

ADVOCATES (DISCIPLINARY BOARD) (PROCEDURE)

RULES 2018

(G.N.S 10 of 2018)

In exercise of the powers conferred by subsection 12A(10) of the Advocates Ordinance (*Cap. 2*), the Disciplinary Board makes the following rules:

Citation and commencement

1. (1) These rules may be cited as the Advocates (Disciplinary Board) (Procedure) Rules 2018.

(2) These Rules are deemed to have come into operation on 2 February 2018.

Meetings of Disciplinary Board

2. The Disciplinary Board shall meet on such date and at such time and place as the Chairman of the Disciplinary Board may appoint.

Notices calling for meetings

3. (1) The Secretary to the Disciplinary Board shall send a notice calling for a meeting to all members of the Disciplinary Board not less than seven days before the date appointed for the meeting.

(2) Where at any meeting, the Disciplinary Board fixes the date, time and place of the next meeting, no notice of the next meeting need be issued to any member present at that meeting.

(3) A notice under this rule shall contain –

(a) the agenda for the meeting;

(b) the minutes of the last meeting; and

- (c) any complaints and documents for the consideration and discussion of the Disciplinary Board.

(4) A notice under this rule may be sent by prepaid registered post or by such other means as may be determined by the Disciplinary Board.

Disqualification of member

4. (1) Where the Law Society is the complainant the President of the Law Society or his alternate, as the case may be, shall be disqualified as member of the Disciplinary Board for the purposes of the quorum.

(2) For the purposes of subrule (1), the quorum prescribed under subsection 12A(5) of the Advocates Ordinance (*Cap.2*) shall be read as two members with a member each from paragraph 12A(2)(a) and paragraph 12A(2)(c) thereof.

Absence of members

5. (1) Where a member appointed under paragraph 12A(2)(c) of the Advocates Ordinance is absent from three consecutive meetings of the Disciplinary Board, the Chairman of the Disciplinary Board shall inform the Chief Judge of High Court in Sabah and Sarawak of that fact and shall recommend that the appointment of such member be revoked.

(2) Where any person ceases to be a member by reason of subrule (1), another member shall be appointed in his place in accordance with paragraph 12A(2)(c) of the Advocates Ordinance (*Cap.2*) for the remainder of the term of office of the member he replaces.

Decisions of Disciplinary Board

6. Any decision of the Disciplinary Board shall be by a majority of the votes of the members present at the meeting.

Minutes of meetings

7. (1) The Secretary to the Disciplinary Board shall keep a minutes book in which shall be recorded the minutes of all meetings of the Disciplinary Board.

(2) The Chairman of the Disciplinary Board shall sign the minutes book when the minutes of the last meeting have been passed.

Sabah LawNet