

Legal Profession (Singapore Bar Examinations — Conduct and Discipline) Rules 2010

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No. S 212

LEGAL PROFESSION ACT (CHAPTER 161)

LEGAL PROFESSION (SINGAPORE BAR EXAMINATIONS — CONDUCT AND DISCIPLINE) RULES 2010

In exercise of the powers conferred by section 5(3) and (4) of the Legal Profession Act, the Board of Legal Education hereby makes the following Rules:

Citation and commencement

1. These Rules may be cited as the Legal Profession (Singapore Bar Examinations — Conduct and Discipline) Rules 2010 and shall come into operation on 9th April 2010.

Definitions

2. In these Rules, unless the context otherwise requires —

“Chairman” means the Chairman of the Board elected under section 9(1) of the Act;

“class” means any lecture, tutorial, drafting class, practice class, workshop, Advocacy Training session, Edudine session or legal clinic session;

“classroom” means the premises on which any class is conducted;

“Code of Conduct” means the Code of Conduct issued by the Director under rule 3 and includes the Code of Conduct as amended from time to time under that rule;

“Course” means the preparatory course leading to Part B of the Singapore Bar Examinations prescribed by the Board under rule 11(1) of the Legal Profession Rules (R 3) and includes the dining terms prescribed by the Board for the purposes of section 12(1)(f) of the Act;

“Director” means the Director of the Course appointed by the Board and includes any Deputy Director;

“Examinations” means Part B of the Singapore Bar Examinations prescribed by the Board under rule 11(1A) of the Legal Profession Rules;

“misconduct” means any act, conduct or neglect that is in contravention of the Code of Conduct and includes any act or conduct referred to in rule 6(2);

“student” means a person who is currently registered as a student in the Course;

“Student Disciplinary Committee” means the Student Disciplinary Committee appointed by the Chairman under rule 4.

Code of Conduct

3.—(1) The Director may, with the approval of the Board, issue and from time to time amend a Code of Conduct for the maintenance and enforcement of discipline

among the students.

- (2) It shall be the duty of every student to comply with the Code of Conduct.
- (3) The Director shall cause the Code of Conduct to be published —
 - (a) on the Board's Internet website;
 - (b) in the annual Course Handbook; and
 - (c) in such other additional manner as he may think necessary and appropriate to bring it to the attention of all students.

Student Disciplinary Committee

4.—(1) The Chairman may appoint any 3 members of the Board to constitute a Student Disciplinary Committee, and shall appoint one of the members of the Student Disciplinary Committee to preside over it.

(2) The Student Disciplinary Committee may be appointed in connection with one or more matters or for a fixed period of time as the Chairman may think fit.

(3) If any member of the Student Disciplinary Committee is unable to act for any reason in any case, the Chairman may appoint another member of the Board to replace him for that case.

(4) The Secretary of the Board or his representative shall be the secretary of the Student Disciplinary Committee.

(5) A decision of the Student Disciplinary Committee shall be made by a majority vote of its members.

(6) The Student Disciplinary Committee shall not be bound to act in a formal manner and may determine its own procedures.

(7) The Student Disciplinary Committee shall not be bound by the provisions of the Evidence Act (Cap. 97) or by any other law relating to evidence, and may inform itself on any matter in such manner as it thinks fit.

Letter of warning for misconduct

5.—(1) If the Director has reason to believe that a student has committed any misconduct, the Director shall, by notice in writing, call upon the student concerned to offer any explanation or to answer any allegation against him, whether in writing or in person before the Director, within a period of 7 days from the date specified in the notice.

(2) The Director shall issue a letter of warning to the student concerned, if the student

concerned —

- (a) without reasonable cause does not comply with the Director's notice;
- (b) admits to having committed the misconduct as alleged; or
- (c) in the opinion of the Director, fails to offer a reasonable explanation or to satisfactorily answer the allegation against him.

Report of misconduct to Student Disciplinary Committee

6.—(1) Upon a student being issued with a third letter of warning under rule 5(2), the Director shall —

- (a) report the matter to the Student Disciplinary Committee in writing; and
- (b) notify the student concerned in writing that he has made the report to the Student Disciplinary Committee.

(2) Notwithstanding paragraph (1), the Director may immediately report the matter to the Student Disciplinary Committee in writing without complying with rule 5(1) or issuing any letter of warning to the student concerned under rule 5(2), but shall notify the student concerned in writing that he has made the report to the Student Disciplinary Committee, if the Director has reason to believe that the student concerned —

- (a) has cheated in the Examinations or on any test, examination or assignment, or has facilitated the cheating of another student in the Examinations or on any test, examination or assignment;
- (b) has committed any offence in any classroom or on the premises of the Board;
- (c) has, in any dealing with the Board, acted fraudulently or dishonestly;
- (d) having been dealt with before by the Board under rule 8, has again committed any misconduct; or
- (e) has done any other act or conducted himself in any other manner which —
 - (i) is unbecoming or unbecoming of a student of the Course or implies a defect of character making him unfit for the legal profession; and
 - (ii) is, in the opinion of the Director, of sufficient gravity to warrant an immediate report to the Student Disciplinary Committee.

Inquiry by Student Disciplinary Committee