

THE LAW SOCIETY OF SINGAPORE

GUIDANCE NOTE 3.10.1

[Formerly GN 2013, para 7; Council's Guidance Note 1 of 2010]

**APPLICATION FOR PRACTISING CERTIFICATE WHEN SECTION 25A OF THE
LEGAL PROFESSION ACT APPLIES**

1. 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 (Cap 161, 2009 Rev Ed) ('LPA') applies.
2. Section 25A(1) of the LPA 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 or any of the rules made under section 73D of the Conveyancing and Law of Property Act (Cap 61)."*

3. Where a solicitor (as defined by the Act) to whom section 25A of the LPA 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 LPA, 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.

4. 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 (Cap 161, R 6, 2010 Rev Ed), an application for a practising certificate in respect of a practice year may be submitted only from 1st March (preceding that practice year) onwards.

5. In applying for a practising certificate, a solicitor must first apply to the Society for approval to e-file that 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).

6. When section 25A of the LPA 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 LPA. 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 LPA.

7. 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 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 LPA applies, is to submit to the Society a 'Notice of Intention to Apply for a Practising Certificate' no later than 15 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' can be found in **Annex A** of this Practice Direction.

9. The solicitor concerned will still be required to submit to the Society, from 1 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 LPA 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 LPA.

Date: 1 June 2018

THE COUNCIL OF THE LAW SOCIETY OF SINGAPORE



NOTICE OF INTENTION TO APPLY FOR A PRACTISING CERTIFICATE

Annex A: Notice of Intention to Apply for a Practising Certificate

Important: Please note that all the fields below are mandatory.

(1) Personal Particulars

- a) Name (Full name as per NRIC):
- b) Admission Number: AAS
- c) Office Address:
- d) Office Contact Number:
- e) Mobile Number:

(2) Proposed Employment Details

- a) Name of proposed Law Practice:
- b) Proposed Designation:

(3) Which subsection of Section 25A(1) of the Legal Profession Act 1966 ("LPA") applies to you?

- a) I intend to apply for a practising certificate for the practice year ending _____
- b) Section 25A(1) of the Legal Profession Act 1966 applies to me because of the following (please tick whichever subsection applies to you):
 - S 25A(1)(a)** - I have been suspended from practice and the period of suspension has expired.
 - S 25A(1)(b)** - I have been discharged from bankruptcy.
 - S 25A(1)(c)** - I have been sentenced to a term of imprisonment in civil or criminal proceedings in Singapore or elsewhere.
 - S 25A(1)(d)** - I have been convicted of an offence involving dishonesty or fraud.
 - S 25A(1)(e)** - I have been convicted of an offence in relation to my conduct in my practice of law.
 - S 25A(1)(f)** - I have been found guilty of misconduct in another professional capacity.

S 25A(1)(fa) - 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.

S 25A(1)(g) - 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.

S 25A(1)(h) - The Attorney-General or the Council is satisfied that I have failed to comply with the rules made under section 72 of the Legal Profession Act or the rules made under section 73D of the Conveyancing and Law of Property Act.
- c) Please explain why the subsection(s) of section 25A(1) of the LPA applies to you:



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Important: Please note that all the fields below are mandatory.

(4) Any other matters to declare

a) Whether any adverse order was entered against you on the roll? **Yes** or **No**
If yes, kindly provide details:

b) Whether there are any pending/ previous disciplinary charge(s) made out against you? **Yes** or **No**
If yes, kindly provide details:

c) Whether you have any outstanding payments due to the Law Society of Singapore? **Yes** or **No**
If yes, kindly provide details:

d) Have you complied with the conditions imposed in the preceding year? **Yes** or **No**
If yes, kindly provide relevant supporting documents.

(5) Declaration

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: _____

Date:

Kindly email the completed copy of the Notice of Intention to Apply for a Practising Certificate along with any relevant supporting documents to compliance@lawsoc.org.sg.