

Legal Profession (Amendment) Bill

Table of Contents

Bill No: 13/2009

Read the first time: 20th July 2009

Long Title

Enacting Formula

1 Short title and commencement

2 Amendment of section 2

3 Amendment of section 4

4 Amendment of section 5

5 Repeal of section 7

6 Amendment of section 12

7 Repeal and re-enactment of sections 13 and 14

8 Amendment of section 15

9 New section 15A

10 Amendment of section 17

11 Amendment of section 32

12 Amendment of section 83

13 Miscellaneous amendments

14 Related amendments to Patents Act

15 Related amendments to Singapore Academy of Law Act

Explanatory Statement

Expenditure of Public Money

Legal Profession (Amendment) Bill

Bill No. 13/2009

Read the first time on 20th July 2009.

An Act to amend the Legal Profession Act (Chapter 161 of the 2009 Revised Edition) and to make related amendments to the Patents Act (Chapter 221 of the 2005 Revised Edition) and the Singapore Academy of Law Act (Chapter 294A of the 1997 Revised Edition).

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

Short title and commencement

1. This Act may be cited as the Legal Profession (Amendment) Act 2009 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Amendment of section 2

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

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

“Legal Service Officer” means an officer in the Singapore

Legal Service;”;

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

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

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

- (d) by deleting the word “or” at the end of paragraph (b) of the definition of “qualified person”;
- (e) by deleting paragraph (c) of the definition of “qualified person” and substituting the following paragraphs:

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

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

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

“ “relevant legal officer” means —

(a) a Legal Service Officer; or

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

Amendment of section 4

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

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

Amendment of section 5

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

- “(b) with respect to the supervised training in relation to the practice of Singapore law which qualified persons are required to receive before they can be admitted as advocates and solicitors;
- (c) for regulating the manner in which qualified persons are to serve their respective practice training periods before they can be admitted as advocates and solicitors;
- (d) for prescribing the courses of instruction, and the subjects therein, which qualified persons are required to attend before they can be admitted as advocates and solicitors, and for regulating the conduct of qualified persons attending such courses of instruction;
- (e) for prescribing the examinations which qualified persons are required to pass before they can be admitted as advocates and solicitors, and for regulating the conduct of qualified persons during such examinations;
- (f) for regulating the manner in which qualified persons are to keep dining terms before they can be admitted as advocates and solicitors;”.

Repeal of section 7

5. Section 7 of the principal Act is repealed.

Amendment of section 12

6. Section 12 of the principal Act is amended —

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

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

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

Board.”;

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

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

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

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

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

- (a) may be subject to such conditions as the Board may think fit to impose by notice in writing to the person;
- (b) may be notified in writing to the person; and
- (c) need not be published in the *Gazette*.”.

Repeal and re-enactment of sections 13 and 14

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

“Service of practice training period

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

- (a) under a practice training contract;
- (b) through working —
 - (i) as a Legal Service Officer; or
 - (ii) under the supervision of a relevant legal officer (referred to in this section and section 14 as a qualifying relevant legal officer) who is an advocate and solicitor of not less than 5 years’ standing and who, for a total of not less than 5 out of the 7 years immediately preceding the date of