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LEGAL PROFESSION ACT
(CHAPTER 161)

LEGAL PROFESSION
(QUALIFIED PERSONS)
(AMENDMENT) RULES 2011

In exercise of the powers conferred by sections 2(2), 12(6) and 14(4) of the Legal Profession Act, the Minister for Law, after consulting the Board of Directors of the Singapore Institute of Legal Education, hereby makes the following Rules:

Citation and commencement

1. These Rules may be cited as the Legal Profession (Qualified Persons) (Amendment) Rules 2011 and shall come into operation on 3rd May 2011.

Amendment of rule 1

2. Rule 1 of the Legal Profession (Qualified Persons) Rules (R 15) (referred to in these Rules as the principal Rules) is amended by deleting paragraph (2) and substituting the following paragraph:

“(2) These Rules —

- (a) set out the qualifications and requirements that a person has to possess and satisfy in order to be a qualified person under paragraph (a) of the definition of “qualified person” in section 2(1) of the Act;
- (b) set out the classes of qualified persons to whom section 12(2)(b) of the Act applies;
- (c) set out, in respect of each class of qualified persons to whom section 12(2)(b) of the Act applies, the time within which a qualified person belonging to that class is required to make his application under section 12(2) of the Act to be admitted as an advocate and solicitor of the Supreme Court; and

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- (d) provide for the matters referred to in section 14(4) of the Act.”.

Amendment of rule 2

3. Rule 2 of the principal Rules is amended —

- (a) by deleting the words “3 years” in the definition of “accelerated course” and substituting the words “3 academic years”;
- (b) by deleting the definition of “approved twinning programme” and substituting the following definition:

“ “approved twinning programme” —

(a) means a twinning programme —

(i) which leads to —

- (A) any degree specified in the First Schedule which is conferred on or after 1st January 1997;
- (B) any degree specified in the Third Schedule which is conferred on or after 28th July 2003;
- (C) any degree specified in the Fourth Schedule which is conferred on or after 1st August 2005; or
- (D) any degree specified in the Fifth Schedule which is conferred on or after 1st January 2004; and

(ii) the teaching of which is undertaken partly by the institution of higher learning which confers that degree and partly by —

- (A) if that degree is conferred on or after 1st January 1997 but before 28th July 2003, one or more of the other institutions of higher learning specified in the First Schedule and the National University of Singapore;

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- (B) if that degree is conferred on or after 28th July 2003 but before 1st January 2004, one or more of the other institutions of higher learning specified in the First and Third Schedules and the National University of Singapore;
 - (C) if that degree is conferred on or after 1st January 2004 but before 1st August 2005, one or more of the other institutions of higher learning specified in the First, Third and Fifth Schedules and the National University of Singapore;
 - (D) if that degree is conferred on or after 1st August 2005 but before 1st April 2008, one or more of the other institutions of higher learning specified in the First, Third, Fourth and Fifth Schedules and the National University of Singapore;
or
 - (E) if that degree is conferred on or after 1st April 2008, one or more of the other institutions of higher learning specified in the First, Third, Fourth and Fifth Schedules, the National University of Singapore and the Singapore Management University; and
- (b) includes any such programme —
- (i) a component of which is an official student exchange programme offered by the institution of higher learning which confers that degree; or
 - (ii) for which a candidate is given credit on account of any relevant diploma in law or relevant non-law degree attained by him prior to his admission as such candidate;”;

(c) by inserting, immediately after the definition of “Legal Service Officer”, the following definition:

“ “Malayan practitioner” means any person entitled to practise before a High Court in any part of West Malaysia;”;

(d) by inserting, immediately after the definition of “National University of Singapore”, the following definition:

“ “Part A of the Singapore Bar Examinations” means Part A of the Singapore Bar Examinations conducted —

(a) before 3rd May 2011, by the National University of Singapore; or

(b) on or after 3rd May 2011, by the Institute or by any institution of higher learning appointed by the Board of Directors of the Institute;”;

(e) by deleting the definition of “twinning programme” and substituting the following definition:

“ “twinning programme” —

(a) means a course of study leading to a degree or qualification the teaching of which is undertaken —

(i) partly by the institution of higher learning which confers that degree or qualification and partly by any other institution of higher learning; or

(ii) wholly by another institution of higher learning or jointly by several institutions of higher learning in conjunction with the institution of higher learning which confers that degree or qualification; but

(b) does not include —

(i) any course of study leading to a degree or qualification, a component of which is an official student exchange programme offered by the institution of higher learning which confers that degree or qualification, and the teaching of which is otherwise undertaken wholly by that institution of higher learning; and

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- (ii) any course of study leading to a degree or qualification, the teaching of which is undertaken wholly by the institution of higher learning which confers that degree or qualification, and for which a candidate is given credit on account of any relevant diploma in law or relevant non-law degree attained by him prior to his admission as such candidate.”.

Deletion and substitution of rule 4

4. Rule 4 of the principal Rules is deleted and the following rule substituted therefor:

“Persons admitted as candidates for degree of Bachelor of Laws by National University of Singapore (or predecessor university) before 1st May 1993

4.—(1) Any person who, before 1st May 1993, has passed the final examination for the degree of Bachelor of Laws in the University of Malaya in Singapore, the University of Singapore or the National University of Singapore shall be a qualified person.

(2) Any person who, before 1st May 1993, was admitted as a candidate for the degree of Bachelor of Laws by the National University of Singapore and who, after that date, has passed the final examination for that degree shall be a qualified person.”.

Amendment of rule 6

5. Rule 6 of the principal Rules is amended —

- (a) by deleting the words “citizen or permanent resident of Singapore” and substituting the words “person who is a citizen or permanent resident of Singapore and”; and
- (b) by deleting the words “for a continuous period of not less than 6 months,” in paragraph (c)(ii) and substituting the words “after he has passed the final examination for that degree, for a period of not less than 6 months within a continuous period of 8 months,”.

Amendment of rule 7

6. Rule 7 of the principal Rules is amended —
- (a) by deleting the words “citizen or permanent resident of Singapore” and substituting the words “person who is a citizen or permanent resident of Singapore,”; and
 - (b) by deleting the words “for a continuous period of not less than 6 months,” in paragraph (c)(ii) and substituting the words “after he has passed the final examination for that degree, for a period of not less than 6 months within a continuous period of 8 months,”.

Amendment of rule 8

7. Rule 8 of the principal Rules is amended —
- (a) by deleting the words “citizen or permanent resident of Singapore” in paragraphs (1), (2) and (3) and substituting in each case the words “person who is a citizen or permanent resident of Singapore and”; and
 - (b) by deleting the words “for a continuous period of not less than 6 months,” in paragraphs (1)(iii)(B), (2)(iii)(B) and (3)(ii)(B)(BB) and substituting in each case the words “after he has passed the final examination for that degree, for a period of not less than 6 months within a continuous period of 8 months,”.

Amendment of rule 9

8. Rule 9 of the principal Rules is amended —
- (a) by deleting the words “citizen or permanent resident of Singapore” in paragraph (1) and substituting the words “person who is a citizen or permanent resident of Singapore,”;
 - (b) by deleting the words “for a continuous period of not less than 6 months,” in paragraphs (1)(b)(ii)(B), (2)(b)(ii)(B) and (2A)(b)(ii)(B) and substituting in each case the words “after he has passed the final examination for that degree, for a period of not less than 6 months within a continuous period of 8 months,”; and
 - (c) by deleting the words “citizen or permanent resident of Singapore” in paragraphs (2) and (2A) and substituting in each case the words “person who is a citizen or permanent resident of Singapore and”.

Amendment of rule 9A

9. Rule 9A(1) of the principal Rules is amended —

- (a) by deleting the words “any citizen or permanent resident of Singapore” and substituting the words “any person who is a citizen or permanent resident of Singapore and”; and
- (b) by deleting the words “for a continuous period of not less than 6 months,” in sub-paragraph (c)(ii)(B) and substituting the words “after he has passed the final examination for that degree, for a period of not less than 6 months within a continuous period of 8 months,”.

Deletion and substitution of rules 13 and 14

10. Rules 13 and 14 of the principal Rules are deleted and the following rules substituted therefor:

“Barristers-at-law of England or of Northern Ireland, etc., and persons admitted as candidates for Common Professional Examination before 1st May 1993

13.—(1) Any person who, before 1st May 1993, was and still is a barrister-at-law of England or of Northern Ireland, a member of the faculty of Advocates in Scotland, a solicitor in England or Northern Ireland or a writer to the Signet, law agent or solicitor in Scotland shall be a qualified person.

(2) Any person who —

- (a) before 1st May 1993 has passed the Common Professional Examination conducted by the Council of Legal Education in the United Kingdom or before that date has been admitted by any institution of higher learning in the United Kingdom as a candidate for that Examination; and
- (b) has subsequently become a barrister-at-law of England or of Northern Ireland, a member of the Faculty of Advocates in Scotland, a solicitor in England or Northern Ireland or a writer to the Signet, law agent or solicitor in Scotland,

shall be a qualified person.

Persons commencing course of study in institutions in certain Commonwealth countries before 1st January 1994

14.—(1) Any person who, before 1st May 1993, was and still is in possession of any degree or qualification specified in the Second Schedule, and has obtained a certificate from the Board of Legal Education under section 7 of the Act in force immediately before 1st January 1994, shall be a qualified person.

(2) Any person who, before 1st January 1994, has commenced a course of study as a candidate for any of the degrees in law specified in the Second Schedule in any of the institutions of higher learning specified in that Schedule and who, before, on or after 1st January 1994, has been or is conferred that degree by that institution of higher learning shall be a qualified person if he obtains a certificate under this rule —

- (a) before 3rd May 2011, from the Board of Legal Education;
or
- (b) on or after 3rd May 2011, from the Institute.

(3) No holder of any degree referred to in paragraph (2) shall be issued a certificate by the Board of Legal Education or the Institute under this rule unless he satisfies the Board of Legal Education or the Institute, as the case may be, that he has attained a sufficient standard to be a qualified person.

(4) The Board of Legal Education or the Institute may, in granting a certificate under this rule, impose such conditions or requirements as it thinks fit to be complied with by a holder of any degree referred to in paragraph (2).”.

Amendment of rule 15

11. Rule 15 of the principal Rules is amended —

- (a) by inserting, immediately after the word “Board” in paragraphs (1) and (2), the words “of Legal Education”;
- (b) by inserting, immediately after the words “on or after 31st July 2009” in paragraph (3), the words “but before 3rd May 2011”;
- (c) by deleting the words “consultation with the Board” in paragraph (3) and substituting the words “consulting the Board of Legal Education”;

(d) by inserting, immediately after paragraph (3), the following paragraph:

“(4) For the purposes of rules 10(1), (3) and (4), 11(1) and (3) and 12, the Minister may, on or after 3rd May 2011, after consulting the Institute and subject to such conditions as he thinks fit to impose, by notification in the *Gazette*, specify the courses that are approved by him for the purposes of those rules.”; and

(e) by deleting the words “Board’s or Minister’s approval” in the rule heading and substituting the words “Approval of Board of Legal Education or Minister”.

Amendment of rule 15A

12. Rule 15A of the principal Rules is amended —

(a) by deleting the words “the Board” in paragraph (1) and substituting the words “the Board of Legal Education before 3rd May 2011 or the Institute on or after that date,”;

(b) by deleting the words “a continuous period of not less than 6 months” in paragraph (1) and substituting the words “a period of not less than 6 months within a continuous period of 8 months”; and

(c) by inserting, immediately after the words “legal counsel” in paragraph (3)(e), the words “or a legal executive, by whatever name called,”.

Amendment of rule 16

13. Rule 16 of the principal Rules is amended —

(a) by deleting the words “consultation with the Board” and substituting the words “consulting the Board of Legal Education before 3rd May 2011 or the Institute on or after that date”; and

(b) by deleting the words “by Minister” in the rule heading and substituting the words “from provision of Part II or III”.

New rules 17 and 18

14. The principal Rules are amended by inserting, immediately after rule 16, the following rules:

“Time within which certain qualified persons must apply for admission

17.—(1) Section 12(2)(b) of the Act shall apply to the following classes of qualified persons:

- (a) every person who is a qualified person by virtue of rule 6, 7, 8(1) or (2), 13(1) or (2) or 14(1) or (2);
- (b) every person referred to in rule 8(3) who is a qualified person by virtue of satisfying the requirements under rule 8(3)(i) and (ii)(A);
- (c) every person referred to in rule 9(1), (2) or (2A) who is a qualified person by virtue of satisfying the requirements under rule 9(1)(a) and (b)(i), (2)(a) and (b)(i) or (2A)(a) and (b)(i), as the case may be;
- (d) every person referred to in rule 9A(1) who is a qualified person by virtue of satisfying the requirements under rule 9A(1)(a), (b) and (c)(i); and
- (e) every qualified person who relies on the exemption under rule 15A(2).

(2) Every qualified person belonging to a class of qualified persons referred to in paragraph (1)(a), (b), (c), (d) or (e) shall make his application under section 12(2) of the Act (to be admitted as an advocate and solicitor of the Supreme Court) on or before 2nd May 2012.

Malayan practitioners

18.—(1) A qualified person who is a Malayan practitioner, and who has been in active practice in any part of West Malaysia for a continuous period of not less than 3 years in the 4 years immediately preceding his application for admission as an advocate and solicitor, shall be exempted from the requirements under section 13(1)(c), (d) and (e) of the Act.

(2) A qualified person who is a Malayan practitioner, but to whom paragraph (1) does not apply, shall be exempted from the requirements under section 13(1)(c) and (d) of the Act, if he passes

such examinations as the Board of Directors of the Institute may prescribe under section 10 of the Act for the purposes of this paragraph.”.

Miscellaneous amendments

15. The principal Rules are amended by inserting, immediately after the word “Board” in rules 10(1), (3) and (4) and 12(a) and (b), the words “of Legal Education”.

Cancellation

16. The Legal Profession (Recognition of Foreign Qualifications) (Consolidation) Notification (N 1) is cancelled.

*[G.N. Nos. S 348/2003; S 145/2004; S 493/2005; S 217/2006;
S 587/2006; S 187/2008; S 331/2009]*

Made this 3rd day of May 2011.

PANG KIN KEONG
*Permanent Secretary,
Ministry of Law,
Singapore.*

[LAW 32/001/8.1 V7; AG/LLRD/SL/161/2010/7 Vol. 2]

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