

PUBLIC CONSULTATION ON THE LEGAL PROFESSION (AMENDMENT) BILL 2012

1. The Legal Profession Act (“**LPA**”) provides the legislative basis for the regulation of Singapore’s legal profession.
2. The proposed Legal Profession (Amendment) Bill 2012 (“**the Bill**”) seeks to introduce the following changes:
 - (a) Widen the scope for ad hoc admission of Queen’s Counsel (and equivalent) from overseas jurisdictions to appear in Singapore Court under section 15 of the LPA;
 - (b) Implement mandatory Continuing Professional Development requirements for the legal profession;
 - (c) Clarify who can act as counsel in arbitration proceedings in Singapore; and
 - (d) Make miscellaneous amendments to fine-tune the process for disciplinary proceedings under the LPA.

SUMMARY OF CONTENTS OF DRAFT BILL

3. The contents of the Bill are summarized as follows:
 - (a) ***Ad hoc admission of Queen’s Counsel (and equivalent)***
4. Earlier this year, the Ministry of Law conducted a public consultation on a proposed licensing scheme that would give rights of audience in the courts of Singapore to a small number of “Independent Counsel” (the “**Licensing Scheme**”). “Independent Counsel” refers to counsel who practise independently of law firms, as barristers or their equivalent in jurisdictions in which the legal profession is not fused (e.g. Queen’s Counsel, or Senior Counsel from Australia and Hong Kong). The Licensing Scheme was intended to address the shortage of Senior Counsel who could provide advocacy services in commercial and financial disputes. Following the close of public consultation, further dialogue sessions with the legal fraternity were held.
5. The feedback showed support for measures to provide clients with greater possibility of engaging Independent Counsel but preference was expressed for this to be done through the existing *ad hoc* admission route (under section 15 of the LPA) that allows Queen’s Counsel to be admitted on an *ad hoc* basis for specific cases, rather than through the Licensing Scheme.
6. The Government has accepted the feedback. The Bill will make amendments to section 15 of the LPA to widen the scope for *ad hoc* admission of Queen’s Counsel (and equivalent) from overseas jurisdictions to appear in Singapore Courts; however, in cases involving purely domestic areas such as criminal, family, constitutional and administrative law, there will be a significantly higher threshold for their admission.

(b) Mandatory Continuing Professional Development requirements

7. In May 2011, the Singapore Institute of Legal Education (“SILE”) was formally established as an umbrella institution to co-ordinate, administer and exercise oversight over legal education in Singapore. One of the SILE’s functions is to oversee the implementation of mandatory Continuing Professional Development (“CPD”) requirements for the legal profession in Singapore (on which SILE has previously sought consultation).
8. These amendments enable the SILE to enforce CPD requirements through existing disciplinary mechanisms.

(c) Persons who may act as counsel in arbitration proceedings

9. The present wording of section 35 of the LPA, which governs the scope of persons who may act as counsel in arbitration proceedings in Singapore, does not require a person to be admitted and/or entitled to practise in any jurisdiction before he can act as counsel in such arbitration proceedings. In addition, the section as presently worded does not prohibit lawyers who have been suspended or struck off the bar of their respective jurisdiction from so acting.
10. The Bill will make amendments to section 35 to make clear that only persons who are qualified to practise law (regardless of jurisdiction), and who continue to be entitled to do so, will be able to act as counsel in arbitration proceedings in Singapore.

(d) Disciplinary proceedings

11. The Bill also contains miscellaneous amendments to fine-tune the process for disciplinary proceedings for lawyers under the LPA. These amendments will address practical, procedural and interpretational issues arising from the current provisions of the LPA.

Feedback sought

12. The Ministry invites interested parties to provide their feedback on the on the draft Bill. The consultation period is from 6 to 22 December 2011. The public can view the consultation papers and draft Bills at www.mlaw.gov.sg and www.reach.gov.sg/YourSay/EConsultationPaper.aspx. The feedback may be sent in electronic or hard copy form to:

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