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LEGAL PROFESSION ACT

(CHAPTER 161)

LEGAL PROFESSION (PRACTICE TRAINING PERIOD) RULES 2009

In exercise of the powers conferred by section 5(3) and (4) of the Legal Profession Act, the Board of Legal Education hereby makes the following Rules:

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LEGAL PROFESSION ACT

(CHAPTER 161)

LEGAL PROFESSION (PRACTICE TRAINING PERIOD) RULES 2009

In exercise of the powers conferred by section 5(3) and (4) of the Legal Profession Act, the Board of Legal Education hereby makes the following Rules:

PART I

PRELIMINARY

Citation and commencement

1. These Rules may be cited as the Legal Profession (Practice Training Period) Rules 2009 and shall come into operation on 9th October 2009.

Definitions

2. In these Rules, unless the context otherwise requires —

"practice trainee" means a qualified person who serves his practice training period under a practice training contract;

"qualifying relevant legal officer" has the same meaning as in section 13(1)(b)(ii) of the Act;

"supervising solicitor" means a solicitor who is responsible for the supervision of a practice trainee while the latter is serving his practice training period under a practice training contract.

PART II

REQUIREMENTS RELATING TO PRACTICE TRAINING PERIOD

Entitlement to serve practice training period

3. —(1) Subject to paragraphs (2) and (3), no qualified person shall be entitled to serve his practice training period unless he has passed Part B of the Singapore Bar Examinations.

(2) Paragraph (1) shall not apply to —

(a) any person who became a qualified person before 9th October 2009;

(b) any person who —

(i) becomes a qualified person under rule 6(c), 7(c), 8(1)(iii), (2)(iii) or (3)(ii)(B), 9(1)(b)(ii), (2)(b)(ii) or (2A)(b)(ii) or 9A(1)(c)(ii) of the Legal Profession (Qualified Persons) Rules (R 15); and

(ii) has satisfied, or has been exempted under rule 15A(2) of those Rules from, the requirement under rule 6(c)(ii), 7(c)(ii), 8(1)(iii)(B), (2)(iii)(B) or (3)(ii)(B)(BB), 9(1)(b)(ii)(B), (2)(b)(ii)(B) or (2A)(b)(ii)(B) or 9A(1)(c)(ii)(B), as the case may be, of those Rules before he satisfies the requirement under rule 6(c)(i), 7(c)(i), 8(1)(iii)(A), (2)(iii)(A) or (3)(ii)(B)(BA), 9(1)(b)(ii)(A), (2)(b)(ii)(A) or (2A)(b)(ii)(A) or 9A(1)(c)(ii)(A), as the case may be, of those Rules; or

(c) any practice training period or part thereof served through working —

(i) as a Legal Service Officer; or

(ii) under the supervision of a qualifying relevant legal officer.

(3) The Minister may, in his discretion, exempt a qualified person from the requirement under paragraph (1).

(4) An exemption granted to a person under paragraph (3) —

(a) may be subject to such conditions as the Minister may think fit to impose by notice in writing to the person;

(b) may be notified in writing to the person; and

(c) need not be published in the *Gazette*.

Maximum duration of practice training period

4. —(1) Subject to paragraphs (2), (3) and (4) —

(a) a qualified person shall complete his service of his practice training period within a continuous period of 8 months; and

(b) any supervised training in relation to the practice of Singapore law which is received by him 8 months or more before the last day of his practice training period shall not count as part of his practice training period.

(2) Where a qualified person has served his practice training period or any part thereof through working as a Legal Service Officer or under the supervision of a qualifying relevant legal officer —

(a) he shall complete his service of his practice training period within a continuous period of 48 months; and

(b) any supervised training in relation to the practice of Singapore law which is received by him 48 months or more before the last day of his practice training period shall not count as part of his practice training period.

(3) Paragraphs (1) and (2) shall not apply to any person who became a qualified person before 9th October 2009.

(4) The Minister may, in his discretion, exempt a qualified person from paragraph (1) or (2).

(5) An exemption granted to a person under paragraph (4) —

(a) may be subject to such conditions as the Minister may think fit to impose by notice in writing to the person;

(b) may be notified in writing to the person; and

(c) need not be published in the *Gazette*.

PART III

REQUIREMENTS RELATING TO PRACTICE TRAINING CONTRACTS

Supervising solicitor

5. —(1) A solicitor shall not be the supervising solicitor of a practice trainee unless the solicitor —

(a) is in active practice in a Singapore law practice; and

(b) for a total of not less than 5 out of the 7 years immediately preceding the date of commencement of his supervision of the practice trainee, has in force a practising certificate.

(2) No supervising solicitor shall supervise more than 2 practice trainees at any time.

(3) A solicitor practising in a Singapore law practice shall not contravene paragraph (2) by reason only of his participation in any arrangement under rule 7(2) to provide a practice trainee of another Singapore law practice with exposure to any area of practice referred to in rule 6(b).

Responsibilities of supervising solicitor

6. —(1) Subject to paragraph (2), a supervising solicitor shall ensure that each practice trainee under his supervision —

(a) receives adequate training, during the practice training period, in such matters as the Board may specify in any guidelines issued under rule 10, including matters relating to professional responsibility, etiquette and conduct;

(b) is exposed, during the practice training period, to 2 or more areas of practice selected from the following areas of practice and from such other areas of practice as the Board may approve on application by the supervising solicitor:

(i) civil litigation;

(ii) criminal litigation;

(iii) corporate practice;

(iv) conveyancing practice; and

(c) attends, during the practice training period, such courses, workshops and programmes as the Board may specify in any guidelines issued under rule 10.

(2) Where a practice trainee —

(a) has received relevant legal training (being supervised training in relation to the practice of Singapore law under a formal training arrangement with a Singapore law practice) for a continuous period of not less than 6 months under rule 6(c)(ii), 7(c)(ii), 8(1)(iii)(B), (2)(iii)(B) or (3)(ii)(B)(BB), 9(1)(b)(ii)(B), (2)(b)(ii)(B) or (2A)(b)(ii)(B) or 9A(1)(c)(ii)(B) of the Legal Profession (Qualified Persons) Rules (R 15); and

(b) has been exposed, during the period of his relevant legal training, to any area of practice referred to in paragraph (1)(b)(i) to (iv),

his supervising solicitor, instead of complying with paragraph (1)(b) in relation to him, need only ensure that he is exposed, during his practice training period, to one or more other areas of practice referred to in paragraph (1)(b), if the Board, on application by the supervising solicitor, so approves.

Responsibilities of Singapore law practices under practice training contracts

7.—(1) A Singapore law practice which provides a practice trainee with supervised training in relation to the practice of Singapore law under a practice training contract shall ensure that —

(a) the practice trainee —

(i) is supervised by a supervising solicitor in active practice in the Singapore law practice; and

(ii) is based in Singapore; and

(b) the supervising solicitor performs his responsibilities under rule 6 and any guidelines issued under rule 10.

(2) Where the Singapore law practice does not have the expertise or resources to provide the practice trainee with exposure to any area of practice referred to in rule 6(b), the Singapore law practice may arrange for him to receive that exposure in another Singapore law practice.

(3) A practice trainee shall be deemed to be supervised by his supervising solicitor during the period that he receives exposure in another Singapore law practice under paragraph (2).

Registration of practice training contracts

8.—(1) A Singapore law practice shall register with the Board —

(a) every practice training contract under which the Singapore law practice provides to a practice trainee supervised training in relation to the practice of Singapore law; and

(b) in relation to each such practice training contract, the particulars of the practice trainee and his supervising solicitor.

(2) A Singapore law practice shall, when it registers any practice training contract, declare to the Board the number of solicitors in the Singapore law practice who are qualified to be supervising solicitors on the date of commencement of the supervised training in relation to the practice of Singapore law under the practice training contract.

Disclosure of details of supervised training

9. A Singapore law practice which intends to provide supervised training in relation to the practice of Singapore law under a practice training contract shall publicise the details of the supervised training —

(a) on the Internet website, if any, of the Singapore law practice; or

(b) on such other Internet website as the Board may specify in any guidelines issued by the Board under rule 10.

Guidelines

10. —(1) The Board may, from time to time, issue guidelines for the purposes of this Part.

(2) The guidelines issued under paragraph (1) may explain, clarify or provide examples or illustrations to explain or clarify any requirement under rules 5 to 9.

Made this 1st day of October 2009.

WALTER WOON
*Chairman,
Board of Legal Education,
Singapore.*

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(To be presented to Parliament under section 131 of the Legal Profession Act).

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