

Legal Profession (Amendment) Act 1996
(No. 40 of 1996)

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**REPUBLIC OF SINGAPORE
GOVERNMENT GAZETTE
ACTS SUPPLEMENT**

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The following Act was passed by Parliament on 10th October 1996 and assented to by the President on 30th October 1996:—

LEGAL PROFESSION (AMENDMENT) ACT 1996

(No. 40 of 1996)

I assent.

ONG TENG CHEONG
President
30th October 1996.

Date of Commencement: 1st January 1997

An Act to amend the Legal Profession Act (Chapter 161 of the 1994 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.—(1) This Act may be cited as the Legal Profession (Amendment) Act 1996 and shall, with the exception of section 9, come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

(2) Section 9 shall be deemed to have come into operation on 1st September 1996.

Amendment of section 14

2. Section 14 of the Legal Profession Act (referred to in this Act as the principal Act) is amended —

- (a) by deleting the word “or” at the end of subsection (1)(b);
- (b) by deleting paragraph (c\ of subsection (1) and substituting the following paragraphs:
 - “(c) with an advocate and solicitor who has at any time held office as the Attorney-General or as a judge of the Supreme Court; or
 - (d) partly with an advocate and solicitor under paragraph (a) or (c) and partly with a legal officer under paragraph (b).”; and
- (c) by deleting the words “or (c)” in subsection (2) and substituting the words “or (d)”.

Amendment of section 21

3. Section 21 of the principal Act is amended by inserting, immediately after subsection (1), the following subsection:

“(1A) The court shall not admit a person under this section in any criminal case unless the court is satisfied that there is a special reason to do so.”.

Amendment of section 25

4. Section 25 of the principal Act is amended —

- (a) by deleting the word “and” at the end of subsection (1)(b)(ii);
- (b) by inserting, immediately after sub-paragraph (iii) of subsection (1)(b), the following sub-paragraph:
 - “(iv) if he has been ordered by the Council to pay any penalty under Part VII, he has paid the penalty;”;
- (c) by inserting, immediately after paragraph (b) of subsection (1), the following paragraph:

- “(ba) a certificate from the Academy that he has paid all moneys, contributions and subscriptions payable by him under the Singapore Academy of Law Act [Cap. 294A] and any rules made thereunder; ”;
- (d) by inserting, immediately after the word “shall” in the thirty-fourth line of subsection (1), the words “, subject to sections 25A and 25B,”; and
- (e) by inserting, immediately after the word “shall” in the second line of subsection (2), the words “, subject to sections 26(4) and 27B,”.

New sections 25A and 25B

5. The principal Act is amended by inserting, immediately after section 25, the following sections:

“Power of Attorney-General, Registrar and Council with respect to issue of practising certificates in certain circumstances

25A.—(1) This section shall apply to any solicitor —

- (a) whose suspension from practice has expired;
- (b) who has been discharged from bankruptcy;
- (c) who has been sentenced to a term of imprisonment in any civil or criminal proceedings in Singapore or elsewhere;
- (d) who has been convicted of an offence involving dishonesty or fraud;
- (e) who has been convicted of an offence in relation to his conduct in his practice of law;
- (f) who has been found guilty of misconduct in any other professional capacity;
- (g) who the Attorney-General or the Council is satisfied is incapacitated by illness or accident to such extent as to be unable to attend to his practice; or
- (h) who the Attorney-General or the Council is satisfied has failed to comply with any of the rules made under section 72.

(2) Where a solicitor to whom this section applies makes an application for a practising certificate, the Attorney-General or the Council may, having regard to all the circumstances of the case, in writing request the Registrar —

- (a) to refuse the application for a practising certificate; or

- (b) to issue a practising certificate to the solicitor subject to such conditions as the Attorney-General or the Council may specify,

and the Registrar may, subject to subsections (6) and (7), comply with the request and notify the solicitor in writing.

(3) Without prejudice to the generality of subsection (2)(b) —

- (a) conditions may be imposed under that subsection for requiring the applicant to take any specified steps that will, in the opinion of the Attorney-General or the Council, be conducive to his carrying on an efficient practice as a solicitor; and
- (b) conditions may be so imposed (whether for the purpose mentioned in paragraph (a) or otherwise) notwithstanding that they may result in expenditure being incurred by the applicant.

(4) Where the Attorney-General or the Council makes a request under subsection (2) by reason only of any such circumstances as are mentioned in paragraph (c), (d), (e), (f), (g) or (h) of subsection (1), the solicitor concerned may, upon proof of a change in the circumstances or for other good cause, inform the Attorney-General or the Council, as the case may be, of the change or good cause.

(5) The Attorney-General or the Council, as the case may be, shall upon being so informed under subsection (4) re-consider the request and may in writing request the Registrar —

- (a) to grant the application for a practising certificate; or
- (b) to remove any condition imposed on the practising certificate under subsection (2)(b),

and the Registrar may comply with the request and notify the solicitor in writing.

(6) Where a practising certificate free of conditions is issued by the Registrar to a solicitor in relation to whom this section applies by reason of any such circumstances as are mentioned in subsection (1) then, except in the case of any circumstances of whose existence the Attorney-General or the Council is unaware at the time the certificate is issued, this section shall not thereafter apply in relation to that solicitor by reason of those circumstances.

(7) The Registrar shall not refuse an application by a solicitor for a practising certificate where —

- (a) this section applies to the solicitor by reason only of any such circumstances as are mentioned in paragraph (a) or (b) of subsection