

Legal Profession (Disciplinary Committee Proceedings) Rules

Table of Contents

1 Citation

2 Definitions

3 Commencement of Disciplinary Committee proceedings by Society

4 Commencement of Disciplinary Committee proceedings by complainant

5 Commencement of Disciplinary Committee 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 Committee or Chairman may give directions by letter

13 Pre-hearing conferences

14 Convening of Disciplinary Committee hearing

15 Disciplinary Committee 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 Committee may dispense with certain matters

22 Extension of time

23 Application of Evidence Act

24 Costs

25 Procedure

26 Transitional provisions

THE SCHEDULE Form 1

Legislative History

**LEGAL PROFESSION ACT
(CHAPTER 161, SECTIONS 82A(14) AND 91(1))**

LEGAL PROFESSION (DISCIPLINARY COMMITTEE PROCEEDINGS) RULES

R 2

G.N. No. S 313/2002

REVISED EDITION 2003

(31st January 2003)

Citation

1. These Rules may be cited as the Legal Profession (Disciplinary Committee Proceedings) Rules.

Definitions

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

“Chairman” means the chairman of a Disciplinary Committee appointed by the Chief Justice under section 90 (1) (a);

“complainant” means a person —

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

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

“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;

“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 Committee proceedings;

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

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

“Secretary” means the secretary of a Disciplinary Committee appointed by the Disciplinary Committee under section 90 (4);

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

(2) In these Rules, a reference to a specified section is a reference to the section in the Act.

Commencement of Disciplinary Committee proceedings by Society

3.—(1) Where the Council applies to the Chief Justice under section 89 (1) to appoint a Disciplinary Committee 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 sole proprietorship, firm of solicitors or law corporation at which the solicitor concerned practises or last practised in Singapore;
[S 657/2006 wef 01/01/2007]
 - (iii) the principal 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 identification number of the solicitor concerned;
 - (viii) the charge or charges against the solicitor concerned;
 - (ix) the name and contact particulars of the solicitor appointed to represent the Society before the Disciplinary Committee;

- (x) the names of the members of any Review Committee or Inquiry Committee to which the matter against the solicitor concerned had been referred.

(2) The solicitor appointed to represent the Society before the Disciplinary Committee shall, within 8 days after the date the Council makes the application, furnish the Secretariat with 8 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 Committee 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 Committee, the Society shall, within 2 working days after the date it makes the application to the Chief Justice —

- (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 sole proprietorship, firm of solicitors or law corporation at which the solicitor concerned practises or last practised in Singapore;
[S 657/2006 wef 01/01/2007]
 - (iii) the principal 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 identification number of the solicitor concerned;