

The Solicitors' Compensation Fund of The Law Society of Singapore

**PLEASE READ THE NOTES CAREFULLY BEFORE COMPLETING AND
SUBMITTING TO THE LAW SOCIETY YOUR APPLICATION FOR A GRANT OUT
OF THE LAW SOCIETY'S COMPENSATION FUND.**

A. WHO MAKES A GRANT FROM THE SOLICITORS' COMPENSATION FUND

The making of a grant and/or the amount of a grant is at the discretion of the Council of the Law Society ("the Council").

B. WHEN CAN A GRANT BE MADE

A grant may be made when the Council is satisfied that a financial loss was caused:-

- i) by the dishonesty of a lawyer in his practice or when he was your lawyer/ trustee;
OR
- ii) by the dishonesty of a member of the lawyer's staff in the course of his employment.

("Staff" means any clerk or servant of a solicitor in connection with that solicitor's practice in Singapore as a solicitor OR any officer or employee of a law corporation in connection with legal services performed in Singapore by the law corporation)

C. WHAT LOSS CANNOT BE COMPENSATED BY A GRANT

1. The Council will not compensate you for any loss caused by:-
 - i) the lawyer whilst not acting in his professional capacity. For example, loss of a personal loan advanced by you to the lawyer or loss suffered when you undertook a business venture with the lawyer; or
 - ii) by his staff not acting in the course of his employment; or
 - iii) the professional negligence of your lawyer; or
 - iv) your own dishonest acts, negligence, omission or delay.
2. If you are unable to prove the loss was caused by the dishonesty of a lawyer or his staff, the Council will also not compensate you for the loss.

D. REQUIREMENTS THAT MUST BE SATISFIED

- 1 You must submit your application within 6 months after you came to know of your loss. The Council may allow an application outside the time limit if you have good reasons to justify your delay.
- 2 The Council will consider your application only if you can show that you have exhausted all civil remedies in law against the lawyer or his staff for the loss that was caused to you.
- 3 You must make a complaint to the Law Society and/or the Police in respect of the dishonesty of the lawyer or his staff and assist the Law Society or the Police in their investigations, if any.

E. WHO CONSIDERS YOUR CLAIM FOR A GRANT

Your application will first be referred to the Law Society's Compensation Fund Committee (the Committee) for consideration. The Committee will then make a recommendation to the Council. The Council will make the final decision on your application.

Please address all correspondences to the Law Society Compensation Fund Committee.

F. DOCUMENTS IN SUPPORT OF YOUR CLAIM FOR A GRANT

You must complete the forms attached and state the full particulars of the circumstances, which gave rise to your loss, supported with all relevant documents. Council may also require you to support your application with a Statutory Declaration.

In the Schedule of Particulars, you furnish all particulars in support of your application. All documents referred to in your application must be attached and identified clearly. You may in a cover letter describe any hardship faced as a result of the loss sustained.

Completed forms must be sent by post or by hand to the Law Society for the attention of *Director, Professional Standards*.

THE LEGAL PROFESSION ACT,
(CHAPTER 161)

THE SOLICITORS' COMPENSATION FUND RULES, 1975.

In exercise of the powers conferred by subsection (13) of section 72 of the Legal Profession Act, the Council of the Law Society of Singapore hereby makes the following Rules:—

1. These Rules may be cited as the Solicitors' Compensation Fund Rules, 1975, and shall come into operation on the 6th day of June, 1975. _____
2. Before or at the time of making an application to the Council for a grant out of the Compensation Fund established under section 76 of the Act, an applicant shall complete, sign and deliver to the Secretary of the Law Society a notice in the Form A set out in the Schedule to these Rules or in a form to the like effect approved by the Council.
3. Every such notice shall be delivered to the Secretary of the Law Society within six months (or such other period not exceeding two years as the Council may allow in any particular case) after the loss in respect of which the notice is delivered, first come to the knowledge of the applicant.
4. Every such notice shall be accompanied by an application for a grant out of the Compensation Fund, except where it is impracticable to deliver the application with the notice, in which case the application shall be delivered to the Secretary of the Law Society as soon as practicable after the delivery of the notice.
5. Every application shall be made in the Form B set out in the Schedule to these Rules or in a form to the like effect approved by the Council. The Council may require an applicant to make a statutory declaration in support of his application.
6. The Council may require an application to be supported by oral evidence to be rendered and documents to be produced to the Council or any Committee appointed and authorised by the Council to exercise or to assist the Council in the exercise of its functions under section 76 of the Act.
7. The Council may before deciding whether or not to make a grant out of the Compensation Fund require in respect of any application the pursuit of any civil remedy which may be available in respect of the loss, or the institution of criminal proceedings in respect of the dishonesty leading to the loss, or the making of an application to a Disciplinary Committee.
8. The Council may in any particular case waive any of the provisions of these Rules or permit the amendment of any notice or application.
9. Any requirement of the Council under these Rules may be communicated by a notice in writing which may be delivered personally or sent by post to the addressee at his last known address. Any such notice sent by post shall be deemed to have been received by the addressee within forty-eight hours (excluding Sundays and Public Holidays) of the time of posting.

THE SCHEDULE
FORM A
THE LEGAL PROFESSION ACT,
(CHAPTER 161)

THE SOLICITORS' COMPENSATION FUND RULES, 1975

NOTICE OF LOSS

To:

Director, Professional Standards
The Law Society of Singapore
39 South Bridge Road
Singapore 058673

I, _____
(Full Name)

of _____
(Address)

hereby give Notice that I have incurred a loss of approximately \$ _____
(Amount)

which I believe to be due to the dishonesty of _____

(Full Name of Solicitor / Firm of Solicitors)

of his/their clerk(s). The details relating thereto are set out in the Schedule of Particulars attached –

- * (a) to the application which accompanies this Notice.
- * (b) to this Notice and I also give Notice that an application for a grant may be made in due course.

Dated this _____ day of _____ 20____

* Delete as necessary.

.....
(Signature)

FORM B

THE LEGAL PROFESSION ACT,
(CHAPTER 161)

THE SOLICITORS' COMPENSATION FUND RULES, 1975

FORM OF APPLICATION FOR A GRANT OUT OF THE COMPENSATION FUND

To:

Director, Professional Standards
The Law Society of Singapore
39 South Bridge Road
Singapore 058673

I, _____
(Full name of applicant)

of _____
(Address of applicant)

hereby apply to the Council of the Law Society that in the exercise of the absolute discretion conferred upon the Council by the Legal Profession Act, the Council makes to me a grant of \$ _____ or any sum which the Council may think proper out of the
(Amount)

Compensation Fund for the purpose of relieving or mitigating a loss which I believe to have incurred by reason of the dishonesty of _____
(Full Name of Solicitor / Firm of Solicitors)

or his/their clerk(s). A Notice of Loss was forwarded to the Law Society on _____
(Date Notice Despatched)

and full details relative to this claim are set out in the Schedule of Particulars attached to this application.

Dated this _____ day of _____ 20__

.....
(Signature)

(Schedule of Particulars to be annexed to Form A or B)

This Schedule should contain the following information which should be given concisely in numbered paragraphs:—

1. The circumstances in which and the date or dates on which the money or other property, in respect of which the loss incurred came into the possession of the solicitor or his clerk or servant.
2. Full particulars of the money or property.
3. The facts relied upon in support of the allegation of dishonesty or failure to account.
4. The circumstances in and the date on which the loss first came to the knowledge of the applicant.
5. Particulars of any relevant documents which can be produced in support of this application.
6. Whether it is known that any other application is likely to be made in respect of the facts set out in this Schedule.
7. Whether any civil, criminal or disciplinary proceedings have or will be taken in respect of the facts set out in this application. If proceedings have already been taken give the result.
8. The name and address of any solicitor instructed on behalf of the applicant.
9. Any other relevant particulars.

Made this 28th day of May, 1975.

H.L. WEE,
Chairman,
The Council of the Law Society of Singapore.

(BC.51.75; AG./L/63/69 Pt. 1)