

Advocates and Solicitors (Amendment) Ordinance

Table of Contents

Bill No: 174/1962

Read the first time: 26th March 1962

Long Title

Enacting Formula

1 Short title

2 New section 7A

3 Amendment of section 8

4 Amendment of section 9

5 Amendment of section 21

6 Amendment of section 24

7 Amendment of section 27

8 Repeal and re-enactment of section 35

9 New sections 41A, 41B and 41C

10 Amendment of section 45

11 Amendment of section 49

Explanatory Statement

Expenditure of Public Money

Advocates and Solicitors (Amendment) Ordinance

Bill No. 174/1962

Read the first time on 26th March 1962.

An Ordinance to amend the Advocates and Solicitors Ordinance (*Chapter 188 of the Revised Edition*).

Be it enacted by the Yang di-Pertuan Negara with the advice and consent of the Legislative Assembly of Singapore, as follows: —

Short title

1. This Ordinance may be cited as the Advocates and Solicitors (Amendment) Ordinance, 1962.

New section 7A

2. The Advocates and Solicitors Ordinance (hereinafter in this Ordinance referred to as the “principal Ordinance”) is hereby amended by inserting immediately after section 7 thereof the following new section: —

“Ad hoc. admission

7A.—(1) Notwithstanding anything to the contrary contained in this Ordinance the Supreme Court may at its discretion and for the purpose of any one case admit to practise as an advocate and solicitor any person other than a practising advocate and solicitor of the Federation of Malaya —

- (a) who holds Her Majesty’s patent as Queen’s Counsel; and
- (b) who does not ordinarily reside in Malaya but who has come or intends to come to Singapore for the purpose of appearing in such case.

(2) Any person applying to be admitted under the provisions of this section shall do so by originating motion verified by an affidavit of the applicant or of an advocate and solicitor on his behalf stating the names of the parties and brief particulars of the case in which the applicant intends to appear and the originating motion and affidavit or affidavits shall be served on the State Advocate-General and on the Secretary of the Bar Committee and at the time of such service the applicant shall pay a fee of one hundred dollars to the Bar Committee for its costs incurred in the application.

(3) The Registrar shall on payment of the prescribed fee issue to every person admitted under the provisions of this section a certificate to practise specifying in it the case in which such person is permitted to appear and any person to whom a certificate to practise has been issued under the provisions of this subsection shall for the purpose of his employment in such case be deemed to be a person to whom a certificate to practise has been issued under the provisions of section 24 of this Ordinance.

(4) The Registrar shall not enter the names of persons admitted under the provisions of this section upon the roll of advocates and solicitors kept under the provisions of section 3 of this Ordinance, but shall keep a separate roll for persons admitted under this section.

(5) In this section the word “case” includes any interlocutory or appeal proceedings connected with a case.”.

Amendment of section 8

3. Section 8 of the principal Ordinance is hereby amended by deleting the words “British subject or British protected person” appearing in the first line thereof and substituting therefor the words “citizen of Singapore”.

Amendment of section 9

4. Subsection (1) of section 9 of the principal Ordinance is hereby amended by deleting the words “British subject or British protected person” appearing in the first line thereof and substituting therefor the words “citizen of Singapore”.

Amendment of section 21

5. Section 21 of the principal Ordinance is hereby amended by deleting the words “British subject or British protected person” appearing in the last line thereof and substituting therefor the words “citizen of Singapore”.

Amendment of section 24

6. Subsection (2) of section 24 of the principal Ordinance is hereby amended by inserting immediately after the word “duty” appearing in the first line thereof the expression “and upon satisfying the Registrar that the provisions of sections 41A and 41B of this Ordinance have been complied with by him or by some other advocate and solicitor by whom he is employed”.

Amendment of section 27

7. Section 27 of the principal Ordinance is hereby amended —

- (a) by inserting immediately after the words “Judge thereof” appearing in the first line thereof the words “or the State Advocate-General”; and
- (b) by inserting immediately after the word “Judge” appearing in the marginal note thereto the words “or State Advocate-General”.

Repeal and re-enactment of section 35

8. Section 35 of the principal Ordinance is hereby repealed and the following substituted therefor: —

“Solicitor’s clerks

35.—(1) No solicitor shall in connection with his practice as such, without the consent of the court obtained on an application by originating summons served upon the State Advocate-General and upon the Bar Committee employ or remunerate any person (other than an advocate and solicitor or a qualified person) who to his knowledge has been —

- (a) struck off the roll otherwise than at his own request and remains struck off;
- (b) suspended from practising as an advocate and solicitor in Singapore or the Federation of Malaya or elsewhere and remains suspended;
- (c) convicted of an offence involving dishonesty;
- (d) convicted of an offence under section 35 of the Minor Offences Ordinance (Cap. 117) or under section 46 of this Ordinance;
- (e) listed as a tout under section 100 of the Courts Ordinance (Cap. 3);
- (f) a person in respect of whom an order under subsection (2) of this section has been made; or
- (g) employed as a public officer.

(2) On application made by or on behalf of the State Advocate-General or the Bar Committee the court may make an order directing that, as from the date to be specified in such order, no solicitor shall in connection with his practice as such employer remunerate any person, the subject of the application, who —

- (a) has been a party to any act or default of a solicitor in respect of which a complaint has been or might properly have been made against such solicitor under the provisions of this Ordinance; or
- (b) has so conducted himself whilst employed by a solicitor that, had he

himself been a solicitor, such conduct might have formed the subject of a complaint under the provisions of this Ordinance against him.

(3) Every application under subsection (2) of this section shall be served upon the person in respect of whom it is made and upon his employer or previous employer if such employer or previous employer is a solicitor not less than ten days before the application is to be heard.

(4) Every order made under subsection (2) of this section, shall be filed in a file to be kept for this purpose by the Registrar and such file may be inspected by any solicitor without fee.

(5) Before a solicitor employs or remunerates any person (other than an advocate and solicitor or a qualified person) in connection with his practice as such, he shall require such person to make a statutory declaration to show that he does not come within the class of persons enumerated in paragraphs (a) to (g) of subsection (1) of this section and that he is not a person in respect of whom an order has been made under subsection (2) of this section.

(6) Disciplinary proceedings may be taken against any solicitor who acts in contravention of the provisions of this section.”.

New sections 41A, 41B and 41C

9. The principal Ordinance is hereby amended by inserting immediately after section 41 thereof the following new sections: —

“Rules as to keeping of accounts by advocates and solicitors

41A.—(1) The Bar Committee shall make rules —

- (a) as to the opening and keeping by solicitors of accounts at banks for clients’ money; and
- (b) as to the keeping by solicitors of accounts containing particulars and information as to moneys received, held or paid by them for or on account of their clients; and
- (c) empowering the said Committee to take such action as may be necessary to enable them to ascertain whether or not the rules are being complied with.

(2) The Bar Committee shall also make rules —

- (a) as to the opening and keeping by every solicitor who is a sole trustee, or who is co-trustee only with one or more of his partners, clerks or