

## Continuing Professional Development Scheme

### Advisory

#### CPD Declaration for PC/FPC Applications in 2019: CPD-2019-3

Issued on: 20 February 2019

1. This SILE Advisory CPD-2019-3 clarifies the appropriate declaration to be made by advocates and solicitors of the Supreme Court of Singapore ('solicitors') seeking to apply for a Singapore practising certificate ('PC') and foreign lawyers seeking to apply for or renew their registration under section 36B of the Legal Profession Act ('s36B Foreign Lawyers') seeking to apply for foreign practitioner certificates ('FPCs') in 2019.

#### Advocates and Solicitors of the Supreme Court of Singapore

2. Pursuant to rule 8 of the Legal Profession (Continuing Professional Development) Rules 2012 ('CPD Rules') and for the purposes of section 25(1)(ca) of the Legal Profession Act (Cap 161)('Act'), solicitors seeking to apply for a PC must make one of the three declarations set out under rule 8 of the CPD Rules in the online PC application form in 2019.
3. If you were a solicitor who held a PC for more than 5 months in CPD Year 2018 and met all your CPD requirements without relying on any waivers, you should make the declaration under rule 8(a) of the CPD Rules when applying for a PC in 2019, namely **"I have complied with every CPD Requirement that was applicable to me at any time in the calendar year immediately preceding this practice year"**.

**Note:** If you were subjected to a compliance audit in 2018 and were given directions by the CPD Compliance Committee, and you have complied with such directions and every other CPD Requirement applicable to you, you may make the declaration referred to in this paragraph.

4. If you were a solicitor who has:
  - a. relied on one or more of the following waivers in respect of your CPD requirements:
    - (i) Deemed Waiver for statutorily-prescribed maternity leave, certified long-term medical leave or overseas secondment;
    - (ii) Extension Waiver;

(iii) Any other waiver explicitly granted by the CPD Compliance Committee;  
AND

b. complied with every other 'CPD requirement' as defined and further specified in the CPD Rules,

you should make the declaration at rule 8(b) of the CPD Rules when applying for a PC in 2019, namely **"The Compliance Committee has granted me a waiver of one or more of the CPD requirements that were applicable to me at any time in the calendar year immediately preceding this practice year and I have complied with every other CPD requirement that was applicable to me in that preceding calendar year"**.

5. If you were a solicitor who held a PC for 5 months or less in CPD Year 2018, or who did not hold a PC in CPD Year 2018, you may make the declaration under rule 8(c) of the CPD Rules when applying for a PC in 2019, namely **"No CPD requirement was applicable to me at any time in the calendar year immediately preceding this practice year"**.

### **s36B Foreign Lawyers**

6. Pursuant to rule 5(4)(e) of the Legal Profession (Regulated Individuals) Rules 2015 ('Regulated Individuals Rules'), s36B Foreign Lawyers must make one of the three declarations set out under rule 5(4)(e) of the Regulated Individuals Rules as part of their application in 2019.

7. If you were an s36B Foreign Lawyer who held an FPC for more than 5 months in CPD Year 2018 and met all your CPD requirements without relying on any waivers, you should make the declaration under rule 5(4)(e)(i) of the Regulated Individuals Rules when applying for an FPC in 2019, namely **"I have complied with every CPD requirement that was applicable to me at any time in the calendar year immediately preceding the practice year in which I am seeking to be registered under section 36B of the LPA"**.

**Note:** A s36B Foreign Lawyer who was subject to a compliance audit in 2018 and given directions by the CPD Compliance Committee, and who has complied with such directions and every other CPD Requirement applicable to him/her may make this declaration.

8. If you were an s36B Foreign Lawyer who has:

a. relied on one or more of the following waivers in respect of your CPD requirements:

(i) Deemed Waiver for statutorily-prescribed maternity leave, certified long-term medical leave or overseas secondment;

- (ii) Extension Waiver;
  - (iii) Any other waiver explicitly granted by the CPD Compliance Committee;  
AND
- b. complied with every other 'CPD requirement' as defined and further specified in the CPD Rules,

you should make the declaration under rule 5(4)(e)(ii) of the Regulated Individual Rules when applying for an FPC in 2019, namely **“The Compliance Committee appointed under the Legal Profession (Continuing Professional Development) Rules 2012 has granted me a waiver of one or more of the CPD requirements that were applicable to me at any time in the calendar year immediately preceding the practice year in which I am seeking to be registered under section 36B of the LPA; and I have complied with every other CPD requirement that was applicable to me at any time in the calendar year immediately preceding that practice year”**.

9. If you were an s36B Foreign Lawyer who held an FPC for 5 months or less in CPD Year 2018, or if you did not hold an FPC in CPD Year 2018, you may make the declaration under rule 5(4)(e)(iii) of the Regulated Individual Rules when applying for an FPC in 2019, namely **“No CPD requirement was applicable to me at any time in the calendar year immediately preceding the practice year in which I am seeking to be registered under section 36B of the LPA”**.

#### **Verification of compliance with CPD Requirements**

10. Solicitors and s36B Foreign Lawyers may be subject to an audit of their compliance with their CPD requirements for CPD Year 2018 and possibly CPD Year 2019. The compliance audit is expected to take place from May this year.
11. For a summary of the categories of lawyers who should make each of the different declarations under rule 8 of the CPD Rules and rule 5(4)(e) of the Regulated Individuals Rules, please refer to the Annex to this SILE Advisory CPD-2019-3.

Issued on 20 February 2019 by  
Office of Continuing Professional Development  
Singapore Institute of Legal Education

**ANNEX TO SILE ADVISORY CPD-2019-3**

**Advocates and Solicitors**

If you declare...	You must be...
<p>I have complied with every CPD requirement that was applicable to me at any time in the calendar year immediately preceding this practice year.</p> <p>[Rule 8(a) of the CPD Rules]</p>	<p>A solicitor admitted to the Singapore Bar <b>on or before 31 December 2002</b> who:</p> <ul style="list-style-type: none"> <li>a. between 1 January 2018 and 31 December 2018, held a PC for more than 5 months and obtained 4 CPD Points (at least 2 of which are Public CPD Points); AND</li> <li>b. is not relying on any type of waiver.</li> </ul> <p><b><u>OR</u></b></p> <p>A solicitor admitted to the Singapore Bar <b>between 1 January 2003 and 1 January 2013</b> who:</p> <ul style="list-style-type: none"> <li>a. between 1 January 2018 and 31 December 2018, <b><u>EITHER</u></b> (i) held a PC for more than 8 months and obtained 8 CPD Points (at least 4 of which are Public CPD Points); <b><u>OR</u></b> (ii) held a PC for more than 5 months up to 8 months and obtained 4 CPD Points (at least 2 of which are Public CPD Points); AND</li> <li>b. is not relying on any type of waiver.</li> </ul> <p><b><u>OR</u></b></p> <p>A solicitor admitted to the Singapore Bar <b>on or after 2 January 2013</b> who:</p> <ul style="list-style-type: none"> <li>a. between 1 January 2018 and 31 December 2018, <b><u>EITHER</u></b> (i) held a PC for more than 8 months and obtained 16 CPD Points (at least 8 of which are Public CPD Points); <b><u>OR</u></b> (ii) held a PC for more than 5 months up to 8 months and obtained 8 CPD Points (at least 4 of which are Public CPD Points); AND</li> <li>b. is not relying on any type of waiver.</li> </ul> <p><b>Note:</b> A solicitor who was subject to a compliance audit in 2018 and given directions by the CPD Compliance Committee, and who has complied with such directions and every other CPD Requirement applicable to him/her may make this declaration.</p>

If you declare...	You must be...
<p>The Compliance Committee has granted me a waiver of one or more of the CPD requirements that were applicable to me at any time in the calendar year immediately preceding this practice year and I have complied with every other CPD requirement that was applicable to me in that preceding calendar year.</p> <p>[Rule 8(b) of the CPD Rules]</p>	<p>A solicitor admitted to the Singapore Bar who:</p> <ul style="list-style-type: none"> <li>a. between 1 January 2018 and 31 December 2018, held a PC such that he/she has CPD Points Requirements to fulfil;</li> <li>b. is relying on one or more of the following waivers in respect of such CPD requirements: <ul style="list-style-type: none"> <li>(i) Deemed Waiver for statutorily-prescribed maternity leave, certified long-term medical leave or overseas secondment;</li> <li>(ii) Extension Waiver;</li> <li>(iii) any other waiver explicitly granted by the CPD Compliance Committee; AND</li> </ul> </li> <li>c. has complied with every other 'CPD requirement' as defined and further specified in the CPD Rules.</li> </ul>

If you declare...	You must be...
<p>No CPD requirement was applicable to me at any time in the calendar year immediately preceding this practice year.</p> <p>[Rule 8(c) of the CPD Rules]</p>	<p>A solicitor admitted to the Singapore Bar who had a PC in force for 5 months or less in CPD Year 2018, or who did not hold a PC in CPD Year 2018, and who is applying for a PC in 2019.</p> <p><b>Note:</b> This includes a solicitor who had not been admitted to the Singapore Bar as at 31 December 2018 and who is applying for a PC in 2019.</p>

**s36B Foreign Lawyers**

If you declare...	You must be...
<p>I have complied with every CPD requirement that was applicable to me at any time in the calendar year immediately preceding the practice year in which I am seeking to be registered under section 36B of the LPA.</p> <p>[Rule 5(4)(e)(i) of the Regulated Individual Rules]</p>	<p>An s36B Foreign Lawyer who:</p> <ol style="list-style-type: none"> <li>a. between 1 January 2018 and 31 December 2018, <b>EITHER</b> (i) held an FPC for more than 8 months and obtained 8 CPD Points (at least 4 of which are Public CPD Points); <b>OR</b> (ii) held an FPC for more than 5 months up to 8 months and obtained 4 CPD Points (at least 2 of which are Public CPD Points); <b>AND</b></li> <li>b. is not relying on any type of waiver.</li> </ol> <p><b>Note:</b> An s36B Foreign Lawyer who was subject to a compliance audit in 2018 and given directions by the CPD Compliance Committee, and who has complied with such directions and every other CPD Requirement applicable to him/her may make this declaration.</p>

If you declare...	You must be...
<p>The Compliance Committee appointed under the Legal Profession (Continuing Professional Development) Rules 2012 has granted me a waiver of one or more of the CPD requirements that were applicable to me at any time in the calendar year immediately preceding the practice year in which I am seeking to be registered under section 36B of the LPA; and I have complied with every other CPD requirement that was applicable to me at any time in the calendar year immediately preceding that practice year.</p> <p>[Rule 5(4)(e)(ii) of the Regulated Individual Rules]</p>	<p>An s36B Foreign Lawyer who:</p> <ol style="list-style-type: none"> <li>a. between 1 January 2018 and 31 December 2018, held an FPC such that he/she has CPD Points Requirements to fulfil;</li> <li>b. is relying on one or more of the following waivers in respect of such CPD requirements:             <ol style="list-style-type: none"> <li>(i) Deemed Waiver for statutorily-prescribed maternity leave, certified long-term medical leave or overseas secondment;</li> <li>(ii) Extension Waiver;</li> <li>(iii) any other waiver explicitly granted by the CPD Compliance Committee; <b>AND</b></li> </ol> </li> <li>c. has complied with every other 'CPD requirement' as defined and further specified in the CPD Rules.</li> </ol>

If you declare...	You must be...
<p>No CPD requirement was applicable to me at any time in the calendar year immediately preceding the practice year in which I am seeking to be registered under section 36B of the LPA.</p> <p>[Rule 5(4)(e)(iii) of the Regulated Individual Rules]</p>	<p>An s36B Foreign Lawyer who had an FPC in force for 5 months or less in CPD Year 2018, or who did not hold an FPC in CPD Year 2018, and who is applying for an FPC in 2019.</p>