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**LEGAL PROFESSION ACT
(CHAPTER 161)**

**LEGAL PROFESSION
(MODIFIED APPLICATION OF ACT FOR
INTERNATIONAL SERVICES) (AMENDMENT)
RULES 2011**

In exercise of the powers conferred by sections 74(3), 75B(3) and 130W(2)(x) of the Legal Profession Act, the Minister for Law, after consulting the Attorney-General, hereby makes the following Rules:

Citation and commencement

1. These Rules may be cited as the Legal Profession (Modified Application of Act for International Services) (Amendment) Rules 2011 and shall come into operation on 1st August 2011.

Amendment of Fourth Schedule

2. The Fourth Schedule to the Legal Profession (Modified Application of Act for International Services) Rules 2011 (G.N. No. S 242/2011) (referred to in these Rules as the principal Rules) is amended by deleting paragraph 4 and substituting the following paragraph:

“Saving and application

4.—(1) Nothing in these Rules shall affect any arrangement in writing whenever made between a solicitor, or a foreign lawyer registered under section 130I of the Act, and his client as to the application of the client’s money or interest thereon.

(2) These Rules do not apply to —

- (a) money received by a solicitor, or by a foreign lawyer registered under section 130I of the Act, which is subject to a trust of which the solicitor or foreign lawyer, as the case may be, is a trustee; or
- (b) conveyancing money received by a solicitor.

(3) In this rule, “conveyancing money” has the same meaning as in rule 2(2) of the Conveyancing and Law of Property (Conveyancing) Rules 2011 (G.N. No. S 391/2011).”.

Amendment of Fifth Schedule**3. The Fifth Schedule to the principal Rules is amended —**

- (a) by inserting, immediately after the definitions of ““accounting corporation”, “accounting firm” and “accounting LLP”” in paragraph 2(1), the following definition:

““anticipatory conveyancing money” has the same meaning as in rule 4(4) of the Conveyancing Rules;”;

- (b) by deleting the definitions of ““bank pass book” and “bank statement”” in paragraph 2(1) and substituting the following definitions:

““bank pass book” means a pass book issued by a bank in respect of any client account, conveyancing account or conveyancing (CPF) account maintained at such bank, and includes a pass book issued by an approved finance company in respect of a client account maintained at such finance company;

“bank statement” means a statement issued by a bank in respect of any client account, conveyancing account or conveyancing (CPF) account maintained at such bank, and includes a statement issued by an approved finance company in respect of a client account maintained at such finance company;

“Central Provident Fund Board” means the Central Provident Fund Board constituted under the Central Provident Fund Act (Cap. 36);”;

- (c) by deleting the definition of “client’s money” in paragraph 2(1) and substituting the following definition:

““client’s money” means money held or received by a Singapore practitioner, or by an international practitioner in respect of his practice of Singapore law, on account of a person for whom he is acting (in relation to the holding or receipt of such money) either as a practitioner, or, in the case of moneys held or received by a Singapore practitioner, in connection with his practice as a Singapore practitioner, an agent, a bailee or a stakeholder or in any other capacity, other than —

- (a) money held or received on account of the trustees of a trust of which the practitioner is practitioner-trustee;
- (b) money to which the only person entitled is the practitioner himself or, in the case of a firm of solicitors, one or more of the partners in the firm; or
- (c) conveyancing money or anticipatory conveyancing money;”;

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- (d) by deleting the definitions of ““conveyance” and “land”” and “conveyancing money” in paragraph 2(1) and substituting the following definitions:

““conveyance” has the same meaning as in the Conveyancing and Law of Property Act (Cap. 61);

“conveyancing account”, “conveyancing (CPF) account” and “conveyancing money” have the same meanings as in rule 2(2) of the Conveyancing Rules;

“Conveyancing Rules” means the Conveyancing and Law of Property (Conveyancing) Rules 2011 (G.N. No. S 391/2011);

“land” has the same meaning as in rule 2(2) of the Conveyancing Rules;”;

- (e) by deleting the definition of “Singapore solicitor” in paragraph 2(1) and substituting the following definition:

““Singapore solicitor” means a solicitor who practises in a Singapore law practice, and includes a Singapore law practice;”;

- (f) by inserting, immediately after the words “client’s money” in the definition of “trust money” in paragraph 2(1), the words “or conveyancing money”;

- (g) by deleting sub-paragraph (1A) of paragraph 3 and substituting the following sub-paragraphs:

“(1A) A Singapore practitioner —

(a) shall not hold or receive conveyancing money except in accordance with the applicable provisions of these Rules and the Conveyancing Rules, if he is a Singapore solicitor; and

(b) shall not hold or receive conveyancing money belonging to another person, if he is a foreign lawyer registered under section 130I of the Act who practises in a Singapore law practice.

(1B) A Singapore practitioner shall not hold or receive any anticipatory conveyancing money belonging to another person.

(1C) Subject to rule 9, every international practitioner who, in respect of his practice of Singapore law, holds or receives client’s money, or money which under rule 4 he is permitted and elects to pay into a client account, shall without delay pay such money into a client account.

(1D) An international practitioner shall not hold or receive any conveyancing money or anticipatory conveyancing money belonging to another person.”;

- (h) by inserting, immediately after sub-paragraph (2) of paragraph 3, the following sub-paragraphs:

“(3) Any Singapore solicitor may keep one conveyancing account or as many such accounts as he thinks fit.

(4) Any Singapore solicitor appointed to act for the Central Provident Fund Board in a conveyancing transaction may keep one conveyancing (CPF) account or as many such accounts as he thinks fit.

(5) Every conveyancing account or conveyancing (CPF) account kept by a Singapore solicitor under paragraph (3) or (4) shall be maintained by the Singapore solicitor in accordance with the Conveyancing Rules.

(6) No money shall be withdrawn from a conveyancing account or conveyancing (CPF) account except in accordance with the Conveyancing Rules.”;

- (i) by inserting, immediately after the word “accounts” in the heading to paragraph 3, the words “, conveyancing accounts and conveyancing (CPF) accounts”;
- (j) by deleting the word “and” at the end of paragraph 4(c);
- (k) by deleting “5” in paragraph 4(d) and substituting “5(3)”;
- (l) by deleting the full-stop at the end of sub-paragraph (d) of paragraph 4 and substituting a semi-colon, and by inserting immediately thereafter the following sub-paragraphs:

“(e) any money provided to the Singapore solicitor under rule 5(3) of the Conveyancing Rules, if the Singapore solicitor satisfies the condition referred to in that provision; and

(f) any money withdrawn by the Singapore solicitor from his conveyancing account under rule 5(4) of the Conveyancing Rules, if the Singapore solicitor satisfies the condition referred to in that provision.”;

- (m) by deleting paragraph 5 and substituting the following paragraph:

“Splitting of moneys

5.—(1) Subject to paragraph (2), a Singapore solicitor shall not hold or receive any sum of money which consists of a mixture of conveyancing money and any other money.

(2) Where any sum of money held or received by a Singapore solicitor subsequently becomes a mixture of conveyancing money and any other money, the Singapore solicitor shall —

(a) split the conveyancing money from the other money; and

(b) deal with the conveyancing money as if he had received the conveyancing money as a separate sum of money.

(3) Subject to paragraphs (1) and (2), where a Singapore practitioner holds or receives, or an international practitioner holds or receives in respect of his practice of Singapore law, any sum of money which consists of a mixture of client's money, or trust money of one or more trusts, or both, and any other money —

- (a) he may where practicable split the money and, if he does so, he shall deal with each part thereof as if he had received a separate sum of money in respect of that part; or
 - (b) if he does not split the money, he shall, if any part thereof consists of client's money, and may, in any other case, pay the money into a client account.”;
- (n) by deleting the words “3, 4 and 5” in sub-paragraph (1) of and the heading to paragraph 6 and substituting in each case the words “3(1) or (1C), 4 and 5(3)”;
- (o) by deleting “5(b)” in paragraph 7(1)(c) and substituting “5(3)(b)”;
- (p) by deleting “5” in paragraph 9(3) and substituting “5(3)”;
- (q) by deleting paragraph 10 and substituting the following paragraph:

“Transfers between accounts

10. No sum shall be transferred from the ledger account of one client to that of another, except in circumstances in which —

- (a) it would have been permissible under these Rules to have withdrawn from a client account the sum transferred from the first client and to have paid into a client account the sum so transferred to the second client; or
 - (b) if he is a Singapore solicitor, it would have been permissible under the Conveyancing Rules to have withdrawn from a conveyancing account the sum transferred from the first client and to have paid into a conveyancing account the sum so transferred to the second client.”;
- (r) by deleting sub-paragraphs (i) and (ii) of paragraph 11(1)(a) and substituting the following sub-paragraphs:
- “(i) client's money received, held or paid by him through a client account;
 - (ii) if he is a Singapore solicitor, conveyancing money received, held or paid by him through a conveyancing account or conveyancing (CPF) account; and
 - (iii) any other money dealt with by him through a client account.”;