

Legal Profession (Disciplinary Tribunal) Rules

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THE SCHEDULE

Legislative History

LEGAL PROFESSION ACT (CHAPTER 161, SECTIONS 82A(14), 91(1) AND 135(a))

LEGAL PROFESSION (DISCIPLINARY TRIBUNAL) RULES

R 2

G.N. No. S 596/2008

Citation

1. These Rules may be cited as the Legal Profession (Disciplinary Tribunal) Rules.

Definitions

- 2.—(1) In these Rules, unless the context otherwise requires —

“complainant” means —

(a) a person —

(i) who has made a complaint to the Society under section 85(1); or

(ii) who has made an application under section 82A(5) for leave for an investigation to be made into a complaint against a Judicial Service Officer, a Legal Service Officer or a non-practising solicitor; or

[S 19/2022 wef 14/01/2022]

(b) in a case where any Supreme Court Judge, Judicial Commissioner, Senior Judge or International Judge or the Attorney-General has referred to the Society any information touching upon the conduct of a solicitor under section 85(3), the Attorney-General;

[S 692/2015 wef 18/11/2015]

[S 1042/2020 wef 02/01/2021]

“complaint” means a complaint of the conduct of a Judicial Service Officer, a Legal Service Officer, a regulated legal practitioner or a regulated non-practitioner, and includes —

(a) any information touching upon the conduct of a regulated legal practitioner that may be referred —

(i) by any Supreme Court Judge, Judicial Commissioner, Senior Judge or International Judge, the Attorney-General, the Director of Legal Services or the Institute under section 85(3); or

[S 1042/2020 wef 02/01/2021]

(ii) by the Council under section 85(2);

[S 692/2015 wef 18/11/2015]

(aa) any information touching upon the conduct of a regulated non-practitioner that may be referred —

(i) by any Supreme Court Judge, Judicial Commissioner, Senior Judge or International Judge, the Attorney-General, the Director of Legal Services or the Institute under section 85(3) read with section 82B(3) or (4); or

[S 1042/2020 wef 02/01/2021]

(ii) by the Council under section 85(2) read with section 82B(3) or (4); and

[S 692/2015 wef 18/11/2015]

(b) in a case where a Disciplinary Tribunal is appointed to investigate a complaint of misconduct against a Judicial Service Officer, a Legal Service Officer or non-practising solicitor pursuant to an application under section 82A(5), the affidavit referred to in section 82A(5) setting out the allegations of misconduct against the Judicial Service Officer, Legal Service Officer or non-practising solicitor;

[S 19/2022 wef 14/01/2022]

[S 692/2015 wef 18/11/2015]

[S 19/2022 wef 14/01/2022]

“Form” means a form set out in the Schedule and a form so numbered in the Schedule;

“identification number” means —

(a) in the case of a person who is a citizen or permanent resident of Singapore and who has been issued with an identity card under the National Registration Act (Cap. 201), his Singapore identity card number (including the letters that form the prefix and suffix to the identity card number); or

(b) in the case of any other person, the name of the country that issued his passport followed by his passport number;

“law practice” means any law practice entity other than a representative office;

[S 692/2015 wef 18/11/2015]

“non-practising solicitor” means a solicitor who does not, at the time of the misconduct that he is alleged to be guilty of, have in force a practising certificate;

“party” means a party to the Disciplinary Tribunal proceedings;

“respondent” means the Judicial Service Officer, Legal Service Officer, regulated legal practitioner or regulated non-practitioner in respect of whom a

Disciplinary Tribunal has been appointed to hear and investigate a matter;

[S 692/2015 wef 18/11/2015]

[S 19/2022 wef 14/01/2022]

“Secretariat” means the Secretariat established by the Supreme Court to provide administrative support to a Disciplinary Tribunal;

“Secretary” means the secretary of a Disciplinary Tribunal appointed by the Chief Justice under section 90(5);

“working day” means any day other than Saturday, Sunday or a public holiday.

(2) In these Rules —

(a) a reference to a specified section is a reference to the section in the Act; and

(b) where the complainant is the Attorney-General, a reference to the complainant’s solicitor includes a reference to the Attorney-General, a Deputy Attorney-General, the Solicitor-General or any State Counsel.

[S 692/2015 wef 18/11/2015]

Commencement of Disciplinary Tribunal proceedings by Society

3.—(1) Where the Council applies to the Chief Justice under section 89(1) to appoint a Disciplinary Tribunal to hear and investigate a matter against a regulated legal practitioner, the Society shall, within 2 working days after the date the Council makes the application —

(a) inform the Secretariat of the application to the Chief Justice; and

(b) provide the Secretariat with the following information:

(i) the full name of the regulated legal practitioner;

[S 692/2015 wef 18/11/2015]

(ii) such of the following as may be applicable:

(A) the name of the law practice at which the regulated legal practitioner practises or last practised in Singapore;

(B) if the regulated legal practitioner is a foreign lawyer who is registered under section 36D, the name of the Singapore law practice which the regulated legal practitioner is a director, partner or shareholder in, or shares in the profits of;

[S 692/2015 wef 18/11/2015]