

LEGAL PROFESSION (AMENDMENT) ACT 2012

No. 3 of 2012.

An Act to amend the Legal Profession Act (Chapter 161 of the 2009 Revised Edition) and to make a related amendment to the Supreme Court of Judicature Act (Chapter 322 of the 2007 Revised Edition).

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

Short title and commencement

1. This Act may be cited as the Legal Profession (Amendment) Act 2012 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Amendment of section 10

2. Section 10 of the Legal Profession Act (referred to in this Act as the principal Act) is amended —

- (a) by deleting the words “and Part IIA” wherever they appear in subsection (1) and substituting in each case the words “, Part IIA and section 25(1)(ca)”;
- (b) by inserting, immediately after the words “Part IIA” in subsection (2)(h), the words “, section 25(1)(ca)”;
- (c) by inserting, immediately after subsection (2), the following subsection:

“(3) Disciplinary proceedings may be taken against any advocate and solicitor, or foreign lawyer registered by the Attorney-General under section 130I, who contravenes any rules made under this section.”

New section 10A

3. The principal Act is amended by inserting, immediately after section 10, the following section:

“Protection from personal liability

10A. No liability shall be incurred by the Board of Directors of the Institute, the Chairman of the Institute or any other member of the Board, the Dean of the Institute, or any other officer or employee of the Institute, any committee appointed under section 7(1) or any member of any such committee, or any other person acting under the direction of the Institute, as a result of anything done (including any statement made) or omitted to be done with reasonable care and in good faith in the execution or purported execution of the Institute’s functions under this Act or any other written law.”

Amendment of section 15**4.** Section 15 of the principal Act is amended —

- (a) by deleting the words “where the court is satisfied that it is of sufficient difficulty and complexity and having regard to the circumstances of the case” in subsection (1);
- (b) by deleting paragraph (a) of subsection (1) and substituting the following paragraph:

“(a) holds —

- (i) Her Majesty’s Patent as Queen’s Counsel;
or
 - (ii) any appointment of equivalent distinction of any jurisdiction;”;
- (c) by deleting the words “criminal case” in subsection (2) and substituting the words “case involving any area of legal practice prescribed under section 10 for the purposes of this subsection,”; and
 - (d) by inserting, immediately after subsection (6), the following subsection:

“(6A) The Chief Justice may, after consulting the Judges of the Supreme Court, by notification published in the *Gazette*, specify the matters that the court may consider when deciding whether to admit a person under this section.”.

Amendment of section 25**5.** Section 25(1) of the principal Act is amended by inserting, immediately after paragraph (c), the following paragraph:

- “(ca) a declaration in writing in such form and containing such statements as may be prescribed by the Institute under section 10 for the purposes of this paragraph;”.

Amendment of section 82B

6. Section 82B(2) of the principal Act is amended by deleting the words “or censured” in paragraph (*j*) and substituting the words “, ordered to pay a penalty, censured or reprimanded”.

Amendment of section 83

7. Section 83(2) of the principal Act is amended by deleting the words “or censured” in paragraph (*k*) and substituting the words “, ordered to pay a penalty, censured or reprimanded”.

Amendment of section 85

8. Section 85 of the principal Act is amended —

- (a) by inserting, immediately after the words “public officer” in subsection (1)(c), the words “or any officer of the Institute”;
- (b) by deleting the words “or the Attorney-General” wherever they appear in subsection (3) and substituting in each case the words “, the Attorney-General or the Institute”; and
- (c) by deleting subsection (4) and substituting the following subsection:

“(4) Notwithstanding subsections (1A), (2) and (3), where 2 or more complaints or information touching upon the conduct of an advocate and solicitor (including any such complaint or information which had been referred to a Disciplinary Tribunal under section 89) have been received by the Council, the Council may do either or both of the following:

- (a) apply to the Chief Justice to refer to the Chairman of the Inquiry Panel one or more of the complaints or information which in the Council’s opinion are more serious in nature first and defer the referral of the remaining complaints or information;
- (b) apply to the Chairman of the Inquiry Panel for 2 or more of the complaints or information to be dealt with by —

- (i) the same Review Committee; or
- (ii) the same Inquiry Committee.”.

Amendment of section 86

9. Section 86(7) of the principal Act is amended by deleting sub-paragraphs (i) and (ii) of paragraph (b) and substituting the following sub-paragraphs:

- “(i) that the advocate and solicitor should be ordered to pay a penalty under section 88, and a penalty sufficient and appropriate to the misconduct committed;
- (ii) that the advocate and solicitor should be reprimanded or given a warning; or
- (iii) that the complaint be dismissed.”.

Amendment of section 130L

10. Section 130L of the principal Act is amended —

- (a) by deleting the words “this section” in subsections (2) and (3) and substituting in each case the words “subsection (1)”; and
- (b) by inserting, immediately after subsection (5), the following subsections:

“(6) Subject to the provisions of this Part, nothing in this Act shall prevent a foreign law practice, with the approval of the Attorney-General, from —

- (a) being a shareholder in any Singapore law practice which is a law corporation; or
- (b) sharing in the profits of any Singapore law practice.

(7) Every foreign law practice and every Singapore law practice referred to in subsection (6) 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