

Legal Profession (Amendment No. 2) Rules 2009

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No. S 470

LEGAL PROFESSION ACT (CHAPTER 161)

LEGAL PROFESSION (AMENDMENT NO. 2) RULES 2009

In exercise of the powers conferred by section 5(3) and (4) of the Legal Profession Act, the Board of Legal Education hereby makes the following Rules:

Citation and commencement

- 1. These Rules may be cited as the Legal Profession (Amendment No. 2) Rules 2009**

and shall come into operation on 9th October 2009.

New rule 1A

2. The Legal Profession Rules (R 3) (referred to in these Rules as the principal Rules) are amended by inserting, immediately after rule 1, the following rule:

“Definitions

1A. In these Rules, unless the context otherwise requires —

“master” means a person with whom a qualified person has served his period of pupillage before 9th October 2009;

“qualifying relevant legal officer” has the same meaning as in section 13(1)(b)(ii) of the Act.”.

Amendment of rule 11

3. Rule 11 of the principal Rules is amended —

(a) by deleting paragraph (1) and substituting the following paragraphs:

“(1) For the purposes of section 12(1)(d) of the Act, a qualified person shall have attended and satisfactorily completed any of the following courses:

- (a) the preparatory course leading to Part B of the Singapore Bar Examinations;
- (b) the Postgraduate Practical Course in Law conducted by the Board;
- (c) the Postgraduate Practical Course in Law conducted by the University of Malaya in Singapore or the University of Singapore;
- (d) the Post Final Practical Course of the Council of Legal Education in England ending no later than 31st December 1968.

(1A) For the purposes of section 12(1)(e) of the Act, a qualified person shall have passed —

- (a) if he attended the course referred to in paragraph (1)(a), Part B of the Singapore Bar Examinations;
- (b) if he attended the course referred to in paragraph (1)(b), the examinations for the Postgraduate Practical Course in Law conducted by

the Board;

- (c) if he attended the course referred to in paragraph (1)(c), the examinations for the Postgraduate Practical Course in Law conducted by the University of Malaya in Singapore or the University of Singapore, as the case may be; or
 - (d) if he attended the course referred to in paragraph (1)(d), the examinations for the Post Final Practical Course of the Council of Legal Education in England ending no later than 31st December 1968.”;
- (b) by deleting the word “Courses” in paragraph (2)(b) and substituting the word “courses”; and
- (c) by deleting the marginal note and inserting the following rule heading:
- “Courses and examinations prescribed for purposes of section 12(1)(d) and (e) of Act”.**

Amendment of rule 12

4. Rule 12 of the principal Rules is amended —

- (a) by deleting paragraphs (1) and (2) and substituting the following paragraphs:
- “(1) A qualified person who intends to apply for admission as an advocate and solicitor shall, before filing his application —
- (a) register his name with the Board;
 - (b) produce to the Board —
 - (i) the certificate (or a certified copy thereof) relating to the qualification by virtue of which he claims to be a qualified person; and
 - (ii) any other document that the Board may require;
 - (c) inform the Board, in such form or manner as the Board may require, of —
 - (i) the proposed date of commencement of

his practice training period; and

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

(A) that he intends to serve his practice training period under a practice training contract with a Singapore law practice of the specified name and address;

(B) that he intends to serve his practice training period through working as a Legal Service Officer; or

(C) that he intends to serve his practice training period through working under the supervision of a qualifying relevant legal officer of the specified name, appointment and address; and

(d) obtain the Board's approval of the manner in which he is to serve his practice training period.

(2) When the Board has given its approval of the manner in which a qualified person is to serve his practice training period, the Secretary shall endorse on the certificate (or certified copy thereof) and document (if any) submitted in accordance with paragraph (1)(b) the date of their production to the Board and his own signature, and shall enter in a register of qualified persons —

(a) the name of the qualified person;

(b) the date of the production of the certificate (or certified copy thereof) and document (if any); and

(c) such particulars referred to in paragraph (1)(c)(ii)(A), (B) or (C) as may be applicable to the qualified person.”; and

(b) by deleting paragraph (4) and substituting the following paragraphs:

“(4) A qualified person shall first notify the Board in writing and obtain its approval if he intends to change the manner in which he is

to serve his practice training period, and the Secretary shall enter the date of the notice and the date of the approval in the register.

(5) Paragraph (1) shall not apply to a qualified person who before 9th October 2009 has complied with paragraph (1) in force immediately before that date.

(6) Paragraph (4) shall not apply to a qualified person who on 9th October 2009 has commenced but not completed his period of pupillage in any of the following circumstances:

(a) the qualified person —

- (i) has obtained the Board's approval to serve, and immediately before that date was serving, his period of pupillage with an advocate and solicitor referred to in section 14(1)(a) or (c) of the Act in force immediately before that date; and
- (ii) intends to and does serve on and after that date his practice training period under a practice training contract with the Singapore law practice in which that advocate and solicitor is in active practice;

(b) the qualified person —

- (i) has obtained the Board's approval to serve, and immediately before that date was serving, his period of pupillage with a legal officer referred to in section 14(1)(b) of the Act in force immediately before that date; and
- (ii) being a Legal Service Officer immediately before that date, intends to and does serve on and after that date his practice training period through working as a Legal Service Officer; or

(c) both of the following requirements are satisfied:

(i) the qualified person —