

Legal Profession (Amendment) Bill

Table of Contents

Bill No: 9/1989

Read the first time: 16th January 1989

Long Title

Enacting Formula

1 Short title and commencement

2 Amendment of section 2

3 New section 5A

4 Amendment of section 7

5 Amendment of section 13

6 Amendment of section 28

7 New sections 28A and 28B

8 Repeal and re-enactment of section 63

9 Amendment of section 80

10 Amendment of section 81

11 Repeal and re-enactment of sections 82 and 83

12 Amendment of section 88

13 Amendment of section 95

14 Transitional and savings provisions

Explanatory Statement

Expenditure of Public Money

Legal Profession (Amendment) Bill

Bill No. 9/1989

Read the first time on 16th January 1989.

An Act to amend the Legal Profession Act (Chapter 161 of the 1985 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 1989 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 of the Legal Profession Act (referred to in this Act as the principal Act) is amended by inserting, immediately above the definition of “advocate and solicitor”, the following definition:

“ “Academy” means the Singapore Academy of Law established under the Singapore Academy of Law Act 1988 [Act 18 of 1988];”.

New section 5A

3. The principal Act is amended by inserting, immediately after section 5, the following section:

“Senate of Academy may give directions to Board

5A. The Senate of the Academy may, after consultation with the Board, give

such directions, not inconsistent with the provisions of this Act, to the Board as to the exercise and performance by the Board of its functions and powers, and the Board shall give effect to any such direction.”.

Amendment of section 7

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

“(1) The Board shall consist of —

- (a) the Attorney-General;
- (b) the Dean of the Faculty; and
- (c) eight other members nominated by the Senate of the Academy.”.

Amendment of section 13

5. Section 13 (4) of the principal Act is amended —

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

“(d) has attended such course of instruction and successfully passed such examination as may be approved by the Board for the purposes of this section.”.

Amendment of section 28

6. Section 28 (1) of the principal Act is amended by inserting, immediately after the word “shall” in the fifth line, the words “subject to section 28B”.

New sections 28A and 28B

7. The principal Act is amended by inserting, immediately after section 28, the following sections:

“Appointment of Senior Counsel

28A.—(1) The Senate of the Academy may appoint an advocate and solicitor or a legal officer as Senior Counsel if they are of the opinion that by virtue of that person’s ability, standing at the Bar or special knowledge or experience in law he is

deserving of such distinction.

(2) No person shall be appointed as a Senior Counsel unless he has for an aggregate period of not less than 10 years been an advocate and solicitor or a legal officer or both.

(3) Upon the commencement of the Legal Profession (Amendment) Act 1989, those persons who on the date immediately preceding the commencement of that Act are holding office as the Attorney-General and the Solicitor-General shall be deemed to have been appointed as Senior Counsel under this section.

Order of precedence in court

28B. Senior Counsel shall rank in precedence after the Attorney-General and the Solicitor-General according to their seniority of appointment as Senior Counsel but if two or more are appointed on the same day they shall take precedence according to the date on which they were admitted as advocates and solicitors.”.

Repeal and re-enactment of section 63

8. Section 63 of the principal Act is repealed and the following section substituted therefor:

“Proceedings of Council and its Inquiry Committees to be confidential

63. Except insofar as may be necessary for the purpose of giving effect to any resolutions or decisions of the Council and its Inquiry Committees confidentiality shall be maintained in all proceedings conducted by the Council, its staff and Inquiry Committees.”.

Amendment of section 80

9. Section 80 of the principal Act is amended by inserting, immediately after subsection (4), the following subsection:

“(5) In any proceedings instituted under this Part against an advocate and solicitor consequent upon his conviction for a criminal offence, an Inquiry Committee, a Disciplinary Committee appointed under section 87 and a court of 3 judges referred to in section 95 shall accept his conviction as final and conclusive.”.

Amendment of section 81

10. Section 81 of the principal Act is amended —

(a) by deleting the words “20 advocates and solicitors” in subsection (1) and

- substituting the words “40 advocates and solicitors”;
- (b) by deleting the words “20 lay persons” in subsection (1) and substituting the words “40 lay persons”; and
 - (c) by deleting the words “3 years” in subsection (3) and substituting the words “two years”.

Repeal and re-enactment of sections 82 and 83

11. Sections 82 and 83 of the principal Act are repealed and the following sections substituted therefor:

“Complaints against advocates and solicitors

82.—(1) An application by any person that an advocate and solicitor be dealt with under this Part and any complaint of the conduct of an advocate and solicitor in his professional capacity shall in the first place be made to the Society and the Council shall refer the application or complaint to the Chairman of the Inquiry Panel.

(2) The Council may on its own motion refer any information touching upon the conduct of an advocate and solicitor in his professional capacity to the Chairman of the Inquiry Panel.

(3) The Supreme Court or any judge thereof or the Attorney-General may at any time refer to the Society any information touching upon the conduct of an advocate and solicitor in his professional capacity and the Council shall —

- (a) refer the matter to the Chairman of the Inquiry Panel; or
- (b) where the Supreme Court or a judge thereof or the Attorney-General requests that the matter be referred to a Disciplinary Committee, apply to the Chief Justice to appoint a Disciplinary Committee.

(4) Where an application under subsection (1) or any complaint or information touching upon the conduct of an advocate and solicitor in his professional capacity is referred to the Chairman of the Inquiry Panel, the Council shall inform the advocate and solicitor concerned that it has done so.

(5) Where an application or any complaint or information touching upon the conduct of an advocate and solicitor in his professional capacity is referred to the Chairman of the Inquiry Panel pursuant to subsection (1), (2) or (3), he shall forthwith constitute an Inquiry Committee consisting of —

- (a) a chairman, being a member of the Inquiry Panel who is an advocate and solicitor;