# Unannotated Statutes of Malaysia - Principal Acts/LEGAL PROFESSION ACT 1976 Act 166/LEGAL PROFESSION ACT 1976 ACT 166

## Incorporating all amendments up to 4 June 2014

6 March 1976 11 March 1976

Peninsular Malaysia -- 1 June 1977

Date of Royal Assent
Date of publication in the Gazette
Date of coming into operation
ACT 166  LEGAL PROFESSION ACT 1976 (Click here to see Annotated Statutes of this Act)
Part I PRELIMINARY
SECTION
1.Short title and commencement
2.Application
3.Interpretation
Part II LEGAL PROFESSION QUALIFYING BOARD
SECTION
4.Legal Profession Qualifying Board
5.Functions of Board
6.General power of Board and power to make rules
7.Membership of Board
8. Election of acting Chairman
9.Meetings of Board and quorum
Part II LEGAL PROFESSION QUALIFYING BOARD
Qualified Persons
SECTION
10.Admission of advocates and solicitors
11.Qualifications for admission
12.Period of pupillage of qualified person

13.Exemption from period and qualification for pupillage

14. Filing of admission petition and enquiries, etc.

- 15. Petition for admission with affidavit
- 16. Filing of petition and objection
- 17. Entering of caveat against admission
- 18. Admission in special cases
- 19. Right of appeal by objectors

Part II LEGAL PROFESSION QUALIFYING BOARD

Articled Clerks

SECTION

- 20. Qualification for articled clerks
- 21. Conditions to be a principal and discharge of clerk
- 22. Discharge of clerk for unfitness
- 23. Discharge of clerk generally
- 24. Period of articles and condition of articles
- 25. Condition of admission of articled clerk

Part II LEGAL PROFESSION QUALIFYING BOARD

Reviews

**SECTION** 

26. Appeal from the decision of Board to Judge

Part II LEGAL PROFESSION QUALIFYING BOARD

Hearing of Petitions and the Roll

**SECTION** 

- 27. Hearing by Judge, a member of Board
- 28.Roll of advocates and solicitors

Part IIA SPECIAL PROVISIONS RELATING TO ADMISSION OF ADVOCATES AND SOLICITORS

**SECTION** 

- 28A. Attorney General's power to issue Special Admission Certificates
- 28B.Admission and enrolment as an advocate and solicitor of a person issued with a Special Admission Certificate
- 28C. Provisions as to Sijil Annual not to apply to an advocate and solicitor admitted under this Part
- 28D.Power of Attorney General to make orders

28E.Provisions of this Part to prevail
Part III PRACTISING CERTIFICATES
SECTION
29.Advocate and solicitor to make declaration yearly
30.Disqualification for practising certificate
31.Register of Practitioners
32.Issue of Sijil Annual
33.Issue of Sijil Annual in certain conditions
34.Applicant to apply to Court
Part IV PRIVILEGES OF ADVOCATES AND SOLICITORS
SECTION
35.Right of advocate and solicitor
36.Advocate and solicitor to have name on the Roll before practice
37.No unauthorized person to act as advocate and solicitor
37A.Sections 36 and 37 not to apply to arbitral proceedings
38.Certain persons can act as advocate and solicitor
39.Instrument and document to be endorsed
40.No cost payable to unauthorized person
Part IVA INTERNATIONAL PARTNERSHIPS, QUALIFIED FOREIGN LAW FIRMS AND REGISTRATION OF FOREIGN LAWYERS
40A.Interpretation
40B.Licence required for foreign law firm
40C.Selection Committee
40D.Alternate members
40E.Meetings of the Selection Committee
40F.International partnership
40G.Qualified foreign law firm

40J.Registration of a foreign lawyer to practise in an international partnership, a qualified foreign law firm or a Malaysian law firm

40H.Employment of a foreign lawyer by a Malaysian law firm

40I.Suspension or revocation of licence

40K.Suspension or revocation of registration

40L.Professional conduct, ethics and accounts

40M.Disciplinary authority

40N.Power to require documents, etc.

40O.Power to make rules

Part V MALAYSIAN BAR

SECTION

41. Establishment of Malaysian Bar

42. Object and powers of the Bar

Members of the Malaysian Bar and Subscriptions

SECTION

43. Advocate and solicitors members of the Bar

44. Eligibility of a member

45. Disqualification of a member

46.Annual subscription

Part V MALAYSIAN BAR

Disqualification for Membership of Bar Council, Bar Committee, etc.

SECTION

46A.Disqualification for membership of the Bar Council, a Bar Committee, or of any committee thereof

Part V MALAYSIAN BAR

The Bar Council

SECTION

47. Establishment of Bar Council

48. Period of holding office

Part V MALAYSIAN BAR

Election of Members of the Bar Council

SECTION

49. Election of Bar Council Members

50.Annual Election of Bar Council

51. When election deemed to be election

52.Bar Council when constituted

53. Casual vacancy to be filled by qualified person

Part V MALAYSIAN BAR

Officers

**SECTION** 

54. President, Vice-President and Secretary of the Bar

55. When a member of the Council to vacate office

Part V MALAYSIAN BAR

Powers of the Council

SECTION

56. Powers and acts of Bar Council

57. Specific powers of the Bar Council

58. Appointment of Committees

59. Rights to inspect file and copies of proceedings in bankruptcy

60. Power of Bar Council to accept gifts

61.Representation in court

Part V MALAYSIAN BAR

Proceedings of the Bar Council

**SECTION** 

62.Meeting of the Council

63.Expenses of Members

Part V MALAYSIAN BAR

General Meeting of the Malaysian Bar

SECTION

64.(Deleted)

65. Extraordinary General Meetings

66.Voting

67.(Deleted)

Part V MALAYSIAN BAR

State Bar Committee

### SECTION

- 68. Combined Bar-State Bar Committee
- 69. Combination of members as State Bar
- 70. Annual general meeting of State Bar
- 70A.Extraordinary General Meeting of State Bar
- 71. Severance of combined Bar
- 72. Meeting of the State Bar Committee
- 73. Powers of the State Bar Committee
- 74. Fees not allowed to State Bar Committee
- 75.Casual vacancy
- Part V MALAYSIAN BAR

General

**SECTION** 

76. Names of members of the Bar Council, etc., to be published and confidentiality of deliberations

Part VI PROFESSIONAL PRACTICE, ETIQUETTE, CONDUCT AND DISCIPLINE OF ADVOCATE AND SOLICITOR AND CLERKS

### **SECTION**

- 77. Power to make rules regulating practice, etc.
- 78. Power to make particular rules
- 78A. Power to make rules on professional indemnity
- 79. Advocate and solicitor to deliver accountant's report

Part VI PROFESSIONAL PRACTICE, ETIQUETTE, CONDUCT AND DISCIPLINE OF ADVOCATE AND SOLICITOR AND CLERKS

Compensation Fund

**SECTION** 

- 80.Compensation Fund
- 81. Advocate and solicitor shall not act as commissioner or notary without certificate
- 82. Advocate wilfully and knowingly acting as agent
- 83. Advocate and solicitor not to employ undischarged bankrupt
- 84. Advocate and solicitor acting for developer not to act for purchaser in housing development
- 85. Registrar to maintain register of firm names

86. Where solicitor and client relationship exists

87. Where money is due from advocate and solicitor to the client

Part VI PROFESSIONAL PRACTICE, ETIQUETTE, CONDUCT AND DISCIPLINE OF ADVOCATE AND SOLICITOR AND CLERKS

Control of Property

**SECTION** 

88. Guilty advocate and solicitor, etc.

88A. Suspension of advocate and solicitor

89. Taking of possession of documents in the possession of advocate and solicitor

90. Taking of possession of property in Counsel's possession when he is undischarged bankrupt, etc.

91. Personal representative liable for acts of advocate and solicitor

92.Bar Council to operate bank account of deceased solicitors' client

92A.Interpretation of "advocate and solicitor" in certain provisions

Part VII DISCIPLINARY PROCEEDINGS

**SECTION** 

93. Disciplinary Board

94. Power of Disciplinary Board to strike off the Roll, suspend for misconduct, etc.

95. Disciplinary Committee Panel

96. Appointment of Disciplinary Committee Panel

97.(Deleted)

98. Director and staff of the Complaints Secretariat

99. Complaint against advocate and solicitor or pupil

100.Inquiry into application or complaint

101.(Deleted)

102.(Deleted)

103. Effect of Disciplinary Board's order of fine or restitution

103A.Appointment of Disciplinary Committee

103B.Investigation by the Disciplinary Committee

103C. Findings of the Disciplinary Committee

103D.Consideration by the Disciplinary Board of the report of the Disciplinary Committee

- 103E. Appeal from the decision of the Disciplinary Board
- 103EA.Objection from any decision, etc., other than final order or decision made by the disciplinary board
- 103EB.Costs against frivolous or vexatious application or complaint
- 103F.Power to make rules
- 103G.(Deleted)
- 103H.Establishment of Discipline Fund
- 103I.Payment of fees, fine, costs, etc., into Discipline Fund
- 103J.Power to make rules
- 104.(Deleted)
- 105. Advocate and solicitor may apply to remove his name from the Roll
- 106.Bar Council to give Registrar notice of order adverse to advocate and solicitor
- 107. High Court may restore an advocate and solicitor
- 108. Costs for proceedings under this Part
- 109. If person inquired fails to attend
- 110. Publication and document presumed evidence of facts therein stated
- 111. No action against Disciplinary Committee, etc., for act done
- Part VIII REMUNERATION OF ADVOCATES AND SOLICITORS

### **SECTION**

- 112. No advocate and solicitor to purchase interest of client
- 113. The Solicitors Costs Committee
- 114. Advocate and solicitor may make agreement for remuneration from client
- 115. Advocate and solicitor entitled to costs of negotiation of mortgagor
- Part VIII REMUNERATION OF ADVOCATES AND SOLICITORS
- Contentious Business

#### SECTION

- 116.Advocate and solicitor may enter agreement for costing contentious business
- 117. Costs recoverable from client by other person not attested
- 118. Enforcement of agreements
- 119. Any party may set aside agreement of deceased advocate and solicitor not performed
- 120. Where client changes counsel before agreement performed

121. Where remuneration of advocate and solicitor not subject of agreement
Part IX RECOVERY AND TAXATION OF COSTS
SECTION
122.Advocate and solicitor defined
123.Advocate and solicitor entitled to charge on property for costs
124. No advocate and solicitor to sue for costs until delivery of bill of cost
125. Power of court to authorize solicitor to commence action
126.An order for taxation of costs to be made within 6 months of delivery of bill of costs
127. The cost of obtaining an order for taxation
128.Order for taxation of advocate and solicitor's bill on notice given
129.Petition by party liable for a bill of costs
130.Order for delivery of solicitor's bill of costs by way of petition
131.Court may order advocate and solicitor to deliver copy of bill to applicant
132.Bill of costs to follow Rules of court
133.Registrar may allow interest on money disbursed by counsel
134.Costs of order of taxation payable by solicitor
135.Certificate of taxing officer final
136.Right of Government to costs unaffected
Part X MISCELLANEOUS
SECTION
137.Board and Bar to maintain an office
138.Document to be served may be sent by post
139.Bar Council or Malaysian Bar to recover sum of money
140.Fees to be prescribed by Rules Committee
141.Bank not bound to take notice of right against the account of advocate and solicitor
142.No estate duty payable for bequest to the Bar
Part XI TRANSITIONAL PROVISIONS
SECTION

143.Definition

144. Nomination of members of Board

- 145. Registrar to transfer to the Roll the names of advocates and solicitors
- 146.Definition
- 147. Certificate issued under section 26 deemed practising certificate
- 148.Bar Council and Committee holding office at date of coming into force of this Act
- 149. Assets and property of Bar Council and Local Bar
- 150.Saving
- 151.Provisions of Advocates and Solicitors Ordinance to apply in respect of remuneration of advocates and solicitors until General Orders made under the Act

Part XII REPEAL

**SECTION** 

152.Repeal

**SCHEDULE** 

An Act to consolidate the law relating to the legal profession in Malaysia.

NOTE--References to "West Malaysia" shall be construed as "Peninsular Malaysia"--See subsection 5(2) of the Interpretation (Amendment) Act 1997 [Act A996].[Peninsular Malaysia--1 June 1977, P.U.(B) 327/1977]

**BE IT ENACTED** by the Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Rakyat in Parliament assembled, and by the authority of the same, as follows: