

Guidance Note on Key Changes to the Legal Profession Act (Effective from 3 May 2011)

Links to Relevant Legislation:

- (1) [Legal Profession \(Amendment\) Act 2011](#)
- (2) [Legal Profession \(Qualified Persons\) \(Amendment\) Rules 2011](#)
- (3) [Legal Profession \(Admission\) Rules 2011](#)
- (4) [Legal Profession \(International Services\)\(Amendment\) Rules 2011](#)
- (5) [Legal Profession \(Modified Application of Act for International Services\) \(Amendment\) Rules 2011](#)

INTRODUCTION

1. The Legal Profession (Amendment) Act 2011 (the “LPA 2011”) and its related subsidiary legislation come into force on 3 May 2011. The new legislation contains amendments necessary (i) for the establishment of the Singapore Institute of Legal Education; (ii) to streamline and improve the current framework for admission to the Singapore Bar; and (iii) introduce a new Foreign Practitioner Certificate scheme which will allow foreign lawyers who pass an examination to practise in permitted areas of Singapore law.
2. **This guidance note outlines the key legislative changes made to give effect to the above. Please note that while all efforts have been made to ensure the accuracy of the contents of this outline, readers should refer directly to the relevant text of the legislation and ensure that the relevant provisions are applicable to your specific circumstances before proceeding on any application/procedure under the Legal Profession Act.**

ESTABLISHMENT OF SINGAPORE INSTITUTE OF LEGAL EDUCATION

3. The LPA 2011 introduces a new Part II to the Legal Profession Act (the “main Act”), to dissolve the Board of Legal Education and to establish the successor Singapore Institute of Legal Education (“SILE”).
4. The SILE will come under the governance of the Singapore Academy of Law. Its Board of Directors will comprise representatives of key stakeholders in the legal fraternity including the Attorney-General, the President of the Law Society and the Deans of the NUS and SMU law schools. The SILE will assume the functions currently performed by the Board of Legal Education. In addition, the SILE will also exercise functions to:
 - (a) Ensure that training of lawyers in Singapore is of a high standard.

- (b) Determine the requirements for, as well as co-ordinate and exercise supervision over new mandatory continuing professional development obligations to be introduced.
- (c) Conduct a new Foreign Practitioner Examination to allow foreign lawyers who pass this examination to obtain a Foreign Practitioner Certificate that will allow them to practise limited areas of Singapore law.

5. Further details concerning SILE and its activities can be found at the Singapore Academy of Law's website at <http://www.sile.org.sg/>

CHANGES RELATING TO ADMISSION TO THE SINGAPORE BAR

6. The LPA 2011 contains amendments to streamline and improve the legislative and procedural framework for admission to the Singapore Bar; and enhance the practice training framework. The key changes are summarized below.

(A) Consolidation and Streamlining of Admission Requirements

7. Presently, admission requirements to the Singapore Bar are contained under the main Act and various pieces of subsidiary legislation passed under the main Act. With effect from 3 May 2011, admission requirements will be governed by new Part IIA of the main Act. Details of the various admission requirements will be consolidated into two distinct sets of rules to make them more user-friendly:

- (a) The requirements to be "a qualified person" in order to seek admission to the Singapore Bar which were previously found both within the main Act and the Legal Profession (Qualified Persons) Rules, will be consolidated into the **Legal Profession (Qualified Persons) Rules** through amendments introduced by the Legal Profession (Qualified Persons) (Amendment) Rules 2011. Historical and transitional provisions which have run their course have been repealed or will be phased out by 2 May 2012 (refer in particular to new Rule 17).
- (b) The admission procedures which a "qualified person" must comply with in order to be admitted to the Singapore Bar will be consolidated into a new set of rules entitled the **Legal Profession (Admission) Rules 2011**. The Legal Profession (Admission) Rules 2011 contain in particular, a new streamlined admission procedure governing a "qualified person's" call to the Singapore Bar. Details of these changes are explained below.

Streamlined Admission Procedure

7.1 Presently, any qualified 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 6 months. He also has to make various declarations regarding his suitability for admission to the Singapore Bar but only after the 6 month notice period. Members of the public can raise objections about the suitability of the applicant to be admitted to the Singapore Bar during the 6 months notice period.

- 7.2 The detailed procedural requirements for admission to the Singapore Bar can be found in Part VI of the new Legal Profession (Admission) Rules 2011. With the amendments, the 6 month notice period will be reduced to a 30 day period (Rule 28), during which information relating to the applicant's admission will be posted on the Supreme Court website. The applicant also 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 (Rule 25). Members of the public can still raise objections during this 30 day period (Rule 28).
- 7.3 This streamlined process gives more time to stakeholders involved in the call process, namely, the Law Society, Attorney-General's Chambers and Singapore Institute of Legal Education, to conduct assessments of each application and raise objections, if any, about the applicants' suitability (Rule 29). With the amendments, the overall minimum time required for a person to be admitted will be shortened from the current 6 months to around 2 months.
- 7.4 The differences between the current and new admission procedure are illustrated in [Appendix A](#).

(B) Practice Training: Enhancements to Part-Call

8. Under the practice training framework, a practice trainee serving his practice training period under a practice training contract may gain practical experience in Court by applying for part-call to the Singapore Bar.
9. Previously, a practice trainee could only apply for part-call if he had served at least 4 months of his practice training period. Once part-called, he would be able to appear before the courts in limited situations (generally only hearings in chambers and to mention a case or apply for bail before a District Judge or a Magistrate).
10. The LPA 2011 amends section 32 of the main Act to reduce the minimum period from 4 months to 3 months. With this change, a practice trainee may, with effect from 3 May 2011, apply to be part-called after he has served 3 months of his practice training period (new section 32(3) of the main Act). A further enhancement to the part-call framework is that once part-called, a practice trainee may appear in court for all types of hearings (new section 32(4) of the main Act) instead of limited types of hearings under the old framework.

NEW FOREIGN PRACTITIONER CERTIFICATE SCHEME

11. As part of the liberalisation measures introduced in 2008, the main Act was amended in 2008 to allow Qualifying Foreign Law Practices (QFLPs) and Joint Law Ventures (JLVs) to practise Singapore law in "permitted areas of legal practice", which refers to all areas of legal practice other than specifically ring-fenced domestic areas which are detailed in Rule 3 of the Legal Profession (International Services) Rules 2008.
12. Currently, Singapore law work undertaken by QFLPs and JLVs can only be carried out through Singapore-qualified lawyers with Practising Certificates ("PCs") registered under section 130N of the main Act. The LPA 2011 contains amendments to introduce a framework for a new Foreign Practitioner Certificate (FPC) scheme, which allows foreign lawyers who have passed a Foreign Practitioner Examination ("FPE") and satisfy eligibility

criteria and requirements (stipulated in new rules 20 and 21 of the Legal Profession (International Services) Rules 2008 as amended by the Legal Profession (International Services) (Amendment) Rules 2011), to register with the Attorney-General under new section 130I of the main Act for a FPC.

13. The FPC will be renewable on an annual basis like a PC. FPC holders will be allowed to practise within the “permitted areas of legal practice” if they work in QFLPs, JLVs or Singapore Law Practices (“SLPs”). If they are working in a Foreign Law Practice (FLP), their practice of Singapore law will be restricted to the rendering of Singapore law advice in the context of international commercial arbitration work allowed under Rule 14 of the Legal Profession (International Services) Rules 2008 (see new Rule 21).
14. The FPE will be administered by the SILE. Further details concerning the FPE will be made available by SILE at a later date.

Regulatory Framework

15. As FPC holders working in JLVs, QFLPs and SLPs will be practising in the same “permitted areas” of Singapore law as PC holders practising in these entities, the applicable disciplinary regime for FPC holders will closely mirror (with appropriate modifications) the existing disciplinary regime currently governing Singapore PC holders.
16. As FPC holders are Foreign Lawyers, the Attorney-General will retain the role of primary regulator of FPC holders. In respect of an FPC holder’s practice of Singapore law, AGC will share concurrent disciplinary jurisdiction over them with the Supreme Court and the Law Society.
17. The key provisions governing the regulatory and disciplinary framework can be found in new section 82B and section 130R of the main Act (as amended by the LPA 2011), and the Legal Profession (Modified Application of Act for International Services) Rules 2008 as amended by the Legal Profession (Modified Application of Act for International Services) (Amendment) Rules 2011.

Law Society Membership

18. FPC holders will be foreign practitioner members of the Law Society (see section 40A as amended by the LPA 2011). They will also be members of the Singapore Academy of Law. Mandatory continuing professional development requirements when introduced, will also apply to FPC holders, with suitable modifications where necessary.

Ministry of Law

3rd May 2011