

## Continuing Professional Development Scheme

### Advisory

#### CPD Declaration for PC/FPC applications in 2018: CPD-2018-3

Issued on: 26 February 2018

1. 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'), advocates and solicitors of the Supreme Court of Singapore ('solicitors') seeking to apply for a Singapore practising certificate ('PC') must make one of the three declarations set out under rule 8 of the CPD Rules in the online PC application form in 2018. The three declarations are as follows:
  - a. I have complied with every CPD requirement that was applicable to me at any time in the calendar year immediately preceding this practice year.
  - b. 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.
  - c. No CPD requirement was applicable to me at any time in the calendar year immediately preceding this practice year.
  
2. Pursuant to rule 5(4)(e) of the Legal Profession (Regulated Individuals) Rules 2015 ('Regulated Individuals Rules'), foreign lawyers seeking to apply for or renew their registration under section 36B of the Act ('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 2018. The three declarations are as follows:
  - a. 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.
  - b. 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.

- c. 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.
3. This SILE Advisory CPD-2018-3 clarifies the appropriate declaration to be made by the various groups of solicitors and s36B Foreign Lawyers seeking to apply for PCs or foreign practitioner certificates ('FPCs') in 2018.

#### **Lawyers admitted to the Singapore Bar on or before 31 December 2001 ('Group 3 Lawyers')**

4. If you were a Group 3 Lawyer who held a PC for more than 5 months in CPD Year 2017 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 2018, 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"**.
5. If you were a Group 3 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 at rule 8(b) of the CPD Rules when applying for a PC in 2018, 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"**.
6. If you were a Group 3 Lawyer who held a PC for 5 months or less in CPD Year 2017, or who did not hold a PC in CPD Year 2017, you may make the declaration under rule 8(c) of the CPD Rules when applying for a PC in 2018, namely **"No CPD requirement was applicable to me at any time in the calendar year immediately preceding this practice year"**.

**Lawyers admitted to the Singapore Bar between 1 January 2002 and 1 January 2012  
(‘Group 2 Lawyers’)**

7. If you were a Group 2 Lawyer who held a PC for more than 5 months in CPD Year 2017 and met all your CPD requirements (as determined by the duration over which you held your PC in CPD Year 2017) without relying on any waivers, you should make the declaration under rule 8(a) of the CPD Rules when applying for a PC in 2018, 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 2017 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.

8. If you were a Group 2 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 at rule 8(b) of the CPD Rules when applying for a PC in 2018, 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”**.

9. If you were a Group 2 Lawyer who held a PC for 5 months or less in CPD Year 2017, or who did not hold a PC in CPD Year 2017, you may make the declaration under rule 8(c) of the CPD Rules when applying for a PC in 2018, namely **“No CPD requirement was applicable to me at any time in the calendar year immediately preceding this practice year”**.

## Lawyers admitted to the Singapore Bar on or after 2 January 2012 ('Group 1 Lawyers')

10. If you were a Group 1 Lawyer who held a PC for more than 5 months in CPD Year 2017 and met all your CPD requirements (as determined by the duration over which you held your PC in CPD Year 2017) without relying on any waivers, you should make the declaration under rule 8(a) of the CPD Rules when applying for a PC in 2018, 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 2017 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.

11. If you were a Group 1 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 at rule 8(b) of the CPD Rules when applying for a PC in 2018, 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"**.

12. If you were a Group 1 Lawyer who held a PC for 5 months or less in CPD Year 2017, or if you did not hold a PC in CPD Year 2017, you may make the declaration under rule 8(c) of the CPD Rules when applying for a PC in 2018, namely **"No CPD requirement was applicable to me at any time in the calendar year immediately preceding this practice year"**.

### s36B Foreign Lawyers

13. If you were an s36B Foreign Lawyer who held an FPC for more than 5 months in CPD Year 2017 and met all your CPD requirements (as determined by the duration over which you held your PC in CPD Year 2017) 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 2018, 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”**.
  
14. 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 2018, 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”**.
  
15. If you were an s36B Foreign Lawyer who held an FPC for 5 months or less in CPD Year 2017, or if you did not hold an FPC in CPD Year 2017, you may make the declaration under rule 5(4)(e)(iii) of the Regulated Individual Rules when applying for an FPC in 2018, 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**

16. Solicitors and s36B Foreign Lawyers may be subject to an audit of their compliance with their CPD requirements for CPD Year 2017 and possibly CPD Year 2018. The audit of CPD requirements is expected to take place from May of each calendar year and is an audit of a solicitor's or an s36B Foreign Lawyer's compliance with his/her CPD requirements in up to the three CPD Years preceding the CPD Year in which the audit is conducted. The details of the audit process will be made known through the publication of a separate advisory at a later date.
  
17. 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-2018-3.

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Office of Continuing Professional Development  
Singapore Institute of Legal Education

**ANNEX TO SILE ADVISORY CPD-2018-3**

**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 2001</b> (a ‘Group 3 Lawyer’) who:</p> <ul style="list-style-type: none"> <li>a. between 1 January 2017 and 31 December 2017, 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 2002 and 1 January 2012</b> (a ‘Group 2 Lawyer’) who:</p> <ul style="list-style-type: none"> <li>a. between 1 January 2017 and 31 December 2017, <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 2012</b> (a ‘Group 1 Lawyer’) who:</p> <ul style="list-style-type: none"> <li>a. between 1 January 2017 and 31 December 2017, <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 2017 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 2017 and 31 December 2017, 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 2017 and who is applying for a PC in 2018.</p> <p><b>Note:</b> This includes a solicitor who had not been admitted to the Singapore Bar as at 31 December 2017 and who is applying for a PC in 2018.</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> <ul style="list-style-type: none"> <li>a. between 1 January 2017 and 31 December 2017, <b><u>EITHER</u></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><u>OR</u></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> </ul>

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> <ul style="list-style-type: none"> <li>a. between 1 January 2017 and 31 December 2017, 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: <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; <b>AND</b></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 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 2017 and who is applying for an FPC in 2018.</p>