



**Singapore
Institute of Legal Education**

**Guide to the 2014 Session
of the Foreign Practitioner Examinations**

18 August 2014

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1. About the Foreign Practitioner Examinations

- 1.1. Under section 130I of the Legal Profession Act, a foreign lawyer may apply to the Attorney-General for registration to practise in permitted areas of Singapore law in a Joint Law Venture, Qualifying Foreign Law Practice, licensed foreign law practice or Singapore law practice.
- 1.2. The requirements to be met by a foreign lawyer for registration under section 130I of the Legal Profession Act are set out in Rule 20 of the Legal Profession (International Services) Rules 2008. Under Rule 20(1)(c), one of the requirements is that the foreign lawyer has passed the Foreign Practitioner Examinations conducted by the Institute.
- 1.3. For more information, please see the Legal Profession Act (Chapter 161) and the Legal Profession (International Services) Rules 2008.

2. Minimum Candidate Number Requirement and Eligibility to Sit for the Examinations

- 2.1. The 2014 session of the Foreign Practitioner Examinations (“the Examinations”) will be held from 20 to 30 January 2015, provided there are at least 10 approved candidates sitting for the Examinations.
- 2.2. The eligibility requirements for a foreign lawyer to sit for the Examinations are set out in Rule 4 of the Legal Profession (Foreign Practitioner Examinations) Rules 2011 (“FPE Rules”).
- 2.3. Under rule 4(3) of the FPE Rules, an application to sit for the Examinations shall not be approved unless, at the time of the application, the applicant:
 - 2.3.1. is a foreign lawyer¹ within the meaning of the Legal Profession Act (rule 4(3)(a));
 - 2.3.2. has attained the age of 21 years (rule 4(3)(b));
 - 2.3.3. is not the subject of any disciplinary proceedings as a solicitor or foreign lawyer in Singapore or elsewhere and has not been previously disciplined for any disciplinary offence (rule 4(3)(c));
 - 2.3.4. is not a party to any criminal or civil proceedings that may lead to disciplinary proceedings being taken against him as a solicitor or foreign lawyer in Singapore or elsewhere (rule 4(3)(d));
 - 2.3.5. is not, as a result of any criminal or civil proceedings against him in Singapore or elsewhere, prohibited from practising law in Singapore or elsewhere or subject to any special conditions in the practice of law (rule 4(3)(e));
 - 2.3.6. has, after becoming a foreign lawyer, been engaged in relevant legal practice or work², in Singapore or elsewhere, in one or more of the permitted areas of legal

¹ Under section 2(1) of the Legal Profession Act, “foreign lawyer” means an individual who is duly qualified or registered to practise law in a state or territory other than Singapore by a foreign authority having the function conferred by law of authorizing or registering persons to practise law in that state or territory.

² Under rule 4(7), “relevant legal practice or work” means – (a) active practice as – (i) a legal practitioner, by whatever name called, in any jurisdiction other than Singapore; or (ii) a foreign lawyer in Singapore; or (b) work of a legal nature which is performed as a legal counsel in any corporation or other entity the equity securities of which are listed on the official list of a securities exchange in Singapore or elsewhere.

practice in any foreign law, for at least 3 years in the 5 years immediately preceding the date on which the application is made (rule 4(3)(f));

- 2.3.7. is practising in Singapore as a foreign lawyer in a Joint Law Venture, Qualifying Foreign Law Practice, licensed foreign law practice or Singapore law practice, or has received a job offer to practise in Singapore as a foreign lawyer in a Joint Law Venture, Qualifying Foreign Law Practice, licensed foreign law practice or Singapore law practice (being a job offer which may, but need not, be contingent on him passing the Examinations) (rule 4(3)(g)); and
 - 2.3.8. is not disentitled from sitting for that session of the Examinations under rule 13(1)(a) (disciplinary proceedings conducted by the Institute) (rule 4(3)(h)).
- 2.4. Under rule 4(6), a foreign lawyer who fails the Examinations on 2 attempts within a period of 5 years must wait out 3 years before he can apply to sit for the Examinations again.
 - 2.5. A full set of the FPE Rules is available at <http://sile.edu.sg/fpe-legislation>.
 - 2.6. Applicants must meet the requirements at the time of the application. No prospective applications will be entertained. For example, at the time of the application, an applicant must already have fulfilled the requirement of having been engaged in relevant legal practice or work for at least 3 years under rule 4(3)(f).
 - 2.7. The Minister may exempt any foreign lawyer from any of the requirements under rule 4(3)(b) to (h) if the Minister is of the opinion that the foreign lawyer is, by reason of his standing and experience or for any other reason, a fit and proper person to be exempted. Please apply directly to the Ministry of Law for exemptions.

3. Application Form and Deadline

- 3.1. An applicant who wishes to sit for the Examinations must complete and submit Form A2014 – *Application for Approval to Sit for the 2014 Session of the Foreign Practitioner Examinations*, accompanied by the supporting documents and the non-refundable application fee to the Director of the Examinations.
- 3.2. Form A2014 is available on our website at <http://sile.edu.sg/foreign-practitioner-examinations>.
- 3.3. **Closing Date.** The completed Form A2014, supporting documents and the application fee must be received by the Institute by 5.00pm on **Friday 3 October 2014**.
- 3.4. Applicants are strongly encouraged to submit their applications as early as possible to allow for more time to respond to queries that may be raised during the processing of the application. Applicants should try to avoid leaving the submission of their applications until the closing date.
- 3.5. Enquiries relating to applications to sit for the Examinations should be sent to fpe@sile.edu.sg. As the assessment of applications involves the review of documents and declarations, and priority will be given to processing official applications, the Institute will not be able to entertain any queries in relation to whether a person qualifies to sit for the Examinations unless an official application has been filed.

4. Non-Refundable Application Fee

- 4.1. An application to sit for the Examinations should be accompanied by a non-refundable application fee of \$321 (inclusive of 7% GST).
- 4.2. Applicants who do not obtain approval to sit for the Examinations will not be given a refund of the application fee regardless of whether the Examinations are conducted or not. A candidate who obtains approval to sit for the Examinations will be given a refund of the application fee if the Examinations are not conducted because there are fewer than 10 approved candidates sitting for the Examinations.

5. Non-Refundable Examination Fee for Approved Candidates

- 5.1. Candidates whose applications are approved will need to pay a non-refundable Examination Fee of \$7,704 (inclusive of 7% GST) within the time stipulated, failing which they shall not be entitled to sit for the Examinations.
- 5.2. Candidates will be issued with a Candidate Slip prior to the Examinations advising their Candidate Number for the Examinations.
- 5.3. Unless otherwise notified to Candidates in writing, the closing date for payment of the Examination Fee for the Examinations is **Friday 10 October 2014**.

6. Methods of Payment

- 6.1. For applications from within Singapore, payment of the fees to the Institute should be made by a crossed cheque or cashier's order made payable to "Singapore Institute of Legal Education".
- 6.2. For applications from outside of Singapore, please send a demand draft made payable to "Singapore Institute of Legal Education". For payment of the fees by telegraphic transfer, applicants should inform the Institute in advance by email at fpe@sile.edu.sg so that the Institute can advise him on the appropriate agent bank to use. Please note that applicants are liable for all bank charges payable for the telegraphic transfer.
- 6.3. The Institute does not accept payment by cash for the purpose of the Examinations.

7. Review of the Director's Decision under Rule 5 of the FPE Rules

- 7.1. An applicant whose application to sit for the Examinations has not been approved by the Director of the Examinations may ask for his application to be reviewed by the Examinations Review Board within 14 days of receiving notification from the Institute of its decision and upon payment of the fee of S\$214 (inclusive of 7% GST). The time limit specified in the FPE Rules will be strictly followed.
- 7.2. In reviewing the decision of the Director of the Examinations, the Examinations Review Board will only look at the information and documents previously provided to the Institute and relied on by the Director of the Examinations in arriving at his decision. Applicants are therefore advised to ensure that all relevant information and documents are placed before the Institute within the specified time limits.

7.3. The decision of the Examinations Review Board is final.

8. Examinable Components

8.1. There are 4 examinable components ("Components") for the Examinations, namely*:

8.1.1. Corporate Practice:

Covering company law, insolvency law, joint ventures and take-overs & mergers;

Format:

Paper 1: Multiple-choice questions.

Paper 2: A number of compulsory multiple-issue hypothetical questions.

8.1.2. Commercial Practice

Covering Singapore legal and financial system, contract, property, trusts & equity, intellectual property, tax, competition, arbitration and financial crimes;

Format:

Paper 1: Short questions.

Paper 2: A number of compulsory multiple-issue hypothetical questions.

8.1.3. Corporate Finance:

Covering alternative business structures, capital markets and banking;

Format:

Paper 1: Multiple-choice questions.

Paper 2: A number of compulsory multiple-issue hypothetical questions.

8.1.4. Ethics & Professional Responsibility

Covering legal infrastructure, responsibilities to the client, relationship between lawyers, the lawyer and the law practice, maintenance of ethical standards and disciplinary issues, responsibilities to the public and the "spirit" of ethics;

Format:

Paper 1 only: A number of compulsory multiple-issue hypothetical questions.

Each paper is 3 hours long (except for Paper 1, Corporate Finance, which is 2 hours long), and is an open-book examination.

* *subject to change*

8.2. The indicative detailed syllabuses and reading lists for each of the Components of the Examinations can be found on our website at <http://sile.edu.sg/foreign-practitioner-examinations>.

9. Standard of the Examinations

9.1. **Standard:** Candidates are expected to demonstrate a solid grounding in corporate and commercial practice, and a working (rather than specialist) knowledge in selected aspects of topics such as trust, property, arbitration, intellectual property and financial crimes. In assessing whether a candidate meets the requisite standard, his overall performance in the

entire Examinations will be reviewed. Candidates will be expected to demonstrate a level of competence commensurate with a junior partner in a reputable Singapore law practice.

- 9.2. **Practical Skills:** The Examinations will also test candidates' practical skills in problem-solving, legal analysis, factual analysis and communication in the context of multi-issue scenarios that may be encountered in the course of commercial practice.
- 9.3. **Focus on Singapore Law:** It is expected that a candidate will demonstrate a knowledge of Singapore law sufficient to function in a commercial practice in Singapore. While candidates may draw on their own education and experience in other jurisdictions, in the final analysis, what counts is the ability to understand and apply the law of Singapore.
- 9.4. **English Fluency:** There are no pre-requisite English language requirements for sitting for the Examinations. However, it is expected that the candidates will demonstrate a high level of fluency in written English.
- 9.5. **Open-Book Format:** The Examinations will be held in open-book format. Candidates can use a digital device to retrieve pre-prepared notes and materials, subject to the Guidelines on the Use of Digital Devices.

10. Dates of the Examinations

- 10.1. The 2014 session of the Foreign Practitioner Examinations will be held on the following dates:

<u>Examinable Component</u>	<u>Date of Examinations</u>
Ethics and Professional Responsibility	Tuesday 20 January 2015
Corporate Practice	Friday 23 January 2015
Commercial Practice	Tuesday 27 January 2015
Corporate Finance	Friday 30 January 2015

- 10.2. Every Candidate must sit for all 4 Components of the Examinations before he may be awarded a pass in the Examinations. Therefore, if a Candidate is absent from any Component of the Examinations, he will not be awarded a pass in the Examinations.
- 10.3. There will be no exemption from any of the Components of the Examinations.

11. Preparation for the Examinations

Candidates should prepare for the Examinations by way of self-study and research with reference to the indicative syllabuses and reading lists available on our website at <http://sile.edu.sg/foreign-practitioner-examinations>.

- 11.1. The Institute has not accredited any institution or service provider to conduct preparatory courses for the Examinations.

12. Access to the Supreme Court Library and LawNet, Etc.

- 12.1. To further assist Candidates in their preparation for the Examinations, the Institute has arranged for Candidates to receive a LawNet account for the period from October 2014 until

the end of the Examinations. Candidates may also use the Supreme Court Library.

12.2. Access to the Supreme Court Library

12.2.1. Candidates may be required by the library staff to identify themselves. Please bring along a photo-identification as proof of identity. Candidates are reminded to observe the dress code for the Supreme Court Library. Visitors should not be dressed in jeans or denim wear; and slippers or open sandals are not allowed.

12.2.2. The Supreme Court Library is located at Level 1 of the new Supreme Court Building, 1 Supreme Court Lane, Singapore 178879. The opening hours are: Mondays to Fridays from 8.30am to 6.00pm. The Supreme Court Library is closed on Saturdays and Sundays.

12.2.3. Please visit the Supreme Court's Internet Website for more information: www.supremecourt.gov.sg

12.3. LawNet Access: Candidates will be given access to LawNet at www.lawnet.com.sg. The LawNet Secretariat will send candidates the details of the accounts by e-mail.

12.4. Arrangements will also be made for Candidates to access the Law Society of Singapore's materials relating to ethics and professional responsibility.

13. Withdrawal from Sitting for the Examinations

13.1. A Candidate who is unable to take the Examinations (or any Component thereof) should notify the Institute in writing of the intention to withdraw from the Examinations. A Candidate who fails to do so before the commencement of the Examinations, and is absent from the Examinations, will be deemed to have failed the Examinations. This has implications for Candidates who might wish to take the Examinations again in future.

13.2. Withdrawal from sitting for the Examinations means withdrawal from all Components of the Examinations. Candidates are not allowed to withdraw from sitting for selective Components of the Examinations.

14. Absence from the Examinations

14.1. A Candidate who is absent from the Examinations (or any Component thereof) will be deemed to have failed unless the Institute has received the Candidate's written notice of his intention to withdraw from the Examinations prior to the commencement of the Examinations. Absence for any Component of the Examinations will result in a failure of the Examinations. As such, the Institute may disallow a Candidate who was absent for a Component of the Examinations from taking subsequent Component(s) of the Examinations.

14.2. A Candidate who has extenuating circumstances for being absent from the Examinations (or any Component thereof) and for not complying with the requirements of the above subparagraph, should send a notice to the Institute setting out the full details of such extenuating circumstances. The notice must be received by the Institute within 7 days of the end of the Examinations.

14.3. The Institute will consider such extenuating circumstances and decide whether the absence will be regarded as a deemed failure. If the absence is not regarded as a deemed failure, the Candidate will not be deemed to have attempted the Examinations before for the purposes rule 4(6) of the FPE Rules of determining his eligibility to apply to sit for subsequent Examinations.

15. Candidates with Disabilities

15.1. A Candidate who has an existing medical condition necessitating special arrangements during the Examinations must submit a written request to the Director of the Examinations at least one month prior to the commencement date of the Examinations.

15.2. The request must state clearly the medical condition and the requirements during the examinations. It must also be supported by recent and relevant certification by a registered medical practitioner who is recognised by the Singapore Medical Council (or its equivalent in the country in which the certification was made). The Institute reserves the right to reject any certification it deems irrelevant or inadequate, or not recognised.

15.3. The certification should be made within 6 months before the commencement of the Examinations.

16. Results of Examinations

16.1. The Institute will endeavour to release the results of the Examinations as soon as possible following the Examinations.

16.2. A Candidate who has failed in the Examinations may apply for a review of his answer scripts by the Examinations Review Board.

16.3. An application for review shall be made in writing within 1 month from the date the Institute announces the results of the Examinations. The application should be accompanied by a review fee of \$535 (inclusive of 7% GST).

16.4. The Examinations Review Board will review the Candidate's answer scripts afresh to see if the Candidate meets the standard required for a pass in the Examinations. The Examinations Review Board may, but is not obliged to, call the Candidate for an oral examination if the Examinations Review Board deems that the circumstances warrant it.

16.5. If the Candidate is awarded a pass in the Examinations following the review, the Examinations Review Board may order that the review fee be refunded to the Candidate.

16.6. The decision of the Examinations Review Board is final.

17. Attempting the Examinations Again

17.1. Candidates who fail the 2014 Examinations may apply to sit for a subsequent session of the Foreign Practitioner Examinations in accordance with the applicable rules and guidelines in force at that time.

17.2. The next session of the Foreign Practitioner Examinations is expected to be conducted in end 2015/early 2016. Candidates will have to sit for all Components of the Examination

again even if they have passed one or more Components in the 2014 Examinations.

18. Key Dates at a Glance

18.1. The key dates for the 2014 session of the Foreign Practitioner Examinations are as follows:

Event	Date
Commencement of Application to Sit for the Examinations	18 August 2014
Closing Date for Submission of Form A2014	3 October 2014
Last day for payment of Examination Fee	10 October 2014
Last day for Candidates to advise of disability	19 December 2014
Ethics and Professional Responsibility Component	20 January 2015 (Tuesday)
Corporate Practice Component	23 January 2015 (Friday)
Commercial Practice Component	27 January 2015 (Tuesday)
Corporate Finance Component	30 January 2015 (Friday)
Tentative date for release of Results of Examinations	1 April 2015

The information in this guide is correct as at 15 August 2014.