

# **Legal Profession (Amendment) Bill**

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**Bill No: 6/1979**

***Read the first time: 5th March 1979***

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### **Legal Profession (Amendment) Bill**

**Bill No. 6/1979**

*Read the first time on 5th March 1979.*

An Act to amend the Legal Profession Act (Chapter 217 of the 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, 1979, 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 (hereinafter in this Act referred to as the principal Act) is amended —

- (a) by deleting the words “committee appointed by the Council” in the definition of “Inquiry Committee” and substituting therefor the words “Committee appointed by the Chief Justice”;
- (b) by inserting, immediately after the words “University of Malaya” in paragraph (a) of the definition of “qualified person”, the words “in Singapore”; and
- (c) by deleting the full-stop at the end of the definition of “Society” and substituting therefor a semi-colon and by inserting immediately thereafter the following definition: —

““trust” or “trustee” extend to implied and constructive trusts and to cases where the trustee has a beneficial interest in the trust property and to the duties incident to the office of a personal representative, and “trustee”, where the context admits, includes a personal representative.”.

### **Amendment of section 10**

3. Section 10 of the principal Act is amended by renumbering the section as subsection (1) and by inserting immediately thereafter the following subsection: —

“(2) Notwithstanding the provisions of paragraphs (d) and (e) of subsection (1) of this section, the Board may, in its discretion, exempt a qualified person from attending such courses of instruction and passing such examinations as may be prescribed by it if the Board is of the opinion that such qualified person is, by reason of his experience or for other cause, a fit and proper person to be so exempted.”.

### **Amendment of section 11**

4. Subsection (3) of section 11 of the principal Act is amended by inserting, immediately after the word “section” at the end thereof, the words “unless exempted therefrom under the provisions of subsection (2) of section 10 of this Act”.

### **Amendment of section 14**

5. Paragraph (d) of subsection (4) of section 14 of the principal Act is amended by deleting the words “attended the courses of instruction and passed the examinations” in the third, fourth and fifth lines thereof and substituting therefor the words “has attended the courses of instruction (or has been exempted therefrom under the provisions of subsection (2) of section 10 of this Act) and has passed any examinations that may be”.

### **Amendment of section 30**

6. Section 30 of the principal Act is amended —

- (a) by deleting the full-stop at the end of paragraph (c) of subsection (1) thereof and substituting therefor a semi-colon and the word “or” and by inserting immediately thereafter the following paragraphs: —
  - “(d) if he is an undischarged bankrupt or a receiving order in bankruptcy is in force against him; or
  - (e) if he has entered into a composition with his creditors or a deed of arrangement for the benefit of his creditors; or
  - (f) if he has one or more outstanding judgments against him amounting in the aggregate to one hundred thousand dollars or more which he has been unable to satisfy within six months from the date of the earliest judgment.”; and
- (b) by deleting the words “the Housing and Development Board, the Public Utilities Board, the Economic Development Board, the Jurong Town Corporation or the Port of Singapore Authority” in the second, third, fourth and fifth lines of subsection (2) thereof and substituting therefor the words “any statutory board or authority”.

### **Repeal and re-enactment of section 50**

7. Section 50 of the principal Act is repealed and the following substituted therefor: —

#### **“Statutory members**

**50.**—(1) The following persons shall be statutory members of the Council each time it is constituted: —

- (a) not more than three advocates and solicitors nominated by the Minister to sit on the Council; and
- (b) the immediate past President of the Society.

(2) Every member of the Council nominated by the Minister under paragraph

(a) of subsection (1) of this section shall hold office for a term of two years but may, from time to time, be re-nominated.”.

### **Repeal and re-enactment of section 51**

8. Section 51 of the principal Act is repealed and the following substituted therefor: —

#### **“Elected members**

**51.**—(1) There shall be fifteen elected members of the Council consisting of —

- (a) six practitioner members, each of whom shall be an advocate and solicitor of not less than twelve years’ standing on the day of his nomination for election to the Council;
- (b) five practitioner members, each of whom shall be an advocate and solicitor of under twelve years’ but not less than seven years’ standing on the day of his nomination for election to the Council; and
- (c) four practitioner members, each of whom shall be an advocate and solicitor of under seven years’ standing on the day of his nomination for election to the Council.

(2) Subject to the provisions of this Act, every elected member of the Council shall hold office as a member of the Council for two years.

(3) Whenever it is necessary for any reason whatsoever to elect all the elected members of the Council at an annual election —

- (a) three members specified in paragraph (a);
- (b) two members specified in paragraph (b); and
- (c) two members specified in paragraph (c),

of subsection (1) of this section chosen by lot at the first meeting of the Council after such election shall hold office for only one year.

(4) Every elected member of the Council shall be eligible for re-election if he is qualified to be a candidate.”.

### **Repeal and re-enactment of section 52**

9. Section 52 of the principal Act is repealed and the following substituted therefor: —