



REPUBLIC OF SINGAPORE

# GOVERNMENT GAZETTE

## ACTS SUPPLEMENT

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The following Act was passed by Parliament on 20 March 2018 and assented to by the President on 11 April 2018:—

### REPUBLIC OF SINGAPORE

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**No. 22 of 2018.**

I assent.

HALIMAH YACOB,  
*President.*  
11 April 2018.



An Act to amend the Legal Profession Act (Chapter 161 of the 2009 Revised Edition) and to make related amendments to the Supreme Court of Judicature Act (Chapter 322 of the 2007 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 is the Legal Profession (Amendment) Act 2018 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

**Amendment of section 2**

2. Section 2(1) of the Legal Profession Act (called in this Act the principal Act) is amended —

(a) by inserting, immediately after the definition of “relevant legal officer”, the following definition:

““remedial measure” means a remedial measure prescribed by rules made under section 97A for the purposes of Part VII;”;

(b) by deleting the full-stop at the end of the definitions of “trust” and “trustee” and substituting a semi-colon, and by inserting immediately thereafter the following definition:

““wholly-owned subsidiary of the Society” includes a company limited by guarantee the sole member of which is the Society.”.

**Amendment of section 25**

3. Section 25(1) of the principal Act is amended by inserting, immediately after paragraph (ca), the following paragraph:

“(cb) a declaration in writing under section 75E, if the solicitor is required by that section to make the declaration;”.

**Amendment of section 26**

4. Section 26(3) of the principal Act is amended by inserting, immediately after the words “the Society” in paragraph (a), the words “or a wholly-owned subsidiary of the Society”.

**Repeal of section 36F**

5. Section 36F of the principal Act is repealed.

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**Amendment of section 36H**

6. Section 36H of the principal Act is amended by deleting subsections (7) and (8).

**Amendment of section 36K**

7. Section 36K(2) of the principal Act is amended —

- (a) by deleting the words “or 36F” in paragraph (a); and
- (b) by deleting the words “or 36F(4) (as the case may be)” in paragraph (a)(ii).

**Amendment of heading to Part IVB**

8. Part IVB of the principal Act is amended by deleting the word “FOREIGN” in the Part heading.

**Amendment of section 36O**

9. Section 36O of the principal Act is amended —

- (a) by inserting, immediately after the definition of “Judge” in subsection (1), the following definition:

““law expert” —

(a) means an individual —

- (i) who has specialised knowledge, based on training, study or experience, on matters of foreign law, or is otherwise qualified to submit on matters of foreign law; and
- (ii) whom the Singapore International Commercial Court or the Court of Appeal specifies, in an order that a question of foreign law be determined on the basis of submissions instead of proof,

may make submissions on that question of law; but

(b) excludes all of the following:

- (i) an advocate and solicitor who has in force a practising certificate;
  - (ii) a person who is admitted under section 15;
  - (iii) a foreign lawyer who is registered under section 36P;”;
- and

(b) by inserting, immediately after subsection (2), the following subsection:

“(3) For the purposes of sections 36S, 36T, 36U and 36Y, a reference to a law expert who is registered under section 36PA includes a law expert whose registration under section 36PA is cancelled or suspended, or lapses, after the commencement of proceedings under section 36S against the law expert.”.

### **Amendment of section 36P**

**10.** Section 36P of the principal Act is amended by deleting the word “Notwithstanding” in subsections (1) and (2) and substituting in each case the word “Despite”.

### **New section 36PA**

**11.** The principal Act is amended by inserting, immediately after section 36P, the following section:

#### **“Registration of law expert to act in relation to relevant proceedings**

**36PA.—**(1) Despite anything to the contrary in this Act, a law expert who is registered under this section may do all or any of the following:

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- (a) appear in any relevant proceedings, solely for the purposes of making submissions on such matters of foreign law as are permitted by the Singapore International Commercial Court, or the Court of Appeal, in accordance with the Rules of Court;
  - (b) appear in the Court of Appeal in any relevant appeal, solely for the purposes of making submissions on such matters of foreign law as are permitted by the Singapore International Commercial Court, or the Court of Appeal, in accordance with the Rules of Court;
  - (c) give advice and prepare documents, solely for the purposes of making submissions, in any relevant proceedings or relevant appeal, on such matters of foreign law as are permitted by the Singapore International Commercial Court, or the Court of Appeal, in accordance with the Rules of Court.

(2) An application may be made for a law expert to be registered under this section, if the law expert possesses such qualifications and satisfies such requirements as may be prescribed.

(3) An application for a law expert to be registered under this section must be —

- (a) made to the Registrar in such form and manner as may be prescribed; and
- (b) accompanied by such fee, undertakings, documents and information as may be prescribed.

(4) The Registrar may register a law expert under this section subject to such conditions as the Registrar thinks fit to impose in any particular case.

(5) A Judge may, of the Judge's own motion or on the application of any interested party, order the cancellation of a law expert's registration under this section, if —