

Legal Profession (Amendment) Bill

Bill No. 16/2008.

Read the first time on 21st July 2008.

A BILL

intituled

An Act to amend the Legal Profession Act (Chapter 161 of the 2001 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. —(1) This Act may be cited as the Legal Profession (Amendment) Act 2008 and shall, with the exception of section 15(b), come into operation on such date as the Minister may, by notification in the *Gazette*,
5 appoint.

(2) Section 15(b) shall be deemed to have come into operation on 1st June 2007.

Amendment of section 2

2. Section 2(1) of the Legal Profession Act (referred to in this Act as the principal Act) is amended —
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(a) by inserting, immediately after the definition of “client”, the following definitions:

15 “constituent foreign law practice”, in relation to a Joint Law Venture, means the foreign law practice which constitutes part of the Joint Law Venture;

“constituent Singapore law practice”, in relation to a Joint Law Venture, means the Singapore law practice which constitutes part of the Joint Law Venture;”;

(b) by deleting the words “, whether as an advocate or a solicitor,” in the definition of “contentious business”;
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(c) by deleting the definition of “Disciplinary Committee” and substituting the following definition:

““Disciplinary Tribunal” means a Disciplinary Tribunal appointed by the Chief Justice under section 90(1);”;

(d) by inserting, immediately before the definition of “Inquiry Committee”, the following definitions:
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““foreign law” means the law of any state or territory other than Singapore, and includes international law;

30 “foreign law practice” means a law practice (including a sole proprietorship, a partnership or a body corporate, whether with or without limited liability) providing legal services in any foreign law in Singapore or elsewhere, but does not include a Singapore law practice;

“foreign lawyer” means an individual who is duly authorised or registered to practise law in a state or territory other than Singapore by a foreign authority having the function conferred by law of authorising or registering persons to practise law in that state or territory;”;

- (e) by inserting, immediately after the definition of “Inquiry Committee”, the following definition:

““Joint Law Venture” means a Joint Law Venture licensed under section 130B;”;

- (f) by deleting the definition of “lay person” and substituting the following definition:

““lay person”, in relation to the Inquiry Panel or an Inquiry Committee, means an architect, an accountant, a banker, a company director, an insurer, a professional engineer, a medical practitioner or any other person (not being an advocate and solicitor or a legal officer) who meets such criteria as may be approved by the Chief Justice and the Attorney-General;”;

- (g) by inserting, immediately after the definition of “legal officer”, the following definition:

““licensed foreign law practice” means a foreign law practice licensed under section 130E;”;

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

““practise Singapore law” means doing work, or transacting business, in relation to the laws of Singapore, being work or business of a kind that is the right or privilege of an advocate and solicitor under Part IV;”;

- (i) by inserting, immediately after the definition of “qualified person”, the following definition:

““Qualifying Foreign Law Practice” means a foreign law practice licensed under section 130D;”;

- (j) by inserting, immediately after the definition of “Rules Committee”, the following definition:

“Singapore law practice” means —

- (a) the practice of a solicitor who practises on his own account;
- (b) a firm of solicitors;
- 5 (c) a limited liability law partnership; or
- (d) a law corporation;”.

Amendment of section 14

3. Section 14(1) of the principal Act is amended —

- 10 (a) by deleting the word “Singapore” in paragraph (a) and substituting the words “a Singapore law practice”; and
- (b) by deleting paragraph (b) and substituting the following paragraph:
 - 15 “(b) with a legal officer who is an advocate and solicitor of not less than 5 years’ standing and who, for a total of not less than 5 out of the 7 years immediately preceding the relevant date, has been a legal officer or has been in active practice in a Singapore law practice or both;”.

Amendment of section 25

20 4. Section 25(1) of the principal Act is amended —

- (a) by deleting the words “as may be prescribed by and in accordance with rules made under this section” and substituting the words “and manner as the Registrar may require”;
- 25 (b) by deleting sub-paragraphs (ii) and (iii) of paragraph (a) and substituting the following sub-paragraphs:
 - “(ii) in a case where he is practising or intends to practise in a Singapore law practice, the name of the Singapore law practice in which he is or will be practising;
 - 30 (iii) in a case where he is registered by the Attorney-General under section 130N to practise Singapore law, and is practising or intends 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, the name of each Joint Law Venture and foreign law practice in which he is or will be practising; and

5 (iv) the principal address, and every other address in Singapore, of each Singapore law practice, Joint Law Venture and foreign law practice in which he will be practising;” and

(c) by deleting the words “an accountant’s report pursuant to” in paragraph (d) and substituting the words “such accountant’s report as may be required under”.

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Amendment of section 25A

5. Section 25A of the principal Act is amended —

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

15 “(fa) whose fitness to practise has been determined under section 25C to be impaired by reason of his physical or mental condition, or who, having been ordered by a Judge to submit to a medical examination under section 25C to be conducted within such period as the Judge may specify in the order, fails to do so;”;

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(b) by inserting, immediately after the word “accident” in subsection (1)(g), the words “, or by the solicitor’s physical or mental condition,”;

(c) by deleting the word “Where” in subsection (2) and substituting the words “Subject to subsection (2A), where”;

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

30 “(2A) The Council shall not be entitled to make a request under subsection (2) in relation to a solicitor without the consent of the Attorney-General, if the solicitor —

(a) is registered by the Attorney-General under section 130N 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; and

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- (b) undertakes not to practise in any Singapore law practice while his practising certificate is in force.”;
- (e) by inserting, immediately after “(f),” in subsection (4), “(fa),”;
- (f) by deleting the word “other” in subsection (4) and substituting the word “any”; and
- (g) by inserting, immediately after the words “Part VII” in subsection (7)(b), the words “or section 130R”.

New section 25C

6. The principal Act is amended by inserting, immediately after section 25B, the following section:

“Medical examination required in certain circumstances

25C.—(1) If the Attorney-General or the Council is satisfied that a solicitor’s fitness to practise appears to have been impaired by reason of the solicitor’s physical or mental condition, the Attorney-General or the Council (as the case may be) may apply to a Judge by originating summons for an order that the solicitor submit to a medical examination.

(2) An application under subsection (1) shall be served on the solicitor concerned.

(3) If, on an application under subsection (1), the Judge is of the opinion that the solicitor’s fitness to practise appears to have been impaired by reason of the solicitor’s physical or mental condition, the Judge shall order the solicitor to submit to a medical examination to be conducted —

(a) by a registered medical practitioner who meets such criteria as the Judge may, having regard to all the circumstances of the case, specify; and

(b) within such period as the Judge may specify in the order.

(4) The registered medical practitioner shall —

(a) personally examine the solicitor;

(b) determine whether the fitness of the solicitor to practise has been impaired by reason of the solicitor’s physical or mental condition; and

- (c) submit a report of his determination and the reasons for the determination, within 14 days from the date of the medical examination, to the solicitor, the Attorney-General and the Council.

5 (5) In making his determination under subsection (4), the registered medical practitioner may have regard to —

- (a) his own observations;
- (b) the results of any tests carried out on the solicitor; and
- (c) any facts which are communicated to him by the Attorney-General, the Council or any other person.

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(6) The solicitor shall bear all costs of and incidental to his medical examination under this section, any tests carried out on him for the purposes of the medical examination and the report referred to in subsection (4)(c).

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(7) Without prejudice to subsections (1) to (6), if the Council is satisfied that a solicitor's fitness to practise appears to have been impaired by reason of the solicitor's physical or mental condition, the Council may direct the solicitor to stop practising until he has submitted to a medical examination.

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(8) Where the Council has given a solicitor a direction under subsection (7) —

- (a) the Council shall, not later than 7 days from the date the direction was given —

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- (i) make an application under subsection (1) in relation to the solicitor; and

- (ii) serve that application on the solicitor;

- (b) the direction shall cease to have effect, if —

- (i) the Council fails to comply with paragraph (a); or

- (ii) the application referred to in paragraph (a) is dismissed;

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- (c) the solicitor may, upon proof of a change in the circumstances or for any good cause —

- (i) inform the Council of the change or good cause and request that the Council's direction be rescinded; or

(ii) apply to a Judge for an order that the Council's direction be set aside, such application to be made —

(A) by summons, in a case where the Council has made an application under subsection (1) in relation to the solicitor; or

(B) by originating summons, in any other case, and served on the Society; and

(d) the solicitor shall comply with the Council's direction until it ceases to have effect under paragraph (b) or is rescinded by the Council or set aside by a Judge.

(9) Notwithstanding anything in this section, the Council shall not be entitled to make any application under subsection (1) in relation to a solicitor, or to give any direction under subsection (7) to a solicitor, without the consent of the Attorney-General, if the solicitor —

(a) is registered by the Attorney-General under section 130N 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; and

(b) does not practise in any Singapore law practice.”.

Amendment of section 26

7. Section 26 of the principal Act is amended —

(a) by deleting paragraphs (a) to (ca) of subsection (1) and substituting the following paragraph:

“(a) unless —

(i) he is practising or intends to practise in a Singapore law practice;

(ii) he is registered by the Attorney-General under section 130N to practise Singapore law, and is practising or intends 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; or

(iii) he is practising or intends to practise as a locum solicitor;”;

(b) by deleting sub-paragraph (i) of subsection (1A)(a) and substituting the following sub-paragraph:

“(i) practised as a solicitor in a Singapore law practice; or”;
and

5 (c) by deleting the words “statutory board or authority” in subsection (3)(a) and substituting the words “statutory body or law office in the public service”.

Amendment of section 27A

8. Section 27A of the principal Act is amended —

10 (a) by deleting the word “Where” in subsection (1) and substituting the words “Subject to subsection (1A), where”;

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

15 “(1A) The Council shall not be entitled to make an application under subsection (1) in relation to a solicitor without the consent of the Attorney-General, if the solicitor —

(a) is registered by the Attorney-General under section 130N to practise Singapore law in a Joint Law Venture or its constituent foreign law practice, a
20 Qualifying Foreign Law Practice or a licensed foreign law practice;

(b) does not practise in any Singapore law practice; and

(c) undertakes not to practise in any Singapore law practice while his practising certificate remains in
25 force.”;

(c) by inserting, immediately after “(f),” in subsection (2), “(fa),”;
and

(d) by deleting the word “other” in subsection (2) and substituting the word “any”.

30 Amendment of section 27B

9. Section 27B of the principal Act is amended —

(a) by deleting subsection (1) and substituting the following subsections:

“(1) Subject to subsection (1A), upon an application to a Judge by the Attorney-General or the Council, or on the hearing by a Judge of an application made under section 27A, the Judge may —

- 5 (a) where the Judge is satisfied that cause of sufficient gravity for disciplinary action against a solicitor exists —
- (i) request the Society under section 85(3)(b) to refer the matter to a Disciplinary Tribunal unless the matter had been or is being dealt with under Part VII or is to be dealt with under section 94A; and
- 10 (ii) order that the solicitor’s current practising certificate be suspended; or
- 15 (b) order that a solicitor’s current practising certificate be suspended, if —
- (i) the solicitor’s fitness to practise has been determined under section 25C to be impaired by reason of the solicitor’s physical or mental condition;
- 20 (ii) the solicitor, having been ordered by a Judge to submit to a medical examination under section 25C to be conducted within such period as the Judge may specify in the order, fails to do so; or
- 25 (iii) the Judge is satisfied that the solicitor is incapacitated by illness or accident, or by the solicitor’s physical or mental condition, to such extent as to be unable to attend to the solicitor’s practice.
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(1A) The Council shall not be entitled to make an application under subsection (1) in relation to a solicitor without the consent of the Attorney-General, if the solicitor —

- 35 (a) is registered by the Attorney-General under section 130N 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;

(b) does not practise in any Singapore law practice; and

5 (c) undertakes not to practise in any Singapore law practice while his practising certificate remains in force.”;

(b) by inserting, immediately after the word “If” in subsection (4), the words “, in a case where a Judge has made an order under subsection (1)(a)(ii) suspending a solicitor’s current practising certificate”;

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(c) by deleting the words “Disciplinary Committee” in subsection (4)(a) and in the section heading and substituting in each case the words “Disciplinary Tribunal”;

(d) by deleting paragraphs (b), (c) and (d) of subsection (4) and substituting the following paragraphs:

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“(b) the application made against the solicitor under section 98(1) is withdrawn or dismissed; or

(c) an order has been made under section 98 that the solicitor be struck off the roll, suspended from practice or censured, or that the solicitor pay a penalty.”; and

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(e) by deleting the words “to make a final order pursuant to an order to show cause under section 98” in subsection (5) and substituting the words “under section 98(1)”.

25 **Amendment of section 29**

10. Section 29 of the principal Act is amended —

(a) by deleting the word “herein” in subsection (2) and substituting the words “in subsection (1)”;

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

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“(3) Notwithstanding subsection (1), an advocate and solicitor who practises in a Joint Law Venture or its constituent foreign law practice, a Qualifying Foreign Law Practice or a licensed foreign law practice shall not be entitled to practise

Singapore law except in accordance with Part IXA and any rules made under section 130W.”.

Amendment of section 30

11. Section 30 of the principal Act is amended —

- 5 (a) by deleting paragraph (a) of subsection (5); and
 (b) by inserting, immediately after subsection (5), the following subsection:

10 “(5A) The appointment of a Senior Counsel shall be deemed to be revoked if, upon an application under section 82A(10) or 98(1) —

- (a) the Senior Counsel is suspended from practice or struck off the roll; or
 (b) a court of 3 Judges of the Supreme Court recommends that the appointment of the Senior
 15 Counsel be revoked.”.

Repeal and re-enactment of section 32

12. Section 32 of the principal Act is repealed and the following section substituted therefor:

“Requirements for practice and unauthorised persons

20 **32.**—(1) Subject to this Part and Part IXA, no person shall practise as an advocate and solicitor or do any act as an advocate and solicitor unless —

- (a) his name is on the roll; and
 (b) he has in force a practising certificate.
 25 (2) For the purposes of this Act, a person is an unauthorised person if —
 (a) his name is not on the roll;
 (b) he does not have in force a practising certificate; or
 (c) being an advocate and solicitor who practises in a Joint Law
 30 Venture or its constituent foreign law practice, a Qualifying Foreign Law Practice or a licensed foreign law practice, he

practises Singapore law otherwise than in accordance with Part IXA and any rules made under section 130W.

(3) A Judge may, if he thinks fit, on the application of a solicitor who is a master under Part II, allow a pupil of the solicitor (being a pupil who has completed not less than 4 months of pupillage) to appear, on behalf of the solicitor or the Singapore law practice in which the solicitor practises, before —

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

Amendment of section 33

13. Section 33(1) of the principal Act is amended by deleting paragraph (a) and substituting the following paragraph:

- “(a) acts as an advocate or a solicitor or an agent for any party to proceedings, or, as such advocate, solicitor or agent —
- (i) sues out any writ, summons or process;
 - (ii) commences, carries on, solicits or defends any action, suit or other proceeding in the name of any other person, or in his own name, in any of the courts in Singapore; or
 - (iii) draws or prepares any document or instrument relating to any proceeding in the courts in Singapore; or”.

Amendment of section 40A

14. Section 40A(1) of the principal Act is amended by deleting paragraphs (a), (b) and (c) and substituting the following paragraphs:

- “(a) registered by the Attorney-General under section 130I to practise Singapore law in a Joint Law Venture;
- (b) registered by the Attorney-General under section 130J to practise Singapore law in a Singapore law practice; or

- (c) granted the approval of the Attorney-General under section 130L.”.

Amendment of section 41

15. Section 41 of the principal Act is amended —

- 5 (a) by deleting the word “Any” in subsection (1) and substituting the words “Subject to subsections (3) and (4), any”;
- (b) by deleting the words “under rules made under section 130I” in subsection (1)(b) and substituting the words “by the Attorney-General under Part IXA who is not a foreign practitioner member”;
- 10 (c) by inserting, immediately after the words “qualified person” in subsection (1)(c), the words “(not being an advocate and solicitor) who is”;
- (d) by inserting, immediately after subsection (1), the following subsection:
- 15 “(1A) Subject to subsection (5), any of the following persons (not being an advocate and solicitor, a foreign lawyer referred to in section 40A(1) or subsection (1), or a qualified person referred to in subsection (1)) may be admitted as a member of the Society on his application in the prescribed manner to the Society:
- 20 (a) any member of the academic staff —
- (i) of the Faculty of Law of the National University of Singapore;
- 25 (ii) of the School of Law of the Singapore Management University; or
- (iii) of any department in any institution of higher learning in Singapore who teaches law in that department;
- 30 (b) any person resident in Singapore who 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, to be eligible to practise law in that state or territory;

- 5 (c) any person resident in Singapore who is attending a course of study leading to a qualification prescribed under section 2(2).”;
- (e) by inserting, immediately after the words “subsection (1)” in subsection (2), the words “or (1A)”;
- (f) by inserting, immediately after subsection (2), the following subsections:
- 10 “(3) Subsection (1) shall not apply to —
- (a) an advocate and solicitor —
- (i) who has been struck off the roll, or whose name has been removed from the roll under section 100; and
- 15 (ii) whose name has not been replaced on the roll under section 102;
- (b) an advocate and solicitor who has been suspended from practice, for so long as the suspension remains in force;
- 20 (c) a foreign lawyer whose registration under Part IXA has been cancelled, and who has not been re-registered by the Attorney-General under that Part;
- (d) a foreign lawyer whose registration under Part IXA has been suspended, for so long as the suspension remains in force;
- 25 (e) a qualified person who has been prohibited under section 83(3) from applying to the court for admission, for so long as the prohibition remains in force.
- 30 (4) A person admitted as a member of the Society under subsection (1) shall cease to be a member if —
- (a) being an advocate and solicitor referred to in subsection (1)(a) —

- (i) he is struck off the roll or suspended from practice; or
 - (ii) his name is removed from the roll under section 100;
- 5 (b) being a foreign lawyer referred to in subsection (1)(b), his registration under Part IXA is cancelled or suspended; or
- (c) being a qualified person referred to in subsection (1)(c), he is prohibited under section 83(3) from
- 10 applying to the court for admission.
- (5) A person admitted as a member of the Society under subsection (1A)(c) shall cease to be a member when he becomes a qualified person.”.

Amendment of section 64

- 15 **16.** Section 64 of the principal Act is amended —
- (a) by deleting subsection (1) and substituting the following subsections:
- “(1) Meetings of the Council may be held —
- (a) at such times and in such manner as the Council may
- 20 determine; and
- (b) as often as may be necessary.
- (1A) A member of the Council may participate in a meeting of the Council through such means of communication (such as over the telephone or through a live audio, live video or live
- 25 television link) as the Council may determine.
- (1B) A member of the Council who participates in a meeting of the Council in accordance with subsection (1A) shall be deemed to be present at the meeting.”; and
- (b) by deleting the word “personally” in subsection (2).

30 New section 64A

- 17.** The principal Act is amended by inserting, immediately after section 64, the following section:

“Passing of resolution of Council by written means

64A.—(1) Notwithstanding section 64, the Council may pass any resolution of the Council by written means.

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

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

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

Amendment of section 66

15 **18.** Section 66 of the principal Act is amended —

(a) by inserting, immediately before the words “Inquiry Committee” wherever they appear in subsection (1), the words “Review Committee or”; and

20 (b) by inserting, immediately after the word “Council” in the section heading, the words “, Review Committee”.

Amendment of section 72

19. Section 72 of the principal Act is amended —

(a) by deleting the word “shall” in subsection (1) and substituting the word “may”;

25 (b) by deleting paragraph (d) of subsection (1) and substituting the following paragraphs:

30 “(d) as to the keeping by every solicitor referred to in paragraph (c) of accounts containing particulars and information as to moneys received, held or paid by him for or on account of any trust referred to in that paragraph;

(da) as to the circumstances in which, and the manner by which, the Council may prohibit a solicitor from

authorising or effecting any withdrawal of money from any account referred to in paragraph (a) or (c), whether such withdrawal is authorised or effected by the solicitor signing any cheque or other instrument or otherwise; and”;

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(c) by deleting the words “or to Joint Law Ventures or Formal Law Alliances registered under Part IXA” in subsection (2); and

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

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“(2A) Such rules shall apply only to Singapore law practices and solicitors practising therein.”.

Amendment of section 73

20. Section 73 of the principal Act is amended —

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(a) by deleting the word “Every” in subsection (1) and substituting the words “Subject to subsection (1A), every”;

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

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“(1A) A solicitor shall not be required to deliver an accountant’s report under subsection (1) in respect of any practice of Singapore law by him in a Joint Law Venture or its constituent foreign law practice, a Qualifying Foreign Law Practice or a licensed foreign law practice.”;

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(c) by deleting the words “The accountant’s report” in subsection (2) and substituting the words “If a solicitor practised in a Singapore law practice during such accounting period as may be specified in the accountant’s report to be delivered by him, the report”;

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(d) by deleting the words “the solicitor or his firm or the law corporation or the limited liability law partnership” in subsection (2)(a) and (b) and substituting in each case the words “the Singapore law practice”;

(e) by deleting the words “such accounting period as may be specified in the report” in subsection (2)(a) and substituting the words “the said accounting period”;

- (f) by deleting the words “accounting period specified in the report” in subsection (2)(e) and substituting the words “said accounting period”;
- 5 (g) by deleting the words “the solicitor or his firm or the law corporation or the limited liability law partnership” in subsection (3)(d) and substituting the words “the Singapore law practice in which the solicitor practised”; and
- (h) by deleting paragraph (b) of subsection (4) and substituting the following paragraph:
- 10 “(b) the nature and extent of the examination to be made by an accountant, with a view to the signing of an accountant’s report to be delivered by a solicitor, of —
- (i) the books and accounts of the Singapore law practice in which the solicitor practised; and
- 15 (ii) any other relevant documents.”.

Amendment of section 74

21. Section 74 of the principal Act is amended —

- 20 (a) by deleting the word “The” and substituting the words “Subject to subsection (2), the”; and
- (b) by renumbering the section as subsection (1) of that section, and by inserting immediately thereafter the following subsections:
- 25 “(2) The First Schedule shall apply, with such modifications as may be prescribed under subsection (3), to 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.
- 30 (3) The Minister may, after consulting the Attorney-General, make rules to prescribe the modifications to be made to the First Schedule for the purposes of subsection (2).”.

Amendment of section 75

22. Section 75 of the principal Act is amended —

(a) by deleting paragraphs (a) and (b) of subsection (3A) and substituting the following paragraphs:

“(a) registered by the Attorney-General under section 130J to practise Singapore law in a Singapore law practice; or

(b) granted the approval of the Attorney-General under section 130L.”; and

(b) by deleting the word “firm” in subsection (11)(d) and substituting the word “practice”.

10 **Amendment of section 75B**

23. Section 75B of the principal Act is amended —

(a) by deleting the word “The” and substituting the words “Subject to subsection (2), the”; and

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

“(2) 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 solicitor registered by the Attorney-General under section 130N, on or after the date of commencement of section 23 of the Legal Profession (Amendment) Act 2008, of services which —

(a) are rendered in connection with his 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; and

(b) are not of the quality which it is reasonable to expect of him.

(3) The Minister may, after consulting the Attorney-General, make rules to prescribe the modifications to be made to the Second Schedule and any rules made under paragraph 11 of that Schedule for the purposes of subsection (2).”.

Amendment of section 75C

24. Section 75C of the principal Act is amended —

- (a) by inserting, immediately after the words “may practise” in subsection (1), the words “in a Singapore law practice”;
- (b) by deleting the words “in the practice of a solicitor in Singapore or in the practice of a law corporation or a limited liability law partnership” in subsection (1)(b) and substituting the words “in a Singapore law practice”;
- (c) by inserting, immediately after the words “in practice” in subsection (4), the words “in a Singapore law practice”; and
- (d) by deleting the section heading and substituting the following section heading:

“Qualification to practise as sole proprietor, partner or director of Singapore law practice”.

Amendment of section 77

25. Section 77(2) of the principal Act is amended by deleting the words “his firm or the law corporation or the limited liability law partnership” wherever they appear and substituting in each case the words “the Singapore law practice in which he practises”.

Amendment of section 82A

26. Section 82A of the principal Act is amended —

- (a) by inserting, immediately after “91,” in subsection (1), “91A,”;
- (b) by deleting the words “an order to show cause” in subsection (4) and substituting the words “a legal officer or non-practising solicitor to be punished”;
- (c) by deleting the words “Disciplinary Committee” in subsections (6), (7), (9) and (10) and substituting in each case the words “Disciplinary Tribunal”;
- (d) by inserting, immediately after subsection (6), the following subsection:

“(6A) Notwithstanding subsection (6), the Chief Justice may refuse to grant leave for an investigation to be made into a complaint of misconduct against a legal officer or non-practising solicitor if the application for such leave is made after the expiration of the period of —

- (a) 6 years from the date of the alleged misconduct; or
- (b) where the complaint relates to any fraud alleged to have been committed by the legal officer or non-practising solicitor, 6 years from the earliest date on which the applicant discovered the fraud or could with reasonable diligence have discovered it, if that period expires later than the period referred to in paragraph (a).”;
- 5
- (e) by deleting “\$5,000” in subsection (12)(d) and substituting “\$20,000”; and
- 10
- (f) by deleting subsection (13) and substituting the following subsections:
- “ (13) The costs of and incidental to any proceedings under this section shall be in the discretion of the Disciplinary Tribunal, Judge or court hearing those proceedings.
- 15
- (13A) A Disciplinary Tribunal may, in making any order on costs under subsection (13), specify the amount of those costs or direct that the amount be taxed by the Registrar.”.

Amendment of section 83

- 20 **27.** Section 83 of the principal Act is amended —
- (a) by deleting subsection (1) and substituting the following subsection:
- “ (1) All advocates and solicitors shall be subject to the control of the Supreme Court and shall be liable on due cause shown —
- 25
- (a) to be struck off the roll;
- (b) to be suspended from practice for a period not exceeding 5 years;
- (c) to pay a penalty of not more than \$100,000;
- 30
- (d) to be censured; or
- (e) to suffer the punishment referred to in paragraph (c) in addition to the punishment referred to in paragraph (b) or (d).”;

- (b) by deleting the words “Disciplinary Committee” in subsection (6) and substituting the words “Disciplinary Tribunal”; and
- (c) by deleting the words “or suspend or censure” in the section heading and substituting the word “, etc.”.

5 **Amendment of section 84**

28. Section 84 of the principal Act is amended —

- (a) by deleting “12” in subsection (2) and substituting “7”; and
- (b) by deleting subsection (5) and substituting the following subsection:

10 “(5) The Chief Justice shall appoint, from among the members of the Inquiry Panel who are advocates and solicitors of not less than 12 years’ standing, the Chairman and the Deputy Chairman of the Inquiry Panel.”.

Amendment of section 85

15 **29.** Section 85 of the principal Act is amended —

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

“(1) Any complaint of the conduct of an advocate and solicitor —

- 20 (a) shall be made to the Society in writing;
- (b) shall include a statement by the complainant —
 - (i) as to whether, to his knowledge, any other complaint has been made to the Society against the advocate and solicitor, by him or by any other person, which arises from the same facts as his complaint; and
 - 25 (ii) if so, setting out such particulars of each such complaint as the Council may require and he is able to provide; and
- 30 (c) shall be supported by such statutory declaration as the Council may require, except that no statutory declaration shall be required if the complaint is made by any public officer.

(1A) Subject to subsection (4A), the Council shall refer every complaint which satisfies the requirements of subsection (1) to the Chairman of the Inquiry Panel.”;

(b) by deleting the words “Disciplinary Committee” wherever they appear in subsections (3)(b) and (4) and substituting in each case the words “Disciplinary Tribunal”;

(c) by inserting, immediately after subsection (3), the following subsections:

“(3A) Notwithstanding subsections (1A), (2) and (3), where any complaint is made to the Society of, the Council wishes to refer any information touching upon, or any Judge of the Supreme Court has referred any information to the Society touching upon, the conduct of an advocate and solicitor who is registered by the Attorney-General under section 130N 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 and who at the time of the conduct did not practise in any Singapore law practice —

(a) the Council shall consult the Attorney-General on whether to proceed in accordance with this section; and

(b) if the Attorney-General directs the Council not to proceed in accordance with this section, the Council shall refer the complaint or information to the Attorney-General as a complaint under section 130R instead of proceeding in accordance with this section.

(3B) Where any conduct of an advocate and solicitor registered by the Attorney-General under section 130N 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 has given rise to any proceedings under this Part, those proceedings, and any decision, determination or order arising from those proceedings, shall not in any way affect the jurisdiction of the Attorney-General under Part IXA to take such action as he deems appropriate against the advocate and solicitor in respect of the same conduct.”;

- (d) by deleting “(1)” in subsection (4) and substituting “(1A)”;
- (e) by inserting, immediately after subsection (4), the following subsections:

5 “(4A) Subject to subsection (4C), the Council shall not refer a complaint of the conduct of an advocate and solicitor to the Chairman of the Inquiry Panel under subsection (1A) if the complaint is first made to the Society after the expiration of the period of —

- (a) 6 years from the date of the conduct; or
- 10 (b) where the complaint relates to any fraud alleged to have been committed by the advocate and solicitor, 6 years from the earliest date on which the complainant discovered the fraud or could with reasonable diligence have discovered it, if that period
- 15 expires later than the period referred to in paragraph (a).

(4B) Subject to subsection (4C), the Council shall not refer any information touching upon the conduct of an advocate and solicitor to the Chairman of the Inquiry Panel under

20 subsection (2) after the expiration of the period of —

- (a) 6 years from the date of the conduct; or
- (b) where the information relates to any fraud alleged to have been committed by the advocate and solicitor, 6 years from the earliest date on which the Council
- 25 discovered the fraud or could with reasonable diligence have discovered it, if that period expires later than the period referred to in paragraph (a).

(4C) The Council may, with the leave of the court —

- (a) refer a complaint of the conduct of an advocate and solicitor to the Chairman of the Inquiry Panel under
- 30 subsection (1A) after the expiration of the period referred to in subsection (4A); or
- (b) refer any information touching upon the conduct of an advocate and solicitor to the Chairman of the Inquiry Panel under subsection (2) after the expiration of the
- 35 period referred to in subsection (4B).

(4D) An application for the leave of the court under subsection (4C) shall be —

(a) made by the Council by originating summons; and

(b) accompanied by an affidavit —

5

(i) setting out —

(A) every document constituting the complaint of the conduct of the advocate and solicitor concerned, including every statutory declaration in support of the complaint (if any); or

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(B) the facts constituting the information touching upon the conduct of the advocate and solicitor concerned,

as the case may be;

15

(ii) explaining why the complaint was not made to the Society before the expiration of the period referred to in subsection (4A), or why the information was not referred to the Chairman of the Inquiry Panel before the expiration of the period referred to in subsection (4B), as the case may be; and

20

(iii) explaining why the complaint or information, as the case may be, should be referred to the Chairman of the Inquiry Panel, notwithstanding the expiration of the period referred to in subsection (4A) or (4B), as the case may be.

25

(4E) The application and affidavit referred to in subsection (4D) shall be served on the advocate and solicitor concerned.”;

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

30

“(6) Where any complaint or information touching upon the conduct of any advocate and solicitor is referred to the Chairman of the Inquiry Panel under subsection (1A), (2) or (3), the Chairman or Deputy Chairman of the Inquiry Panel

shall, within 2 weeks, constitute a Review Committee consisting of —

5 (a) a chairman, being the Chairman or Deputy Chairman himself or a member of the Inquiry Panel who is an advocate and solicitor of not less than 12 years' standing; and

(b) a legal officer who has not less than 10 years' experience,

10 to review the complaint or information, and such review by the Review Committee shall start within 2 weeks of its constitution.”;

(g) by deleting the words “On the completion of a review under subsection (6), a Review Committee shall” in subsection (8) and substituting the words “A Review Committee shall complete its review under subsection (6) within 4 weeks of its constitution, and”;

15

(h) by inserting, immediately after subsection (8), the following subsection:

20 “(8A) The Chairman or Deputy Chairman of the Inquiry Panel may, on the application in writing of a Review Committee, grant to the Review Committee an extension of the period specified in subsection (8) if he is satisfied that the circumstances of the case justify the grant of the extension, except that any extension granted shall not extend beyond a period of 6 weeks from the date of the constitution of the Review Committee.”;

25

(i) by deleting the words “the Chairman shall immediately” in subsection (10) and substituting the words “the Chairman or Deputy Chairman of the Inquiry Panel shall, within 3 weeks,”;

30 (j) by inserting, immediately after the word “solicitor” in subsection (10)(a), the words “of not less than 12 years' standing”;

(k) by deleting the words “shall not be” in subsection (11) and substituting the words “shall not thereby be disqualified from acting as”;

35

- (l) by deleting subsection (17) and substituting the following subsections:

5 “(17) Any person who makes a complaint to the Society under this Part shall furnish to the Chairman or Deputy Chairman of the Inquiry Panel, or the chairman of a Review Committee or of an Inquiry Committee, such statutory declarations or affidavits in support of the complaint as that Chairman, Deputy Chairman or chairman may require within such time as that Chairman, Deputy Chairman or chairman may specify.

(17A) Where a complaint is made to the Society under this Part, and the whole or any part of the complaint or any document furnished in support of the complaint is in a language other than English —

15 (a) the complainant shall furnish to the Society an English translation of that whole or part of the complaint or document which is verified by the affidavit of a person qualified to translate it; or

(b) if the complainant fails to do so, the Society —

20 (i) may arrange for the translation into English of that whole or part of the complaint or document; and

(ii) shall be entitled to recover from the complainant all reasonable costs of such translation as if they were a debt due to the Society.

25 (17B) Where any voice recording is tendered in support of a complaint made to the Society under this Part —

(a) the complainant shall furnish to the Society —

30 (i) a transcript of the recording, such transcript to be verified by the affidavit of the person who transcribed the recording; and

(ii) if the transcript is in a language other than English, an English translation of the transcript which is verified by the affidavit of a person qualified to translate it; or

35

- (b) if the complainant fails to do so, the Society —
- (i) may arrange for the transcription of the recording and, if the transcript of the recording is in a language other than English, the translation into English of the transcript of the recording; and
 - (ii) shall be entitled to recover from the complainant all reasonable costs of such transcription and translation as if they were a debt due to the Society.”;
- (m) by deleting “\$500” in subsection (18) and substituting “\$1,000”;
- (n) by deleting the words “necessary costs and expenses” in subsection (18) and substituting the word “costs”; and
- (o) by deleting subsection (19) and substituting the following subsections:
- “(19) Where the complaint is found to be frivolous or vexatious —
- (a) the Inquiry Committee may, after hearing the complainant (if he desires to be heard) —
 - (i) order the complainant to pay to any person all or any costs reasonably incurred by that person in the proceedings before the Inquiry Committee; and
 - (ii) in such order, specify the amount of those costs or direct that the amount be taxed by the Registrar;
 - (b) any sum deposited under subsection (18) shall be applied for the payment of those costs, and any balance of that sum shall be returned to the complainant; and
 - (c) if no sum has been deposited under subsection (18), or if any sum deposited under subsection (18) is insufficient to cover those costs, the person awarded those costs may sue for and recover the costs which remain unpaid as if they were a debt due to him.

(19A) Where —

(a) an Inquiry Committee has made any order under subsection (19)(a); and

(b) the complainant is dissatisfied with that order,

5 the complainant may, within 14 days of being notified of that order, apply to a Judge for a review of that order.

(19B) An application under subsection (19A) shall be —

(a) made by originating summons; and

10 (b) served on the Society and on every person against whom any relief is sought.

(19C) At the hearing of an application under subsection (19A), the Judge may —

(a) affirm, vary or set aside the order of the Inquiry Committee; and

15 (b) make such order for the payment of costs as may be just.”.

Amendment of section 86

30. Section 86 of the principal Act is amended —

20 (a) by inserting, immediately after the word “Chairman” in subsection (3), the words “or Deputy Chairman”;

(b) by deleting subsection (7) and substituting the following subsection:

25 “(7) The report of the Inquiry Committee shall, among other things, deal with the question of the necessity or otherwise of a formal investigation by a Disciplinary Tribunal, and the Inquiry Committee shall recommend to the Council —

30 (a) if the Inquiry Committee is of the view that there should be a formal investigation by a Disciplinary Tribunal, the charge or charges to be preferred against the advocate and solicitor with respect to the misconduct committed; or

(b) if the Inquiry Committee is of the view that no formal investigation by a Disciplinary Tribunal is required —

- (i) a penalty sufficient and appropriate to the misconduct committed; or
 - (ii) that the complaint be dismissed.”;
- (c) by deleting the words “Disciplinary Committee” wherever they appear in subsection (11) and substituting in each case the words “Disciplinary Tribunal”; and
- (d) by deleting subsections (12) and (13) and substituting the following subsections:
- “(12) For the purposes of conducting an inquiry, an Inquiry Committee may —
- (a) appoint any person to make or assist in the making of such preliminary inquiries as the Inquiry Committee thinks necessary;
 - (b) require the production for inspection by the Inquiry Committee, or by any person appointed under paragraph (a), of any books, documents or papers which may relate to or be connected with the subject-matter of the inquiry; and
 - (c) require the complainant, the advocate and solicitor concerned and any other person to give any information which may relate to or be connected with the subject-matter of the inquiry (including any information in relation to any books, documents or papers referred to in paragraph (b)) —
 - (i) at an attendance before the Inquiry Committee or any person appointed under paragraph (a);
 - (ii) in writing; or
 - (iii) by way of a statutory declaration or an affidavit.
- (13) Any person who refuses or fails, without lawful excuse, to comply with any requirement of an Inquiry Committee under subsection (12)(b) or (c) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.”.

Amendment of section 87

31. Section 87 of the principal Act is amended —

- (a) by deleting the words “Disciplinary Committee” wherever they appear in subsections (1)(c) and (2)(b) and substituting in each case the words “Disciplinary Tribunal”;
- 5 (b) by deleting the words “be adjourned for consideration or” in subsection (1)(d);
- (c) by inserting, immediately after subsection (1), the following subsection:
- 10 “(1A) Where the Council has determined under subsection (1)(d) that a matter be referred back to the Inquiry Committee for reconsideration or a further report —
- (a) the Council shall notify the Inquiry Committee accordingly;
- (b) the Inquiry Committee shall submit its response or further report to the Council within 4 weeks from the date of the Council’s notification; and
- 15 (c) subsection (1)(a), (b) and (c) shall apply, with the necessary modifications, in relation to the response or further report of the Inquiry Committee as it applies in relation to the report of the Inquiry Committee.”;
- 20 (d) by inserting, immediately after the word “report” in subsection (2), the words “, read with any response or further report submitted under subsection (1A)(b),”;
- (e) by inserting, immediately after the words “report of the Inquiry Committee” in subsection (3), the words “, read with any response or further report of the Inquiry Committee submitted under subsection (1A)(b),”;
- 25 (f) by inserting, immediately after the words “determined the complaint” in subsection (4), the words “within 14 days of the determination”.

30 **Amendment of section 88**

32. Section 88(1) of the principal Act is amended by deleting “\$5,000” and substituting “\$10,000”.

Amendment of section 89

33. Section 89 of the principal Act is amended —

- (a) by deleting the word “immediately” in subsection (1) and substituting the words “within 4 weeks”; and
- (b) by deleting the words “Disciplinary Committee” wherever they appear in subsections (1), (3) and (4) and in the section heading and substituting in each case the words “Disciplinary Tribunal”.

Amendment of section 90

34. Section 90 of the principal Act is amended —

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

“(1) The Chief Justice may from time to time appoint one or more Disciplinary Tribunals, each comprising —

(a) a president, who shall be an advocate and solicitor who is a Senior Counsel or who has at any time held office as a Judge or Judicial Commissioner of the Supreme Court; and

(b) an advocate and solicitor of not less than 12 years’ standing.”;

- (b) by deleting the words “Disciplinary Committee” in subsection (2) and in the section heading and substituting in each case the words “Disciplinary Tribunal”; and

- (c) by deleting subsections (3) to (9) and substituting the following subsections:

“(3) The Chief Justice may at any time —

(a) revoke the appointment of the Disciplinary Tribunal;

(b) remove any member of the Disciplinary Tribunal; or

(c) fill any vacancy in the Disciplinary Tribunal.

(4) Without prejudice to the generality of subsection (3), where, after a Disciplinary Tribunal has commenced the hearing and investigation of any matter, any member of the Disciplinary Tribunal is unable through death, illness or other cause to conclude the hearing and investigation of the matter —

- (a) the Chief Justice may fill the vacancy or appoint another Disciplinary Tribunal to continue the hearing and investigation of the matter; and
- (b) the Disciplinary Tribunal so reconstituted or appointed may —
- (i) with the consent of —
- (A) the Society or, if the person making the complaint has conduct of the proceedings before the Disciplinary Tribunal, that person; and
- (B) the solicitor to whom the complaint relates,
- have regard to the evidence given, the arguments adduced and any orders made during the proceedings before the previous Disciplinary Tribunal; or
- (ii) hear and investigate the matter afresh.
- (5) The Chief Justice shall appoint a solicitor to be the secretary of every Disciplinary Tribunal.
- (6) The production of any written instrument purporting to be signed by the Chief Justice and making an appointment, revocation or removal referred to in this section shall be evidence that such appointment or revocation has been duly made.
- (7) Every member of a Disciplinary Tribunal appointed under subsection (1), and the secretary of every Disciplinary Tribunal appointed under subsection (5), shall be paid for each case such remuneration as the Chief Justice may determine.”.

Amendment of section 91

35. Section 91 of the principal Act is amended —
- (a) by deleting the words “Disciplinary Committee” wherever they appear in subsections (1), (2), (5), (6) and (7) and in the section heading and substituting in each case the words “Disciplinary Tribunal”; and

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

5 “(1A) If the members of a Disciplinary Tribunal are unable to reach a unanimous decision on any matter, the matter shall be decided in accordance with the decision of the president of the Disciplinary Tribunal.”.

New section 91A

36. The principal Act is amended by inserting, immediately after section 91, the following section:

10 “Restriction of judicial review

91A.—(1) Except as provided in sections 82A, 97 and 98, there shall be no judicial review in any court of any act done or decision made by the Disciplinary Tribunal.

15 (2) In this section, “judicial review” includes proceedings instituted by way of —

(a) an application for a Mandatory Order, a Prohibiting Order or a Quashing Order; and

20 (b) an application for a declaration or an injunction, or any other suit or action, relating to or arising out of any act done or decision made by the Disciplinary Tribunal.”.

Amendment of section 93

37. Section 93 of the principal Act is amended —

25 (a) by deleting the words “Disciplinary Committee” wherever they appear in subsections (1) and (3) to (6) and in the section heading and substituting in each case the words “Disciplinary Tribunal”;

(b) by deleting the words “In the event of the Disciplinary Committee making” in subsection (2) and substituting the words “Where a Disciplinary Tribunal makes”;

30 (c) by deleting the words “the Committee” where they first appear in subsection (2) and substituting the words “the Disciplinary Tribunal”;

(d) by deleting the words “or of such sum as the Committee may consider a reasonable contribution towards costs” in

subsection (2) and substituting the words “, and may, in such order, specify the amount of those costs or direct that the amount be taxed by the Registrar”; and

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

“(2A) Where a Disciplinary Tribunal makes a determination under subsection (1)(a) and further records the opinion that the complaint was frivolous or vexatious, the Disciplinary Tribunal may, after hearing the person who made the complaint (if he desires to be heard) —

(a) order that the costs of the complaint shall be paid by that person; and

(b) in such order, specify the amount of those costs or direct that the amount be taxed by the Registrar.

(2B) Any person awarded any costs under subsection (2) or (2A) may sue for and recover those costs as if those costs were a debt due to him.”.

Amendment of section 94

38. Section 94 of the principal Act is amended —

(a) by deleting the words “Disciplinary Committee” in subsections (1), (2) and (3) and substituting in each case the words “Disciplinary Tribunal”;

(b) by deleting the words “proceed to make an application in accordance with section 98” in subsections (1) and (3)(b) and substituting in each case the words “make an application under section 98 within one month from the date of the determination of the Disciplinary Tribunal”;

(c) by deleting “\$10,000” in subsection (3)(a) and substituting “\$20,000”; and

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

“(4) The Council shall inform the advocate and solicitor and the person who made the complaint of —

- (a) the determination of the Disciplinary Tribunal under section 93 within 14 days from the date the Society receives a copy of the report referred to in section 93(4); and
- 5 (b) where subsection (3) applies, the Council's decision —
- (i) as to whether it agrees with the determination of the Disciplinary Tribunal; and
- (ii) to reprimand the advocate and solicitor, to order
10 him to pay a penalty or to make an application under section 98,
within 14 days from the date of the decision.”.

Amendment of section 95

39. Section 95 of the principal Act is amended —

- 15 (a) by deleting subsection (4) and substituting the following subsection:
- “(4) Where the Council has ordered an advocate and solicitor to pay a penalty, the advocate and solicitor shall pay to the Society —
- 20 (a) the penalty, if —
- (i) no application is made under subsection (1) to set aside the Council's order; or
- (ii) the penalty has been affirmed by a Judge under subsection (3)(a); or
- 25 (b) if the penalty has been varied by a Judge under subsection (3)(a), the penalty so varied.”;
- (b) by inserting, immediately after the word “penalty” in subsection (5), the words “payable to the Society under subsection (4) which is”; and
- 30 (c) by inserting, immediately after the word “penalties” in the section heading, the words “ordered by Council”.

Amendment of section 96

40. Section 96 of the principal Act is amended by deleting the words “Disciplinary Committee” wherever they appear in subsections (4)(b) and (5) and substituting in each case the words “Disciplinary Tribunal”.

5 **Repeal and re-enactment of section 97**

41. Section 97 of the principal Act is repealed and the following section substituted therefor:

“Application for review of Disciplinary Tribunal’s decision

10 **97.**—(1) Where a Disciplinary Tribunal has made a determination under section 93(1)(a) or (b), the person who made the complaint, the advocate and solicitor or the Council may, within 14 days of being notified of that determination or any order under section 93(2) or (2A), apply to a Judge for a review of that determination or order.

(2) An application under subsection (1) shall be —

15 (a) made by originating summons; and

(b) served on —

(i) the person who made the complaint, if he had the conduct of the proceedings before the Disciplinary Tribunal and is not the applicant;

20 (ii) the advocate and solicitor, if he is not the applicant;

(iii) the Society, if the Council is not the applicant; and

(iv) the secretary of the Disciplinary Tribunal.

25 (3) Upon receiving the application, the secretary of the Disciplinary Tribunal shall file in court the record and report of the hearing and investigation by the Disciplinary Tribunal.

(4) The Judge hearing the application —

30 (a) shall have full power to determine any question necessary to be determined for the purpose of doing justice in the case, including any question as to the correctness, legality or propriety of the determination or order of the Disciplinary Tribunal, or as to the regularity of any proceedings of the Disciplinary Tribunal; and

(b) may make such orders as the Judge thinks fit, including —

(i) an order directing the person who made the complaint or the Council to make an application under section 98;

(ii) an order setting aside the determination of the Disciplinary Tribunal and directing —

(A) the Disciplinary Tribunal to rehear and reinvestigate the complaint or matter; or

(B) the Society to apply to the Chief Justice for the appointment of another Disciplinary Tribunal to hear and investigate the complaint or matter; or

(iii) such order for the payment of costs as may be just.

(5) If the Judge makes an order directing the person who made the complaint to make an application under section 98, that person shall have the conduct of the proceedings under that section, and any such proceedings shall be brought in his name.

(6) If the Judge makes an order directing the person who made the complaint or the Council to make an application under section 98, that person or the Society, as the case may be, shall make the application under that section within one month from the date of the order.”.

Amendment of section 98

42. Section 98 of the principal Act is amended —

(a) by deleting subsections (1) to (8) and substituting the following subsections:

“(1) An application for an order that a solicitor —

(a) be struck off the roll;

(b) be suspended from practice for a period not exceeding 5 years;

(c) pay a penalty of not more than \$100,000;

(d) be censured;

(e) suffer the punishment referred to in paragraph (c) in addition to the punishment referred to in paragraph (b) or (d); or

(f) be required to answer allegations contained in an affidavit,

shall be made by originating summons.

5 (2) If the solicitor named in the application under subsection (1) is believed to be outside Singapore, an application may be made by summons in the same proceedings for directions as to service.

10 (3) If the solicitor named in the application under subsection (1) is or is believed to be within Singapore, the provisions of the Rules of Court (Cap. 322, R 5) for service of writs of summons shall apply to the service of the application.

(4) A copy of the affidavit or affidavits in support of the application under subsection (1) shall be served with the application upon the solicitor named in the application.

15 (5) There must be at least 8 clear days between the service of the application under subsection (1) and the day named therein for the hearing.

20 (6) Any order on an application under subsection (1) that is made in any case where personal service of that application has not been effected may be set aside on the application of the solicitor on good cause being shown.

(7) The application under subsection (1) shall be heard by a court of 3 Judges of the Supreme Court, and from the decision of that court there shall be no appeal.

25 (8) The court of 3 Judges —

(a) shall have full power to determine any question necessary to be determined for the purpose of doing justice in the case, including any question as to the correctness, legality or propriety of the determination of the Disciplinary Tribunal, or as to the regularity of any proceedings of the Disciplinary Tribunal; and

30

(b) may make an order setting aside the determination of the Disciplinary Tribunal and directing —

(i) the Disciplinary Tribunal to rehear and
35 reinvestigate the complaint or matter; or

(ii) the Society to apply to the Chief Justice for the appointment of another Disciplinary Tribunal to hear and investigate the complaint or matter.”;

(b) by deleting the words “subsection (7)” in subsection (9) and substituting the words “subsection (1)”;

(c) by deleting the section heading and substituting the following section heading:

“Application for order that solicitor be struck off roll, etc.”.

New section 98A

43. The principal Act is amended by inserting, immediately after section 98, the following section:

“Provisions as to penalties ordered by court

98A.—(1) Where the court has ordered a legal officer or non-practising solicitor to pay a penalty under section 82A(12), the legal officer or non-practising solicitor shall pay the penalty to the Registrar of the Supreme Court.

(2) Where the court has ordered an advocate and solicitor to pay a penalty under section 98, the advocate and solicitor shall pay the penalty to the Registrar of the Supreme Court.

(3) Any penalty payable under subsection (1) or (2) which is not paid may be recoverable by the Government as a judgment debt.

(4) All sums collected by the Registrar of the Supreme Court under subsection (1) or (2) or recovered by the Government under subsection (3) shall be paid into the Consolidated Fund.”.

Amendment of section 99

44. Section 99 of the principal Act is amended by deleting the words “an order (whether an order to show cause or a final order)” and substituting the words “any order”.

Amendment of section 102

45. Section 102 of the principal Act is amended by deleting subsection (1) and substituting the following subsection:

“(1) Where the name of a solicitor has been removed from, or struck off, the roll, the court may, if it thinks fit, at any time order the Registrar to replace on the roll the name of the solicitor —

(a) free from conditions; or

5 (b) subject to such conditions as the court thinks fit.”.

Amendment of section 103

46. Section 103 of the principal Act is amended —

(a) by deleting subsections (1) and (2);

10 (b) by inserting, immediately after the word “section” in subsection (3), “97,”; and

(c) by deleting the words “Disciplinary Committee” in subsection (4) and substituting the words “Disciplinary Tribunal”.

Amendment of section 104

15 **47.** Section 104 of the principal Act is amended by deleting the words “Disciplinary Committee” and substituting the words “Disciplinary Tribunal”.

Amendment of section 105

20 **48.** Section 105 of the principal Act is amended by deleting subsection (2) and substituting the following subsection:

“(2) A Disciplinary Tribunal may —

(a) where the person whose conduct is the subject of inquiry does not appear before the Tribunal, and the Tribunal decides under section 104 to proceed in that person’s absence; or

25 (b) with the consent in writing of the person whose conduct is the subject of inquiry,

proceed and act on evidence by affidavit or statutory declaration, either as to the whole case or as to any particular fact or facts.”.

Amendment of section 106

49. Section 106 of the principal Act is amended by deleting the words “a Review Committee, a Disciplinary Committee or an Inquiry Committee or any member thereof” and substituting the words “a Review
5 Committee or any member thereof, an Inquiry Committee or any member thereof, or a Disciplinary Tribunal or any member or the secretary thereof”.

Deletion and substitution of heading to Part VIII

50. Part VIII of the principal Act is amended by deleting the Part
10 heading and substituting the following Part heading:

“REMUNERATION RECEIVED
BY SINGAPORE LAW PRACTICES OR SOLICITORS, OR
IN RESPECT OF PRACTICE OF SINGAPORE LAW”.

New section 106A

51. The principal Act is amended by inserting, immediately before
15 section 107 in Part VIII, the following section:

“Application of this Part

106A. This Part —

- 20 (a) shall apply to all remuneration and costs received by a Singapore law practice or a solicitor practising in a Singapore law practice, including any such remuneration or costs received in respect of the practice of foreign law; and
- (b) shall apply, with the necessary modifications, to all
25 remuneration and costs received in respect of the practice of Singapore law by —
- (i) a Joint Law Venture or its constituent foreign law practice, a Qualifying Foreign Law Practice or a licensed foreign law practice; or
- (ii) a solicitor or foreign lawyer registered by the Attorney-
30 General under Part IXA to practise Singapore law.”.

Amendment of section 116

52. Section 116 of the principal Act is amended —

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

“(2) This Part —

- 5 (a) shall apply to all remuneration and costs received by a Singapore law practice or a solicitor practising in a Singapore law practice, including any such remuneration or costs received in respect of the practice of foreign law; and
- 10 (b) shall apply, with the necessary modifications, to all remuneration and costs received in respect of the practice of Singapore law by —
- (i) a Joint Law Venture or its constituent foreign law practice, a Qualifying Foreign Law Practice or a licensed foreign law practice; or
- 15 (ii) a solicitor or foreign lawyer registered by the Attorney-General under Part IXA to practise Singapore law.”; and
- (b) by inserting, immediately after the word “Interpretation” in the section heading, the words “and application”.

20 **Repeal and re-enactment of Part IXA**

53. Part IXA of the principal Act is repealed and the following Part substituted therefor:

“PART IXA

25 JOINT LAW VENTURES, FORMAL LAW ALLIANCES,
FOREIGN LAW PRACTICES, REPRESENTATIVE OFFICES,
FOREIGN LAWYERS, AND SOLICITORS PRACTISING IN
JOINT LAW VENTURES OR FOREIGN LAW PRACTICES

Interpretation of this Part

30 **130A.**—(1) In this Part, unless the context otherwise requires —
“Formal Law Alliance” means a Formal Law Alliance licensed under section 130C;

“permitted areas of legal practice” means all areas of legal practice other than any area of legal practice prescribed as an area to be excluded from the ambit of this definition;

5 “relevant date” means the date of commencement of section 53 of the Legal Profession (Amendment) Act 2008;

10 “representative office” means an office set up in Singapore by a foreign law practice to carry out only liaison or promotional work for the foreign law practice, without providing legal services in Singapore or conducting any other business activities.

(2) In this Part, unless the context otherwise requires —

- 15 (a) a reference to this Part shall be construed so as to include a reference to any rules made under this Part; and
- (b) a reference to the contravention of a provision includes a reference to the failure to comply with any condition of any licence, registration or approval imposed under that provision or by section 130Q(5).

Joint Law Venture

20 **130B.**—(1) A foreign law practice and a Singapore law practice may apply jointly for a Joint Law Venture licence if they satisfy —

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

25 (2) The Attorney-General may, after consulting such authorities as he thinks fit, grant or refuse an application under subsection (1).

(3) An application under subsection (1) may be granted, and a Joint Law Venture licence may be issued, subject to —

- 30 (a) such conditions as may be prescribed; and
- (b) such conditions as the Attorney-General may think fit to impose in any particular case.

(4) A Joint Law Venture licence shall —

- (a) entitle the constitution, in such manner as may be prescribed, of a Joint Law Venture by the foreign law

practice and the Singapore law practice to which the licence has been issued;

(b) notwithstanding anything to the contrary in Part IV, entitle the Joint Law Venture, during the period of validity of the licence —

(i) to practise Singapore law in accordance with such terms and conditions as may be prescribed; and

(ii) to such other privileges as may be prescribed or otherwise conferred by law, or as the Attorney-General may, with the approval of the Minister, confer; and

(c) notwithstanding anything to the contrary in Part IV, entitle the constituent foreign law practice of the Joint Law Venture, during the period of validity of the licence —

(i) to practise Singapore law through the Joint Law Venture in, and only in, the permitted areas of legal practice, in accordance with such terms and conditions as may be prescribed; and

(ii) to such other privileges as may be prescribed or otherwise conferred by law, or as the Attorney-General may, with the approval of the Minister, confer.

(5) A Joint Law Venture, or its constituent foreign law practice and constituent Singapore law practice, shall pay to the Attorney-General such licence fee at such times and in such manner as may be prescribed.

(6) Without prejudice to the solicitor-client privilege that exists between —

(a) a foreign law practice or Singapore law practice; and

(b) its client, or a client of a Joint Law Venture of which it is the constituent foreign law practice or constituent Singapore law practice,

solicitor-client privilege exists between a Joint Law Venture and its client in the same way as it exists between a solicitor and his client.

(7) Except as may otherwise be prescribed, nothing in this Act shall prevent the constituent foreign law practice and the constituent Singapore law practice of a Joint Law Venture from sharing office

premises, profits or client information with respect to the legal practice of the Joint Law Venture.

(8) For the avoidance of doubt, Parts VIA and VIB shall not apply to a Joint Law Venture.

5 (9) A Joint Law Venture which is a company shall, notwithstanding that the shares in the Joint Law Venture are held by more than 20 members or by a corporation, be deemed to be an exempt private company for the purposes of the Companies Act (Cap. 50).

(10) Notwithstanding section 27 of the Companies Act —

10 (a) a Joint Law Venture which is a limited company need not have the word “Limited” or “Berhad” as part of its name; and

(b) a Joint Law Venture which is a private company need not have the word “Private” or “Sendirian” as part of its name.

15 (11) 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 Joint Law Venture or its constituent foreign law practice or constituent Singapore law practice.

20 (12) An entity which, immediately before the relevant date, was registered as a Joint Law Venture under the provisions of this section as in force immediately before the relevant date shall be deemed to be a Joint Law Venture constituted under this section, and the foreign law practice and the Singapore law practice constituting such an
25 entity shall be deemed to have been issued a Joint Law Venture licence subject to the conditions referred to in subsection (3)(a) and such conditions as the Attorney-General may think fit to impose in any particular case, with effect from the relevant date.

Formal Law Alliance

30 **130C.**—(1) One or more foreign law practices and one or more Singapore law practices may apply jointly for a Formal Law Alliance licence if they satisfy —

(a) such conditions as may be prescribed; and

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

(2) The Attorney-General may, after consulting such authorities as he thinks fit, grant or refuse an application under subsection (1).

(3) An application under subsection (1) may be granted, and a Formal Law Alliance licence may be issued, subject to —

- 5 (a) such conditions as may be prescribed; and
- (b) such conditions as the Attorney-General may think fit to impose in any particular case.
- (4) A Formal Law Alliance licence shall —
- 10 (a) entitle the formation of a Formal Law Alliance by the law practices to which the licence has been issued (each referred to in this Part as a member of the Formal Law Alliance);
- (b) notwithstanding anything to the contrary in Part IV, entitle the Formal Law Alliance, during the period of validity of the licence, to such privileges as may be prescribed or otherwise
- 15 conferred by law; and
- (c) notwithstanding anything to the contrary in Part IV, entitle each foreign law practice which is a member of the Formal Law Alliance, during the period of validity of the licence —
- 20 (i) to practise Singapore law in, and only in, such areas of legal practice and in accordance with such terms and conditions as may be prescribed; and
- (ii) to such other privileges as may be prescribed or otherwise conferred by law.

25 (5) A Formal Law Alliance or its members shall pay to the Attorney-General such licence fee at such times and in such manner as may be prescribed.

(6) Without prejudice to the solicitor-client privilege that exists between —

- 30 (a) a foreign law practice or Singapore law practice; and
- (b) its client, or a client of a Formal Law Alliance of which it is a member,

solicitor-client privilege exists between a Formal Law Alliance and its client in the same way as it exists between a solicitor and his client.

(7) Except as may otherwise be prescribed, nothing in this Act shall prevent a foreign law practice which is a member of a Formal Law Alliance and a Singapore law practice which is a member of the Formal Law Alliance from sharing office premises, profits or client information with respect to the legal practice of the Formal Law Alliance.

(8) A foreign law practice or Singapore law practice may be a joint applicant for more than one Formal Law Alliance licence.

(9) An alliance formed by one or more foreign law practices and one or more Singapore law practices which, immediately before the relevant date, was registered as a Formal Law Alliance under the provisions of this section as in force immediately before the relevant date shall be deemed to be a Formal Law Alliance formed under this section, and the law practices forming such an alliance shall be deemed to have been issued a Formal Law Alliance licence subject to the conditions referred to in subsection (3)(a) and such conditions as the Attorney-General may think fit to impose in any particular case, with effect from the relevant date.

Qualifying Foreign Law Practice

130D.—(1) A foreign law practice may apply for a Qualifying Foreign Law Practice licence if it satisfies —

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

(2) The Attorney-General may, after consulting such authorities as he thinks fit and with the approval of the Minister, grant or refuse an application under subsection (1).

(3) An application under subsection (1) may be granted, and a Qualifying Foreign Law Practice licence may be issued, 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.

(4) A Qualifying Foreign Law Practice licence shall, notwithstanding anything to the contrary in Part IV, entitle the

foreign law practice to which the licence has been issued, during the period of validity of the licence —

- 5 (a) to practise Singapore law in, and only in, the permitted areas of legal practice, in accordance with such terms and conditions as may be prescribed; and
- (b) to such other privileges as may be prescribed or otherwise conferred by law, or as the Attorney-General may, with the approval of the Minister, confer.

10 (5) A Qualifying Foreign Law Practice shall pay to the Attorney-General such licence fee at such times and in such manner as may be prescribed.

15 (6) 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 Qualifying Foreign Law Practice.

Licensed foreign law practice

130E.—(1) A foreign law practice which intends to provide any legal services in Singapore shall apply for a foreign law practice licence.

20 (2) The Attorney-General may, after consulting such authorities as he thinks fit, grant or refuse an application under subsection (1).

(3) An application under subsection (1) may be granted, and a foreign law practice licence may be issued, subject to —

- 25 (a) such conditions as may be prescribed; and
- (b) such conditions as the Attorney-General may think fit to impose in any particular case.

30 (4) A foreign law practice licence shall, notwithstanding anything to the contrary in Part IV, entitle the licensed foreign law practice to which the licence has been issued, during the period of validity of the licence —

- (a) to practise Singapore law in, and only in, such areas of legal practice and in accordance with such terms and conditions as may be prescribed; and

(b) to such other privileges as may be prescribed or otherwise conferred by law.

(5) A licensed foreign law practice shall pay to the Attorney-General such licence fee at such times and in such manner as may be prescribed.

(6) A foreign law practice which, immediately before the relevant date, was registered by the Attorney-General under any rules made under section 130H(a) as in force immediately before the relevant date shall be deemed to be a licensed foreign law practice, and to have been issued a foreign law practice licence subject to the conditions referred to in subsection (3)(a) and such conditions as the Attorney-General may think fit to impose in any particular case, with effect from the relevant date.

Representative office

130F.—(1) A foreign law practice which intends to operate a representative office in Singapore shall apply for a representative office licence.

(2) The Attorney-General may grant or refuse an application under subsection (1).

(3) An application under subsection (1) may be granted, and a representative office licence may be issued, 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.

(4) A representative office licence shall entitle the foreign law practice to which the licence has been issued to operate a representative office in Singapore during the period of validity of the licence.

(5) A foreign law practice which has been issued a representative office licence shall pay to the Attorney-General such licence fee at such times and in such manner as may be prescribed.

(6) A representative office which, immediately before the relevant date, was registered by the Attorney-General under any rules made under section 130H(a) as in force immediately before the relevant date shall be deemed to be licensed under this section, and the foreign

law practice which had applied for the registration of the representative office shall be deemed to have been issued a representative office licence subject to the conditions referred to in subsection (3)(a) and such conditions as the Attorney-General may think fit to impose in any particular case, with effect from the relevant date.

Suspension or revocation of Joint Law Venture licence or Formal Law Alliance licence

130G.—(1) The Attorney-General may, by notice in writing to a Joint Law Venture or a Formal Law Alliance, suspend or revoke the Joint Law Venture licence or Formal Law Alliance licence, as the case may be, which was issued in respect of it, if the Attorney-General is satisfied that there is sufficient reason for doing so.

(2) Without prejudice to the generality of subsection (1), the Attorney-General may, by notice in writing to a Joint Law Venture or a Formal Law Alliance, suspend or revoke the Joint Law Venture licence or Formal Law Alliance licence, as the case may be, which was issued in respect of it, if —

- (a) the registration or authorisation to practise law in a state or territory outside Singapore of the constituent foreign law practice of the Joint Law Venture or of a foreign law practice which is a member of the Formal Law Alliance, as the case may be —
 - (i) has been cancelled by the relevant authority of that state or territory as a result of any criminal, civil or disciplinary proceedings; or
 - (ii) has lapsed;
- (b) the Joint Law Venture or Formal Law Alliance, as the case may be, fails to comply with any requirement under this Part;
- (c) the Joint Law Venture or Formal Law Alliance, as the case may be, fails to comply with any condition subject to which the Joint Law Venture licence or Formal Law Alliance licence, as the case may be, was issued;
- (d) the constituent foreign law practice of the Joint Law Venture or a foreign law practice which is a member of the Formal

Law Alliance, as the case may be, has been dissolved or is in liquidation;

(e) the Joint Law Venture or Formal Law Alliance, as the case may be, has been dissolved or reconstituted without the approval of the Attorney-General; or

(f) the Attorney-General is satisfied that it is in the public interest to do so.

(3) Before suspending or revoking a Joint Law Venture licence or a Formal Law Alliance licence under subsection (1) or (2), the Attorney-General shall give the Joint Law Venture or Formal Law Alliance in respect of which the licence has been issued, or the constituent foreign law practice of the Joint Law Venture or each foreign law practice which is a member of the Formal Law Alliance, as the case may be, not less than 14 days to make representations in writing.

(4) Where an entity which was registered as a Joint Law Venture under the provisions of section 130B as in force immediately before the relevant date is deemed under section 130B(12) to be a Joint Law Venture constituted under section 130B, and any matter has arisen before the relevant date which may constitute a ground for the cancellation of that registration under the provisions of section 130F as in force immediately before the relevant date —

(a) the Attorney-General may, on or after the relevant date, rely on that matter as a sufficient reason under subsection (1) to suspend or revoke the Joint Law Venture licence deemed under section 130B(12) to have been issued in respect of that entity; and

(b) any proceedings in relation to that entity under section 130F as in force immediately before the relevant date which are pending immediately before the relevant date shall continue, on or after the relevant date, as proceedings under this section.

(5) Where an alliance formed by one or more foreign law practices and one or more Singapore law practices which was registered as a Formal Law Alliance under the provisions of section 130C as in force immediately before the relevant date is deemed under section 130C(9) to be a Formal Law Alliance formed under section 130C,

and any matter has arisen before the relevant date which may constitute a ground for the cancellation of that registration under the provisions of section 130F as in force immediately before the relevant date —

- 5 (a) the Attorney-General may, on or after the relevant date, rely on that matter as a sufficient reason under subsection (1) to suspend or revoke the Formal Law Alliance licence deemed under section 130C(9) to have been issued in respect of that alliance; and
- 10 (b) any proceedings in relation to that alliance under section 130F as in force immediately before the relevant date which are pending immediately before the relevant date shall continue, on or after the relevant date, as proceedings under this section.

15 **Suspension or revocation of Qualifying Foreign Law Practice licence, foreign law practice licence or representative office licence**

20 **130H.**—(1) The Attorney-General may, by notice in writing to a foreign law practice and, in the case of a Qualifying Foreign Law Practice, with the approval of the Minister, suspend or revoke its Qualifying Foreign Law Practice licence, foreign law practice licence or representative office licence, as the case may be, if the Attorney-General is satisfied that there is sufficient reason for doing so.

25 (2) Without prejudice to the generality of subsection (1), the Attorney-General may, by notice in writing to a foreign law practice and, in the case of a Qualifying Foreign Law Practice, with the approval of the Minister, suspend or revoke its Qualifying Foreign Law Practice licence, foreign law practice licence or representative office licence, as the case may be, if —

- 30 (a) the registration or authorisation of the foreign law practice to practice law in a state or territory outside Singapore —
- (i) has been cancelled by the relevant authority of that state or territory as a result of any criminal, civil or disciplinary proceedings; or
- 35 (ii) has lapsed;

- (b) the foreign law practice fails to comply with any requirement under this Part;
- (c) the foreign law practice fails to comply with any condition subject to which the Qualifying Foreign Law Practice licence, foreign law practice licence or representative office licence, as the case may be, was issued or renewed, as the case may be;
- (d) the foreign law practice has been dissolved or is in liquidation; or
- (e) the Attorney-General is satisfied that it is in the public interest to do so.

(3) Before suspending or revoking the Qualifying Foreign Law Practice licence, foreign law practice licence or representative office licence of a foreign law practice under subsection (1) or (2), the Attorney-General shall give the foreign law practice not less than 14 days to make representations in writing.

Registration of foreign lawyer to practise Singapore law in Joint Law Venture or Qualifying Foreign Law Practice

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 or Qualifying Foreign Law Practice, if the foreign lawyer possesses such qualifications and satisfies such requirements as may be prescribed.

(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 or Qualifying Foreign 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 or Qualifying Foreign Law Practice may, notwithstanding anything to the contrary in Part IV —

- (a) practise Singapore law in, and only in, such areas of legal practice as may be prescribed; and
 - (b) recover costs and retain payments in respect of such practice.
- 5 (4) The registration of a foreign lawyer under this section shall —
- (a) lapse if the Joint Law Venture or Qualifying Foreign Law Practice is dissolved or in liquidation, or if the Joint Law Venture licence or Qualifying Foreign Law Practice licence issued in respect of the Joint Law Venture or Qualifying Foreign Law Practice, as the case may be, is suspended or
10 revoked under section 130G; and
 - (b) be suspended, for such period as the Attorney-General may think fit, on the occurrence of such events as may be prescribed.
- 15 (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 relevant date, a foreign lawyer who, immediately before the relevant date, was registered by the Attorney-General under this section as in force immediately before the relevant 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.

25 **Registration of foreign lawyer to practise Singapore law in Singapore law practice**

- 130J.**—(1) An application may be made for a foreign lawyer to be registered by the Attorney-General to practise Singapore law in a 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 Singapore law practice, subject to —
- (a) such conditions as may be prescribed; and
 - (b) such conditions as the Attorney-General may think fit to
35 impose in any particular case.

(3) A foreign lawyer who is registered by the Attorney-General to practise Singapore law in a Singapore law practice may, notwithstanding anything to the contrary in Part IV, practise Singapore law in, and only in, such areas of legal practice as may be prescribed.

(4) The registration of a foreign lawyer under this section shall lapse 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 relevant date, a foreign lawyer who, immediately before the relevant date, was registered by the Attorney-General under this section as in force immediately before the relevant 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.

Registration of foreign lawyer to practise foreign law in Joint Law Venture, foreign law practice or Singapore law practice

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

(2) The Attorney-General may approve an application under subsection (1), and register a foreign lawyer to practise foreign law in a Joint Law Venture, 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 foreign law in a Joint Law Venture, foreign law practice or Singapore law practice shall be entitled to such privileges as may be prescribed.

(4) With effect from the relevant date, a foreign lawyer who, immediately before the relevant date, was registered by the Attorney-General under any rules made under section 130H(b) as in force immediately before the relevant 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.

Foreign interests in Singapore law practices

130L.—(1) Subject to the provisions of this Part, nothing in this Act shall prevent a foreign lawyer, with the approval of the Attorney-General, from doing any or all of the following:

(a) being a director, a partner or a shareholder in a Singapore law practice in which he is registered to practise foreign law under section 130K;

(b) being a director, a partner or a shareholder in a Singapore law practice in which he is registered to practise Singapore law under section 130J;

(c) sharing in the profits of any such Singapore law practice.

(2) Every foreign lawyer to whom an approval under this section has been granted, and every Singapore law practice in which such a foreign lawyer is registered to practise foreign law under section 130K or is registered to practise Singapore law under section 130J, shall comply with —

(a) such conditions as may be prescribed; and

(b) such conditions as the Attorney-General may think fit to impose in any particular case on the foreign lawyer or Singapore law practice, as the case may be.

(3) For the avoidance of doubt, the approval of the Attorney-General under this section shall lapse if the registration of the foreign lawyer under section 130J or 130K is cancelled, suspended or otherwise lapses.

(4) With effect from the relevant date —

(a) a foreign lawyer who, immediately before the relevant date, was granted an approval under this section as in force immediately before the relevant date shall be deemed to be

granted an approval under this section and shall 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 foreign lawyer; and

- 5 (b) a Singapore law practice in which a foreign lawyer referred to in paragraph (a) was registered to practise foreign law under section 130H(b) as in force immediately before the relevant date or was registered to practise Singapore law under section 130J as in force immediately before the
10 relevant date shall 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.

- 15 (5) For the avoidance of doubt, for the purposes of this section and section 130M, it shall be irrelevant whether a foreign lawyer practises in Singapore or elsewhere.

Measures to ensure compliance with section 130L

20 **130M.**—(1) Where a Singapore law practice applies for an approval under section 130L in respect of a foreign lawyer, the Attorney-General may require the Singapore law practice making the application, the foreign lawyer and any partner or director of the Singapore law practice to provide such undertakings as he thinks fit to prevent any direct or indirect circumvention of section 130L or any condition under section 130L(2).

25 (2) Where a foreign lawyer, a Singapore law practice or a partner or director of a Singapore law practice has contravened section 130L or any undertaking provided by that person or Singapore law practice, as the case may be, under subsection (1) —

- 30 (a) the foreign lawyer, Singapore law practice or partner or director concerned (as the case may be) shall without delay notify the Attorney-General in writing of the contravention;
- (b) the foreign lawyer or partner or director concerned (as the case may be) shall immediately cease to exercise his voting rights as a shareholder or partner in the Singapore law
35 practice concerned;

- 5 (c) subject to any direction issued by the Attorney-General under subsection (4)(b), the foreign lawyer concerned shall as soon as practicable repay to the Singapore law practice concerned any payment he has received in excess of the amount permitted under any rules made under section 130W;
- 10 (d) the foreign lawyer, Singapore law practice or partner or director concerned (as the case may be) shall take all reasonable steps to remove the circumstances giving rise to the contravention; and
- (e) the foreign lawyer, Singapore law practice or partner or director concerned (as the case may be) shall comply with any directions issued by the Attorney-General under subsections (3) and (4).
- 15 (3) Where a foreign lawyer, Singapore law practice or partner or director of a Singapore law practice has contravened section 130L or any undertaking required under subsection (1), the Attorney-General may —
- 20 (a) cancel the approval under section 130L in respect of the foreign lawyer concerned; and
- (b) issue directions to the foreign lawyer, Singapore law practice or partner or director concerned (as the case may be) to ensure compliance with section 130L.
- 25 (4) Without prejudice to the generality of subsection (3)(b), the Attorney-General may direct —
- (a) the foreign lawyer concerned to divest himself of any shares he may have in the Singapore law practice within such time as the Attorney-General may specify;
- 30 (b) the foreign lawyer concerned to repay to the Singapore law practice concerned any payment he has received in excess of the amount permitted under any rules made under section 130W within such time as the Attorney-General may specify; and
- 35 (c) the foreign lawyer concerned to cease doing any act in his capacity as a managing partner, a managing director or a manager of the Singapore law practice concerned.

(5) A direction under this section shall be —

(a) issued in writing and shall specify the provision under section 130L or the undertaking provided under this section that has been contravened; and

5 (b) sent to the person or law practice to which it relates at the last known address of that person or law practice.

Registration of solicitor to practise Singapore law in Joint Law Venture or its constituent foreign law practice, Qualifying Foreign Law Practice or licensed foreign law practice

10 **130N.**—(1) An application may be made for a solicitor to be 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, if the solicitor possesses such qualifications and satisfies such requirements as may be prescribed.

15 (2) The Attorney-General may approve an application under subsection (1), and register a solicitor 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, subject to —

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

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

25 (3) Subject to subsection (6), a solicitor who is registered by the Attorney-General to practise Singapore law in a Joint Law Venture or its constituent foreign law practice, and who does not practise concurrently in a Singapore law practice, may practise Singapore law only through the Joint Law Venture and only in the permitted areas of legal practice.

30 (4) Subject to subsection (6), a solicitor who is registered by the Attorney-General to practise Singapore law in a Qualifying Foreign Law Practice may practise Singapore law only in the permitted areas of legal practice.

35 (5) Subject to subsection (6), a solicitor who is registered by the Attorney-General to practise Singapore law in a licensed foreign law

practice may practise Singapore law only in such areas of legal practice as may be prescribed.

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

5 (7) Where a solicitor registered by the Attorney-General under this section is permitted, under any rules made under section 130W or by the Attorney-General, to practise concurrently in a Singapore law practice, nothing in this section shall affect the practice of the solicitor in the Singapore law practice.

10 **Registration of solicitor to practise foreign law in Joint Law Venture or foreign law practice**

15 **130O.**—(1) An application may be made for a solicitor who does not have in force a practising certificate to be registered by the Attorney-General to practise foreign law in a Joint Law Venture or foreign law practice, if the solicitor possesses such qualifications and satisfies such requirements as may be prescribed.

(2) The Attorney-General may approve an application under subsection (1), and register a solicitor to practise foreign law in a Joint Law Venture or foreign law practice, subject to —

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

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

25 (3) A solicitor who is registered by the Attorney-General to practise foreign law in a Joint Law Venture or foreign law practice shall be entitled to such privileges as may be prescribed.

30 (4) With effect from the relevant date, a solicitor who, immediately before the relevant date, was registered by the Attorney-General under any rules made under section 130H(c) as in force immediately before the relevant 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.

Application for and renewal of licence, registration or approval under this Part

130P.—(1) An application for any licence, registration or approval under this Part shall be —

5 (a) made to the Attorney-General in such form and manner as the Attorney-General may require; and

 (b) accompanied by —

 (i) such fee as may be prescribed; and

10 (ii) such documents and information as the Attorney-General may require.

(2) Any licence, registration or approval under this Part which is prescribed for the purposes of this subsection shall remain valid until it is suspended, revoked or cancelled in accordance with this Part.

15 (3) Any licence, registration or approval under this Part which is prescribed for the purposes of this subsection shall, unless it is sooner suspended, revoked or cancelled in accordance with this Part, be valid for such period as the Attorney-General may specify.

20 (4) The Attorney-General may renew any licence, registration or approval referred to in subsection (3) for such period as the Attorney-General may specify, on an application —

 (a) made to the Attorney-General in such form and manner as the Attorney-General may require; and

 (b) accompanied by —

 (i) such fee as may be prescribed; and

25 (ii) such documents and information as the Attorney-General may require.

(5) The Attorney-General may renew any licence, registration or approval referred to in subsection (3) subject to —

30 (a) such conditions as may be prescribed for the renewal of that type of licence, registration or approval; and

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

Compliance with guidelines, directions, undertakings and conditions

5 **130Q.**—(1) The Attorney-General may require any person making an application for any licence, registration or approval under this Part to provide such undertakings as he thinks fit to prevent any direct or indirect circumvention of the provisions of this Part.

(2) The Attorney-General may, from time to time, issue guidelines relating to any licence, registration or approval under this Part.

10 (3) Where any requirement of any guideline issued under this section conflicts with any requirement specified in this Part, the latter shall prevail.

15 (4) The Attorney-General shall cause all guidelines issued under this section to be published in such manner as will give persons to whom, or entities to which, the guidelines relate adequate notice of the requirements specified therein.

20 (5) It shall be a condition of every licence, registration or approval under this Part that the person or entity licensed, registered or granted approval shall comply with the requirements of this Part, including any guideline issued under this section and any undertaking provided under this section or section 130M.

25 (6) The Attorney-General may, if he is satisfied that any person or entity licensed, registered or granted approval under this Part has contravened any provision of this Part, any guideline issued under this section or any undertaking provided under this section or section 130M, issue directions to that person or entity to ensure compliance by that person or entity.

(7) A direction under subsection (6) shall be —

30 (a) issued in writing and shall specify the provision of this Part or the guideline issued under this section or the undertaking provided under this section or section 130M that has been contravened; and

(b) sent to the person or entity to which it relates at the last known address of that person or entity.

35 (8) The Attorney-General may cancel the licence, registration or approval in respect of any person or entity under this Part if that person or entity fails to comply with any condition of the licence,

registration or approval of that person or entity under this Part or with any direction of the Attorney-General issued under subsection (6) or section 130M.

5 (9) Where the registration, certification or approval of any person, foreign law practice, Joint Law Venture, Formal Law Alliance or representative office under the repealed Part IXA as in force at any time before the relevant date (referred to in this subsection as the former registration, certification or approval) is deemed to be a licence, a registration or an approval under this Part by any provision
10 of this Part or any rules made under section 130W —

(a) the deemed licence, registration or approval shall, unless the Attorney-General otherwise determines, be subject to both —

15 (i) the same conditions (if any) that applied to the former registration, certification or approval; and

(ii) the conditions of the deemed licence, registration or approval referred to in section 130B(12), 130C(9), 130E(6), 130F(6), 130I(6), 130J(6), 130K(4), 130L(4) or 130O(4), as the case may be;

20 (b) in the event of any inconsistency between any condition referred to in paragraph (a)(i) and any condition referred to in paragraph (a)(ii), the condition referred to in paragraph (a)(ii) shall prevail to the extent of the inconsistency; and

25 (c) subsections (5), (6) and (8) shall apply to any guideline or direction issued by the Attorney-General and any undertaking given by any person, before the relevant date in respect of the former registration, certification or approval, as if those guidelines, directions or undertakings were guidelines issued under this section or directions issued
30 under subsection (6) or undertakings provided under this section, respectively.

(10) For the avoidance of doubt, a reference to guidelines in this section includes a reference to notices, guidance notes or other similar communications by whatever name called.

Disciplinary control over foreign lawyers and solicitors registered under this Part, etc.

130R.—(1) Without prejudice to Part VII, a complaint may be made to the Attorney-General under this section in respect of the conduct of —

- (a) a foreign lawyer or a solicitor registered by the Attorney-General under this Part; or
- (b) a foreign lawyer granted the approval of the Attorney-General under section 130L.

(2) Every complaint made under this section shall be in writing and be supported by a statutory declaration setting out —

- (a) the name, address and occupation of the complainant;
- (b) the name and address of the foreign lawyer or solicitor complained against;
- (c) the grounds of the complaint; and
- (d) the evidence of the alleged misconduct.

(3) The Attorney-General may, in his discretion, waive any requirement in subsection (2).

(4) 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, 130J or 130K or granted the approval of the Attorney-General under section 130L or of a solicitor registered by the Attorney-General under section 130O, or where any information is brought to the knowledge of the Attorney-General which satisfies the Attorney-General that there may be grounds for such a complaint, the Attorney-General may, if he is of the opinion that there is sufficient reason for doing so —

- (a) cancel or suspend, for such period (not exceeding 5 years) as he may think fit, the registration of the foreign lawyer under section 130I, 130J or 130K or of the solicitor under section 130O, or revoke or suspend, for such period (not exceeding 5 years) as he may think fit, the approval of the foreign lawyer under section 130L, as the case may be;
- (b) order the foreign lawyer or solicitor to pay a penalty of not more than \$100,000;

- (c) censure the foreign lawyer or solicitor; or
- (d) order the foreign lawyer or solicitor to pay the penalty referred to in paragraph (b) in addition to imposing the punishment referred to in paragraph (a) or (c).

5 (5) Where the Attorney-General has received under this section any complaint in respect of the conduct of a solicitor registered by the Attorney-General under section 130N, or where any information is brought to the knowledge of the Attorney-General which satisfies the Attorney-General that there may be grounds for such a complaint, the
10 Attorney-General may —

- (a) if he considers it appropriate, refer the complaint or information to the Society under section 85(3) instead of proceeding in accordance with this section; or
- (b) if he decides to proceed in accordance with this section and
15 is of the opinion that there is sufficient reason for doing so —
 - (i) cancel or suspend, for such period (not exceeding 5 years) as he may think fit, the registration of the solicitor under section 130N;
 - 20 (ii) order the solicitor to pay a penalty of not more than \$100,000;
 - (iii) censure the solicitor; or
 - (iv) order the solicitor to pay the penalty referred to in sub-paragraph (ii) in addition to imposing the
25 punishment referred to in sub-paragraph (i) or (iii).

(6) If the foreign lawyer or solicitor concerned fails to pay a penalty imposed under subsection (4)(b) or (d) or (5)(b)(ii) or (iv) within such time as the Attorney-General may specify, the Attorney-General may
30 cancel or suspend, for such period (not exceeding 5 years) as the Attorney-General may think fit, the registration of that foreign lawyer under section 130I, 130J or 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
35 be.

(7) Before taking any action against a foreign lawyer or a solicitor under subsection (4), (5)(b) or (6), the Attorney-General shall give the foreign lawyer or solicitor concerned not less than 14 days to make representations in writing.

5 (8) In respect of any action or order under this section, any determination or application by the Attorney-General, on the facts and in the circumstances of the case before him, of any rules of an applicable jurisdiction relating to the professional conduct or ethics of the foreign lawyer or solicitor concerned shall be final and binding on that foreign lawyer.

10 (9) Subject to section 85(3A), 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
15 any state or territory outside Singapore), to take such action as it deems appropriate against the foreign lawyer or solicitor concerned in respect of the same conduct.

(10) Where a foreign lawyer who was registered under this Part in force immediately before the relevant date is deemed under section
20 130I(6), 130J(6) or 130K(4) to be registered under section 130I, 130J or 130K, as the case may be, and any complaint is made, whether before, on or after the relevant date, in respect of any conduct of the foreign lawyer before the relevant date —

25 (a) the Attorney-General may, on or after the relevant date, deal with that complaint in accordance with this section; and

(b) any proceedings in respect of that complaint under section
30 130O as in force immediately before the relevant date which are pending immediately before the relevant date shall continue, on or after the relevant date, as proceedings under this section.

Attorney-General's decision final, etc.

130S.—(1) Any decision made by the Attorney-General under this Part shall be final and conclusive.

35 (2) The Attorney-General may, if he is satisfied that it is in the public interest to do so, vary or revoke any condition imposed by him under this Part.

Failure to apply for licence, register or furnish information

130T.—(1) Where —

- 5 (a) a foreign law practice and a Singapore law practice are required to obtain a Joint Law Venture licence but fail to apply for the licence;
- (b) a foreign law practice is required to obtain a Qualifying Foreign Law Practice licence or foreign law practice licence but fails to apply for the licence; or
- 10 (c) a Joint Law Venture or its constituent foreign law practice or constituent Singapore law practice, or a foreign law practice, fails to furnish any particulars or information required under this Part,

15 then the rights of the Joint Law Venture or foreign law practice under or arising out of any contract in relation to the legal services provided through the office or place of business in Singapore of the Joint Law Venture or foreign law practice (as the case may be) shall not be enforceable in legal proceedings in the name of the Joint Law Venture or foreign law practice.

(2) Where a foreign lawyer —

- 20 (a) is required to be registered by the Attorney-General under section 130I, 130J or 130K but fails to apply for such registration; or
- (b) fails to furnish any particulars or information required under this Part,

25 then the rights of the foreign lawyer under or arising out of any contract in relation to the legal services provided through the office or place of business in Singapore of the Joint Law Venture, foreign law practice or Singapore law practice (as the case may be) in which he is employed or is practising law shall not be enforceable in legal proceedings in the name of the foreign lawyer or of the Joint Law Venture, foreign law practice or Singapore law practice.

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(3) Where a solicitor who practises in a Joint Law Venture or foreign law practice —

- (a) is required to be registered by the Attorney-General under section 130N or 130O but fails to apply for such registration; or
- (b) fails to furnish any particulars or information required under this Part,

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then the rights of the solicitor under or arising out of any contract in relation to the legal services provided through the office or place of business in Singapore of the Joint Law Venture or foreign law practice (as the case may be) in which he is employed or is practising law shall not be enforceable in legal proceedings in the name of the lawyer or the Joint Law Venture or foreign law practice.

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Civil penalty

130U.—(1) Any person (including a Joint Law Venture, Formal Law Alliance, foreign law practice or Singapore law practice) that contravenes any provision in this Part shall be liable to pay a civil penalty in accordance with this section.

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(2) Whenever it appears to the Attorney-General that any such person has contravened any provision in this Part, the Attorney-General may bring an action in a court to seek an order for a civil penalty in respect of that contravention against —

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- (a) that person;
- (b) the foreign law practice or Singapore law practice in which that person is a partner, a director, a consultant or an employee;
- (c) the Joint Law Venture or its constituent foreign law practice or constituent Singapore law practice, in which that person is practising; or
- (d) the Formal Law Alliance or any foreign law practice or Singapore law practice which is a member thereof and in which that person is practising.

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(3) If the court is satisfied on a balance of probabilities that the person has contravened a provision in this Part, the court may make an order for the payment of a civil penalty against —

- (a) the person, being an individual, of a sum not exceeding \$50,000; or

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(b) the foreign law practice, Singapore law practice, Joint Law Venture or Formal Law Alliance against which the action is brought under subsection (2), of a sum not exceeding \$100,000.

5 (4) Notwithstanding subsection (3), where an action has been brought against a person or a foreign law practice, Singapore law practice, Joint Law Venture or Formal Law Alliance (referred to in this section as the defendant), the court may make an order against the defendant if the Attorney-General has agreed to allow the
10 defendant to consent to the order with or without admission of a contravention of a provision in this Part and the order may be made on such terms as may be agreed between the Attorney-General and the defendant.

15 (5) Nothing in this section shall be construed to prevent the Attorney-General from entering into an agreement with the defendant to pay, with or without admission of liability, a civil penalty within the limits referred to in subsection (3) for a contravention of any provision in this Part.

20 (6) A civil penalty imposed under this section shall be payable to the Consolidated Fund.

25 (7) If the defendant fails to pay the civil penalty imposed on him within the time specified in the court order referred to in subsection (3) or (4) or specified under the agreement referred to in subsection (5), the Attorney-General may recover the civil penalty as though the civil penalty were a judgment debt due to the Government.

(8) Rules of Court may be made to —

(a) regulate and prescribe the procedure and practice to be followed in respect of proceedings under this section; and
30 (b) provide for costs and fees of such proceedings, and for regulating any matter relating to the costs of such proceedings.

35 (9) This section shall apply notwithstanding that any disciplinary action has been taken against the foreign lawyer or solicitor concerned under any other provision of this Act or by any professional disciplinary body (whether in Singapore or in any state or territory outside Singapore).

Liability of partners, directors and shareholders

5 **130V.** Where a Joint Law Venture, Formal Law Alliance, foreign law practice or Singapore law practice is proved to have contravened any provision in this Part, every partner, director and shareholder of the Joint Law Venture, Formal Law Alliance, foreign law practice or Singapore law practice (as the case may be) at the time of the contravention shall be deemed to have contravened the provision, unless he proves that —

- 10 (a) the contravention occurred without his consent or connivance; and
- (b) he exercised such diligence to prevent the contravention as he ought to have exercised having regard to the nature of his function in that capacity and to all the circumstances.

Rules

15 **130W.**—(1) The Minister may, after consulting the Attorney-General, make such rules as may be necessary or expedient for the purposes of this Part.

(2) Without prejudice to the generality of subsection (1), the Minister may, after consulting the Attorney-General, make rules —

- 20 (a) to prescribe anything which may be prescribed under this Part;
- (b) to prescribe the experience and expertise required for eligibility to apply for a Joint Law Venture licence or a Formal Law Alliance licence;
- 25 (c) to prescribe the manner or means by which a Joint Law Venture or a Formal Law Alliance may conduct its business or publicise itself;
- (d) to provide for any provision of this Act (other than this Part) to apply, with such modifications as may be specified, to —
- 30 (i) a constituent Singapore law practice of a Joint Law Venture;
- (ii) a Singapore law practice which is a member of a Formal Law Alliance; or

(iii) a solicitor practising in —

(A) a constituent foreign law practice or constituent Singapore law practice of a Joint Law Venture;
or

5 (B) a foreign law practice or Singapore law practice which is a member of a Formal Law Alliance;

(e) to prescribe the qualifications, experience and expertise required of a foreign lawyer for eligibility to apply for registration under section 130I, 130J or 130K;

10 (f) to prescribe the conditions that a foreign lawyer registered under section 130I, 130J or 130K must comply with;

(g) to specify the type of Singapore law practice at which a foreign lawyer registered under section 130J or 130K may practise, including the areas of practice of the Singapore law practice;

15 (h) to prescribe the institutions of higher learning and the qualifications conferred thereby which may be recognised for the purposes of section 130I or 130J;

(i) to provide that a foreign lawyer referred to in section 130I or 130J must take and pass such qualifying examinations as the Attorney-General may require, and to provide for such examinations to be administered and conducted by a panel of examiners as provided in the rules;

20 (j) to provide that a foreign lawyer referred to in section 130I or 130J must successfully complete such modules in such courses of instruction as the Attorney-General may require;

(k) to specify the minimum standard of attainment to be achieved by a foreign lawyer in relation to the qualifications referred to in paragraph (h), examinations referred to in paragraph (i) or courses referred to in paragraph (j);

30 (l) to require a foreign lawyer referred to in section 130I or 130J to have practised as a partner, a director or an employee in a Singapore law practice for a minimum period, and to specify any requirements as to the type of Singapore law practice at which the foreign lawyer must have

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practised, including any area of practice of the Singapore law practice;

- 5 (m) to prescribe any condition for eligibility to apply for any licence, registration or approval under this Part;
- (n) to provide, without prejudice to the generality of section 130P, for the making of any application for any licence, registration or approval under this Part, or for the renewal of any such licence, registration or approval, and for all other related matters;
- 10 (o) to provide for the payment of fees for any application for, issue of or renewal of any licence under this Part, or any application for or renewal of any registration or approval under this Part, and for all other related matters;
- 15 (p) to provide for the cancellation, suspension or revocation of any licence, registration or approval under this Part;
- 20 (q) to require the submission of information and particulars relating to any Joint Law Venture, Formal Law Alliance, Qualifying Foreign Law Practice, foreign law practice, representative office, foreign lawyer or solicitor licensed or registered under this Part or granted the approval of the Attorney-General under section 130L, or required to be so licensed or registered or to obtain such approval, and any person practising in or employed by any such Joint Law Venture, Formal Law Alliance, Qualifying Foreign Law Practice, foreign law practice or representative office;
- 25 (r) to provide for the form and manner in which registers of Joint Law Ventures, Formal Law Alliances, Qualifying Foreign Law Practices, foreign law practices, representative offices, foreign lawyers and solicitors licensed or registered under this Part are to be kept;
- 30 (s) to provide for the form and manner in which registers of approvals of the Attorney-General under section 130L are to be kept;
- 35 (t) to provide for the issuance and amendment of licences, certificates of registration, certificates of approval or

certificates of good standing and certified true copies thereof, and for the payment of fees in relation thereto;

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- (u) for regulating the professional conduct, ethics and disciplinary control of Joint Law Ventures, Formal Law Alliances, Qualifying Foreign Law Practices, foreign law practices, foreign lawyers and solicitors licensed or registered under this Part or granted the approval of the Attorney-General under section 130L, including the imposition of compulsory insurance cover and financial controls;
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- (v) to provide for any provision of this Act that is applicable to an advocate and solicitor to apply, with such modifications as may be specified, to —
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- (i) any foreign lawyer or solicitor registered under this Part; or
- (ii) any foreign lawyer granted the approval of the Attorney-General under section 130L;
- (w) to provide for measures to ensure compliance with the requirements of section 130L, including measures requiring any foreign lawyer who is a shareholder or partner in a Singapore law practice to divest himself of his shares or interests in the Singapore law practice;
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- (x) to provide for sections 72 and 73 and any rules made thereunder to apply, with such modifications as may be specified, to —
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- (i) a Joint Law Venture or its constituent foreign law practice;
- (ii) a Qualifying Foreign Law Practice;
- (iii) a licensed foreign law practice; or
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- (iv) a solicitor registered by the Attorney-General under section 130N 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,
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- in respect of the practice of Singapore law;

- (y) to exempt any person or entity, or any class of persons or entities, from any provision of this Part; and
- (z) to make such transitional, savings or other consequential provisions as the Minister considers necessary or expedient.”.

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Amendment of section 135

54. Section 135 of the principal Act is amended by deleting the words “and 25(1)(e)” in paragraph (a) and substituting the words “, 25(1)(e) and 93(6)”.

Amendment of First Schedule

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55. The First Schedule to the principal Act is amended —

(a) by inserting, immediately after the word “accident” in paragraph 1(1)(g), the words “, or by any physical or mental condition,”; and

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(b) by inserting, immediately after sub-paragraph (g) of paragraph 1(1), the following sub-paragraph:

“(ga) the fitness of a sole proprietor to practise has been determined under section 25C to be impaired by reason of his physical or mental condition, or a sole proprietor, having been ordered by a Judge to submit to a medical examination under section 25C to be conducted within such period as the Judge may specify in the order, fails to do so;”.

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Savings and transitional provisions

56.—(1) Sections 2(c) and (f), 9, 26(c) and (f), 27(b), 29(b), 33, 34, 35, 36, 37(a), (b), (c) and (e), 38(a), (b) and (d), 41, 42, 46(a) and (c), 47, 48 and 49 (referred to in this subsection as the relevant provisions) shall not apply in relation to any proceedings before any Disciplinary Committee that was appointed before the date of commencement of the relevant provisions, and the provisions of the principal Act governing any proceedings before any Disciplinary Committee that were in force immediately before that date shall continue to apply in relation to those proceedings as if the relevant provisions had not been enacted.

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(2) Section 41 shall not apply in relation to any application under section 97 of the principal Act in respect of any determination of any Disciplinary Committee that was appointed before the date of

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commencement of section 41, and section 97 of the principal Act in force immediately before that date shall continue to apply in relation to that application as if section 41 had not been enacted.

- 5 (3) Section 42 shall not apply in relation to any application under section 98 of the principal Act following from any determination of any Disciplinary Committee that was appointed before the date of commencement of section 42, and section 98 of the principal Act in force immediately before that date shall continue to apply in relation to that application as if section 42 had not been enacted.

EXPLANATORY STATEMENT

This Bill seeks to amend the Legal Profession Act (Cap. 161) —

- (a) to make modifications to the disciplinary processes for solicitors and legal officers;
- (b) to provide for certain measures which may be adopted where the Attorney-General or the Council of the Law Society of Singapore (the Council) is satisfied that a solicitor is incapacitated by any physical or mental condition to such extent as to be unable to attend to his practice, or that a solicitor's fitness to practise appears to have been impaired by reason of his physical or mental condition;
- (c) to modify the regulatory mechanisms in the Act which are applicable to Joint Law Ventures, Formal Law Alliances, foreign law practices, representative offices of foreign law practices, foreign lawyers, and solicitors practising in Joint Law Ventures or foreign law practices, so as to facilitate the liberalisation of the practice of law in Singapore; and
- (d) to make certain miscellaneous changes.

Clause 1 relates to the short title and commencement.

Clause 2 amends section 2(1) by introducing new definitions for “constituent foreign law practice”, “constituent Singapore law practice”, “Disciplinary Tribunal”, “foreign law”, “foreign law practice”, “foreign lawyer”, “Joint Law Venture”, “licensed foreign law practice”, “practise Singapore law”, “Qualifying Foreign Law Practice” and “Singapore law practice”, by deleting the existing definition of “Disciplinary Committee”, and by deleting and substituting the existing definition of “lay person”. The clause also amends the definition of “contentious business” in section 2(1) so that the definition is no longer confined to business done as an advocate or a solicitor.

Clause 3 amends section 14(1) —

- (a) to restrict the active practice in Singapore referred to in paragraphs (a) and (b) (which would have qualified an advocate and solicitor referred to in

paragraph (a) or a legal officer referred to in paragraph (b) to be the master of a pupil) to active practice in a Singapore law practice; and

- (b) to clarify that under paragraph (b), a legal officer needs to have been a legal officer, or to have been in active practice, for a total of not less than (and not for exactly) 5 out of the 7 years immediately preceding the relevant date.

Clause 4 amends section 25(1) —

- (a) to provide for the form and manner of delivery of an application for a practising certificate to be as required by the Registrar, and not as prescribed by rules made by the Council under section 25(7) and (8);
- (b) to enable a solicitor who is registered by the Attorney-General under the new section 130N (to be inserted by clause 53) to practise Singapore law, and is practising or intends 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 to apply for a practising certificate; and
- (c) to provide for an accountant's report, or a certificate from the Council stating that such a report is unnecessary, to accompany an application for a practising certificate only if such a report is required under section 73.

Clause 5(a), (b) and (e) amends section 25A to make the section applicable to any solicitor —

- (a) whose fitness to practise has been determined under the new section 25C (inserted by clause 6) to be impaired by reason of his physical or mental condition, or who, having been ordered by a Judge to submit to a medical examination under the new section 25C within such period as the Judge may specify in the order, fails to do so; or
- (b) whom the Attorney-General or the Council is satisfied is incapacitated by the solicitor's physical or mental condition to such extent as to be unable to attend to his practice.

Clause 5(c) and (d) amends section 25A to preclude the Council from making a request under section 25A(2) in relation to a solicitor without the consent of the Attorney-General, if the solicitor —

- (a) is registered by the Attorney-General under section 130N 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; and
- (b) undertakes not to practise in any Singapore law practice while his practising certificate is in force.

Clause 5(f) amends section 25A(4) to make it clear that where the Attorney-General or the Council has made a request under section 25A(2) by reason only of any circumstances mentioned in section 25A(1)(c), (d), (e), (f), (g) or (h) (such as the solicitor concerned having been sentenced to a term of imprisonment in any civil or criminal proceedings in Singapore or elsewhere, or convicted of an offence involving

dishonesty or fraud or in relation to his practice of law) or the new section 25A(1)(fa) (inserted by clause 5(a)) (such as the fitness of the solicitor concerned to practise having been determined under the new section 25C (inserted by clause 6) to be impaired by reason of his physical or mental condition), the solicitor concerned may, under section 25A(4), for any good cause, inform the Attorney-General or the Council, as the case may be, of the good cause. The Attorney-General or the Council, as the case may be, will then be required, under section 25A(5), to reconsider the request. The solicitor concerned may therefore adduce any evidence in support of his case under the amended section 25A(4).

Clause 5(g) amends section 25A(7) to provide that the Registrar will not refuse an application by a solicitor for a practising certificate where disciplinary proceedings against the solicitor under the new section 130R (to be inserted by clause 53) by reason of any circumstances mentioned in section 25A(1) have been disposed of.

Clause 6 introduces a new section 25C. The new section 25C empowers a Judge, on the application of the Attorney-General or the Council, to order that a solicitor submit to a medical examination by a registered medical practitioner, in order that the registered medical practitioner may determine whether the fitness of the solicitor to practise has been impaired by reason of the solicitor's physical or mental condition. The new section 25C also empowers the Council to direct a solicitor to stop practising until he has submitted to a medical examination. However, the Council will not be entitled to make any such application in relation to a solicitor, or to give any such direction to a solicitor, without the consent of the Attorney-General, if the solicitor —

- (a) is registered by the Attorney-General under section 130N 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; and
- (b) does not practise in any Singapore law practice.

Clause 7(a) and (b) amends section 26 —

- (a) to enable a solicitor who is registered by the Attorney-General under the new section 130N (to be inserted by clause 53) to practise Singapore law, and is practising or intends 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 to apply for a practising certificate; and
- (b) to restrict sub-paragraph (i) of subsection (1A)(a) to practise as a solicitor in a Singapore law practice.

Clause 7(c) makes a technical amendment to section 26(3)(a) to align the existing reference therein to “statutory board or authority” with the references to “statutory body or law office in the public service” in sections 14(3) and 75C(6).

Clause 8(a) and (b) amends section 27A to preclude the Council from making any application under section 27A(1) in relation to a solicitor without the consent of the Attorney-General, if the solicitor —

- (a) is registered by the Attorney-General under section 130N 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;
- (b) does not practise in any Singapore law practice; and
- (c) undertakes not to practise in any Singapore law practice while his practising certificate remains in force.

Clause 8(c) and (d) makes amendments to section 27A(2) to align section 27A(2) with section 25A(4), as amended by clause 5(e) and (f).

Clause 9(a) deletes and substitutes section 27B(1) to enable a Judge, on an application by the Attorney-General or the Council, or on the hearing of an application made under section 27A, to order that a solicitor's current practising certificate be suspended, if —

- (a) the solicitor's fitness to practise has been determined under the new section 25C to be impaired by reason of the solicitor's physical or mental condition;
- (b) the solicitor, having been ordered by a Judge to submit to a medical examination under the new section 25C within such period as the Judge may specify in the order, fails to do so; or
- (c) the Judge is satisfied that the solicitor is incapacitated by illness or accident, or by the solicitor's physical or mental condition, to such extent as to be unable to attend to the solicitor's practice.

The Judge continues to be able, where the Judge is satisfied that cause of sufficient gravity for disciplinary action against the solicitor exists, to request the Society under section 85(3)(b) to refer the matter to a Disciplinary Tribunal, and to order that the solicitor's current practising certificate be suspended, which is the present law.

Clause 9(a) also inserts a new section 27B(1A) to preclude the Council from making any application under section 27B(1) in relation to a solicitor without the consent of the Attorney-General, if the solicitor —

- (a) is registered by the Attorney-General under section 130N 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;
- (b) does not practise in any Singapore law practice; and
- (c) undertakes not to practise in any Singapore law practice while his practising certificate remains in force.

Clause 9(b) makes an amendment to section 27B(4) that is consequential to the amendment under clause 9(a).

Clause 9(c), (d) and (e) makes amendments to section 27B that are consequential to the amendments to sections 90 and 98 (by clauses 34 and 42(a), respectively).

Clause 10 amends section 29 to restrict the rights and privileges of a solicitor who practises in a Joint Law Venture or its constituent foreign law practice, a Qualifying Foreign Law Practice or a licensed foreign law practice. Such a solicitor will not be entitled to practise Singapore law except in accordance with the re-enacted Part IXA (to be inserted by clause 53) and any rules made under the new section 130W (to be inserted by clause 53).

Clause 11 amends section 30 to provide for the appointment of a Senior Counsel to be deemed to be revoked if, upon an application under section 82A(10) or 98(1) —

- (a) the Senior Counsel is suspended from practice or struck off the roll; or
- (b) a court of 3 Judges of the Supreme Court recommends that the appointment of the Senior Counsel be revoked.

Clause 12 repeals and re-enacts section 32 —

- (a) to provide in subsection (1) that the section will be subject to Part IXA in addition to Part IV;
- (b) to provide in subsection (2) that where a solicitor practises in a Joint Law Venture or its constituent foreign law practice, a Qualifying Foreign Law Practice or a licensed foreign law practice, he will be an unauthorised person if he practises Singapore law otherwise than in accordance with the re-enacted Part IXA (to be inserted by clause 53) and any rules made under the new section 130W (to be inserted by clause 53);
- (c) to expressly provide in subsection (3) that a Judge may allow a pupil to appear before a Magistrate or Deputy Registrar of the Subordinate Courts in chambers; and
- (d) to restrict any appearance by a pupil pursuant to subsection (3) to an appearance on behalf of his master or the Singapore law practice in which his master practises.

Clause 13 deletes and substitutes section 33(1)(a) to clarify that the acts enumerated therein are prohibited if done by an unauthorised person as an advocate or a solicitor or an agent for any party to proceedings.

Clause 14 makes technical amendments to section 40A(1) to align paragraphs (a), (b) and (c) with the re-enacted Part IXA (to be inserted by clause 53).

Clause 15 amends section 41 —

- (a) to make an amendment to subsection (1)(b) that is consequential to the repeal and re-enactment of Part IXA by section 23 of the Legal Profession (Amendment) Act 2007 (Act 20 of 2007);
- (b) to clarify that subsection (1)(c) refers to a qualified person who is not an advocate and solicitor;
- (c) to insert a new subsection (1A) to give the Law Society of Singapore (the Society) a discretion to admit any of the following persons (not being an advocate and solicitor, a foreign lawyer referred to in section 40A(1) or

subsection (1) or a qualified person referred to in subsection (1)) as a non-practitioner member of the Society on his application in the prescribed manner to the Society:

- (i) any member of the academic staff of the Faculty of Law of the National University of Singapore, of the School of Law of the Singapore Management University, or of any department in any institution of higher learning in Singapore who teaches law in that department;
 - (ii) any person resident in Singapore who 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, to be eligible to practise law in that state or territory; or
 - (iii) any person resident in Singapore who is attending a course of study leading to a qualification prescribed under section 2(2);
- (d) to insert new subsections (3) and (4) to provide that subsection (1) (relating to the admission of certain persons as members of the Society) will not apply to a person referred to therein, and that a person admitted as a member of the Society under subsection (1) will cease to be a member, upon the occurrence of certain circumstances; and
- (e) to insert a new subsection (5) to provide that a person admitted as a non-practitioner member of the Society under the new subsection (1A)(c) will cease to be a member when he becomes a qualified person, without prejudice to him becoming a member of the Society under section 40 or applying for membership of the Society under subsection (1).

Clause 16 amends section 64 to enable meetings of the Council to be conducted through such means of communication (such as over the telephone or through a live audio, live video or live television link) as the Council may determine.

Clause 17 inserts a new section 64A to enable decisions of the Council to be made by way of resolution passed by written means.

Clause 18 amends section 66 to provide for confidentiality to be maintained in all proceedings conducted by a Review Committee, except insofar as may be necessary for the purpose of giving effect to any resolution or decision of the Review Committee.

Clause 19(a) and (b) amends section 72(1) —

- (a) to clarify that the Council is empowered, but not required, to make rules relating to the matters referred to in that provision;
- (b) to expressly empower the Council to make rules as to the circumstances in which, and the manner by which, the Council may prohibit a solicitor from authorising or effecting any withdrawal of money from any account at a bank which is opened and kept by the solicitor for clients' money or any money of any trust of which the solicitor is a sole trustee or a co-trustee only with one or more of his partners, clerks or servants, whether such withdrawal is authorised or effected by the solicitor signing any cheque or other instrument or otherwise; and

(c) to make technical amendments to paragraph (d) of that provision.

Clause 19(c) amends section 72(2) to make the Minister the sole authority empowered (under the new section 130W(2)(x) to be inserted by clause 53) to make rules providing for the application of section 72 to entities regulated under the re-enacted Part IXA (to be inserted by clause 53).

Clause 19(d) inserts a new section 72(2A) to clarify that the rules made by the Council under section 72(1) apply only to Singapore law practices and solicitors practising therein.

Clause 20 amends section 73 —

- (a) to clarify that a solicitor is required to deliver an accountant's report to the Registrar (in connection with the solicitor's application for a practising certificate) and the Society, only if the solicitor practised in a Singapore law practice during such accounting period as may be specified in the report;
- (b) to insert a new subsection (1A) to provide that a solicitor will not be required to deliver an accountant's report in respect of any practice of Singapore law by him in a Joint Law Venture or its constituent foreign law practice, a Qualifying Foreign Law Practice or a licensed foreign law practice; and
- (c) to make technical changes to clarify subsection (4).

Clause 21 amends section 74 —

- (a) to insert a new subsection (2) to provide for the First Schedule to apply, with such modifications as may be prescribed, to a solicitor registered by the Attorney-General under the new section 130N (to be inserted by clause 53), 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; and
- (b) to insert a new subsection (3) to empower the Minister, after consulting the Attorney-General, to make rules to prescribe the modifications to be made to the First Schedule for the purposes of the new subsection (2).

Clause 22 makes technical amendments to section 75(3A) and (11) for alignment with the re-enacted Part IXA (to be inserted by clause 53).

Clause 23 amends section 75B —

- (a) to insert a new subsection (2) to provide for the Second Schedule and any rules made under paragraph 11 of that Schedule to apply, with such modifications as may be prescribed, to the provision, by a solicitor registered by the Attorney-General under the new section 130N (to be inserted by clause 53), of services which —
 - (i) are rendered in connection with his 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; and
 - (ii) are not of the quality which it is reasonable to expect of him; and

- (b) to insert a new subsection (3) to empower the Minister, after consulting the Attorney-General, to make rules to prescribe the modifications to be made to the Second Schedule and any rules made under paragraph 11 of that Schedule for the purposes of the new subsection (2).

Clause 24 amends subsections (1) and (4) and the section heading of section 75C (which relates to qualification to practise as a sole proprietor, partner or director of a Singapore law practice) to restrict the references to practice contained in that section to practise in a Singapore law practice.

Clause 25 amends section 77(2) to prohibit a solicitor from authorising any unauthorised person to operate any bank account in the name of the solicitor or the Singapore law practice in which he practises, and maintained by the solicitor or the Singapore law practice in which he practises in connection with his practice as a solicitor.

Clause 26(a) amends section 82A(1) to provide for the application of new section 91A (inserted by clause 36) to legal officers and non-practising solicitors.

Clause 26(b) makes a technical amendment to section 82A(4).

Clause 26(c) makes amendments to section 82A(6), (7), (9) and (10) that are consequential to the amendments to section 90 (by clause 34).

Clause 26(d) amends section 82A to insert a new subsection (6A) which will expressly allow the Chief Justice to refuse to grant leave for an investigation to be made into a complaint of misconduct against a legal officer or non-practising solicitor if the application for such leave is made after the expiration of the period of —

- (a) 6 years from the date of the alleged misconduct; or
- (b) where the complaint relates to any fraud alleged to have been committed by the legal officer or non-practising solicitor, 6 years from the earliest date on which the applicant discovered the fraud or could with reasonable diligence have discovered it, if that period expires later than the first-mentioned period.

Clause 26(e) amends section 82A(12)(d) to increase the maximum penalty which a court hearing an application under section 82A(10) may order a legal officer or non-practising solicitor to pay from \$5,000 to \$20,000.

Clause 26(f) deletes and substitutes section 82A(13) and inserts new section 82A(13A) —

- (a) to provide that the costs of and incidental to any proceedings under section 82A will be in the discretion of the Disciplinary Tribunal, Judge or court hearing those proceedings; and
- (b) to empower a Disciplinary Tribunal making an order on costs under section 82A(13) to specify the amount of those costs or direct that the amount be taxed by the Registrar.

Clause 27(a) and (c) deletes and substitutes section 83(1) and amends the section heading of section 83, respectively, to provide for the additional forms of punishment

which may be imposed on a solicitor on due cause being shown. Under the new section 83(1), a solicitor will be liable on due cause shown —

- (a) to be struck off the roll;
- (b) to be suspended from practice for a period not exceeding 5 years;
- (c) to pay a penalty of not more than \$100,000;
- (d) to be censured; or
- (e) to pay a penalty of not more than \$100,000, in addition to being suspended from practice for a period not exceeding 5 years or being censured.

Clause 27(b) makes an amendment to section 83(6) that is consequential to the amendments to section 90 (by clause 34).

Clause 28(a) amends section 84(2) to enable an advocate and solicitor who has not less than 7 years' standing to be eligible to be appointed as a member of the Inquiry Panel.

Clause 28(b) amends section 84(5) to enable the Chief Justice to appoint, from the members of the Inquiry Panel who are advocates and solicitors of not less than 12 years' standing, the Chairman and the Deputy Chairman of the Inquiry Panel.

Clause 29(a) deletes and substitutes section 85(1) and introduces a new section 85(1A) to require the Council, except where the new section 85(4A) (inserted by clause 29(e)) applies, to refer a complaint of the conduct of an advocate and solicitor to the Chairman of the Inquiry Panel if the complaint satisfies the following requirements:

- (a) the complaint is made to the Society in writing;
- (b) the complaint includes a statement by the complainant as to whether, to his knowledge, any other complaint has been made to the Society against the advocate and solicitor which arises from the same facts as his complaint and, if so, setting out the particulars of each such other complaint; and
- (c) the complaint is supported by a statutory declaration, unless it is made by any public officer.

The new requirements for a complaint do not apply to any information touching upon the conduct of a solicitor which is referred to the Society by a Judge of the Supreme Court or the Attorney-General under section 85(3). Nor do they apply to any information touching upon the conduct of a solicitor which is referred by the Council, on its own motion, to the Chairman of the Inquiry Panel under section 85(2).

Clause 29(b) makes amendments to section 85(3)(b) and (4) that are consequential to the amendments to section 90 (by clause 34).

Clause 29(c) amends section 85 by inserting new subsections (3A) and (3B) to provide that —

- (a) where any complaint is made to the Society of, the Council wishes to refer any information touching upon, or any Judge of the Supreme Court has

referred any information to the Society touching upon, the conduct of an advocate and solicitor who is registered by the Attorney-General under the new section 130N (to be inserted by clause 53) 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 and who at the time of the conduct did not practise in any Singapore law practice —

- (i) the Council must consult the Attorney-General on whether to proceed in accordance with section 85; and
 - (ii) if the Attorney-General directs the Council not to proceed in accordance with section 85, the Council must refer the complaint or information to the Attorney-General as a complaint under the new section 130R (to be inserted by clause 53) instead of proceeding in accordance with section 85; and
- (b) where any conduct of an advocate and solicitor registered by the Attorney-General under the new section 130N (to be inserted by clause 53) 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 has given rise to any proceedings under Part VII, those proceedings, and any decision, determination or order arising from those proceedings, will not in any way affect the jurisdiction of the Attorney-General under Part IXA to take such action as he deems appropriate against the advocate and solicitor in respect of the same conduct.

Clause 29(d) makes a technical amendment to section 85(4) that is consequential to the amendments under clause 29(a).

Clause 29(e) amends section 85 to insert new subsections (4A) to (4E). Under the new subsections (4A), (4B) and (4C), the Council will not, without the leave of the court, refer a complaint of the conduct of an advocate and solicitor to the Chairman of the Inquiry Panel under the new section 85(1A) (inserted by clause 29(a)), or any information touching upon the conduct of an advocate and solicitor to the Chairman of the Inquiry Panel under section 85(2), after the expiration of the period of —

- (a) 6 years from the date of the conduct; or
- (b) where the complaint or information relates to any fraud alleged to have been committed by the advocate and solicitor, 6 years from the earliest date on which the complainant or the Council, as the case may be, discovered the fraud or could with reasonable diligence have discovered it, if that period expires later than the first-mentioned period.

The new subsections (4D) and (4E) provide for the procedure to be followed, and the requirements to be complied with, in relation to an application for such leave of the court.

Clause 29(f) deletes and substitutes section 85(6) —

- (a) to enable the Deputy Chairman of the Inquiry Panel to perform the duties and exercise the powers of the Chairman of the Inquiry Panel under section 85(6);
- (b) to allow the Chairman or Deputy Chairman of the Inquiry Panel to constitute a Review Committee within 2 weeks instead of immediately;
- (c) to require the chairman of a Review Committee to be a member of the Inquiry Panel who is an advocate and solicitor of not less than 12 years' standing, so as to preserve the position under the present law notwithstanding the amendment to section 84(2) (by clause 28(a));
- (d) to require a Review Committee to start its review of any complaint or information within 2 weeks of its constitution; and
- (e) to make a technical amendment that is consequential to the amendments under clause 29(a).

Clause 29(g) amends section 85(8) to require a Review Committee to complete its review and the performance of its duties within 4 weeks of its constitution.

Clause 29(h) amends section 85 by inserting a new subsection (8A) to empower the Chairman or Deputy Chairman of the Inquiry Panel to grant to a Review Committee an extension of the period within which to complete its review and the performance of its duties if the Chairman or Deputy Chairman is satisfied that the circumstances of the case justify the grant of the extension.

Clause 29(i) amends section 85(10) —

- (a) to enable the Deputy Chairman of the Inquiry Panel to perform the duties and exercise the powers of the Chairman of the Inquiry Panel under section 85(10); and
- (b) to allow the Chairman or Deputy Chairman of the Inquiry Panel to constitute an Inquiry Committee within 3 weeks instead of immediately.

Clause 29(j) amends section 85(10)(a) to require the chairman of an Inquiry Committee to be a member of the Inquiry Panel who is an advocate and solicitor of not less than 12 years' standing, so as to preserve the position under the present law notwithstanding the amendment to section 84(2) (by clause 28(a)).

Clause 29(k) amends section 85(11) to provide that a member of a Review Committee who has reviewed any matter concerning an advocate and solicitor will not thereby be disqualified from acting as a member of an Inquiry Committee inquiring into the same matter.

Clause 29(l) deletes and substitutes section 85(17) to empower the Chairman or Deputy Chairman of the Inquiry Panel, or the chairman of a Review Committee or of an Inquiry Committee, to require a person who makes a complaint to the Society to furnish such statutory declarations or affidavits in support of the complaint as that Chairman, Deputy Chairman or chairman may require within such time as that Chairman, Deputy Chairman or chairman may specify.

Clause 29(*l*) also inserts new section 85(17A) and (17B) to provide that —

- (a) where the Society is furnished with a complaint, or a document in support of a complaint, the whole or part of which is in a language other than English, the complainant will be required to —
 - (i) furnish the Society with an English translation of that whole or part of the complaint or document; or
 - (ii) reimburse the Society for all reasonable costs incurred by the Society in procuring an English translation of that whole or part of the complaint or document; and
- (b) where the Society is furnished with a voice recording in support of a complaint, the complainant will be required to —
 - (i) furnish a transcript of the recording and, if the transcript is in a language other than English, an English translation of the transcript; or
 - (ii) reimburse the Society for all reasonable costs incurred by the Society in procuring a transcript of the recording and, if the transcript is in a language other than English, an English translation of the transcript.

Clause 29(*m*) amends section 85(18) to increase the maximum amount which an Inquiry Committee may require a complainant to deposit with the Society to cover costs from \$500 to \$1,000.

Clause 29(*n*) and (*o*) amends section 85(18), deletes and substitutes section 85(19) and introduces new section 85(19A), (19B) and (19C) —

- (a) to empower an Inquiry Committee which finds a complaint to be frivolous or vexatious to order the complainant to pay to any person all or any costs reasonably incurred by that person in proceedings before the Inquiry Committee, even if the amount of those costs exceeds the amount of any sum deposited under section 85(18), and in such order specify the amount of those costs or direct that the amount be taxed by the Registrar;
- (b) to expressly enable a person awarded such costs to sue for and recover the costs which remain unpaid as if they were a debt due to him;
- (c) to provide for the review by a Judge, on the application of the complainant, of an Inquiry Committee's order that the complainant pay costs to any person; and
- (d) to replace the references to "costs and expenses" in section 85(18) and (19) with references to "costs", as section 2(1) already defines "costs" as including expenses.

Clause 30(*a*) amends section 86(3) to enable the Deputy Chairman of the Inquiry Panel to perform the duties and exercise the powers of the Chairman of the Inquiry Panel under section 86(3).

Clause 30(b) deletes and substitutes section 86(7) —

- (a) to require the Inquiry Committee, if it is of the view that there should be a formal investigation against an advocate and solicitor, to recommend to the Council the charge or charges to be preferred against the advocate and solicitor with respect to the misconduct committed; and
- (b) to provide for the formal investigation to be by a Disciplinary Tribunal instead of a Disciplinary Committee, as a consequence of the amendments to section 90 (by clause 34).

Clause 30(c) makes amendments to section 86(11) that are consequential to the amendments to section 90 (by clause 34).

Clause 30(d) deletes and substitutes section 86(12) and (13) —

- (a) to extend the powers conferred on an Inquiry Committee for the purposes of conducting an inquiry to include a power to require the giving of any information which may relate to or be connected with the subject-matter of the inquiry; and
- (b) to make it an offence for any person to refuse or fail, without lawful excuse, to comply with any requirement of an Inquiry Committee under the new section 86(12)(b) or (c).

Clause 31(a) makes amendments to section 87(1)(c) and (2)(b) that are consequential to the amendments to section 90 (by clause 34).

Clause 31(b) amends section 87(1)(d) to require the Council to make a determination that a matter be referred back to the Inquiry Committee for reconsideration or a further report under section 87(1) within one month of the receipt of an Inquiry Committee's report.

Clause 31(c) introduces a new section 87(1A) to provide that where the Council has determined under section 87(1)(d) that a matter be referred back to an Inquiry Committee for reconsideration or a further report, the Inquiry Committee will submit its response or further report to the Council within 4 weeks from the date of the Council's notification of its determination, and the Council will make a determination under section 87(1)(a), (b) or (c) within one month of the receipt of the response or further report.

Clause 31(d) and (e) makes amendments to section 87(2) and (3) that are consequential to the amendments under clause 31(c).

Clause 31(f) amends section 87(4) to require the Council to inform the advocate and solicitor against whom a complaint has been made and the person who made the complaint of the manner in which the Council has determined the complaint within 14 days of the determination.

Clause 32 amends section 88(1) to increase the maximum penalty which the Council may order an advocate and solicitor to pay, if the Council determines under section 87 that the advocate and solicitor should be ordered to pay a penalty although no cause of sufficient gravity exists for a formal investigation, from \$5,000 to \$10,000.

Clause 33(a) amends section 89(1) to allow the Council to apply to the Chief Justice to appoint a Disciplinary Tribunal within 4 weeks. The present law requires the Council to apply to the Chief Justice to appoint a Disciplinary Committee immediately.

Clause 33(b) makes amendments to section 89 that are consequential to the amendments to section 90 (by clause 34).

Clause 34 amends section 90 to provide for the substitution of Disciplinary Committees with Disciplinary Tribunals. The Chief Justice may appoint one or more Disciplinary Tribunals. Each Disciplinary Tribunal will comprise a president, who will be an advocate and solicitor who is a Senior Counsel or who has at any time held office as a Judge or Judicial Commissioner of the Supreme Court, and an advocate and solicitor of not less than 12 years' standing. The clause also provides for the scenario where any member of a Disciplinary Tribunal is unable to conclude the hearing and investigation of a matter, for the Chief Justice to appoint a solicitor to be the secretary of every Disciplinary Tribunal, and for every member of a Disciplinary Tribunal and the secretary of every Disciplinary Tribunal to be paid for each case such remuneration as the Chief Justice may determine.

Clause 35 makes amendments to section 91 that are consequential to the amendments to section 90 (by clause 34). In particular, a new section 91(1A) has been inserted to provide that if the members of a Disciplinary Tribunal are unable to reach a unanimous decision on any matter, the matter will be decided in accordance with the decision of the president of the Disciplinary Tribunal.

Clause 36 introduces a new section 91A, which provides that there will be no judicial review in any court of any act done or decision made by a Disciplinary Tribunal except in accordance with sections 82A, 97 and 98. The court hearing an application under section 82A(10), 97 or 98 will have the power to consider any matter which might otherwise have been raised at an application for judicial review of a decision of a Disciplinary Tribunal, including any question as to the legality or propriety of the determination of the Disciplinary Tribunal, or as to the regularity of any proceedings of the Disciplinary Tribunal.

Clause 37(a), (b) and (c) makes amendments to section 93 that are consequential to the amendments to section 90 (by clause 34).

Clause 37(b) also makes technical amendments to section 93(2) to align that provision with new section 93(2A).

Clause 37(d) amends section 93(2) —

- (a) to simplify it by deleting the reference therein to the payment of a sum representing a reasonable contribution towards costs; and
- (b) to provide that an order under section 93(2) for the payment by any party of costs may specify the amount of those costs or contain a direction that the amount be taxed by the Registrar.

Clause 37(e) introduces new section 93(2A) and (2B) —

- (a) to empower a Disciplinary Tribunal which finds a complaint to be frivolous or vexatious to order the complainant to pay the costs of the complaint, and

in such order specify the amount of those costs or direct that the amount be taxed by the Registrar; and

- (b) to expressly enable any person awarded any costs under the amended section 93(2) (by clause 37(b), (c) and (d)) or the new section 93(2A) to sue for and recover those costs as if those costs were a debt due to him.

Clause 38(a) makes amendments to section 94 that are consequential to the amendments to section 90 (by clause 34).

Clause 38(b) amends section 94(1) and (3)(b) to require the Society, in a case where —

- (a) a Disciplinary Tribunal has determined that cause of sufficient gravity for disciplinary action exists; or
- (b) a Disciplinary Tribunal has determined that while no cause of sufficient gravity for disciplinary action exists, the advocate and solicitor should be reprimanded or ordered to pay a penalty, and the Council disagrees with the determination,

to make an application under section 98 within one month from the date of the determination of the Disciplinary Tribunal.

Clause 38(c) amends section 94(3)(a) to increase the maximum penalty which the Council may impose on an advocate and solicitor under section 94(3) from \$10,000 to \$20,000.

Clause 38(d) amends section 94 by inserting a new subsection (4). The new subsection (4) provides for the Council to inform the advocate and solicitor against whom a complaint has been made and the person who made the complaint of —

- (a) the determination of the Disciplinary Tribunal within 14 days from the date the Society receives a copy of the report of the Disciplinary Tribunal; and
- (b) where section 94(3) applies, the decision of the Council within 14 days from the date of the decision.

Clause 39 makes amendments to section 95 that are either technical in nature or consequential to the introduction of a new section 98A (by clause 43).

Clause 40 makes amendments to section 96(4)(b) and (5) that are consequential to the amendments to section 90 (by clause 34).

Clause 41 repeals and re-enacts section 97 —

- (a) to provide, in a case where a Disciplinary Tribunal has made a determination under section 93(1)(a) or (b) (as amended by clause 37(a)), for the review by a Judge, on the application of the person who made the complaint, the advocate and solicitor or the Council, of the Disciplinary Tribunal's determination or any order made by the Disciplinary Tribunal under section 93(2) or (2A) (as amended or inserted by clause 37(b), (c), (d) and (e));
- (b) to provide for the procedural matters connected with the making and service of such an application;

- (c) to empower a Judge hearing such an application —
 - (i) to determine any question necessary to be determined for the purpose of doing justice in the case, including any question as to the correctness, legality or propriety of the determination or order of a Disciplinary Tribunal, or as to the regularity of any proceedings of the Disciplinary Tribunal; and
 - (ii) to make such orders as the Judge thinks fit, including —
 - (A) an order directing the person who made the complaint or the Council to make an application under section 98 (as amended by clause 42);
 - (B) an order setting aside the determination of a Disciplinary Tribunal and directing either that the Disciplinary Tribunal rehear and reinvestigate the complaint or matter or that the Society apply to the Chief Justice for the appointment of another Disciplinary Tribunal to hear and investigate the complaint or matter; or
 - (C) such order for the payment of costs as may be just;
- (d) to provide that if the Judge hearing such an application makes an order directing the person who made the complaint to make an application under section 98, that person will have the conduct of the proceedings under that section, and those proceedings will be brought in his name; and
- (e) to provide that if the Judge hearing such an application makes an order directing the person who made the complaint or the Council to make an application under section 98, that person or the Society, as the case may be, will make the application under that section within one month from the date of the order.

Clause 42(a) deletes and substitutes section 98(1) to (8) to remove the requirement for an application for the court to punish a solicitor, or for a solicitor to be required to answer allegations contained in an affidavit, to be made, in the first instance, *ex parte* for an order calling upon the solicitor to show cause. The new section 98(1) has also been aligned with the new section 83(1) (inserted by clause 27(a)) to refer to the additional forms of punishment which may be imposed on a solicitor on due cause being shown. The new section 98(8) empowers the court of 3 Judges hearing an application under section 98 —

- (a) to determine any question necessary to be determined for the purpose of doing justice in the case, including any question as to the correctness, legality or propriety of the determination of a Disciplinary Tribunal, or as to the regularity of any proceedings of the Disciplinary Tribunal; and
- (b) to set aside the determination of a Disciplinary Tribunal and to either direct the Disciplinary Tribunal to rehear and reinvestigate the complaint or matter or direct the Society to apply to the Chief Justice for the appointment of

another Disciplinary Tribunal to hear and investigate the complaint or matter.

Clause 42(b) and (c) makes amendments to section 98(9) and the section heading of section 98, respectively, that are consequential to the amendments under clause 42(a).

Clause 43 introduces a new section 98A, which provides for penalties ordered by a court under section 82A(12) or 98 to be paid to the Registrar of the Supreme Court and, if unpaid, to be recoverable by the Government as a judgment debt. All sums collected by the Registrar of the Supreme Court or recovered by the Government will be paid into the Consolidated Fund.

Clause 44 makes an amendment to section 99 that is consequential to the amendments to section 98 (by clause 42(a)).

Clause 45 deletes and substitutes section 102(1) to empower a court hearing an application for the name of a solicitor to be replaced on the roll to order the Registrar to replace on the roll the name of the solicitor subject to such conditions as the court thinks fit.

Clause 46(a) deletes section 103(1) and (2), as the matters dealt with under these provisions will now be dealt with under new section 93(2A) and (2B) (inserted by clause 37(e)).

Clause 46(b) makes a technical amendment to section 103(3), so as to clarify that the costs of and incidental to all proceedings under section 97 are in the discretion of the Judge before whom the hearing under section 97 has taken place.

Clauses 46(c), 47 and 49 make amendments to sections 103(4), 104 and 106, respectively, that are consequential to the amendments to section 90 (by clause 34).

Clause 48 deletes and substitutes section 105(2) —

- (a) to replace the references therein to a Disciplinary Committee with references to a Disciplinary Tribunal, as a consequence of the amendments to section 90 (by clause 34); and
- (b) to clarify that a Disciplinary Tribunal may proceed and act on evidence by affidavit or statutory declaration, either as to the whole case or as to any particular fact or facts —
 - (i) where the person whose conduct is the subject of inquiry does not appear before the Tribunal, and the Tribunal decides under section 104 to proceed in that person's absence; or
 - (ii) with the consent in writing of the person whose conduct is the subject of inquiry.

Clause 50 makes an amendment to the Part heading of Part VIII that is consequential to the introduction of new section 106A (by clause 51).

Clause 51 inserts a new section 106A to provide that Part VIII (presently relating to the remuneration of solicitors, law corporations and limited liability law partnerships) —

- (a) will apply to all remuneration and costs received by a Singapore law practice or a solicitor practising in a Singapore law practice, including any such remuneration or costs received in respect of the practice of foreign law; and
- (b) will apply, with the necessary modifications, to all remuneration and costs received in respect of the practice of Singapore law by —
 - (i) a Joint Law Venture or its constituent foreign law practice, a Qualifying Foreign Law Practice or a licensed foreign law practice; or
 - (ii) a solicitor or foreign lawyer registered by the Attorney-General under Part IXA to practise Singapore law.

Clause 52 amends section 116 to provide that Part IX (relating to the recovery and taxation of costs) —

- (a) will apply to all remuneration and costs received by a Singapore law practice or a solicitor practising in a Singapore law practice, including any such remuneration or costs received in respect of the practice of foreign law; and
- (b) will apply, with the necessary modifications, to all remuneration and costs received in respect of the practice of Singapore law by —
 - (i) a Joint Law Venture or its constituent foreign law practice, a Qualifying Foreign Law Practice or a licensed foreign law practice; or
 - (ii) a solicitor or foreign lawyer registered by the Attorney-General under Part IXA to practise Singapore law.

Clause 53 repeals and re-enacts Part IXA to modify the regulatory mechanisms therein which are applicable to Joint Law Ventures, Formal Law Alliances, foreign law practices, representative offices of foreign law practices, foreign lawyers, and solicitors practising in Joint Law Ventures or foreign law practices, so as to facilitate the liberalisation of the practice of law in Singapore. The re-enacted Part IXA (comprising new sections 130A to 130W) seeks to implement the proposals of the Committee to Develop the Singapore Legal Sector relating to the promotion of Singapore as a legal services hub and the liberalisation of the legal profession, as well as build on the earlier proposals of the Review Committee on Joint Law Ventures and Formal Law Alliances and the Third Committee on the Supply of Lawyers relating to foreign lawyers and international legal services.

The new section 130A provides for the interpretation of various terms used in the re-enacted Part IXA.

The new section 130B provides for the licensing of Joint Law Ventures and for matters connected therewith, including the privileges conferred by a Joint Law Venture licence, the conditions to be satisfied by the joint applicants for such a licence and the conditions subject to which such a licence may be issued.

The new section 130C provides for the licensing of Formal Law Alliances and for matters connected therewith, including the privileges conferred by a Formal Law Alliance licence, the conditions to be satisfied by the joint applicants for such a licence and the conditions subject to which such a licence may be issued.

The new section 130D provides for the licensing of Qualifying Foreign Law Practices and for matters connected therewith, including the privileges conferred by a Qualifying Foreign Law Practice licence, the conditions to be satisfied by an applicant for such a licence and the conditions subject to which such a licence may be issued. This gives effect to the “Qualifying Foreign Law Firm” scheme proposed by the Committee to Develop the Singapore Legal Sector.

The new section 130E provides for the licensing of foreign law practices and for matters connected therewith, including the privileges conferred by a foreign law practice licence, the conditions to be satisfied by an applicant for such a licence and the conditions subject to which such a licence may be issued.

The new section 130F provides for the licensing of representative offices of foreign law practices and for matters connected therewith, including the privileges conferred by a representative office licence, the conditions to be satisfied by an applicant for such a licence and the conditions subject to which such a licence may be issued.

The new section 130G provides for the suspension or revocation of a Joint Law Venture licence or Formal Law Alliance licence in certain circumstances.

The new section 130H provides for the suspension or revocation of a Qualifying Foreign Law Practice licence, foreign law practice licence or representative office licence in certain circumstances.

The new section 130I provides for the registration of a foreign lawyer to practise Singapore law in a Joint Law Venture or Qualifying Foreign 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 new section 130J provides for the registration of a foreign lawyer to practise Singapore law in a 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. This continues the talent tap scheme proposed by the Third Committee on the Supply of Lawyers, which was given effect to by the existing section 130J.

The new section 130K provides for the registration of a foreign lawyer to practise foreign law in a Joint Law Venture, 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 new section 130L enables a foreign lawyer, with the approval of the Attorney-General, to be a director, partner or shareholder in, or to share in the profits of, a Singapore law practice in which he is registered to practise foreign law under the new section 130K or is registered to practise Singapore law under the new section 130J, and for matters connected therewith, including the conditions to be complied with by the foreign lawyer and the Singapore law practice. This continues the scheme proposed by the Review Committee on Joint Law Ventures and Formal Law Alliances to allow

foreign lawyers to own equity interests in Singapore law practices, subject to certain prescribed limits and other conditions, which was given effect to by the existing section 130L. Those conditions, including the conditions set out in the existing section 130L(5), (7)(a) and (8) as to the limit to which a foreign lawyer may hold equity interests in, or exercise or control the exercise of voting rights in, a Singapore law practice, or may receive payment from a Singapore law practice as director's remuneration, as shareholder's or partner's dividends or under any profit-sharing arrangement, will now be prescribed in rules to be made under the new section 130W, instead of being set out in the Act, so as to be more responsive to any changes that may be necessary to enhance the global competitiveness of Singapore law practices.

The new section 130M re-enacts, with technical changes, the existing section 130M to provide for measures to ensure compliance with the existing section 130L.

The new section 130N provides for the registration of a solicitor 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, 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 solicitor is registered. This gives effect to the proposals by the Committee to Develop the Singapore Legal Sector to liberalise the practice of Singapore law and enhance participation by solicitors in Joint Law Ventures and foreign law practices.

The new section 130O provides for the registration of a solicitor to practise foreign law in a Joint Law Venture or foreign 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 solicitor is registered.

The new section 130P provides for the procedural matters relating to an application for any licence, registration or approval under the new Part IXA, and for the period of validity of any such licence, registration or approval. It also provides, in the case of any such licence, registration or approval which is valid for a fixed period, for the procedural matters relating to the renewal of the licence, registration or approval, and for the period of and conditions for the renewal of the licence, registration or approval.

The new section 130Q re-enacts, with technical changes, the existing section 130N to provide for —

- (a) the issuing of guidelines and directions by the Attorney-General;
- (b) the giving of undertakings by any applicant for any licence, registration or approval under the new Part IXA; and
- (c) measures to ensure compliance with such guidelines, directions and undertakings and the conditions of any licence, registration or approval under the new Part IXA.

The new section 130R provides for the exercise of disciplinary control by the Attorney-General over foreign lawyers and solicitors registered under the new Part IXA.

The new section 130S(1) re-enacts the existing section 130P to provide that any decision made by the Attorney-General under the new Part IXA will be final and conclusive.

The new section 130S(2) empowers the Attorney-General, if he is satisfied that it is in the public interest to do so, to vary or revoke any condition imposed by him under the new Part IXA.

The new section 130T re-enacts, with technical changes, the existing section 130Q to provide for the consequences of any failure to apply for certain types of licences or registration, or to furnish particulars or information, required under the new Part IXA.

The new section 130U re-enacts, with technical changes, the existing section 130R to provide for the Attorney-General to bring an action in a court to seek an order for a civil penalty in respect of any contravention of the new Part IXA.

The new section 130V re-enacts, with technical changes, the existing section 130S to provide for the liability of a partner, director or shareholder of a Joint Law Venture, Formal Law Alliance, foreign law practice or Singapore law practice for any contravention of any provision of the new Part IXA by that Joint Law Venture, Formal Law Alliance, foreign law practice or Singapore law practice.

The new section 130W empowers the Minister, after consulting the Attorney-General, to make rules for the purposes of the new Part IXA. It consolidates various provisions (all relating to the making of rules) set out in the existing sections 130D(1), 130G, 130K and 130T.

Clause 54 amends section 135(a) to expressly empower the Rules Committee to prescribe the fee payable under section 93(6). It is implicit from section 91(1) that the fee concerned is to be prescribed by the Rules Committee.

Clause 55 amends paragraph 1(1) of the First Schedule to make the powers conferred by Part II of that Schedule exercisable where —

- (a) the Council is satisfied that a sole proprietor is incapacitated by any physical or mental condition to such extent as to be unable to attend to his practice; or
- (b) the fitness of a sole proprietor to practise has been determined under the new section 25C (inserted by clause 6) to be impaired by reason of his physical or mental condition, or a sole proprietor, having been ordered by a Judge to submit to a medical examination under the new section 25C within such period as the Judge may specify in the order, fails to do so.

Clause 56 contains savings and transitional provisions.

EXPENDITURE OF PUBLIC MONEY

This Bill will involve the Government in extra financial expenditure, the exact amount of which cannot at present be ascertained.
