

BUSINESS REGISTRATION ACT

(CHAPTER 32)

BUSINESS REGISTRATION (APPLICATION OF ACT TO EXERCISE OF PROFESSION) REGULATIONS 2009

In exercise of the powers conferred by sections 4(1B) and 37 of the Business Registration Act, the Minister for Finance hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Business Registration (Application of Act to Exercise of Profession) Regulations 2009 and shall come into operation on 1st May 2009.

Definitions

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

“foreign law practice” and “Joint Law Venture” have the same meanings as in section 2(1) of the Legal Profession Act (Cap. 161);

"Law Society of Singapore" means the Law Society of Singapore established under section 37 of the Legal Profession Act;

"Registrar of the Supreme Court" includes the Deputy Registrar, or any Assistant Registrar, of the Supreme Court;

"relevant particulars" means the particulars specified in section 6(1) of the Act;

"Singapore law practice" means —

(a) the practice of a solicitor who practises on his own account; or

(b) a firm of solicitors;

"solicitor" means an advocate and solicitor of the Supreme Court.

Persons to whom section 4(1)(g) of Act shall not apply

3. For the purposes of section 4(1A) of the Act, section 4(1)(g) of the Act shall not apply to —

(a) any person —

(i) being an individual, who is the sole proprietor or a partner of a Singapore law practice; or

- (ii) being a firm, which is a Singapore law practice;
- (b) any person —
 - (i) being an individual, who is, or being a corporation, which is, the sole proprietor or a partner of a foreign law practice that provides any legal services in Singapore; or
 - (ii) being a firm, which is a foreign law practice that provides any legal services in Singapore; or
- (c) any person —
 - (i) being an individual, who is, or being a corporation, which is, a partner of a Joint Law Venture; or
 - (ii) being a firm, which is a Joint Law Venture.

Automatic registration of Singapore law practice

4. —(1) The Law Society of Singapore and the Registrar of the Supreme Court may transfer to the Registrar any relevant particulars of any person referred to in regulation 3(a) which are registered or otherwise recorded under the Legal Profession Act (Cap. 161) by the Law Society of Singapore and the Registrar of the Supreme Court, respectively.

(2) The Registrar may, upon receiving any relevant particulars of any person referred to in regulation 3(a) from the Law Society of Singapore or the Registrar of the Supreme Court —

(a) register that person, without any action on the part of that person, under section 8(1) of the Act, by causing those particulars to be entered in the register as if those particulars were contained in a statement referred to in section 6(1) of the Act; and

(b) issue to that person a notice of registration under section 8(2) of the Act.

(3) Any person referred to in regulation 3(a) whose relevant particulars have been transferred to the Registrar by the Law Society of Singapore or the Registrar of the Supreme Court shall, in respect of any registration of that person referred to in paragraph (2), be exempted from —

(a) making an application for registration under section 5(1) of the Act;

(b) lodging with the Registrar the statement referred to in section 6(1) of the Act; and

(c) paying the prescribed fee referred to in section 8(1) of the Act.

(4) Where —

(a) the relevant particulars, including the business name, of any person referred to in regulation 3(a) have been transferred to the Registrar by the Law Society of Singapore or the Registrar of the Supreme Court; and

(b) pursuant to paragraph (2), the Registrar has registered that person under section 8(1) of the Act, section 12(1) of the Act shall not apply to the carrying on of business by that person under that business name.

(5) The Registrar may require any person referred to in regulation 3(a) to verify, in such manner as the Registrar may specify, any relevant particulars of that person which have been transferred to the Registrar by the Law Society of Singapore or the Registrar of the Supreme Court.

(6) For the purposes of section 17(3) of the Act, where the Registrar has required, under paragraph (5), any person referred to in regulation 3(a) to verify any relevant particulars of that person, the Registrar may, upon receiving a notice made by that person in such form as the Registrar may specify, rectify any relevant particulars of that person in accordance with the notice.

Transitional provisions for Singapore law practice

5. —(1) Where, immediately before 1st May 2009, a person referred to in regulation 3(a) has carried on business under a name which has been, or is deemed to have been, approved by the Council of the Law Society of Singapore under rule 4 of the Legal Profession (Naming of Law Firms) Rules (Cap. 161, R 16) —

(a) the Registrar shall, when registering that person in accordance with regulation 4, register that person to carry on business under that name;

(b) section 13(1)(b) and (c) of the Act shall not apply in relation to the registration of that person in accordance with regulation 4; and

(c) section 13(4) and (5) of the Act shall not apply to that person in relation to that name, for a period of 12 months beginning on 1st May 2009, in any case where the only ground for the Registrar to give a direction thereunder is that that name —

(i) is identical to the name of any corporation or to any other business name; or

(ii) so nearly resembles the name of any corporation or any other business name as to be likely to be mistaken for it.

(2) Regulation 11 of the Business Registration Regulations (Rg 1) shall not apply to a person referred to in regulation 3(a) who has been registered in accordance with regulation 4 for a period of 12 months beginning on 1st May 2009.

Made this 28th day of April 2009.

TEO MING KIAN
*Permanent Secretary,
Ministry of Finance,
Singapore.*

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