



THE LAW SOCIETY  
OF SINGAPORE

**22 SEPTEMBER 2009**

**MEDIA RELEASE  
FOR IMMEDIATE RELEASE**

**WITHDRAWAL OF LAW SOCIETY'S CONVEYANCING FEE GUIDELINES**

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- 1 Following the abolition of scale fees vide the *Legal Profession (Solicitors' Remuneration) Order 2003* (the "Order"), the Council of the Law Society (the "Council") issued on 25 February 2003, recommended fee guidelines for conveyancing transactions (the "Guidelines").
- 2 The Guidelines were issued then in response to feedback from members of the Society and the Conveyancing Practice Committee that, in view of the abolition of scale fees, it would be desirable for the Society to provide guidance to solicitors as to what is a "fair and reasonable" fee having regard to the circumstances of the case for a normal conveyancing transaction under Rule 2 of the Order. The Guidelines therefore served as guidance for members in making the transition to the new regime following the abolition of scale fees.
- 3 The Guidelines are intended for reference purposes only and are neither binding nor intended to apply to every conveyancing transaction. Non-compliance with the Guidelines does not necessarily connote overcharging as the fees charged for professional services are based on the circumstances of each case and a solicitor may charge such higher fees in accordance with the Order.
- 4 As part of an ongoing review, the Council has re-assessed the Guidelines, taking into account that they were intended as a transitional measure for members. As the Council believes that all fees should be freely negotiated between solicitors and their clients without guidelines from the Council (other than statutory guidelines), there is no reason to treat fees for conveyancing transactions differently. The Council has therefore decided to withdraw the Guidelines with effect from 1 October 2009 vide the Council's Practice Direction. The withdrawal of the Guidelines applies to all transactions entered into on or after 1 October 2009.
- 5 Notwithstanding the withdrawal of the Guidelines, the public should be aware that solicitors have a fundamental ethical obligation under Rule 2(2)(c) of the Legal Profession (Professional Conduct) Rules to charge fairly for work done and are prohibited from overcharging under Rule 38 of the Legal Profession (Professional Conduct) Rules.

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- 6 Also, solicitors must ensure that their fees in conveyancing transactions are charged based on the criteria set out in the Order, especially Rules 2 and 3. In particular, the circumstances set out in Rule 2(a) to (g) of the Order are:
- 6.1. the importance of the matter to the client;
  - 6.2. the skill, labour, specialised knowledge and responsibility involved on the part of the solicitor;
  - 6.3. the complexity of the matter and the difficulty or novelty of the question raised;
  - 6.4. where money or property is involved, the amount or value thereof;
  - 6.5. the time expended by the solicitor;
  - 6.6. the number and importance of the documents prepared or perused, without regard to length; and
  - 6.7. the place where, and the circumstances under which, the services or business or any part thereof are rendered or transacted.
- 7 The withdrawal of the Guidelines does not in any way affect any legal entitlement of a solicitor to require his client to make payment to the client's account to meet disbursements and other expenses that are typically incurred in a conveyancing transaction.

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## About the Law Society

Established in 1967, the Law Society of Singapore is a body established under the Legal Profession Act. It carries out various statutory functions prescribed under the Legal Profession Act, including maintaining and improving the standards of conduct and learning of the legal profession in Singapore, the facilitation of the acquisition of legal knowledge by members of the legal profession, and protecting and assisting the public in all matters ancillary or incidental to the law.

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