

FACT SHEET 4

Legal Profession (Amendment) Bill 2011
Improvements to Admission Procedure & Miscellaneous Amendments

(A) IMPROVEMENTS TO ADMISSION PROCEDURE

1. In addition to the changes outlined in Fact Sheet 3, rules to be enacted following introduction of the Legal Profession (Amendment) Bill will contain an improved procedure for admission to the Singapore Bar.

Reduction of Notice Period

2. At present, any person who applies for admission to the Singapore Bar must post a notice of his application on the Supreme Court notice board for a continuous period of six months. He also has to make various declarations regarding his suitability for admission to the Singapore Bar after the six-month notice period. Members of the public can raise objections about the suitability of the person to be admitted to the Singapore Bar during the notice period.
3. The Ministry of Law, in consultation with the Supreme Court, Attorney-General's Chambers and Law Society, has reviewed the six-month notice period. Factors such as technological advances, as well as the practices in other jurisdictions such as England and Wales, the United States (New York State), Australia (New South Wales) and Hong Kong, where there is no requirement to post a notice for six months, were considered.
4. The proposal is to reduce the six-month notice period to a 30-day period, during which information relating to the applicant's admission will be posted on the Supreme Court website. Members of the public can still raise objections during this 30-day period. In addition, the applicant has to make the necessary declarations regarding his suitability for admission to the Singapore Bar upfront together with his admission application, instead of after the expiry of the notice period.
5. With these enhancements, the overall minimum time required for a person to be admitted will be substantially shortened from the current six months to around two months. The stakeholders involved in the call to the Bar process, namely, the Law Society, Attorney-General's Chambers and the SILE, will have more time to conduct assessments of each application and raise objections, if any, about the applicants' suitability. The differences between the current and new admission procedure are illustrated in **Appendix I**.

(B) KEY MISCELLANEOUS AMENDMENTS

6. The Bill also proposes various miscellaneous amendments. The key amendments are summarised below:

Provision of Legal Services by In-house Counsel

7. Section 33 of the Act criminalises certain acts¹ if performed by an “unauthorised person”. The reference to an “unauthorised person” includes one who does not have a practising certificate. In-house counsel have raised concerns whether their activities as in-house counsel will be considered illegal, since they do not hold practising certificates. Amendments are thus made to the Bill to clarify that the provision of legal services by in-house counsel in their own organisations does not contravene section 33 of the Act.

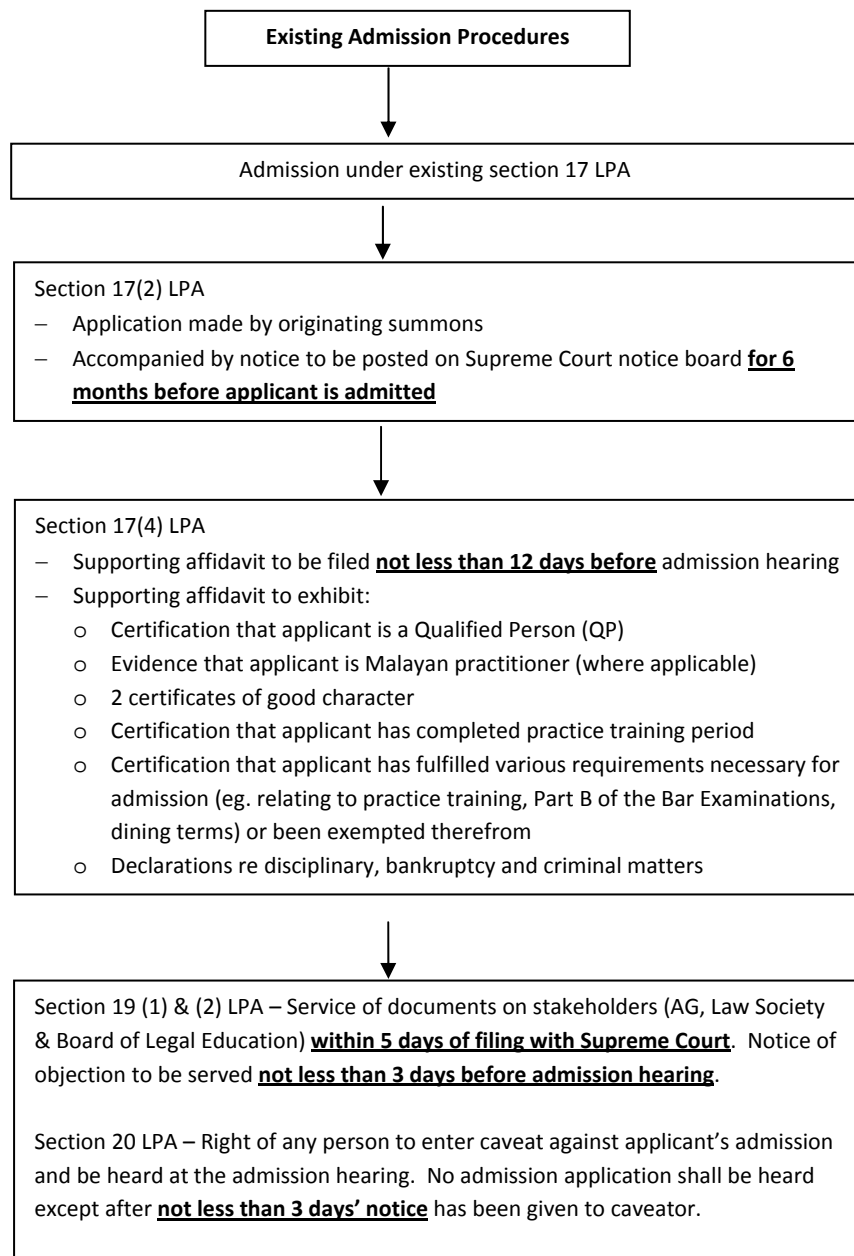
Companies Acting without Solicitors

8. Currently, a company cannot appear in court proceedings “in person”. It must do so through a Singapore solicitor. There is no flexibility to allow the company to appoint its own officer to appear on its behalf. Based on recommendations made by a committee chaired by Justice Chao Hick Tin, the Bill contains amendments to allow flexibility for the Court to permit an officer of a company, a limited liability partnership or an unincorporated association, to act on its behalf, without a solicitor, in certain Court proceedings² in accordance with requirements set out in the Rules of Court.

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¹ For instance, section 33(1) makes it an offence for an unauthorised person to act as an advocate or a solicitor or an agent for any party to proceedings in the Singapore courts. Section 33(2) makes it an offence for an unauthorised person to directly or indirectly prepare certain legal documents or perform certain types of negotiations where done in expectation of any fee, gain or reward.

² Currently envisaged to be limited to proceedings in the Subordinate Courts.



Appendix I

