

## SCCA CONSTITUTION – GUIDANCE ON QUALIFICATION FOR ORDINARY/ASSOCIATE MEMBERSHIP

### ORDINARY MEMBERSHIP

4.2 **Ordinary Membership** is open to:

- (a) All corporate and in-house legal counsel in Singapore, including legal counsel working in government or public institutions or engaged in intellectual property right activities;

#### Guidance

*The applicant's job title should indicate that his role is that of a corporate or in-house legal counsel. Examples of such job titles<sup>1</sup> include –*

- *general counsel*
- *[title] legal, e.g. director legal, head legal etc*
- *legal [title], e.g. legal director, legal executive, legal advisor, legal officer, legal manager, etc*
- *counsel / lawyer*
- *corporate counsel / lawyer*
- *legal counsel*
- *corporate legal counsel*
- *in-house counsel / lawyer*
- *in-house legal counsel.*

*Accept the applicant's description of his job title as declared in his application, unless there is good reason on the face of the application to question it, e.g. if the employer is a law firm or the applicant does not have a law degree.*

*If the job title is just a corporate title (e.g. AVP, VP, Manager, MD etc) that does not indicate the functional role or if the functional title does not indicate a legal role (e.g. Consultant, Policy Office etc), secretariat should ask applicant if his functional role is that of corporate or in-house legal counsel. If the applicant confirms it is, his application should be accepted under Art.42(a).*

*A "corporate and in-house legal counsel" refers to any person (by whatever name called) who is an employee of an entity employed to undertake the provision of legal advice or assistance in connection with the application of the law or any form of resolution of legal disputes.<sup>2</sup>*

*It does not matter that the applicant has different roles so long as one of the roles qualifies under above guidance.*

*The fact that an applicant is working in a recruitment agency is in itself not a reason to deny ordinary membership if the applicant otherwise qualifies under above guidance.*

*Examples of job titles that do not qualify under this limb include –*

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<sup>1</sup> Includes variants with additional descriptions such as "regional", "senior", associate" etc

<sup>2</sup> Evidence Act, s.3(7).

- *contract administrator/manager*<sup>3</sup>
- *document administrator/manager*<sup>3</sup>
- *company secretary*<sup>3</sup>
- *compliance officer*<sup>3</sup>
- *risk officer/manager.*

*Any case that is not clear – refer to Membership Committee.*

- (b) All corporate and in-house legal counsel in the Asia-Pacific Region;

**Guidance**

*Qualification as “corporate and in-house legal counsel” to follow guidance in limb (a) above.*

*Countries in Asia-Pacific Region<sup>4</sup> – Afghanistan, Australia, Azerbaijan, Bangladesh, Brunei, Cambodia, China, Fiji, India, Indonesia, Japan, Kazakhstan, Kyrgyz Republic, Laos, Macau, Malaysia, Mongolia, Myanmar, Nepal, New Zealand, Pacific Islands, Pakistan, Papua New Guinea, Philippines, Singapore, South Korea, Sri Lanka, Taiwan, Tajikistan, Thailand, Timor Leste, Turkmenistan, Uzbekistan, Vietnam.*

*Any other country – refer to Membership Committee.*

- (c) All corporate and in-house legal counsel elsewhere in the world who possess, **in the opinion of the Committee**, a connection to Singapore, whether in the form of having had past employment in Singapore, having their present employers' headquarters or other operations in Singapore or having resident status in Singapore; and

**Guidance**

*Qualification as “corporate and in-house legal counsel” to follow guidance in limb (a) above.*

*“Past employment in Singapore” – this is satisfied so long as the applicant was employed in Singapore at any time within the period of 5 years preceding his application. Once the applicant has qualified under this limb, his membership can continue to be renewed subsequently on this ground. However if the membership lapses any re-application will be treated as a new application and not as a renewal.*

*“Employers’... other operations in Singapore” – this is satisfied so long as the employer has an office (including a representative or branch office) in Singapore at the time of the application for membership or renewal.*

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<sup>3</sup> But see Article 4.2(d).

<sup>4</sup> <http://www.chambersandpartners.com/guide/asia/8>.

- (d) Such other persons engaged in the provision of legal, contract management/administration or corporate secretarial services or other related activities as the Committee may in its absolute discretion deem appropriate.

### Guidance

*Persons who qualify under this limb need not be legally qualified provided there is a connection or nexus to the legal industry. The following job titles (including variants) qualify under this limb –*

- *Paralegals<sup>5</sup>*
- *Contract administrator/manager*
- *Company secretaries and persons providing corporate secretarial services<sup>6</sup>*
- *Compliance officers<sup>7</sup>*
- *Tax advisors or persons providing tax advisory services<sup>8</sup>*
- *Persons engaged in trust work (e.g. an employee in a trust company) provided he holds a law degree.<sup>9</sup>*

*Persons who do not qualify under this limb include*

- *lawyers in private practice*
- *legally qualified persons whose primary job function is not a legal role e.g. persons working in recruitment agencies who happen to have a law degree but whose primary job function is that of a recruiter.*

## ASSOCIATE MEMBERSHIP

4.5 **Associate Membership** is open to:

- (a) Members of the academic staff of the Faculty of Law, National University of Singapore, or the School of Law, Singapore Management University;
- (b) Lecturers and tutors in law in any faculty or school in the National University of Singapore, Singapore Management University, or Nanyang Technological University, or any other institution of higher learning in Singapore;

### Guidance

*“Any other institution of higher learning” – includes polytechnics.*

- (c) Students pursuing a course of study in law in the National University of Singapore or the Singapore Management University;

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<sup>5</sup> Considered to be engaged in the provision of legal services.

<sup>6</sup> Include any employee of a company that provides such services.

<sup>7</sup> Falls within “other related activities”.

<sup>8</sup> Falls within “other related activities”.

<sup>9</sup> Falls within “other related activities”. Trust work involves legal/regulatory matters but not to the same extent as compliance work. Hence the requirement for law degree which ensures connection to the legal industry.

- (d) Alumni members of the Association who, **in the opinion of the Committee**, can contribute to the work of the Association; and

**Guidance**

*Qualifies if alumni member has served on GC or any sub-committee in the past 2 years.*

*Other alumni members – secretariat to ask how he/she intends to contribute to the work of the Association, and then refer to Membership Committee. Mere attendance at seminars/events is not sufficient.*

- (e) Practising lawyers who are company secretaries or who are seconded to corporations or other organisations as corporate or in-house legal counsel, who **in the opinion of the Committee**, can contribute to the work of the Association.

**Guidance**

*As a general principle, membership (whether ordinary or associate) is not meant for practising lawyers. There are two exceptions to this principle. First, Art. 4.5(d) allows practitioners who are SCCA alumni to be associate members. Art. 4.5(e) above is the second exception.*

*Practising lawyers must hold a position as company secretary or be seconded as corporate or in-house legal counsel at the time of their application/renewal. Otherwise, they cannot qualify even if they have contributed e.g. by conducting seminars or hosting / sponsoring SCCA events. SCCA to ask how they intend to contribute to the work of the Association, and then refer to Membership Committee. Mere attendance at seminars/events is not sufficient.*

*Membership continues for whole year even if they cease to be company secretary or if secondment ends during the year.*

**General Principle**

Any ordinary member who ceases to qualify as ordinary or associate member during the membership year is permitted to continue in that status until the expiry of the membership year.