

Legal Profession (Disciplinary Tribunal) Rules 2008

Table of Contents

Enacting Formula

1 Citation and commencement

2 Definitions

3 Commencement of Disciplinary Tribunal proceedings by Society

4 Commencement of Disciplinary Tribunal proceedings by complainant

5 Commencement of Disciplinary Tribunal proceedings against legal officers and non-practising solicitors

6 Documents to be forwarded by Secretary

7 Representation

8 Defence

9 Discovery

10 Evidence

11 Subpoenas

12 Disciplinary Tribunal may give directions by letter

13 Pre-hearing conferences

14 Convening of Disciplinary Tribunal hearing

15 Disciplinary Tribunal to hear applications in camera

16 Failure to appear

17 Adjournments

18 Amendments or additions to statement of case

19 Service of letters, notices and documents

20 Failure to comply with directions or orders

21 Disciplinary Tribunal may dispense with certain matters

22 Extension of time

23 Application of Evidence Act

24 Costs

25 Fees relating to record of proceedings

26 Procedure

27 Revocation and transitional provision

THE SCHEDULE

No. S 596

LEGAL PROFESSION ACT (CHAPTER 161)

LEGAL PROFESSION (DISCIPLINARY TRIBUNAL) RULES 2008

In exercise of the powers conferred by sections 82A(14), 91(1) and 135(a) of the Legal Profession Act, we, the Rules Committee, hereby make the following Rules:

Citation and commencement

1. These Rules may be cited as the Legal Profession (Disciplinary Tribunal) Rules 2008 and shall come into operation on 1st December 2008.

Definitions

2.—(1) In these Rules, unless the context otherwise requires —

“complainant” means —

(a) a person —

(i) who has made a complaint to the Society under section 85(1); or

(ii) who has made an application under section 82A(5) for leave for an investigation to be made into a complaint against a legal officer or a non-practising solicitor; or

(b) in a case where any Judge of the Supreme Court or the Attorney-General has referred to the Society any information touching upon the conduct of a solicitor under section 85(3), the Attorney-General;

[S 471/2009 wef 09/10/2009]

“complaint” means a complaint of the conduct of a legal officer or a solicitor and includes —

(a) any information touching upon the conduct of a solicitor that may be referred by a Judge of the Supreme Court or the Attorney-General or the Council under section 85(2) or (3), as the case may be; and

(b) in a case where a Disciplinary Tribunal is appointed to investigate a complaint of misconduct against a legal officer or non-practising solicitor pursuant to an application under section 82A(5), the affidavit referred to in section 82A(5) setting out the allegations of misconduct against the legal officer or non-practising solicitor;

[S 471/2009 wef 09/10/2009]

“Form” means a form set out in the Schedule and a form so numbered in the Schedule;

“identification number” means —

(a) in the case of a person who is a citizen or permanent resident of Singapore and who has been issued with an identity card under the National Registration Act (Cap. 201), his Singapore identity card number (including the letters that form the prefix and suffix to the

identity card number); or

- (b) in the case of any other person, the name of the country that issued his passport followed by his passport number;

“law practice” has the same meaning as in the Legal Profession (Professional Conduct) Rules (R 1);

“non-practising solicitor” means a solicitor who does not, at the time of the misconduct that he is alleged to be guilty of, have in force a practising certificate;

“party” means a party to the Disciplinary Tribunal proceedings;

“respondent” means the legal officer or solicitor in respect of whom a Disciplinary Tribunal has been appointed to hear and investigate a matter;

[S 471/2009 wef 09/10/2009]

“Secretariat” means the Secretariat established by the Supreme Court to provide administrative support to a Disciplinary Tribunal;

“Secretary” means the secretary of a Disciplinary Tribunal appointed by the Chief Justice under section 90(5);

“working day” means any day other than Saturday, Sunday or a public holiday.

(2) In these Rules —

- (a) a reference to a specified section is a reference to the section in the Act; and
- (b) where the complainant is the Attorney-General, a reference to the complainant’s solicitor includes a reference to the Attorney-General, the Solicitor-General or any State Counsel.

Commencement of Disciplinary Tribunal proceedings by Society

3.—(1) Where the Council applies to the Chief Justice under section 89(1) to appoint a Disciplinary Tribunal to hear and investigate a matter against a solicitor, the Society shall, within 2 working days after the date the Council makes the application —

- (a) inform the Secretariat of the application to the Chief Justice; and
- (b) provide the Secretariat with the following information:
 - (i) the full name of the solicitor concerned;
 - (ii) the name of the law practice at which the solicitor concerned

practises or last practised in Singapore;

- (iii) the principal address and any other address or addresses at which the solicitor concerned practises or last practised in Singapore;
- (iv) the telephone and facsimile numbers of the office or offices at which the solicitor concerned practises or last practised in Singapore;
- (v) the Singapore residential address or addresses of the solicitor concerned;
- (vi) the Singapore residential telephone number or numbers of the solicitor concerned;
- (vii) the electronic mail address or addresses of the solicitor concerned;
- (viii) the identification number of the solicitor concerned;
- (ix) the charge or charges against the solicitor concerned;
- (x) the names of the members of any Review Committee or Inquiry Committee to which the matter against the solicitor concerned had been referred;
- (xi) the name and contact particulars of the solicitor appointed to represent the Society before the Disciplinary Tribunal.

(2) The solicitor appointed to represent the Society before the Disciplinary Tribunal shall, within 8 days after the date the Council makes the application, furnish the Secretariat with 6 copies of each of the following documents:

- (a) the complaint against the solicitor concerned;
- (b) the statement of the case in Form 1, specifying the charges and allegations that the solicitor concerned is required to answer.

Commencement of Disciplinary Tribunal proceedings by complainant

4.—(1) Where, on an application by a complainant under section 96(1), a Judge of the Supreme Court makes an order under section 96(4)(b) directing the Society to apply to the Chief Justice for the appointment of a Disciplinary Tribunal, the Society shall, within 2 working days after the date it makes the application to the Chief Justice —