

Legal Profession (Amendment) Act 1986
(No. 30 of 1986)

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**REPUBLIC OF SINGAPORE
GOVERNMENT GAZETTE
ACTS SUPPLEMENT**

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The following Act was passed by Parliament on 27th October 1986 and assented to by the President on 30th October 1986:—

LEGAL PROFESSION (AMENDMENT) ACT 1986

(No. 30 of 1986)

I assent.

WEE KIM WEE
President.
30th October 1986.

Date of Commencement: 31st October 1986

An Act to amend the Legal Profession Act (Chapter 217 of the Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title

1. This Act may be cited as the Legal Profession (Amendment) Act 1986.

Amendment of section 2

2. Section 2 of the Legal Profession Act (referred to in this Act as the principal Act) is amended by deleting the definition of “Inquiry Committee” and substituting the following definitions:

““Inquiry Committee” means an Inquiry Committee constituted under section 86;

“lay person”, in relation to an Inquiry Committee or Disciplinary Committee, means an architect, accountant, banker, company director, insurer, professional engineer, medical practitioner or a person who possesses such other qualifications as may be approved by the Chief Justice and the Attorney- General;”.

Amendment of section 39

3. Section 39 (1) (c) of the principal Act is amended by inserting, immediately after the word “legislation”, the words “submitted to it”.

Amendment of section 51

4. Section 51 of the principal Act is amended by inserting, immediately after subsection (2), the following subsections:

“(2A) Subject to subsection (2B), a practitioner member who has been struck off the roll or suspended from practising as an advocate and solicitor for a period of 6 months or more or has been convicted of an offence involving fraud or dishonesty shall not be eligible for election or appointment as a member of the Council.

(2B) A practitioner member may, after a period of 5 years following the date of his conviction or the date he was reinstated to the roll or the date of the expiry of his suspension, whichever is the later, with the leave of a court of 3 judges one of whom shall be the Chief Justice, be eligible for election or appointment as a member of the Council.

(2C) Where an application for leave under subsection (2B) has been turned down, the applicant shall not be entitled to make another application under that subsection within a period of 5 years from the date the first-mentioned application was dismissed.

(2D) An application for leave under subsection (2B) shall be made by motion.

(2E) The court of 3 judges shall not give leave under subsection (2B) unless —

- (a) notice of intention to apply therefor and all documents in support thereof have been served at least 14 clear days before the date of the hearing on the Attorney-General and on the Society, either or both of whom may be represented at the hearing of, and may oppose the application;
- (b) the applicant satisfies the court that his conduct since his conviction, striking-out or suspension did not make him unfit to be a member of the Council; and
- (c) the applicant exhibits affidavits of at least two practitioner members who are and have been in active practice in Singapore for a total of not less than 5 out of the 7 years immediately preceding the date of the application attesting to the applicant's good behaviour from the date of his conviction, striking-out or suspension and stating whether in their opinion he is a fit and proper person to be a member of the Council.

(2F) A practitioner member shall before his appointment or election as a member of the Council file a declaration with the Society stating that he is not disqualified from holding office as a member of the Council by virtue of subsection (2A) or, if he is so disqualified, stating that he has obtained the leave of the court under subsection (2B) for election or appointment as a member of the Council.

(2G) Any person who fails to comply with subsection (2F) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.”.

Amendment of section 59

5. Section 59 of the principal Act is amended —

- (a) by deleting paragraph (a) of subsection (1) and substituting the following paragraph:

“(a) he has been struck off the roll or suspended from practising as an advocate and solicitor or has been convicted of an offence involving fraud or dishonesty;”;

- (b) by inserting, immediately after the words “section 55” in subsection (3), the words “or under subsection (1) of section 57”; and

(c) by inserting, immediately after subsection (3), the following subsection:

“(4) Subsections (1) and (2) shall not apply to a member of the Council who has obtained the leave of the court under section 51(2B) prior to his election or appointment as a member of the Council.”.

Amendment of section 61

6. Section 61 (1) (d) of the principal Act is amended by inserting, immediately after the word “legislation”, the words “submitted to it”.

Repeal and re-enactment of section 85

7. Section 85 of the principal Act is repealed and the following section substituted therefor:

“Appointment of Inquiry Panel

85.—(1) For the purpose of enabling Inquiry Committees to be constituted in accordance with this Part, the Chief Justice shall appoint a panel (hereinafter referred to as the Inquiry Panel) consisting of not more than 20 advocates and solicitors (whether in practice or not) and not more than 20 lay persons.

(2) An advocate and solicitor shall be eligible to be appointed as a member of the Inquiry Panel if he has not less than 12 years’ standing.

(3) A member of the Inquiry Panel shall be appointed for a term of 3 years and shall be eligible for re-appointment.

(4) The Chief Justice may at any time remove from office any member of the Inquiry Panel or fill any vacancy in its membership.

(5) The Chief Justice shall appoint a member of the Inquiry Panel to be the Chairman.”.

Amendment of section 86

8. Section 86 of the principal Act is amended —

(a) by deleting the words “Inquiry Committee” at the end of subsection (1) and substituting the words “Chairman of the Inquiry Panel”;

(b) by deleting subsections (2) and (3) and substituting the following subsections:

“(2) The Supreme Court or any judge thereof or the Attorney-