

**ADVOCATES ORDINANCE  
(CAP.2)**

**ADVOCATES (CONTINUING PROFESSIONAL DEVELOPMENT)**

**RULES 2019**

(G.N.S 1 of 2019)

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**ADVOCATES ORDINANCE  
(CAP.2)**

**ADVOCATES (CONTINUING PROFESSIONAL DEVELOPMENT)  
RULES 2019**

In exercise of the powers conferred by section 17 of the Advocates Ordinance (*Cap. 2*), the Law Society in consultation with the Chief Judge and the State Attorney-General makes the following rules:

**Citation and commencement**

1. (1) These rules may be cited as the **Advocates (Continuing Professional Development) Rules 2019**.
- (2) These Rules shall be deemed to have come into operation on 1 April 2018.

**Interpretation**

2. In these Rules, unless the context otherwise requires -

“CPD” means Continuing Professional Development;

“CPD Scheme” means a Continuing Professional Development Scheme established under subrule 3 (1);

“CPD Year” means the period beginning on 1 October each year and ending on 30 September the following year.

**Establishment of a Continuing Professional Development Scheme**

3. (1) A Continuing Professional Development Scheme for advocates practising in Sabah is established.

(2) The CPD scheme shall apply to all advocates issued with an Annual Practising Certificate by the Law Society and shall operate as follows:

- (a) An advocate must obtain the minimum number of 8 CPD points within each CPD Year, or such minimum number as shall be determined by the Law Society from time to time (hereinafter referred as “the minimum CPD points”), provided always that the minimum CPD points obtained as from 1<sup>st</sup> April 2018 to 30 September 2019 by any advocate shall be allowed to be carried forward into the CPD Year ending 30 September 2020;
- (b) CPD points shall be obtained by undertaking Approved CPD activities as set out in First Schedule as shall be updated and/or amended by the Law Society from time to time;
- (c) Where the advocate obtains more than the required CPD points in a CPD Year, a maximum of 4 CPD points in excess of the minimum number of CPD points required to be obtained in the CPD Year, shall be carried forward into the next CPD Year;
- (d) An advocate must maintain his own records of his CPD activities in each CPD Year in the CPD Record Sheet as provided in Second Schedule;
- (e) The Law Society may, at its sole discretion, require in writing, that the advocate submits the updated CPD Record Sheet to the Law Society, whereupon the same shall be submitted to the Law Society within fourteen (14) days from the written request to the advocate;
- (f) Failure to submit the CPD Record Sheet or submission of an incomplete / inaccurate / false CPD Record Sheet shall amount to an act of misconduct in accordance with section 12B of the Advocates Ordinance (Cap.2);
- (g) The number of CPD points to be obtained by the advocate shall be determined by the number of months remaining within the CPD Year, and where the advocate obtains his annual practising certificate with less than 12 months remaining on the CPD Year, the CPD points shall be prorated as follows or as determined by the Law Society from time to time -

No	Duration	Prorated CPD Points
(1)	12 months or more until end of the current CPD Year	8
(2)	More than or equal to 6 months, but less than 12 months, until the end of the current CPD Year	4
(3)	More than or equal to 2 months, but less than 6 months, until the end of the current CPD Year	2
(4)	Less than 2 months until end of the current CPD Year	NIL

### Exemption

4. (1) The Law Society may, in writing, grant exemption from the provisions of these Rules on the following basis:
- (a) Where the advocate is aged 75 years and above at the commencement of any CPD Year, and has been in legal practice for an aggregate of 10 years;
  - (b) Where the advocate suffers from serious illness, such that his medical condition would prevent him from participating in the CPD Scheme supported by medical report issued by a medical practitioner or a Government medical officer;
  - (c) Where the advocate has been in legal practice for 30 years or more at the commencement of any CPD Year.

(2) Application for exemption shall be made on the form as provided in Third Schedule.

(3) The decision to grant exemption shall be at the sole discretion of the Law Society, and where exemption is granted, written confirmation of the same shall be provided to the applicant.

**Issue of an Annual Certificate subject to a declaration of compliance with these Rules**

5. (1) An application by an advocate for an Annual Certificate to be issued under the Advocates (Issue of Annual Certificate) Rules 2017 shall be supported by a declaration of compliance with these Rules unless exempted by the Law Society.

(2) Failure to submit the declaration of compliance or submission of an incomplete / inaccurate / false declaration of compliance shall amount to an act of misconduct under section 12B of the Advocates Ordinance (Cap.2).

(3) The declaration of compliance to be submitted is provided in Fourth Schedule.

**Approval of CPD activities**

6. (1) The Law Society shall establish a process for -

(a) receiving and approving / rejecting application from training providers for accreditation of the relevant approved CPD activities under First Schedule and for determining the number of CPD points to be allocated to the approved activities; and

(b) receiving and approving / rejecting application from advocates for accreditation of the relevant approved CPD activities under First Schedule and for determining the number of CPD points to be allocated to the approved activities.

(2) The application for accreditation to be submitted is provided in Fifth Schedule.

**Effect of non-compliance**

7. An advocate who fails to comply with these Rules shall not be entitled to the issuance or renewal of their Annual Certificate unless exempted by the Law Society.

**Power of waiver**

8. The Law Society may, in writing, waive any of the provision of these Rules.

**FIRST SCHEDULE**

[Paragraphs 3(2)(b) and 6(1)(a), (b)]

APPROVED CPD ACTIVITIES AND CPD POINTS (as at 1 April 2018 Commencement Date)		
Approved CPD Activity	CPD Points	Maximum CPD Points per CPD Year
Attend CPD accredited international courses, seminars, workshop, or conferences that are organised by private providers.	1 CPD point for each contact hour (not inclusive of opening / closing ceremonies, breaks, meals, receptions, question-and-answer sessions, entertainment and sporting activities).	8
Attend CPD accredited local courses, seminars, workshop, or conferences that are organised by private providers.	1 CPD point for each contact hour (not inclusive of opening / closing ceremonies, breaks, meals, receptions, question-and-answer sessions, entertainment and sporting activities).	8

**FIRST SCHEDULE – (cont.)**

Approved CPD Activity	CPD Points	Maximum CPD Points per CPD Year
Attend CPD accredited courses, seminars, workshop, or conferences that are organised by the court.	1 CPD point for each contact hour (not inclusive of opening / closing ceremonies, breaks, meals, receptions, question-and-answer sessions, entertainment and sporting activities).	8
Attend CPD accredited courses, seminars, workshop, or conferences that are organised by Law Society.	1 CPD point for each contact hour (not inclusive of opening / closing ceremonies, breaks, meals, receptions, question-and-answer sessions, entertainment and sporting activities).	8
Attend in-house training /roundtable discussions that are organised by law firms, or conducted by Members at the law firms. The criteria for accreditation of in-house trainings / roundtable discussions are: (1) They are intended for professional educational purpose (2) They deal primarily with matters related to law	1 CPD point for each contact hour (not inclusive of opening / closing ceremonies, breaks, meals, receptions, question-and-answer sessions, entertainment and sporting activities).	8

**FIRST SCHEDULE – (cont.)**

Approved CPD Activity	CPD Points	Maximum CPD Points per CPD Year
<p>(3) They have intellectual or practical content                      (4) The participants should not be charged with any fees</p>		
<p>Attend CPD accredited courses by Law Society via the following platforms:                      distance learning, online, computer-based learning, audio, video, audio-visual, simultaneous broadcast, or any other formats.</p>	<p>1 CPD point for each contact hour</p>	<p>8</p>
<p>Complete Part One and Part Two of the Yayasan Bantuan Guaman kebangsaan (“YBGK”) trainings.</p>	<p>5 CPD point once for lifetime</p>	<p>5</p>
<p>Attend Annual Certificate workshop.</p>	<p>1 CPD point once for lifetime</p>	<p>1</p>
<p>Attend Law Society Ethics and Professional Standards Course.</p>	<p>4 CPD points upon successful completion of the assessment. Applicable once for lifetime.</p>	<p>4</p>



**FIRST SCHEDULE – (cont.)**

Approved CPD Activity	CPD Points	Maximum CPD Points per CPD Year
<p>Postgraduate programmes (i.e Masters and PhD) offered by institutions registered with the Ministry of Education of the country of origin of the institution, and accredited by Law Society, that are completed via the following platforms: face-to-face, distance learning, online, computer-based learning, audio, video, audio-visual, simultaneous broadcast, or any other formats.</p>	<p>CPD will be awarded upon completion of the postgraduate programmes by considering the university, qualifications, and details of how the qualifications are obtained.</p> <p>Note 1: The number of CPD points to be assigned to each postgraduate qualification will be determined by the Law Society on a case-by-case basis.</p> <p>Note 2: Undergraduate and diploma courses are not included and will be considered on a case-by-case basis.</p>	<p>8</p>
<p>Publish article in books, journals, newspapers, blogs, websites or any other written platforms (either print copy or electronic format) that are approved by Law Society, which are subject to the following: (1) They comprise substantial legal contents; and</p>	<p>1 CPD point for every 500 words. No CPD points will be awarded to publications of less than 500 words. The CPD point(s) for this activity is only claimable during the CPD cycle in which the publication is released for the first time.</p>	<p>8</p>

**FIRST SCHEDULE – (cont.)**

Approved CPD Activity	CPD Points	Maximum CPD Points per CPD Year
(2) They are created for the purpose of legal, professional or community development.		
Conduct presentation as trainers, presenters, facilitators, coaches, or moderators at CPD accredited courses, workshops, seminars, or conferences that are organised by Law Society.	2 CPD point once for each hour of presentation, applicable where the trainer, presenter, facilitator, coach, or moderator conducts a minimum of 60 minute training within a single session (not inclusive of opening / closing ceremonies, breaks, meals, receptions, question-and-answer sessions, entertainment and sporting activities).	8
Conduct presentation as trainers, presenters, facilitators, coaches, or moderators at CPD accredited courses, workshops, seminars, or conferences that are organised by private providers.	2 CPD point once for each hour of presentation, applicable where the trainer, presenter, facilitator, coach, or moderator conducts a minimum of 60 minute training within a single session (not inclusive of opening / closing ceremonies, breaks, meals, receptions, question-and-answer sessions, entertainment and sporting activities).	8

**FIRST SCHEDULE – (cont.)**

Approved CPD Activity	CPD Points	Maximum CPD Points per CPD Year
Work as part-time lecturers on undergraduate or postgraduate courses that are accredited by Law Society.	1 CPD point for each hour of presentation, and tabulated on the basis of the number of taught hours per CPD Year at the relevant institution.	8
Work as examiners / markers on Ethics and Professional Standards Course.	Setting question: 1 CPD point for 5 questions set for each subject. Marking scripts: 1 CPD point for every 20 scripts.	Both 5
Work as examiners / markers for Professional or academic bodies with approval from Law Society	1 CPD points per subjects.	2
Attend Annual General Meetings (“AGMs”) and / or Extraordinary General Meetings (“EGMs”) of the Law Society	1 CPD points for each attendance.	2
Attend Law Society and / or subcommittees meetings	1 CPD points for each meeting.	3

**FIRST SCHEDULE – (cont.)**

Approved CPD Activity	CPD Points	Maximum CPD Points per CPD Year
Handle files from Legal Aid Centres.	1 CPD points for the lawyer on record for each legal aid session. No further CPD points will be assigned if the file is transferred to another Member.	4
Sit as Chairman or member of the Advocates Disciplinary Board (“DB”).	Chairman of DB: 3 CPD points on the conclusion of the file. Member of DB: 2 CPD points on the conclusion of the file.	4
Hold watching briefs, conduct inquiries, assist in getting injunctions, act as intervening solicitors, handle appeals on behalf of Law Society, sit on adjudication panels or represent Law Society in court.	3 CPD points for the lawyer on record upon conclusion of the file.	4
Conduct legal research or write opinions upon the written request of Law Society.	1 CPD point for each completed activity. Law Society may award up to 2 CPD points for this activity at its discretion, and on case-by-case basis.	4
Other events prescribed by Law Society	1 CPD point for each completed event.	1

**SECOND SCHEDULE**

[Paragraph 3(2)(d)]

*CPD Record Sheet*

This form is designed to be completed electronically – MS Word. You must save it locally before and after completing it. Please submit the application form based on the steps below:

- (1) Refer to First Schedule for a list of approved CPD activities to be included in the CPD Record Sheet.
- (2) Complete Section A, B, and D, at the end of each CPD Year and retain this document for your records as per paragraph 3(2)(d) of the Rules. The Law Society may request this document as in accordance with paragraph 3(2)(e) of these Rules.

<b>(A) PARTICULARS</b>	
Name (per NRIC)	
Law Society Membership No	
Email (for main correspondence)	
Mobile	
Telephone (office)	
Fax (office)	
Exemption Code (if applicable)	
Submission for CPD Year	

**SECOND SCHEDULE - (cont.)**

<b>(B) APPROVED CPD ACTIVITIES</b>		
<i>Please complete the CPD activities that you wished to claim CPD points</i>		
<b>Description of the CPD Activity (including organizer, title of event, start time and end time of event, venue, CPD points (if approved by Law Society))</b>	<b>Date</b>	<b>Organizer</b>

<b>(C) PERSONAL DATA PROTECTION ACT 2010</b>
The personal information that you provide to the Law Society, whether now or in the future, may be used, recorded, stored, disclosed or otherwise processed by or on behalf of the Law Society for the purposes of research, audit, and maintenance of database for communication, and such ancillary services as may be relevant.

**SECOND SCHEDULE - (cont.)**

<b>(D) DECLARATION</b>	
I hereby confirm that all the information provided is correct and I am aware that any false declaration on my part may lead to disciplinary proceedings being instituted against me by the Law Society	
Signature	
Name	
Designation	
Date	

**THIRD SCHEDULE**

[Subrule 4(2)]

*Application for Exemption*

Please submit the application form based on the steps below:

- (1) Complete Sections A, B, and D, and return the form to the Law Society.
- (2) A CPD exemption code will be provided when your application is approved.

**THIRD SCHEDULE - (cont.)**

<b>(A) PARTICULARS</b>	
Name (per NRIC)	
Law Society Membership No	
NRIC	
Date of Birth	
Year Admitted to the Sabah Bar	
Firm	
Address	
Email (for main correspondence)	
Telephone	
Fax	
Submission for CPD Year	



**THIRD SCHEDULE - (cont.)**

**(B) EXEMPTION**

Please select **ONE** option only

I wish to be exempted from the CPD Scheme on the grounds that:

- I am 75 years old and above and have at least 10 years of legal practice
- I suffer from serious illness/medical condition which would prevent me from participating in the CPD Scheme (supported by medical report issued by a medical practitioner or a Government medical officer)
- I have at least 30 years of legal practice

**(C) PERSONAL DATA PROTECTION ACT 2010**

The personal information that you provide to the Law Society, whether now or in the future, may be used, recorded, stored, disclosed or otherwise processed by or on behalf of the Law Society for the purposes of research, audit, and maintenance of database for communication, and such ancillary services as may be relevant.

**THIRD SCHEDULE - (cont.)**

<b>(D) DECLARATION</b>	
I hereby confirm that all the information provided is correct and I am aware that any false declaration on my part may lead to disciplinary proceedings being instituted against me by the Law Society	
Name	
Designation	
Date	

**FOURTH SCHEDULE**

[Subrule 5(3)]

*Declaration of Compliance*

This form is designed to be completed electronically – MS Word. You must save it locally before and after completing it. Please submit the application form based on the steps below:

- (1) Refer to Schedule 1 for a list of approved CPD activities to be included in the CPD Record Sheet.
- (2) Complete Section A and B at the end of each CPD Year and submit this document as per subrule 5(3) of these Rules.

**FOURTH SCHEDULE - (cont.)**

<b>(A) PARTICULARS</b>	
Name (per NRIC)	
Law Society Membership No	
Email (for main correspondence)	
Mobile	
Telephone (office)	
Fax (office)	
Exemption Code (if applicable)	
Submission for CPD Year	

**FOURTH SCHEDULE - (cont.)**

<b>(B) DECLARATION OF COMPLIANCE</b>	
I hereby confirm that I have obtained the required number of CPD points in the declared CPD Year, and that all the information provided is correct. I am aware that any false declaration on my part may lead to disciplinary proceedings being instituted against me by the Law Society	
Signature	
Name	
Designation	
Date	

**FIFTH SCHEDULE**

[Subrule 6(2)]

*Application for Accreditation*

Here are the steps to complete the application form:

- (1) If you are an external provider and want to organize an event, please complete all the particulars except Sections E and F.
- (2) If you represent a law firm and want to organize an in-house training, please complete all the particulars except Section F.
- (3) If you are a lawyer and want to organize a CPD Roundtable, please complete all the particulars except Sections C, D, and E.

**FIFTH SCHEDULE - (cont.)**

- (4) When your event has been accredited, this form will be returned to you with the relevant accreditation details.

Terms and Conditions

- (1) If the required sections are not filled completely, the application for accreditation cannot be processed.
- (2) Please include a detailed event programme as a separate document, which specifies time slots for each session, tea breaks, lunch break, question and answer sessions, start time and end time *etc.*
- (3) Where the speaker/trainer is a Member of the Law Society, the full name and the Law Society Membership Number and the number of minutes of training for each speaker/trainer must be included so that CPD points can also be allocated to them.
- (4) The Law Society retains an absolute discretion to determine the number of CPD points to be allocated for each event.
- (5) All accreditation information must be displayed on all publicity materials as follows:
- Law Society CPD Approval Code: \_\_\_\_\_; CPD Points: \_\_\_\_\_
- (6) Failure to provide complete attendance records with the full names of the advocates, and pupils in chambers, including their Law Society Membership Number/pupil Petition/NRIC number within 14 days of the conclusion of the event, may result in future CPD approval not being granted. If no Members of the Law Society/pupils in chambers have participated in the event, the Law Society must be informed of the same.
- (7) Once the attendance list has been provided after the conclusion of the event, no further names may be added to the attendance records under any circumstances.

**FIFTH SCHEDULE - (cont.)**

Please submit the softcopy of the application form in MS Word format to the Law Society by email at [admin@sabahlawsociety.org](mailto:admin@sabahlawsociety.org)

<b>(A) PARTICULARS</b>			
Name of Provider/Curator			
Address			
Person-in-Charge			
Designation			
Email			
Telephone		Fax	
Website			

**FIFTH SCHEDULE - (cont.)**

<b>(B) PRE-EVENT ACCREDITATION</b>			
Title			
Date			
Start Time / End Time			
Duration (minutes) not inc breaks			
Event Venue			
Address			
State		Country	
Event Itinerary	Yes <input type="checkbox"/>	Date of submission	
Proposed Topic <i>(for CPD Roundtable only)</i>			
Number of Proposed Participants <i>(for CPD Roundtable only)</i>			

<b>(C) REGISTRATION FEE</b>		
<b>Advocates</b>	<b>Pupils in Chambers</b>	<b>Others</b>

*\*If there is no difference in the registration fee, please insert the same for all categories*

**FIFTH SCHEDULE - (cont.)**

<b>(D) SPEAKER / MODERATOR</b>				
No	Name (per NRIC)	Lawyer / Other	Law Society Membership No (if applicable)	Duration (minutes)

<b>(E) FOR LAW FIRM ONLY</b> <i>(please tick if this is applicable)</i>	
<input type="checkbox"/>	I agree to allow our in-house legal training to be participated by advocates and/or staff from other law firm(s) for free.



**FIFTH SCHEDULE - (cont.)**

<b>(F) ACCREDITATION*</b> <i>(this section will be completed by the Law Society)</i>	
Date Received	
Date Approved	
CPD Point(s)	
CPD Code	
Application Fee	
Accreditation Fee	
Total	
Remarks	

*\*The application and accreditation fees stated are exclusive of 6% SST. A tax invoice will be issued for each approved application*

<b>(G) PERSONAL DATA PROTECTION ACT 2010</b>
The personal information that you provide to the Law Society, whether now or in the future, may be used, recorded, stored, disclosed or otherwise processed by or on behalf of the Law Society for the purposes of research, audit, and maintenance of database for communication, and such ancillary services as may be relevant.

**FIFTH SCHEDULE - (cont.)**

<b>(H) DECLARATION</b>	
I have read, understood, and agree that any records held by the Law Society May be accessed and used in considering this application. I also certify that the information I have provided in this application form is accurate and correct.	
Name	
Designation	
Date	