

Terms and Conditions: Part A of the Singapore Bar Examinations

Definitions

1. In these terms and conditions, unless the context otherwise requires —

“Board” means the Board of Directors of the Institute;

“Chairman” means the Chairman of the Institute;

“class” means any lecture, tutorial, seminar or workshop conducted as part of the Course;

“classroom” means the premises on which any class is conducted;

“Code of Conduct” means the Code of Conduct issued by the Institute under paragraph 4 and includes the Code of Conduct as amended from time to time under that paragraph;

“Course” means the preparatory course leading to Part A of the Singapore Bar Examinations;

“Examination centre” means the premises on which the Examinations are conducted;

“Examinations” means Part A of the Singapore Bar Examinations;

“misconduct” means any act, conduct or neglect that is in contravention of the Code of Conduct and includes any act or conduct referred to in paragraph 7.2;

“Director” means the Executive Director of the Institute;

“candidate” means a person who —

(a) is registered as a candidate in the Course; or

(b) is registered as a candidate for the Examinations, whether or not the person attends the Course;

“Disciplinary Committee” means the Disciplinary Committee appointed by the Chairman under paragraph 5.

2. Administration of Course and Examinations

2.1 The Course and the Examinations will be held at such times and in such format as the Institute may determine.

2.2 The Institute may appoint such examiners as it considers necessary to assist in the administration and conduct of the Examinations.

3. Application to attend Course or sit for Examinations

3.1 An application to attend a particular session of the Course, to sit for a particular session of the Examinations, or to do both —

(a) is to be made to the Institute in such form and manner as the Institute may require, and within such period as the Institute may specify.

(b) is to be accompanied by such fees and documents as the Institute may require.

4. Code of Conduct

4.1 The Institute may issue and from time to time amend a Code of Conduct for the maintenance and enforcement of discipline among the candidates.

4.2 Every candidate has a duty to comply with the Code of Conduct.

4.3 The Institute will publish the Code of Conduct on its Internet website and in such other additional manner as the Institute may determine is necessary and appropriate to bring it to the attention of all candidates.

5. Disciplinary Committee

5.1 The Chairman may appoint any 3 members of the Board to constitute a Disciplinary Committee, and one of the members of the Disciplinary Committee to preside over it.

5.2 The Disciplinary Committee may be appointed in connection with one or more matters or for a fixed period of time as the Chairman may think fit.

5.3 If any member of the Disciplinary Committee is unable to act for any reason in any case, the Chairman may appoint another member of the Board to replace that member for that case.

5.4 The Director is the secretary of the Disciplinary Committee.

5.5 A decision of the Disciplinary Committee is made by a majority vote of its members. The Disciplinary Committee is not bound to act in a formal manner and may determine its own procedures. The Disciplinary Committee is not bound by the provisions of the Evidence Act (Cap. 97) or by any other law relating to evidence, and may inform itself on any matter in such manner as it thinks fit.

6. Letter of warning for misconduct

6.1 If the Director has reason to believe that a candidate has committed any misconduct, the Director may, by notice in writing, call upon the candidate to offer any explanation or to answer any allegation against the candidate, whether in writing or in person before the Director, within 7 days after the date specified in the notice.

6.2 The Director may issue a letter of warning to the candidate, if the candidate —

- (a) without reasonable cause does not comply with the Director's notice;
- (b) admits to having committed the misconduct as alleged; or
- (c) in the opinion of the Director, fails to offer a reasonable explanation or to satisfactorily answer the allegation against the candidate.

7. Report of misconduct to Disciplinary Committee

7.1 Upon a candidate being issued with a third letter of warning under paragraph 6.2, the Director must report the matter to the Disciplinary Committee in writing and notify the candidate in writing that he has made the report to the Disciplinary Committee.

7.2 Despite paragraph 6.1, the Director may immediately report the matter to the Disciplinary Committee in writing without complying with paragraph 6.1 or issuing any letter of warning to the candidate under paragraph 6.2, but must notify the candidate in writing that the Director has made the report to the Disciplinary Committee, if the Director has reason to believe that the candidate —

- (a) has cheated in the Examinations or on any test or assignment, or has facilitated the cheating of another candidate in the Examinations or on any test or assignment;
- (b) has committed any offence in the Examination centre, in any classroom or on the premises of the Institute;
- (c) has, in any dealing with the Institute, acted fraudulently or dishonestly;

- (d) having been dealt with before by the Board under paragraph 9, has again committed any misconduct; or
- (e) has done any other act or behaved in any other manner which —
 - (i) is unbecoming or unbecoming of a Candidate of the Course or implies a defect of character making the Candidate unfit for the legal profession; and
 - (ii) is, in the opinion of the Director, of sufficient gravity to warrant an immediate report to the Disciplinary Committee.

8. Inquiry by Disciplinary Committee

8.1 Upon receiving a report from the Director under paragraph 7, the Disciplinary Committee must conduct an inquiry into the matter to determine if any action should be taken in respect of the candidate and must, by notice in writing, call upon the candidate —

- (a) to show cause, in writing and within such time as may be specified in the notice, as to why the candidate should not be dealt with by the Board under paragraph 9; or
- (b) to attend before the Disciplinary Committee at the time and place specified in the notice to show cause as to why the candidate should not be dealt with by the Board under paragraph 9.

8.2 The Disciplinary Committee may also call upon any other person to furnish to the Disciplinary Committee in writing, or to attend before the Disciplinary Committee at the time and place specified in the notice to furnish any information or evidence as the Disciplinary Committee thinks necessary for the purposes of its inquiry.

8.3 If the candidate does not attend before the Disciplinary Committee when called upon to do so under paragraph 8.1, the Disciplinary Committee may proceed with its inquiry in the candidate's absence.

8.4 If, in the course of its inquiry, the Disciplinary Committee receives information that the candidate has committed any misconduct that has not been referred to in the Director's report under paragraph 7, the Disciplinary Committee may, after giving notice to the candidate, decide on its own motion to inquire into that misconduct.

8.5 After the Disciplinary Committee has conducted its inquiry and given the candidate a reasonable opportunity of being heard, the Disciplinary Committee must submit a report of its findings to the Board and recommend to the Board the action to be taken in respect of the candidate.

8.6 If any candidate, in connection with an inquiry being conducted by the Disciplinary Committee, furnishes to the Disciplinary Committee any information or evidence which the candidate knows or has reason to believe to be false or misleading in a material particular, the Disciplinary Committee may, after giving the candidate a reasonable opportunity to show cause as to why the candidate should not be dealt with by the Board under paragraph 9, report the matter to the Board and recommend to the Board the action to be taken against the candidate.

9. Action by Board

9.1 Upon receiving and considering the report and recommendation of the Disciplinary Committee under paragraph 8.5 or 8.6, the Board may —

- (a) expel the candidate from the Course with effect from such date as the Board may specify;
- (b) suspend the candidate from attending all classes or any particular class of the Course with effect from such date and for such period as the Board may specify;

- (c) disentitle the candidate from sitting for the Examinations, or from sitting for one or more subsequent sessions of the Examinations, for such period as the Board may determine;
- (d) deprive the candidate of a pass in the Examinations or any test or assignment;
- (e) refuse to issue to the candidate any certificate which may be issued by the Institute in relation to the Examinations, whether absolutely or until —
 - (i) the candidate has complied with such conditions as the Board may impose; or
 - (ii) such period of time, as determined by the Board, has elapsed;
- (f) revoke any certificate, award or prize that has already been granted to the candidate;
- (g) issue a written notice to the candidate directing the candidate to comply with such requirements as the Board may specify in the notice;
- (h) issue a private reprimand to the candidate that may, at the Board’s discretion, form part of the candidate’s official record;
- (i) issue a censure to the candidate which may be published in such manner and to such persons as the Board thinks fit;
- (j) withdraw from the candidate, whether absolutely or partially, and whether permanently or for such period as the Board may specify, any facility, privilege or benefit granted by the Board to candidates; or
- (k) determine that no action be taken against the candidate.

9.2 If the candidate fails to comply with a written notice issued to the candidate under paragraph 9.1(g), the Board may deal with the candidate in any other manner provided for in paragraph 9.1 as the Board thinks fit.

9.3 A candidate who has been dealt with by the Board under paragraph 9.1 is not entitled to any refund of any fee paid by the candidate to the Institute for attending the Course or for the Examinations.

9.4 The members of the Disciplinary Committee must not participate in the Board’s deliberation of the Disciplinary Committee’s report or vote on the action to be taken by the Board in respect of the matter.

9.5 The Board must give notice in writing to the candidate of its decision and the action (if any) that it has decided to take against the candidate, and the decision of the Board is final.

9.6 In paragraph 9.1(f), “award” includes an award of a pass or distinction in the Examinations or any test or assignment.

10. Continuing liability

10.1 Despite the fact that a person has ceased to be a candidate upon the person’s withdrawal from the Course or upon the conclusion of the Course or the Examinations for which the person was registered —

- (a) the person will, for a period of 6 months from the date the person ceased to be a candidate —
 - (i) continue to be subject to these terms and conditions in respect of any misconduct that the person may have committed while the person was a candidate; and
 - (ii) be liable to be dealt with in accordance with paragraphs 7, 8 and 9 for the misconduct as if the person were still a candidate; and
- (b) the Institute may withhold the issue of any certificate or document to the person until the matter has been determined and disposed of by the Board under paragraph 9.

11. Power of Institute to revoke certificates, awards and prizes

11.1 The Institute may revoke any certificate, award or prize granted or issued by it in relation to the Examinations to any person if the Institute is satisfied that —

- (a) the person has obtained the certificate, award or prize through dishonest or fraudulent means; or
- (b) the person has made any statement which is false in any material particular, or made or produced or caused to be made or produced any false or fraudulent certificate or other academic qualification, in or in relation to the person's application to sit for any session of the Examinations.

11.2 The Institute must, before revoking any certificate, award or prize under paragraph 11.1, give the person notice in writing of its intention to do so, specifying a date, not less than 21 days after the date of the notice, upon which the revocation is to take effect and calling upon the person to show cause to the Institute why the certificate, award or prize should not be revoked.

11.3 When the Institute has revoked any certificate, award or prize under paragraph 11.1 —

- (a) the Institute must inform the person by notice in writing of the revocation; and
- (b) the person must, where applicable, return the certificate, award or prize to the Institute within such time as the Institute may allow.

11.4 The certificate, award or prize ceases to be valid upon its revocation.

11.5 In this paragraph, "award" includes an award of a pass or a distinction in the Examinations.

12. Guidelines

12.1 The Institute may, from time to time, amend these terms and conditions.

12.2 The Institute may, from time to time, issue further guidelines relating to the Course and Examinations.

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