

# THE LAW SOCIETY OF SINGAPORE

## COUNCIL'S GUIDANCE NOTE 1 OF 2010

### APPLICATION FOR PRACTISING CERTIFICATE WHEN SECTION 25A LEGAL PROFESSION ACT APPLIES

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1. This Guidance Note takes effect on 1 February 2010.
2. This Guidance Note sets out the procedure to be followed in an application for a practising certificate when section 25A of the Legal Profession Act applies.
3. Section 25 A (1) of the Legal Profession Act provides as follows:  
  
*"This section shall apply to any solicitor —*
  - (a) *whose suspension from practice has expired;*
  - (b) *who has been discharged from bankruptcy;*
  - (c) *who has been sentenced to a term of imprisonment in any civil or criminal proceedings in Singapore or elsewhere;*
  - (d) *who has been convicted of an offence involving dishonesty or fraud;*
  - (e) *who has been convicted of an offence in relation to his conduct in his practice of law;*
  - (f) *who has been found guilty of misconduct in any other professional capacity;*
  - (fa) *whose fitness to practise has been determined under section 25C to be impaired by reason of his physical or mental condition, or who, having been ordered by a Judge to submit to a medical examination under section 25C to be conducted within such period as the Judge may specify in the order, fails to do so;*
  - (g) *whom the Attorney-General or the Council is satisfied is incapacitated by illness or accident, or by the solicitor's physical or mental condition, to such extent as to be unable to attend to his practice; or*
  - (h) *whom the Attorney-General or the Council is satisfied has failed to comply with any of the rules made under section 72".*
4. Where a solicitor to whom section 25A of the Legal Profession Act applies, makes an application for a practising certificate in respect of a practice year, the Attorney-General or the Council may request the Registrar, pursuant to section 25A (2) of the Legal Profession Act, to refuse the application for a practising certificate, or to issue a practising certificate to the solicitor subject to such conditions as the Attorney-General or the Council may specify.
5. A practice year is the period from 1st April in any calendar year to 31st March in the next ensuing calendar year. Pursuant to rule 3 of the Legal Profession (Practising Certificate) Rules, an application for a practising certificate in respect of a practice year may be submitted only from 1st March (preceding that practice year) onwards.
6. In applying for a practising certificate, a solicitor must first apply to the Society for approval to e-file the application for a practising certificate. The application for approval to e-file that is submitted to the Society must be accompanied by payment of the annual subscription and contribution to the Compensation Fund, and the accountant's report (s) (if any).

7. When section 25A of the Legal Profession Act applies, the Council will, upon receipt of the application for approval to e-file, determine whether to make an application to the Registrar pursuant to section 25A (2) of the Legal Profession Act. The Society will write to the Attorney-General's Chambers to enquire if they intend to make an application pursuant to section 25A (2) of the Legal Profession Act. The Society will subsequently write to inform the Registrar whether the Council or the Attorney-General's Chambers will be making an application under section 25A (2) of the Legal Profession Act. The solicitor concerned may proceed to e-file his application for a practising certificate only after the Society has written to inform the Registrar of the position of the Council and the Attorney-General's Chambers.
8. To expedite the process of e-filing an application for a practising certificate for the commencement of the practice year, a solicitor to whom section 25A of the Legal Profession Act applies, is to submit to the Society a 'Notice of Intention to Apply for a Practising Certificate' no later than 15th February (preceding the practice year) to confirm that he/she will be applying for a practising certificate. The form of the 'Notice of Intention to Apply for a Practising Certificate' is attached to this Guidance Note.
9. The solicitor concerned will still be required to submit to the Society, from 1st March (preceding the practice year) onwards, an application for approval to e-file. However, the Council will, upon receipt of the 'Notice of Intention to Apply for a Practising Certificate', determine whether to make an application under section 25A (2) of the Legal Profession Act and the Society will write to the Attorney-General's Chambers to enquire if they intend to make an application pursuant to section 25A (2) of the Legal Profession Act.

Date: 1 February 2010

THE COUNCIL OF THE LAW SOCIETY OF SINGAPORE



## THE LAW SOCIETY OF SINGAPORE

### NOTICE OF INTENTION TO APPLY FOR A PRACTISING CERTIFICATE

Name : \_\_\_\_\_ Admission No : \_\_\_\_\_

Office Address : \_\_\_\_\_

Office Contact number : \_\_\_\_\_

Residential Address : \_\_\_\_\_

Residential Contact number : \_\_\_\_\_ Mobile No : \_\_\_\_\_

1. I intend to apply for a practising certificate for the practice year \_\_\_\_\_.
2. Section 25A of the Legal Profession Act applies to me because of the following (please tick whichever applicable):
  - My suspension from practice has expired
  - I have been discharged from bankruptcy
  - I have been sentenced to a term of imprisonment in civil or criminal proceedings in Singapore or elsewhere
  - I have been convicted of an offence involving dishonesty or fraud
  - I have been convicted of an offence in relation to my conduct in my practice of law
  - I have been found guilty of misconduct in another professional capacity
  - My fitness to practise has been determined under section 25C to be impaired by reason of my physical or mental condition, or, having been ordered by a Judge to submit to a medical examination under section 25C to be conducted within such period as the Judge may specify in the order, I failed to do so
  - The Attorney-General or the Council is satisfied that I am incapacitated by illness or accident, or by my physical or mental condition, to such extent as to be unable to attend to my practice
  - The Attorney-General or the Council is satisfied that I have failed to comply with the Legal Profession (Solicitors' Accounts) Rules.

Particulars of the above are set out as follows:

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I hereby confirm and declare that the information stated in this Notice of Intention to Apply for a Practising Certificate is true, correct and complete.

\_\_\_\_\_  
Signature of solicitor

\_\_\_\_\_  
Date

This form is to be submitted to –

*Director  
Compliance  
The Law Society of Singapore  
39 South Bridge Road  
Singapore 058673*

by \_\_\_\_\_.

This Notice of Intention to Apply for a Practising Certificate may be hand-delivered, sent by post or fax (6533 5700).