

FACT SHEET 2

Legal Profession (Amendment) Bill
Foreign Practitioner Examination

1. The Legal Profession Act was amended in 2008 to allow Qualifying Foreign Law Practices (QFLPs) and Joint Law Ventures (JLVs) to practise Singapore law in “permitted areas of legal practice”, which refers to all areas of legal practice other than specifically ring-fenced domestic areas detailed in the Rules¹.
2. This Bill provides a framework for a new Foreign Practitioner Examination (FPE), which allows lawyers who have passed the examination to practice within those same “permitted areas”. The recommendations for this examination are the result of the work of the Interim Committee overseeing the establishment of the Singapore Institute of Legal Education (SILE), which had put out proposals for public consultation earlier this year.
3. The implementation of the FPE will be overseen by the SILE.

Foreign Practitioner Examination

4. The object of introducing this new qualification is to encourage more high calibre foreign practitioners to contribute their expertise to our commercial sector.

Foreign Practitioner Certificate

5. Foreign practitioners who meet requisite eligibility criteria which will be set out in rules to be introduced, will be required to sit for the FPE. Those who pass the FPE will then be issued a Foreign Practitioner Certificate (FPC).

¹ The areas of legal practice excluded from the ambit of the definition of “permitted areas of legal practice” are:

- (a) constitutional and administrative law;
- (b) conveyancing;
- (c) criminal law;
- (d) family law;
- (e) succession law, including matters relating to wills, intestate succession and probate and administration;
- (f) trust law, in any case where the settler is an individual;
- (g) appearing or pleading in any court of justice in Singapore, representing a client in any proceedings instituted in such a court or giving advice, the main purpose of which is to advise the client on the conduct of such proceedings, except where such appearance, pleading, representation or advice is otherwise permitted under the Act or these Rules or any other written law; and
- (h) appearing in any hearing before a quasi-judicial or regulatory body, authority or tribunal in Singapore, except where such appearance is otherwise permitted under the Act or these Rules or any other written law.

(ref: Rule 3 of the Legal Profession (International Services) Rules 2008).

6. The FPC will be renewable on a yearly basis like a Singapore Practising Certificate (PC) and will allow the foreign practitioner to practise “permitted areas” of Singapore law in JLVs, QFLPs and SLPs. They can also practise in more limited areas² in FLPs.

Regulatory Framework

7. FPC holders working in foreign firms (JLVs and QFLPs) will be practising in the same “permitted areas” of Singapore law as PC holders practising in these entities. For parity of treatment, the disciplinary regime for FPC holders will thus closely mirror (with appropriate modifications) the existing disciplinary regime currently governing Singapore PC holders.
8. Hence, as with foreign lawyers (i.e. those practising only foreign law in Singapore), the Attorney-General will retain the role of primary regulator of FPC holders, but in respect of their practice of “permitted areas” of Singapore law, AGC will share concurrent disciplinary jurisdiction over them with the Supreme Court and the Law Society.
9. FPC holders will be foreign practitioner members of the Law Society. They will also be members of the Singapore Academy of Law. Mandatory continuing legal education requirements when introduced, will also apply to FPC holders (with suitable modifications as necessary).

**MINISTRY OF LAW
14 FEBRUARY 2011**

² Essentially, render Singapore law advice in the context of arbitration work.