g) exercise such powers as may be conferred upon the Institute by this Act or any other written law; and
- (h) do all things that are necessary, incidental or conducive to carry into effect the functions of the Institute.

15 **Board of Directors of Institute**

5.—(1) The management of the affairs of the Institute and its property shall be vested in a Board of Directors.

20 (2) The Board of Directors of the Institute may perform all such functions, and exercise all such powers, of the Institute as the Board thinks fit.

(3) The Board of Directors of the Institute shall consist of the following members:

- (a) the Attorney-General;
- (b) the President of the Society;
- 25 (c) the Dean of the Faculty of Law of the National University of Singapore;
- (d) the Dean of the School of Law of the Singapore Management University; and
- 30 (e) not less than 8 and not more than 12 other members, all of whom shall be appointed by the President of the Academy, after consulting the Senate, for such period and on such terms and conditions as the President of the Academy may determine.

(4) The President of the Academy shall, after consulting the Senate, appoint the Chairman of the Institute, from the members of the Board of Directors of the Institute, for such period and on such terms and conditions as the President of the Academy may determine.

5 (5) The Senate may, after consulting the Board of Directors of the Institute, give such directions, not inconsistent with the provisions of this Act, to the Institute as to the performance of the Institute's functions and the exercise of the Institute's powers.

10 (6) The Institute shall give effect to every direction of the Senate under subsection (5).

### **Appointment of Dean of Institute, officers and employees**

6.—(1) The Board of Directors of the Institute shall, after consulting the President of the Academy, appoint a Dean of the Institute on such terms and conditions as the Board may determine.

15 (2) The Dean of the Institute —

(a) shall be responsible to the Board of Directors of the Institute for the proper administration and management of the functions and affairs of the Institute in accordance with the policy laid down by the Board; and

20 (b) shall not be removed from office without the consent of the President of the Academy.

(3) The Institute may, from time to time, appoint and employ, on such terms and conditions as the Board of Directors of the Institute may determine, such other officers and employees as may be necessary for the effective performance of the Institute's functions under this Act or any other written law.

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### **Appointment of committees and delegation**

7.—(1) The Board of Directors of the Institute may appoint, from among the members of the Board or from other persons, such number of committees as the Board thinks fit for purposes which, in the opinion of the Board, would be more expediently carried out or managed by means of such committees.

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(2) The Board of Directors of the Institute may, subject to such conditions or restrictions as the Board thinks fit, delegate any

function or power that may be performed or exercised by the Board under this Act or any other written law, except the power of delegation conferred by this section and the power to make subsidiary legislation, to —

- 5           (a) the Chairman of the Institute or any other member of the Board;
- (b) the Dean of the Institute, or any other officer or employee of the Institute; or
- (c) any committee appointed under subsection (1).

10       (3) Any function or power delegated under subsection (2) to any person or committee may be performed or exercised by that person or committee in the name and on behalf of the Institute.

          (4) No delegation under this section shall prevent the performance or exercise of any function or power by the Board of Directors of the  
15       Institute.

### **Meetings of Board of Directors of Institute**

**8.**—(1) The Board of Directors of the Institute may meet at such times and places as the Board, or the Chairman of the Institute, may determine.

20       (2) A member of the Board of Directors of the Institute may participate in a meeting of the Board through such means of communication (such as over the telephone or through a live audio, live video or live television link) as the Board may determine.

          (3) A member of the Board of Directors of the Institute who  
25       participates in a meeting of the Board in accordance with subsection (2) shall be deemed to be present at the meeting.

          (4) A majority of the members of the Board of Directors of the Institute shall constitute a quorum for any meeting of the Board.

30       (5) All questions arising at any meeting of the Board of Directors of the Institute shall be decided by a majority of the votes of the members present.

          (6) At any meeting of the Board of Directors of the Institute, the Chairman of the Institute shall have a deliberative vote and shall, in the event of an equality of votes, have a casting vote.



(7) The Board of Directors of the Institute may regulate its own procedure and, in particular, the holding of meetings, the notice to be given of meetings, the proceedings thereat and the keeping of minutes and the custody, production and inspection of those minutes.

5 (8) The validity of the proceedings of the Board of Directors of the Institute shall not be affected by any vacancy amongst its members or by any irregularity in the appointment of any member.

**Passing of resolution of Board of Directors of Institute by written means**

10 **9.**—(1) Notwithstanding section 8, the Board of Directors of the Institute may pass any resolution of the Board by written means.

(2) A resolution of the Board of Directors of the Institute is passed by written means if it has been formally agreed, in such manner as the Board may determine, on any date by a majority of the members of  
15 the Board.

(3) Any reference in this Act or any other law to a decision of the Board of Directors of the Institute includes a reference to a resolution of the Board passed by written means.

20 (4) Any reference in this Act or any other law to the doing of anything by the Board of Directors of the Institute includes a reference to the passing of a resolution of the Board by written means which authorises the doing of that thing.

**Rules relating to legal education, continuing professional development and admission of advocates and solicitors**

25 **10.**—(1) Subject to the provisions of this Part and Part IIA, the Board of Directors of the Institute may, after consulting the Minister and the Council, make rules for giving effect to this Part and Part IIA.

(2) Without prejudice to the generality of subsection (1), the Board of Directors of the Institute may, after consulting the Minister and the  
30 Council, make rules —

(a) with respect to the supervised training in relation to the practice of Singapore law which a practice trainee must receive before he can be admitted as an advocate and solicitor;

- 5 (b) to prescribe the duration of the practice training period applicable to a practice trainee (including different durations for different classes of practice trainees), and to regulate the manner in which a practice trainee is to serve his practice training period;
- 10 (c) to prescribe the courses of instruction, and the subjects therein, which a qualified person must attend and satisfactorily complete before he can be admitted as an advocate and solicitor, and to regulate the conduct of a qualified person while attending such a course (including through disciplinary measures for any misconduct);
- 15 (d) to prescribe the examinations which a qualified person must pass before he can be admitted as an advocate and solicitor, and to regulate the conduct of a qualified person during such an examination (including through disciplinary measures for any misconduct);
- 20 (e) to provide for the courses of instruction, and the subjects therein, which a foreign lawyer must attend and satisfactorily complete before he can be registered by the Attorney-General under section 130I, and to regulate the conduct of a foreign lawyer while attending such a course (including through disciplinary measures for any misconduct);
- 25 (f) to provide for the examinations which a foreign lawyer must pass before he can be registered by the Attorney-General under section 130I, and to regulate the conduct of a foreign lawyer during such an examination (including through disciplinary measures for any misconduct);
- 30 (g) to prescribe the procedure by which a qualified person is admitted as an advocate and solicitor of the Supreme Court;
- (h) to prescribe the forms to be used and the fees to be paid for the purposes of this Part, Part IIA and any rules made under this section;
- 35 (i) to prescribe the requirements relating to continuing professional development that must be satisfied by advocates and solicitors and by foreign lawyers registered by the Attorney-General under section 130I (including

different requirements for different classes thereof), and the measures which may be taken to verify whether those requirements have been complied with and to enforce compliance with those requirements; and

- 5 (j) to provide for the waiver of any requirement referred to in paragraph (i), in relation to any advocate and solicitor or foreign lawyer referred to in that paragraph, by such person or persons as the Board of Directors of the Institute may appoint.

10 **Dissolution of Board of Legal Education and transfer to Institute of property, existing contracts, etc.**

11.—(1) As from the relevant date, the Board of Legal Education shall be dissolved, and all movable and immovable property vested in the Board of Legal Education and all assets, interests, rights, 15 privileges, liabilities and obligations of the Board of Legal Education shall be transferred to and shall vest in the Institute without further assurance, act or deed.

(2) Without prejudice to subsection (8), all proceedings in respect of the transferred property, assets, interests, rights, privileges, 20 liabilities and obligations by or against the Board of Legal Education which are pending on the relevant date may be continued, completed and enforced by or against the Institute.

(3) Every agreement relating to any of the transferred property, assets, interests, rights, privileges, liabilities and obligations to which 25 the Board of Legal Education was a party immediately before the relevant date, whether or not of such nature that the rights and liabilities thereunder could be assigned, shall have effect as from that date as if —

- (a) the Institute had been a party to the agreement; and  
 30 (b) for every reference to the Board of Legal Education, there was substituted, in respect of anything to be done on or after the relevant date, a reference to the Institute.

(4) All contracts, agreements, conveyances, deeds, leases, guarantees, bonds, indemnities, instruments, undertakings, schemes 35 and arrangements subsisting immediately before the relevant date to which the Board of Legal Education is a party shall continue in force

on and after that date and shall be enforceable by or against the Institute as if the Institute had been named therein or had been a party thereto instead of the Board of Legal Education.

5 (5) As from the relevant date, all persons who, immediately before that date, were employed by the Board of Legal Education shall be transferred to the service of the Institute on terms no less favourable than those enjoyed by them immediately prior to their transfer.

10 (6) Where, on the relevant date, any disciplinary proceedings were pending against any employee of the Board of Legal Education transferred to the service of the Institute, the proceedings shall be carried on and completed by the Institute.

15 (7) The Institute may reprimand, reduce in rank, retire, dismiss or punish in some other manner any transferred employee who had, whilst he was in the employment of the Board of Legal Education, been guilty of any misconduct or neglect of duty which would have rendered him liable to be reprimanded, reduced in rank, retired, dismissed or punished in some other manner if he had continued to be in the employment of the Board of Legal Education.

20 (8) Without prejudice to subsection (2), all proceedings or causes of action pending or existing immediately before the relevant date by or against the Board of Legal Education may be continued, completed and enforced by or against the Institute.

25 (9) As from the relevant date, the Institute may issue any certificate or other document which could have been issued by the Board of Legal Education.

(10) The operation of this section shall not be regarded —

- (a) as a breach of contract or confidence or otherwise as a civil wrong;
  - 30 (b) as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets or liabilities; or
  - (c) as giving rise to any remedy by a party to a legal instrument, or as causing or permitting the termination of any legal instrument, because of a change in the beneficial or legal ownership of any asset or liability.
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(11) The operation of this section shall not be regarded as an event of default under any contract or other legal instrument.

(12) Any provision in any existing contract, agreement, conveyance, deed, lease, guarantee, bond, indemnity and other instrument or undertaking to which the Board of Legal Education is a party or may be bound prohibiting or having the effect of prohibiting the transfer of any property, asset, interest, right, privilege, liability or obligation transferred to the Institute under this section shall be deemed by this section to have been waived.

(13) Any provision in any existing contract, agreement, conveyance, deed, lease, guarantee, bond, indemnity and other instrument or undertaking to which the Board of Legal Education is a party or may be bound conferring on the other party or parties thereto any right of first refusal or pre-emption rights in respect of any property, asset, interest, right, privilege, liability or obligation to be transferred by reason of or arising from, or to the effect that a default shall occur or be deemed to occur as a result of, the transfer or intended transfer of the property, asset, interest, right, privilege, liability or obligation under this section shall be deemed by this section to have been waived.

(14) No attornment to the Institute by a lessee from the Board of Legal Education shall be required.

(15) In this section, “relevant date” means the date of commencement of section 4 of the Legal Profession (Amendment) Act 2011.

## PART IIA

### ADMISSION OF ADVOCATES AND SOLICITORS

#### **Admission as advocate and solicitor of Supreme Court**

**12.**—(1) Subject to the provisions of this Act (including any rules made under this section or section 2(2), 10 or 14), the court may, in its discretion, admit any qualified person as an advocate and solicitor of the Supreme Court.

(2) Any qualified person who applies to be admitted under this section shall —

(a) do so in accordance with, and comply with all applicable requirements of, any rules made under section 10(2)(g); and

(b) if he belongs to such class of qualified persons as the Minister may prescribe under subsection (6), do so within such time as the Minister may prescribe under that subsection.

(3) The court shall not admit under this section any qualified person who is required, but fails, to comply with subsection (2)(b).

(4) The Attorney-General, the Society and the Institute shall be entitled to object to any application under subsection (2).

(5) Any other person who has filed and served a notice of objection in relation to an application under subsection (2), in accordance with any rules made under section 10(2)(g), shall be entitled to object to that application.

(6) The Minister may, after consulting the Board of Directors of the Institute, make rules to prescribe —

(a) the classes of qualified persons to whom subsection (2)(b) applies; and

(b) in respect of each such class of qualified persons, the time within which a qualified person belonging to that class shall make his application under subsection (2).

### **Requirements for admission**

**13.**—(1) Subject to any rules made under section 14, no qualified person shall be admitted as an advocate and solicitor unless he —

(a) has attained the age of 21 years;

(b) is of good character;

(c) has satisfactorily served the practice training period applicable to him;

(d) has attended and satisfactorily completed such courses of instruction as the Board of Directors of the Institute may prescribe under section 10; and

(e) has passed such examinations as the Board of Directors of the Institute may prescribe under section 10.

(2) No person who is a qualified person by reason of his having passed the final examination for a law degree in any institution of higher learning pursuant to any rules made under section 2(2) shall be admitted as an advocate and solicitor before the law degree is conferred upon him.

### **Powers of Minister in relation to admission requirements**

14.—(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 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, subject to such conditions as the Minister may think fit to impose; and

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

(2) Where any qualification conferred by an institution of higher learning is a qualification prescribed under section 2(2), and an application is made to the Minister by any person who possesses any equivalent qualification conferred by that institution of higher learning, the Minister may, after consulting the Board of Directors of the Institute —

(a) deem that equivalent qualification to be the prescribed qualification, subject to such conditions as the Minister may think fit to impose; and

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

(3) Upon an application made to the Minister by any person who possesses any qualification that is recognised, by a foreign authority having the function conferred by law of authorising or registering persons to practise law in a state or territory other than Singapore, as a qualification required for eligibility to practise law in that state or territory, the Minister may, after consulting the Board of Directors of the Institute and if the Minister is of the opinion that the person's qualification is equivalent to any qualification prescribed under section 2(2) —

(a) deem the person's qualification to be a qualification that is so prescribed, subject to such conditions as the Minister may think fit to impose; and

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

5 (4) The Minister may, after consulting the Board of Directors of the Institute, make rules (referred to in this subsection as the relevant rules) for —

10 (a) the exemption of any qualified person who satisfies, or any class of qualified persons each of whom satisfies, such requirements as may be prescribed in the relevant rules from all or any, and from the whole or any part of any, of the requirements under section 13(1)(c), (d) and (e) and any rules made under section 10(2)(a), (b), (c) and (d); and

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

20 (5) Without prejudice to subsection (4), upon an application made to the Minister by any qualified person, the Minister may, in his discretion, exempt the qualified person from all or any, and from the whole or any part of any, of the requirements under section 13(1)(c), (d) and (e) and any rules made under section 10(2)(a), (b), (c) and (d), or abridge the practice training period applicable to a qualified person, if the Minister is of the opinion that the qualified person is, by  
25 reason of his standing and experience or for any other cause, a fit and proper person to be so exempted or to have his practice training period abridged, as the case may be.

(6) An exemption or abridgment granted to a person under subsection (5) —

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

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

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

35 (7) The Minister may, after consulting the Board of Directors of the Institute, make rules to provide for —



- (a) the payment of fees for —
- (i) any application made to the Minister under this section or under any rules made under section 2(2) or 12(6) or subsection (4); and
  - 5 (ii) any matter related or incidental to any such application; and
- (b) all other matters related thereto.

### **Ad hoc admissions**

10 **15.**—(1) Notwithstanding anything to the contrary in this Act, the court may, for the purpose of any one case where the court is satisfied that it is of sufficient difficulty and complexity and having regard to the circumstances of the case, admit to practise as an advocate and solicitor any person who —

- (a) holds Her Majesty's Patent as Queen's Counsel;
- 15 (b) does not ordinarily reside in Singapore or Malaysia, but has come or intends to come to Singapore for the purpose of appearing in the case; and
- (c) has special qualifications or experience for the purpose of the case.

20 (2) The court shall not admit a person under this section in any criminal case unless the court is satisfied that there is a special reason to do so.

25 (3) Any person who applies to be admitted under this section shall do so by originating summons supported by an affidavit of the applicant, or of the advocate and solicitor instructing him, stating the names of the parties and brief particulars of the case in which the applicant intends to appear.

30 (4) The originating summons and affidavit or affidavits shall be served on the Attorney-General, the Society and the other party or parties to the case.

(5) At the time of the service, the applicant shall pay the prescribed fee to the Attorney-General and the Society for their costs incurred in the application.

(6) Before admitting a person under this section, the court shall have regard to the views of each of the persons served with the application.

5 (7) The Registrar shall, on payment of the fee prescribed under section 135 for the purposes of this subsection, issue to every person admitted under this section a certificate to practise specifying in it the case in which the person is permitted to appear.

10 (8) Any person to whom a certificate to practise has been issued under subsection (7) shall, for the purpose of his employment in that case, be deemed to be a person to whom a practising certificate has been issued under section 25.

(9) The Registrar shall not enter the names of persons admitted under this section upon the roll of advocates and solicitors but shall keep a separate roll for persons admitted under this section.

15 (10) In this section, “case” includes any interlocutory or appeal proceedings connected with a case.

### **Roll of advocates and solicitors**

**16.**—(1) The Registrar shall maintain a roll of advocates and solicitors with the dates of their respective admissions.

20 (2) The name, with the date of admission, of every person admitted shall be entered upon the roll in order of admission.

(3) Every person admitted as an advocate and solicitor shall pay the fee prescribed under section 135 for the purposes of this subsection, and the Registrar shall deliver to him an instrument of admission signed by the Chief Justice or the Judge who admitted the applicant.

25 (4) If, at any time after the admission of any person as an advocate and solicitor, it is shown to the satisfaction of the court that any application, affidavit, certificate or other document filed by the person contains any substantially false statement or a suppression of any material fact, or that any such certificate was obtained by fraud or misrepresentation, the name of the person shall be struck off the roll.

30 (5) This section shall not apply to persons admitted under section 15.

### **Extension or abridgment of time**

5 **17.** Without prejudice to the generality of section 18(2) of, and item 7 of the First Schedule to, the Supreme Court of Judicature Act (Cap. 322), the court may, at any time and on such terms as it thinks just, by order extend or abridge the time prescribed for any thing under any rules made under section 10(2)(g).”.

### **Amendment of section 25**

**5.** Section 25(1) of the principal Act is amended —

- (a) by deleting the word “and” at the end of paragraph (a)(iii);
- 10 (b) by inserting, immediately after sub-paragraph (iv) of paragraph (a), the following sub-paragraphs:
  - “(v) that he is not disqualified under section 26(1) from applying for a practising certificate; and
  - 15 (vi) in a case where he is applying for a practising certificate to practise as a locum solicitor, that he is not disqualified under section 26(1A) from applying for such a practising certificate;”;
- (c) by deleting the word “and” at the end of paragraph (b)(iii);
- (d) by inserting, at the end of paragraph (b)(iv), the word “and”; and
- 20 (e) by inserting, immediately after sub-paragraph (iv) of paragraph (b), the following sub-paragraph:
  - “(v) 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;”.

### 25 **Amendment of section 27**

**6.** Section 27(1) of the principal Act is amended by inserting, immediately after the word “particulars”, the words “referred to in section 25(1)(a)(i) to (iv)”.

### **Amendment of section 28**

30 **7.** Section 28 of the principal Act is amended by deleting subsection (1) and substituting the following subsection:

“(1) The Council may apply to a Judge by originating summons for an order directing the Registrar to cancel a practising certificate issued to a solicitor, if it appears to the Council that —

- 5 (a) the certificate has been issued to the solicitor contrary to the provisions of this Act;
- (b) the accountant’s report submitted by the solicitor does not comply with section 73; or
- 10 (c) the certificate has ceased to be in force under section 26(9)(a) or (b), but the solicitor has failed to notify the Registrar and the Council of this in accordance with section 27(3).”.

### **Amendment of section 32**

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

15 “(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 has served not less than 3 months of his practice training period, and who is serving his practice training period under a practice training contract with that Singapore law practice at the time the application is made, to appear, on behalf of  
20 that Singapore law practice, before —

- (a) a Judge or the Registrar; or
- (b) a District Judge, a Magistrate, or the Registrar or a Deputy Registrar of the Subordinate Courts.

25 (4) A qualified person in respect of whom an application under subsection (3) has been granted shall be entitled to appear in accordance with that subsection at any time during the period —

- (a) beginning at the time that application is granted; and
- (b) ending on the earlier of —
  - 30 (i) the time that qualified person is admitted as an advocate and solicitor of the Supreme Court; or
  - (ii) the expiration of 3 months after the last day of that qualified person’s practice training period.”.

### **Amendment of section 33**

**9.** Section 33(2) of the principal Act is amended by deleting paragraph (c).

### **Amendment of section 34**

5 **10.** Section 34 of the principal Act is amended —

(a) by inserting, immediately after paragraph (e), the following paragraphs:

10 “(ea) any officer of a company or limited liability partnership who is duly authorised by the company or limited liability partnership to act on its behalf in any relevant matter or proceeding to which it is a party, in respect only of that officer acting on behalf of the company or limited liability partnership, in accordance with the Rules of Court, in that matter or proceeding;

15 (eb) any officer of an unincorporated association (other than a partnership) who is duly authorised by the unincorporated association to act on its behalf in any relevant matter or proceeding to which it is a party, in respect only of that officer acting on behalf of the unincorporated association, in accordance with the Rules of Court, in that matter or proceeding;

20 (ec) any legal counsel (by whatever name called) in an entity acting solely for the entity in any matter to which it is a party, other than by —

25 (i) appearing or pleading in any court of justice in Singapore, except where such appearance or pleading is otherwise permitted under any written law;

30 (ii) appearing in any hearing before a quasi-judicial or regulatory body, authority or tribunal in Singapore, except where such appearance is otherwise permitted under any written law; or

35 (iii) attesting any document which is required to be attested by an advocate and solicitor;” and

(b) by renumbering the section as subsection (1) of that section, and by inserting immediately thereafter the following subsections:

“*(2)* The Minister may make rules for the exemption from section 33 of any person who, or any class of persons each of whom, satisfies such requirements, and does such act in such circumstances, as may be prescribed in those rules.

(3) In this section —

“company” means a company incorporated under the Companies Act (Cap. 50);

“limited liability partnership” means a limited liability partnership registered under the Limited Liability Partnerships Act (Cap. 163A);

“manager”, in relation to a limited liability partnership, has the same meaning as in the Limited Liability Partnerships Act;

“officer” —

(a) in relation to a company, means any director or secretary of the company, or a person employed in an executive capacity by the company;

(b) in relation to a limited liability partnership, means any partner in or manager of the limited liability partnership; or

(c) in relation to an unincorporated association (other than a partnership), means the president, the secretary, or any member of the committee of the unincorporated association;

“partner”, in relation to a limited liability partnership, has the same meaning as in the Limited Liability Partnerships Act;

“relevant matter or proceeding” means a matter or proceeding of such type as may be specified in the Rules of Court;

“Rules of Court” means Rules of Court made by the Rules Committee.”.

**Amendment of section 40A**

**11.** Section 40A of the principal Act is amended by deleting subsection (1) and substituting the following subsection:

“(1) Every foreign lawyer who is —

- 5           (a) registered by the Attorney-General under section 130I; or  
              (b) granted the approval of the Attorney-General under section 130L,

10 shall, without election, admission or appointment, become a member of the Society and remain a member under this section so long and only so long as his registration or approval, as the case may be, continues in force.”.

**Amendment of section 46**

**12.** Section 46 of the principal Act is amended —

- 15           (a) by deleting paragraphs (a) and (b) of subsection (1B) and substituting the following paragraphs:

             “(a) if he is registered under section 130I, in each year not later than 14 days after the date of issue of his foreign practitioner certificate by the Attorney-General; or

- 20           (b) if he has been granted an approval referred to in section 130L, but is not registered under section 130I —

                 (i) not later than 14 days after the date of issue of a certificate of approval by the Attorney-General in respect of that approval; and

- 25                   (ii) not later than the anniversary of that date of issue in each subsequent year.”;

             (b) by deleting subsections (1C), (1D) and (7); and

             (c) by deleting the word “Board” in subsection (6) and substituting the word “Institute”.

**Amendment of section 74**

30           **13.** Section 74 of the principal Act is amended by deleting subsection (2) and substituting the following subsection:

“(2) The First Schedule shall apply, with such modifications as may be prescribed under subsection (3), to —

- 5           (a) a foreign lawyer registered by the Attorney-General under section 130I, in respect of the foreign lawyer’s practice of Singapore law; and
- (b) a solicitor registered by the Attorney-General under section 130N, in respect of the solicitor’s practice of Singapore law in a Joint Law Venture or its constituent foreign law practice, a Qualifying Foreign Law Practice or a licensed foreign law practice.”.
- 10

#### **Amendment of section 75**

**14.** Section 75 of the principal Act is amended —

- (a) by deleting paragraph (a) of subsection (3A) and substituting the following paragraph:
  - 15                   “(a) registered by the Attorney-General under section 130I; or”;
- (b) by deleting paragraphs (a) and (b) of subsection (3B) and substituting the following paragraphs:
  - 20                   “(a) if he is registered under section 130I, in each year not later than 14 days after the date of issue of his foreign practitioner certificate by the Attorney-General; or
  - (b) if he has been granted an approval referred to in section 130L, but is not registered under section 130I —
    - 25                       (i) not later than 14 days after the date of issue of a certificate of approval by the Attorney-General in respect of that approval; and
    - (ii) not later than the anniversary of that date of issue in each subsequent year.”; and
- 30           (c) by deleting subsections (3C) and (3D).

#### **Amendment of section 75B**

**15.** Section 75B of the principal Act is amended —



- (a) by inserting, immediately after subsection (2), the following subsection:

“(2A) The Second Schedule and any rules made under paragraph 11 of that Schedule shall apply, with such modifications as may be prescribed under subsection (3), to the provision, by a foreign lawyer registered by the Attorney-General under section 130I, on or after the date of commencement of section 15 of the Legal Profession (Amendment) Act 2011, of services which —

- (a) are rendered in connection with his practice of Singapore law; and  
 (b) are not of the quality which it is reasonable to expect of him.”; and

- (b) by deleting the words “subsection (2)” in subsection (3) and substituting the words “subsections (2) and (2A)”.

#### **Amendment of section 75D**

**16.** Section 75D of the principal Act is amended —

- (a) by deleting the word “No” in subsection (1) and substituting the words “Subject to subsection (1A), no”; and  
 (b) by inserting, immediately after subsection (1), the following subsection:

“(1A) Where any person who is both a solicitor and a foreign lawyer is qualified under any rules made under section 130W to take or use the title of consultant in relation to his capacity as a foreign lawyer, nothing in subsection (1) shall affect his qualification to use that title in relation to that capacity.”.

#### **New section 82B**

**17.** The principal Act is amended by inserting, immediately after section 82A, the following section:

**“Disciplinary proceedings against foreign lawyers registered under section 130I**

**82B.**—(1) Every foreign lawyer who is registered by the Attorney-General under section 130I shall be subject to the control of the Supreme Court and shall be liable on due cause shown —

- (a) to have his registration under section 130I cancelled or suspended for such period as the court may think fit;
- (b) to pay a penalty of not more than \$100,000;
- (c) to be censured; or
- (d) to suffer the punishment referred to in paragraph (b) in addition to the punishment referred to in paragraph (a) or (c).

(2) Such due cause may be shown by proof that the foreign lawyer —

- (a) has been convicted of a criminal offence, implying a defect of character which makes him unfit for his profession;
- (b) has been guilty of fraudulent or grossly improper conduct in the discharge of his professional duty or guilty of such a breach of any usage or rule of conduct made under section 130W(2)(u) as amounts to improper conduct or practice as a foreign lawyer registered by the Attorney-General under section 130I;
- (c) has been adjudicated bankrupt and has been guilty of any of the acts or omissions mentioned in section 124(5)(a), (b), (c), (d), (e), (f), (h), (i), (k), (l) or (m) of the Bankruptcy Act (Cap. 20);
- (d) has tendered or given or consented to retention, out of any fee payable to him for his services, of any gratification for having procured the employment in any legal business of himself, of any advocate and solicitor or, in relation only to the practice of Singapore law, of any other foreign lawyer registered by the Attorney-General under section 130I;
- (e) has, directly or indirectly, procured or attempted to procure the employment of himself, of any advocate and solicitor or, in relation only to the practice of Singapore law, of any

other foreign lawyer registered by the Attorney-General under section 130I through or by the instruction of any person to whom any remuneration for obtaining such employment has been given by him or agreed or promised to be so given;

- (f) has accepted employment in any legal business through a person who has been proclaimed a tout under any written law relating thereto;
- (g) has been guilty of such misconduct unbecoming a foreign lawyer registered by the Attorney-General under section 130I or as a member of an honourable profession;
- (h) carries on by himself or any person in his employment any trade, business or calling that detracts from the profession of law or is in any way incompatible with it, or is employed in any such trade, business or calling;
- (i) has contravened any of the provisions of this Act in relation thereto if such contravention warrants disciplinary action; or
- (j) has been disbarred, struck off, suspended or censured in his capacity as a legal practitioner by whatever name called in any other country.

(3) Sections 85 to 99 and 103 to 106 shall apply, with the necessary modifications, to a foreign lawyer registered by the Attorney-General under section 130I as they apply to an advocate and solicitor registered by the Attorney-General under section 130N, except that in lieu of an order that he be struck off the roll or suspended from practice for a period not exceeding 5 years, an order may be made for his registration under section 130I to be cancelled or suspended for such period as the court may think fit.

(4) In any proceedings instituted under this section against a foreign lawyer registered by the Attorney-General under section 130I, the court may in addition to the facts of the case take into account the past conduct of the foreign lawyer in order to determine what order should be made.

(5) In any proceedings instituted under this section against a foreign lawyer registered by the Attorney-General under section 130I consequent upon the foreign lawyer's conviction for a criminal

offence, an Inquiry Committee, a Disciplinary Tribunal and a court of 3 Judges of the Supreme Court referred to in section 98 shall accept the foreign lawyer's conviction as final and conclusive.”.

### **Amendment of section 83**

5 **18.** Section 83 of the principal Act is amended —

- 10 (a) by deleting the words “or any other advocate and solicitor” in subsection (2)(d) and substituting the words “, of any other advocate and solicitor or, in relation only to the practice of Singapore law, of any foreign lawyer registered by the Attorney-General under section 130I”;
- 15 (b) by deleting the words “or any advocate and solicitor” in subsection (2)(e) and substituting the words “, of any advocate and solicitor or, in relation only to the practice of Singapore law, of any foreign lawyer registered by the Attorney-General under section 130I”;
- (c) by deleting paragraph (g) of subsection (2); and
- 20 (d) by deleting the words “A qualified person who is serving his practice training period” in subsection (3) and substituting the words “Every practice trainee, and every qualified person in respect of whom an application under section 32(3) has been granted,”.

### **Amendment of section 87**

25 **19.** Section 87(1) of the principal Act is amended by inserting, immediately after the words “should be” in paragraph (b), the words “given a warning, reprimanded or”.

### **Amendment of section 88**

**20.** Section 88 of the principal Act is amended —

- 30 (a) by deleting subsection (1) and substituting the following subsection:
  - “(1) If the Council determines under section 87 that no cause of sufficient gravity exists for a formal investigation, but that the advocate and solicitor should be given a warning, reprimanded or ordered to pay a penalty, it may give him a

warning, reprimand him or order him to pay a penalty of not more than \$10,000, as the case may be.”;

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

5           “(3) Before the Council gives an advocate and solicitor a warning, reprimands an advocate and solicitor or orders an advocate and solicitor to pay a penalty under subsection (1), the Council shall notify him of its intention to do so and give him a reasonable opportunity to be heard by it.”;

- 10       (c) by inserting, immediately after the words “subsection (1)” in subsection (4)(a), the words “or section 94(3)(a)”;

- (d) by inserting, immediately after the words “reprimanded by the Council under” in subsection (4)(b), the words “subsection (1) or”;

- 15       (e) by inserting, immediately after the words “Council’s power to” in the section heading, the words “give warning, reprimand or”.

#### **Amendment of section 95**

**21.** Section 95 of the principal Act is amended —

- 20       (a) by inserting, immediately after the words “ordered to pay a penalty by the Council” in subsection (1), the words “under section 88(1) or 94(3)(a)”;

- (b) by inserting, immediately after the words “ordered by Council” in the section heading, the words “under section 88(1) or 94(3)(a)”.

#### **Amendment of section 96**

**22.** Section 96 of the principal Act is amended —

- (a) by inserting, immediately after the words “has determined” in subsection (1), the words “under section 87(1)”;

- 30       (b) by inserting, immediately after the words “should be” in subsection (1)(b), the words “given a warning, reprimanded or”;
- and

- (c) by deleting the word “decision” in the section heading and substituting the words “determination under section 87(1)(a) or (b)”.

### **Amendment of section 103**

- 5     **23.** Section 103(4) of the principal Act is amended by deleting the words “by the solicitor by or against whom or by the person by whom” and substituting the words “by the solicitor against whom, or the person by whom,”.

### **Amendment of section 130C**

- 10    **24.** Section 130C of the principal Act is amended by inserting, immediately after subsection (8), the following subsection:

15           “(8A) In exercising his powers under this section, the Attorney-General may, with the approval of the Minister, waive or modify the application of any requirement under this Part in relation to a Formal Law Alliance, any foreign law practice which is a member of a Formal Law Alliance or any Singapore law practice which is a member of a Formal Law Alliance.”.

### **Repeal and re-enactment of section 130I**

- 20    **25.** Section 130I of the principal Act is repealed and the following section substituted therefor:

#### **“Registration of foreign lawyer to practise Singapore law in Joint Law Venture, Qualifying Foreign Law Practice, licensed foreign law practice or Singapore law practice**

25           **130I.**—(1) An application may be made for a foreign lawyer to be registered by the Attorney-General to practise Singapore law in a Joint Law Venture, Qualifying Foreign Law Practice, licensed foreign law practice or Singapore law practice, if the foreign lawyer possesses such qualifications and satisfies such requirements as may be prescribed.

30           (2) The Attorney-General may approve an application under subsection (1), and register a foreign lawyer to practise Singapore law in a Joint Law Venture, Qualifying Foreign Law Practice, licensed foreign law practice or Singapore law practice, subject to —

- (a) such conditions as may be prescribed; and

(b) such conditions as the Attorney-General may think fit to impose in any particular case.

(3) A foreign lawyer who is registered by the Attorney-General to practise Singapore law in a Joint Law Venture, Qualifying Foreign Law Practice, licensed foreign law practice or Singapore law practice —

(a) may, notwithstanding anything to the contrary in Part IV —

(i) practise Singapore law in, and only in, such areas of legal practice as may be prescribed; and

(ii) recover costs and retain payments in respect of such practice; and

(b) shall be entitled to such other privileges as may be prescribed.

(4) The registration of a foreign lawyer under this section shall —

(a) lapse on the occurrence of such events as may be prescribed; and

(b) be suspended, for such period as the Attorney-General may think fit, on the occurrence of such events as may be prescribed.

(5) Nothing in this section shall be construed so as to affect any right or privilege of an advocate and solicitor conferred by this Act or any other written law.

(6) With effect from the date of commencement of section 25 of the Legal Profession (Amendment) Act 2011, a foreign lawyer who, immediately before that date, was registered or deemed to be registered by the Attorney-General under this section, or the repealed section 130J, as in force immediately before that date shall be deemed to be registered under this section, subject to the conditions referred to in subsection (2)(a) and such conditions as the Attorney-General may think fit to impose in any particular case.”.

### **Repeal of section 130J**

**26.** Section 130J of the principal Act is repealed.

### **Amendment of section 130L**

**27.** Section 130L of the principal Act is amended —

(a) by deleting “130J” in subsections (1)(b), (2) and (3) and substituting in each case “130I”; and

5 (b) by deleting subsection (4) and substituting the following subsection:

“(4) With effect from the date of commencement of section 27 of the Legal Profession (Amendment) Act 2011 —

10 (a) a foreign lawyer who, immediately before that date, was granted or deemed to be granted an approval under this section as in force immediately before that date shall be deemed to be granted an approval under this section and shall continue to comply with the conditions referred to in subsection (2)(a) and such  
15 conditions as the Attorney-General may think fit to impose in any particular case on the foreign lawyer; and

20 (b) a Singapore law practice in which, immediately before that date, a foreign lawyer referred to in paragraph (a) was registered or deemed to be registered to practise foreign law under section 130K, or was registered or deemed to be registered to practise Singapore law under the repealed  
25 section 130J as in force immediately before that date, shall continue to comply with the conditions referred to in subsection (2)(a) and such conditions as the Attorney-General may think fit to impose in any particular case on the Singapore law practice.”.

### **Amendment of section 130N**

30 **28.** Section 130N of the principal Act is amended by deleting subsections (3) to (6) and substituting the following subsections:

35 “(3) Subject to subsection (4), a solicitor who is registered by the Attorney-General to practise Singapore law in a Joint Law Venture or its constituent foreign law practice, a Qualifying Foreign Law Practice or a licensed foreign law practice —



- (a) may practise Singapore law in, and only in, such areas of legal practice as may be prescribed; and
- (b) shall be entitled to such other privileges as may be prescribed.

5 (4) A solicitor shall not be entitled to practise Singapore law under subsection (3) unless he has in force a practising certificate.”.

### **Amendment of section 130R**

**29.** Section 130R of the principal Act is amended —

- 10 (a) by deleting the words “130I, 130J or” wherever they appear in subsection (4);
- (b) by deleting the words “(not exceeding 5 years)” where they first appear in subsection (4)(a);
- (c) by inserting, immediately after subsection (4), the following subsection:

15 “(4A) Where the Attorney-General has received under this section any complaint in respect of the conduct of a foreign lawyer registered by the Attorney-General under section 130I, or where any information is brought to the knowledge of the Attorney-General which satisfies the Attorney-General that

20 there may be grounds for such a complaint, the Attorney-General may —

- 25 (a) if he considers it appropriate, refer the complaint or information to the Society under section 85(3) read with section 82B(3), instead of proceeding in accordance with this section; or
- (b) if he decides to proceed in accordance with this section and is of the opinion that there is sufficient reason for doing so —
  - 30 (i) cancel or suspend, for such period as he may think fit, the registration of the foreign lawyer under section 130I;
  - (ii) order the foreign lawyer to pay a penalty of not more than \$100,000;
  - (iii) censure the foreign lawyer; or

(iv) order the foreign lawyer to pay the penalty referred to in sub-paragraph (ii) in addition to imposing the punishment referred to in sub-paragraph (i) or (iii).”;

5 (d) by deleting the words “(not exceeding 5 years)” in subsection (5)(b)(i);

(e) by deleting subsection (6) and substituting the following subsection:

10 “(6) If the foreign lawyer or solicitor concerned fails to pay a penalty imposed under subsection (4)(b) or (d), (4A)(b)(ii) or (iv) or (5)(b)(ii) or (iv) within such time as the Attorney-General may specify, the Attorney-General may cancel or suspend, for such period as the Attorney-General may think fit, the registration of that foreign lawyer under section 130I or  
15 130K or of that solicitor under section 130N or 130O, or revoke or suspend, for such period (not exceeding 5 years) as the Attorney-General may think fit, the approval of that foreign lawyer under section 130L, as the case may be.”;

20 (f) by inserting, immediately after the words “subsection (4),” in subsection (7), “(4A)(b),”;

(g) by deleting the words “foreign lawyer or” in subsection (9);

(h) by inserting, immediately after subsection (9), the following subsection:

25 “(9A) Subject to section 85(3A) read with section 82B(3), any action, order or determination taken or made by the Attorney-General under this section shall not in any way affect the power or authority of the Society, or of any other relevant professional disciplinary body (whether in Singapore or in any state or territory outside Singapore), to take such action as it  
30 deems appropriate against the foreign lawyer concerned in respect of the same conduct.”;

(i) by deleting “, 130J(6)” in subsection (10); and

(j) by deleting “, 130J” in subsection (10).

### **Amendment of section 130W**

35 **30.** Section 130W(2) of the principal Act is amended —

- (a) by deleting the word “or” at the end of paragraph (d)(ii);
- (b) by inserting, at the end of paragraph (d)(iii)(B), the word “or”;
- (c) by inserting, immediately after sub-paragraph (iii) of paragraph (d), the following sub-paragraph:

5 “(iv) a foreign lawyer registered under section 130I;”;

- (d) by deleting “, 130J” in paragraphs (e) and (f);
- (e) by deleting “130J” in paragraph (g) and substituting “130I”;
- (f) by deleting the words “or 130J” in paragraphs (h) and (l);
- (g) by deleting paragraphs (i) and (j) and substituting the following paragraphs:

10

“(i) to prescribe the courses of instruction, and the subjects therein, which a foreign lawyer must attend and satisfactorily complete before he can be registered under section 130I;

15

(j) to prescribe the examinations which a foreign lawyer must pass before he can be registered under section 130I;”;

- (h) by deleting paragraph (o) and substituting the following paragraph:

20

“(o) to provide for —

(i) the payment of fees for —

(A) any application for, issue of or renewal of any licence under this Part;

25

(B) any application for or renewal of any registration or approval under this Part; and

(C) any matter related or incidental to any such application, issue or renewal; and

(ii) all other matters related thereto;”;

30

- (i) by inserting, immediately after the word “licences,” in paragraph (t), the words “foreign practitioner certificates,”;

- (j) by deleting the word “or” at the end of paragraph (x)(iii);

(k) by deleting sub-paragraph (iv) of paragraph (x) and substituting the following sub-paragraphs:

“(iv) a solicitor registered under section 130N; or

(v) a foreign lawyer registered under section 130I.”; and

5 (l) by inserting, immediately after the words “any provision of this Part” in paragraph (y), the words “or of any rules made under section 74(3) or 75B(3)”.

### **New section 130X**

10 **31.** The principal Act is amended by inserting, immediately after section 130W, the following section:

#### **“Powers of Minister in relation to registration requirements**

15 **130X.**—(1) Without prejudice to section 130W(2)(y), upon an application made to the Minister by any foreign lawyer, the Minister may, after consulting the Attorney-General, exempt the foreign lawyer from all or any, and from the whole or any part of any, of the requirements under any rules made under section 130W(2)(e), (i), (j), (k) and (l), if the Minister is of the opinion that the foreign lawyer is, by reason of his standing and experience or for any other cause, a fit and proper person to be so exempted.

20 (2) An exemption granted to a person under subsection (1) —

(a) may be subject to such conditions as the Minister may, after consulting the Attorney-General, think fit to impose by notice in writing to the person;

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

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

### **Amendment of section 133**

30 **32.** Section 133(2) of the principal Act is amended by deleting the words “an officer of the Society or the Board or a member of the Council or the Board” and substituting the words “an officer of the Society or the Institute, a member of the Council or a member of the Board of Directors of the Institute”.

### Repeal and re-enactment of section 134

33. Section 134 of the principal Act is repealed and the following section substituted therefor:

#### “Recovery of moneys by Institute and Society

5       **134.** In addition to any other method of recovery and to any other right, remedy or power vested in the Institute or in the Society or the Council —

- 10           (a) any sum of money payable to the Institute under this Act may be recovered by the Institute as a debt in any court of competent jurisdiction; and
- (b) any sum of money payable to the Society or the Council under this Act may be recovered by the Society as a debt in any court of competent jurisdiction.”

### Miscellaneous amendments

15       **34.** The principal Act is amended —

- (a) by deleting the word “Board” wherever it appears in sections 26(3)(a) and 132 and substituting in each case the word “Institute”;
- (b) by deleting “130J(6),” in section 130Q(9)(a)(ii);
- 20           (c) by deleting “, 130J” in section 130T(2)(a); and
- (d) by deleting “21(7), 24(5)” in section 135(a) and substituting “15(7), 16(3)”.

### Consequential and related amendments to Singapore Academy of Law Act

25       **35.** The Singapore Academy of Law Act (Cap. 294A) is amended —

- (a) by deleting the definition of “Board” in section 2;
- (b) by inserting, immediately after the definition of “Constitution” in section 2, the following definitions:
- 30                       “ “foreign lawyer” has the same meaning as in the Legal Profession Act;

“Institute” means the Singapore Institute of Legal Education established under section 3 of the Legal Profession Act;”;

5 (c) by deleting the word “Board” wherever it appears in section 4(1)(f) and (g) and substituting in each case the word “Institute”;

(d) by deleting the words “, in each case, being a qualified person” in section 5(1)(f);

(e) by inserting, at the end of section 5(1)(f), the word “and”;

10 (f) by deleting paragraph (g) of section 5(1);

(g) by deleting the word “or” at the end of section 14(a);

(h) by deleting the comma at the end of paragraph (b) of section 14 and substituting the word “; or”, and by inserting immediately thereafter the following paragraph:

15 “(c) being a foreign lawyer —

(i) is registered by the Attorney-General under section 130I of the Legal Profession Act; or

20 (ii) is granted the approval of the Attorney-General under section 130L of the Legal Profession Act,”; and

(i) by inserting, immediately after paragraph (b) of section 16(1), the following paragraph:

25 “(ba) being a foreign lawyer referred to in section 14(c), his registration under section 130I of the Legal Profession Act, or his approval under section 130L of that Act, is cancelled;”.

### **Savings and transitional provision**

30 **36.** For a period of 2 years after the commencement of this section, the Minister may, by rules published in the *Gazette*, prescribe such provisions of a savings or transitional nature consequent on the enactment of this Act as he may consider necessary or expedient.

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## EXPLANATORY STATEMENT

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

- (a) to establish the Singapore Institute of Legal Education (the Institute), to dissolve the Board of Legal Education, and to transfer the functions, powers, assets, interests, rights, privileges, liabilities and obligations of the Board of Legal Education to the Institute;
- (b) to streamline the requirements and process for the admission of advocates and solicitors, and to transfer certain procedural matters relating to the admission process from the Act to rules to be made by the Board of Directors of the Institute or by the Minister;
- (c) to expand the powers of the Minister in relation to admission requirements, and to confer on the Minister certain additional powers in relation to the registration of foreign lawyers;
- (d) to introduce continuing professional development requirements for the legal profession;
- (e) to restate the requirements for a qualified person to be part-called, and the privileges of a part-called qualified person;
- (f) to decriminalise the drawing or preparation of any document or instrument relating to the incorporation or formation of a limited company by an unauthorised person for or in expectation of any fee, gain or reward;
- (g) to permit an officer of a company, a limited liability partnership or an unincorporated association to act on its behalf, in accordance with the Rules of Court, in certain court proceedings, without contravening section 33;
- (h) to clarify that a legal counsel in an entity who acts solely for the entity in any matter to which it is a party, and who does not do any of certain specified things, does not contravene section 33;
- (i) to empower the Minister to make rules for the exemption from section 33 of any person who, or any class of persons each of whom, satisfies such requirements, and does such act in such circumstances, as may be prescribed in those rules;
- (j) to provide for certain additional requirements to be, or to have been, satisfied when an application for a practising certificate is made;
- (k) to enable the Council of the Law Society of Singapore (the Council) to apply to a Judge for an order directing the Registrar of the Supreme Court to cancel a solicitor's practising certificate, if it appears to the Council that the certificate has ceased to be in force under section 26(9)(a) or (b), but the solicitor has failed to notify the Registrar and the Council of this in accordance with section 27(3);

- (l) to make minor modifications to, or to clarify certain provisions concerning, the disciplinary process applicable to solicitors; and
- (m) to replace the 2 existing regimes for the registration of foreign lawyers to practise Singapore law with a new foreign practitioner certificate regime entitling foreign lawyers who satisfy certain requirements to be registered by the Attorney-General to practise Singapore law in any Joint Law Venture, Qualifying Foreign Law Practice, licensed foreign law practice or Singapore law practice, and to provide for the disciplinary processes applicable to foreign lawyers who are under the new foreign practitioner certificate regime.

The Bill also makes the following consequential or related amendments to the Singapore Academy of Law Act (Cap. 294A):

- (a) references to the Board of Legal Education in the Act will be deleted, or deleted and substituted with references to the Institute, as a consequence of the dissolution of the Board of Legal Education, the establishment of the Institute, and the transfer of the functions of the Board of Legal Education to the Institute; and
- (b) foreign lawyers who are under the new foreign practitioner certificate regime, or who are granted the approval of the Attorney-General under section 130L of the Legal Profession Act, will be required to be members of the Singapore Academy of Law (the Academy), so as to integrate them as part of the legal profession in Singapore.

Clause 1 relates to the short title and commencement.

Clause 2 amends the long title to reflect the dissolution of the Board of Legal Education, and the establishment of the Institute, by clause 4.

Clause 3(a) to (f) amends section 2(1) by deleting the definitions of “Board” and “Malayan practitioner”, by deleting and substituting the definition of “qualified person”, and by introducing new definitions for “Board of Legal Education”, “foreign practitioner certificate”, “Institute”, “practice trainee” and “Senate”.

Clause 3(g) deletes and substitutes section 2(2) to provide for the Minister to make rules under that provision after consulting the Board of Directors of the Institute, instead of the Board of Legal Education, and to make certain technical changes.

Clause 3(h) makes amendments to section 2(3)(a) and (d) that are consequential to the dissolution of the Board of Legal Education, the establishment of the Institute, and the transfer of the functions of the Board of Legal Education to the Institute, by clause 4.

Clause 4 repeals and re-enacts Part II and inserts a new Part IIA.

The new Part II (comprising new sections 3 to 11) provides for the establishment of the Institute, the dissolution of the Board of Legal Education, and the transfer of the functions, powers, assets, interests, rights, privileges, liabilities and obligations of the Board of Legal Education to the Institute.



The new section 3 provides for the establishment of the Institute as a body corporate with perpetual succession.

The new section 4 sets out the functions and powers of the Institute. In addition to assuming the existing functions of the Board of Legal Education, the Institute will provide for the training, education and examination of foreign lawyers intending to be registered by the Attorney-General under the new section 130I (to be inserted by clause 25), certify whether any degree conferred by any institution of higher learning is a qualification prescribed by any rules made under section 2(2), and facilitate the development of Singapore as an international centre for legal education. The Institute will also perform the following new functions in relation to continuing professional development:

- (a) review the implementation of initiatives, programmes and curricula relating to continuing professional development;
- (b) determine the requirements relating to continuing professional development that must be satisfied by —
  - (i) advocates and solicitors; and
  - (ii) foreign lawyers registered by the Attorney-General under the new section 130I (to be inserted by clause 25); and
- (c) coordinate and exercise supervision over continuing professional development for the legal profession in Singapore, including the provision of courses and materials relating to continuing professional development.

The new section 5 provides for the appointment and powers of the Board of Directors of the Institute.

The new section 6 provides for the appointment of the Dean, and other officers and employees, of the Institute.

The new section 7 empowers the Board of Directors of the Institute —

- (a) to appoint committees for certain purposes; and
- (b) to delegate certain functions and powers to any such committee, to the Chairman of the Institute or any other member of the Board, or to the Dean of the Institute or any other officer or employee of the Institute.

The new section 8 relates to meetings of the Board of Directors of the Institute.

The new section 9 allows the Board of Directors of the Institute to pass any resolution of the Board by written means.

The new section 10 empowers the Board of Directors of the Institute, after consulting the Minister and the Council, to make rules for giving effect to Parts II and IIA and for certain other specified matters. Among other things, the Board of Directors of the Institute will be empowered to prescribe the requirements relating to continuing professional development that must be satisfied by advocates and solicitors and by foreign lawyers registered by the Attorney-General under the new section 130I (to be inserted by clause 25), and the measures which may be taken to verify whether those

requirements have been complied with and to enforce compliance with those requirements.

The new section 11 provides for the dissolution of the Board of Legal Education, and the transfer of its functions, powers, assets, interests, rights, privileges, liabilities and obligations to the Institute.

The repeal of the existing Division 2 of Part II and the insertion of the new Part IIA (comprising new sections 12 to 17), collectively, streamline the process for the admission of advocates and solicitors and provide for the transfer of certain procedural matters relating to the admission process from the Act to rules to be made by the Board of Directors of the Institute (under the new section 10(2)(g)) or by the Minister (under the new sections 12(6) and 14(4) and (7)).

The new section 12 empowers the court to admit a qualified person as an advocate and solicitor of the Supreme Court, and requires a qualified person who applies for admission to do so in accordance with certain requirements prescribed by rules.

The new section 13 sets out the requirements for admission as an advocate and solicitor.

The new section 14 sets out the Minister's expanded powers in relation to admission requirements. The Minister may approve a person as a qualified person, or (after consulting the Board of Directors of the Institute) deem a qualification to be a qualification prescribed by the Minister under section 2(2), subject to such conditions as the Minister may think fit to impose. The Minister may, after consulting the Board of Directors of the Institute, make rules for the exemption of any qualified person or class of qualified persons from certain admission requirements, and the abridgment of the practice training period applicable to any qualified person or class of qualified persons. The Minister may also exempt any qualified person from certain admission requirements, or abridge the practice training period applicable to any qualified person, subject to such conditions as the Minister may think fit to impose, if the person is a fit and proper person to be so exempted or to have his practice training period abridged, as the case may be.

The new section 15 re-enacts, with technical changes, the existing section 21, to provide for the ad hoc admission of Queen's Counsel.

The new section 16 relates to the maintenance of the roll of advocates and solicitors, and matters connected therewith.

The new section 17 empowers the court to extend or abridge the time prescribed for any thing under any rules made under the new section 10(2)(g).

Clause 5 amends section 25(1) to provide for certain additional requirements to be, or to have been, satisfied when an application for a practising certificate is made. In particular, a solicitor —

(a) must declare —

(i) that he is not disqualified under section 26(1) from applying for a practising certificate; and

- (ii) if he is applying for a practising certificate to practise as a locum solicitor, that he is not disqualified under section 26(1A) from applying for such a practising certificate; and
- (b) must have paid any sum that he has been ordered by any court of law in Singapore or elsewhere to pay to the Council or the Law Society of Singapore (the Society).

Clause 6 makes an amendment to section 27(1) that is consequential to the amendment of section 25(1)(a) (by clause 5(a) and (b)).

Clause 7 deletes and substitutes section 28(1) to enable the Council to apply to a Judge for an order directing the Registrar of the Supreme Court to cancel a practising certificate issued to a solicitor in an additional scenario, namely, where it appears to the Council that the certificate has ceased to be in force under section 26(9)(a) or (b), but the solicitor has failed to notify the Registrar and the Council of this in accordance with section 27(3).

Clause 8 deletes and substitutes section 32(3), and inserts new section 32(4), to restate the requirements for a qualified person to be part-called, and the privileges of a part-called qualified person. Under the new section 32(3), a qualified person may be part-called if he has served not less than 3 months of his practice training period. The privileges of a part-called qualified person have also been extended to appearance in open court, in addition to appearance in chambers. Under the new section 32(4), the privilege of a part-called qualified person to appear in open court or in chambers will end on the earlier of —

- (a) the time that he is admitted as an advocate and solicitor; or
- (b) the expiration of 3 months after the last day of his practice training period.

Clause 9 deletes section 33(2)(c) to decriminalise the drawing or preparation of any document or instrument relating to the incorporation or formation of a limited company by an unauthorised person for or in expectation of any fee, gain or reward.

Clause 10 amends section 34 —

- (a) to permit an officer of a company, a limited liability partnership or an unincorporated association to act on its behalf, in accordance with the Rules of Court, in certain court proceedings, without contravening section 33;
- (b) to clarify that a legal counsel in an entity who acts solely for the entity in any matter to which it is a party, and who does not do any of certain specified things, does not contravene section 33; and
- (c) to empower the Minister to make rules for the exemption from section 33 of any person who, or any class of persons each of whom, satisfies such requirements, and does such act in such circumstances, as may be prescribed in those rules.

Clause 11 deletes and substitutes section 40A(1) to make changes that are consequential to the repeal and re-enactment of section 130I (by clause 25) and the repeal of section 130J (by clause 26).

Clause 12(a) deletes and substitutes section 46(1B)(a) and (b) to make changes that are consequential to the repeal and re-enactment of section 130I (by clause 25) and the repeal of section 130J (by clause 26), as well as certain technical changes.

Clause 12(b) deletes section 46(1C), (1D) and (7), which will no longer be needed, as a foreign practitioner certificate issued by the Attorney-General in respect of the registration of a foreign lawyer under the new section 130I (to be inserted by clause 25) will be valid for 12 months.

Clause 12(c) makes an amendment to section 46(6) that is consequential to the dissolution of the Board of Legal Education, the establishment of the Institute, and the transfer of the functions of the Board of Legal Education to the Institute, by clause 4.

Clause 13 deletes and substitutes section 74(2) to extend the application of the First Schedule to a foreign lawyer registered by the Attorney-General under the new section 130I (to be inserted by clause 25), in respect of the foreign lawyer's practice of Singapore law.

Clause 14(a) and (b) deletes and substitutes section 75(3A)(a) and (3B)(a) and (b) to make changes that are consequential to the repeal and re-enactment of section 130I (by clause 25) and the repeal of section 130J (by clause 26), as well as certain technical changes.

Clause 14(c) deletes section 75(3C) and (3D), which will no longer be needed, as a foreign practitioner certificate issued by the Attorney-General in respect of the registration of a foreign lawyer under the new section 130I (to be inserted by clause 25) will be valid for 12 months.

Clause 15 inserts a new section 75B(2A), and makes a consequential amendment to section 75B(3), to extend the application of the Second Schedule (and any rules made under paragraph 11 of that Schedule) to a foreign lawyer registered by the Attorney-General under the new section 130I (to be inserted by clause 25), in respect of the foreign lawyer's practice of Singapore law.

Clause 16 inserts a new section 75D(1A), and makes a consequential amendment to section 75D(1), to provide that where a person is qualified under any rules made under section 130W to take or use the title of consultant in relation to his capacity as a foreign lawyer, section 75D(1) will not affect his qualification to use that title in relation to that capacity.

Clause 17 inserts a new section 82B to make all foreign lawyers who are registered by the Attorney-General under the new section 130I (to be inserted by clause 25) subject to the control of the Supreme Court and liable on due cause shown to be disciplined. The new section 82B also provides for sections 85 to 99 and 103 to 106 (relating to disciplinary proceedings against advocates and solicitors) to apply, with the necessary modifications, to a foreign lawyer registered by the Attorney-General under the new section 130I (to be inserted by clause 25) as they apply to an advocate and solicitor registered by the Attorney-General under section 130N.

Clause 18(a) and (b) amends section 83(2)(d) and (e) to provide that due cause for disciplinary proceedings against an advocate and solicitor may be shown by proof that he —

- (a) has tendered, given or consented to retention (out of any fee payable to him for his services) of any gratification for having procured the employment in any legal business, in relation only to the practice of Singapore law, of any foreign lawyer registered by the Attorney-General under the new section 130I (to be inserted by clause 25); or
- (b) has, directly or indirectly, procured or attempted to procure the employment, in relation only to the practice of Singapore law, of any foreign lawyer registered by the Attorney-General under the new section 130I (to be inserted by clause 25) through or by the instruction of any person to whom any remuneration for obtaining such employment has been given by him or agreed or promised to be so given.

Clause 18(c) deletes section 83(2)(g), as that provision has become obsolete.

Clause 18(d) makes an amendment to section 83(3) that is consequential to the deletion and substitution of section 32(3) and the insertion of new section 32(4) (by clause 8), as, under those amendments to section 32, the privilege of a part-called qualified person to appear in open court or in chambers may end after the last day of his practice training period.

Clause 19 amends section 87(1)(b) to enable the Council, after considering the report of an Inquiry Committee and determining that no cause of sufficient gravity exists for a formal investigation against an advocate and solicitor, to determine that the advocate and solicitor should be given a warning or reprimanded, as an alternative to being ordered to pay a penalty.

Clause 20(a) deletes and substitutes section 88(1) to enable the Council, where it determines under section 87 that no cause of sufficient gravity exists for a formal investigation against an advocate and solicitor, to give him a warning or reprimand him, as an alternative to ordering him to pay a penalty.

Clause 20(b) deletes and substitutes section 88(3) to require the Council to notify an advocate and solicitor of its intention to give him a warning, reprimand him or order him to pay a penalty under the amended section 88(1) (by clause 20(a)), and to give him a reasonable opportunity to be heard by it.

Clause 20(c) and (d) amends section 88(4)(a) and (b) to extend the application of section 88(4) (relating to the publication by the Council in the *Gazette* of a notice of an order to pay a penalty or of a reprimand) to orders to pay penalties and reprimands under both sections 88(1) and 94(3)(a).

Clause 20(e) makes an amendment to the section heading of section 88 that is consequential to the changes made to section 88(1), (3) and (4)(b) by clause 20(a), (b) and (d).

Clause 21 makes amendments to subsection (1) and the section heading of section 95 to clarify that section 95 applies to orders to pay penalties under both sections 88(1) and 94(3)(a).

Clause 22(a) and (c) makes amendments to subsection (1) and the section heading of section 96 to clarify that the Council's determination referred to in section 96(1) is a determination under section 87(1)(a) or (b).

Clause 22(b) makes an amendment to section 96(1)(b) that is consequential to the amendment of section 87(1)(b) by clause 19.

Clause 23 makes a technical amendment to section 103(4).

Clause 24 inserts a new section 130C(8A) to empower the Attorney-General, with the approval of the Minister, to waive or modify the application of any requirement under Part IXA in relation to a Formal Law Alliance, or any foreign law practice or Singapore law practice which is a member of a Formal Law Alliance.

Clause 25 repeals and re-enacts section 130I, and clause 26 repeals section 130J, to replace the 2 regimes under the existing sections 130I and 130J for the registration of foreign lawyers to practise Singapore law (in a Joint Law Venture or Qualifying Foreign Law Practice, and in a Singapore law practice, respectively) with a single registration regime under the new section 130I. The new section 130I provides for the registration of a foreign lawyer to practise Singapore law in any Joint Law Venture, Qualifying Foreign Law Practice, licensed foreign law practice or Singapore law practice and for matters connected therewith, including the privileges conferred by such registration, the qualifications and requirements for such registration and the conditions subject to which the foreign lawyer is registered. The privileges to which a foreign lawyer registered by the Attorney-General under the new section 130I will be entitled, including the extent to which the foreign lawyer may practise Singapore law or foreign law, will be prescribed in rules to be made under section 130W, as different privileges will apply to different groups of foreign lawyers registered under the new section 130I. As the certificate to be issued by the Attorney-General in respect of the registration of a foreign lawyer under the new section 130I will be known as a "foreign practitioner certificate", the registration regime under the new section 130I has been described in this Explanatory Statement as a foreign practitioner certificate regime.

Clause 27(a) makes amendments to section 130L(1)(b), (2) and (3) that are consequential to the repeal and re-enactment of section 130I (by clause 25) and the repeal of section 130J (by clause 26).

Clause 27(b) deletes and substitutes section 130L(4) to update the savings provision therein as a consequence of the amendments made by clause 27(a).

Clause 28 deletes and substitutes section 130N(3) and (4) and deletes section 130N(5) and (6) to enable the privileges to which a solicitor registered by the Attorney-General under section 130N is entitled, including the extent to which the solicitor may practise Singapore law, to be prescribed in rules to be made under section 130W, instead of being set out in the Act, so as to be more responsive to any need to modify or enhance those privileges.

Clause 29(a) makes amendments to section 130R(4) that are consequential to the insertion of new section 130R(4A) (by clause 29(c)) and the repeal of section 130J (by clause 26).

Clause 29(b) makes a technical amendment to section 130R(4)(a), as presently the registration of a foreign lawyer under section 130K or of a solicitor under section 130O is valid for not more than 36 months at a time.

Clause 29(c) inserts a new section 130R(4A) to specify how the Attorney-General will exercise disciplinary control over a foreign lawyer registered by the Attorney-General under the new section 130I (to be inserted by clause 25).

Clause 29(d) makes a technical amendment to section 130R(5)(b)(i), as presently the registration of a solicitor under section 130N is valid for not more than 36 months at a time.

Clause 29(e) deletes and substitutes section 130R(6) —

- (a) to make amendments that are consequential to the insertion of new section 130R(4A) (by clause 29(c)) and the repeal of section 130J (by clause 26); and
- (b) to make a technical amendment, as —
  - (i) presently the registration of a foreign lawyer under section 130K or of a solicitor under section 130N or 130O is valid for not more than 36 months at a time; and
  - (ii) the registration of a foreign lawyer under the new section 130I (to be inserted by clause 25) will be valid for 12 months.

Clause 29(f) makes an amendment to section 130R(7) that is consequential to the insertion of new section 130R(4A) by clause 29(c).

Clause 29(g) makes an amendment to section 130R(9) that is consequential to the insertion of new section 130R(9A) by clause 29(h).

Clause 29(h) inserts a new section 130R(9A) to provide that subject to section 85(3A) read with the new section 82B(3) (to be inserted by clause 17), any action, order or determination taken or made by the Attorney-General under section 130R in relation to a foreign lawyer will not affect the power or authority of the Society, or of any other relevant professional disciplinary body, to take such action as it deems appropriate against the foreign lawyer in respect of the same conduct.

Clause 29(i) and (j) makes amendments to section 130R(10) that are consequential to the repeal of section 130J (by clause 26).

Clause 30(a), (b) and (c) amends section 130W(2)(d) to empower the Minister, after consulting the Attorney-General, to make rules to provide for any provision of the Act to apply, with such modifications as may be specified, to a foreign lawyer registered under the new section 130I (to be inserted by clause 25).

Clause 30(d) and (f) makes amendments to section 130W(2)(e), (f), (h) and (l) that are consequential to the repeal of section 130J (by clause 26).

Clause 30(e) makes an amendment to section 130W(2)(g) that is consequential to the repeal and re-enactment of section 130I (by clause 25) and the repeal of section 130J (by clause 26).

Clause 30(g) deletes and substitutes section 130W(2)(i) and (j) to make changes that are consequential to the repeal and re-enactment of section 130I (by clause 25), the repeal of section 130J (by clause 26), and the insertion of new sections 4(1)(c)(ii) and 10(2)(e) and (f) (by clause 4).

Clause 30(h) deletes and substitutes section 130W(2)(o) to empower the Minister, after consulting the Attorney-General, to make rules for the payment of fees not only for any application for, issue of or renewal of any licence under Part IXA and any application for or renewal of any registration or approval under Part IXA, but also for any matter related or incidental to any such application, issue or renewal.

Clause 30(i) amends section 130W(2)(t) to empower the Minister, after consulting the Attorney-General, to make rules to provide for the issuance and amendment of foreign practitioner certificates, and for the payment of fees in relation thereto.

Clause 30(j) and (k) amends section 130W(2)(x) to empower the Minister, after consulting the Attorney-General, to make rules to provide for sections 72 and 73 and any rules made thereunder to apply, with such modifications as may be specified, to a solicitor registered under section 130N or a foreign lawyer registered under the new section 130I (to be inserted by clause 25).

Clause 30(l) amends section 130W(2)(y) to empower the Minister, after consulting the Attorney-General, to make rules to exempt any person or entity, or any class of persons or entities, from any provision of any rules made under section 74(3) or 75B(3).

Clause 31 inserts a new section 130X to empower the Minister, after consulting the Attorney-General, to administratively exempt a foreign lawyer from all or any, and from the whole or any part of any, of the requirements under any rules made under section 130W(2)(e), (i), (j), (k) and (l).

Clause 32 amends section 133(2), clause 33 repeals and re-enacts section 134, and clause 34(a) amends sections 26(3)(a) and 132, to make changes that are consequential to the dissolution of the Board of Legal Education, the establishment of the Institute, and the transfer of the functions of the Board of Legal Education to the Institute, by clause 4.

Clause 34(b) and (c) makes amendments to sections 130Q(9)(a)(ii) and 130T(2)(a) that are consequential to the repeal of section 130J (by clause 26).

Clause 34(d) makes amendments to section 135(a) that are consequential to the deletion of sections 21(7) and 24(5), and the insertion of new sections 15(7) and 16(3) in place of the deleted provisions, by clause 4.

Clause 35 makes certain consequential or related amendments to the Singapore Academy of Law Act (Cap. 294A).

Clause 35(a) and (b) amends section 2 of the Singapore Academy of Law Act by deleting the definition of “Board” and by introducing new definitions for “foreign lawyer” and “Institute”.

Clause 35(c) makes amendments to section 4(1)(f) and (g) of the Singapore Academy of Law Act that are consequential to the dissolution of the Board of Legal



Education, the establishment of the Institute, and the transfer of the functions of the Board of Legal Education to the Institute, by clause 4.

Clause 35(d) amends section 5(1)(f) of the Singapore Academy of Law Act to remove the requirement for the Dean of the Faculty of Law of the National University of Singapore and the Dean of the School of Law of the Singapore Management University to be qualified persons in order to be *ex officio* members of the Senate of the Academy, as there is no requirement under the new section 5(3) of the Legal Profession Act (to be inserted by clause 4) for them to be qualified persons in order to be *ex officio* members of the Board of Directors of the Institute.

Clause 35(e) and (f) makes amendments to section 5(1) of the Singapore Academy of Law Act that are consequential to the dissolution of the Board of Legal Education by clause 4. The Chairman of the Institute will not be an *ex officio* member of the Senate of the Academy.

Clause 35(g) and (h) amends section 14 of the Singapore Academy of Law Act to make a foreign lawyer who is registered by the Attorney-General under the new section 130I of the Legal Profession Act (to be inserted by clause 25), or who is granted the approval of the Attorney-General under section 130L of the Legal Profession Act, an ordinary member of the Academy.

Clause 35(i) inserts a new section 16(1)(ba) of the Singapore Academy of Law Act to provide for the circumstances in which a foreign lawyer who was registered by the Attorney-General under the new section 130I of the Legal Profession Act (to be inserted by clause 25), or who was granted the approval of the Attorney-General under section 130L of the Legal Profession Act, is disqualified from being, or is to cease to be, a member of the Academy.

Clause 36 is a savings and transitional provision.

## EXPENDITURE OF PUBLIC MONEY

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

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