

ADVOCATES (ISSUE OF ANNUAL CERTIFICATE)

RULES 2017

(G.N.S 11 of 2017)

In exercise of the powers conferred by subsection 7C(4) of the Advocates Ordinance (*Cap. 2*), the Law Society makes the following rules:

Citation and commencement

1. (1) These rules may be cited as the Advocates (Issue of Annual Certificate) Rules 2017.
- (2) These Rules shall come into operation on 1 November 2017.

Application for Annual Certificate

2. An application by an advocate for an Annual Certificate shall be made in the form as set out in the Schedule not later than 15 September or such other date as the Law Society may determine and shall be supported by such documents as the Law Society may from time to time require.

Documents in support of application for Annual Certificate

3. An advocate shall have regard to the following factors in submitting documents to the Law Society in support of his application for an Annual Certificate.
 - (a) an Accountant's Report in the form prescribed under Advocates' Account Rules 1988;
 - (b) a copy of the previous Accountant's Report submitted for renewal of the Certificate to Practise or Annual Certificate, if applicable;

- (c) the Law Society may in its discretion accept as evidence of exemption from delivery of an Accountant's Report under sub-rule 16(1) of the Advocates' Account Rules 1988 the following:
 - (i) in the case of an application for a first Annual Certificate, a copy of the Court Order admitting the advocate to the Sabah Bar during the year in which the application for the Annual Certificate is made;
 - (ii) in the case of an exemption issued by the Chief Judge of the High Court in Sabah and Sarawak, a copy of the exemption issued;
 - (iii) where in the case of a document referred to in subparagraph (i) or (ii) not acceptable to the Law Society, a statutory declaration affirmed by the advocate himself stating fully the circumstances excusing him from delivering an Accountant's Report and affirming that he has not practised as an advocate during any period in which he has not held a Certificate to Practise;
- (d) a Statutory Declaration made pursuant to sub-rule 16(1) of the Advocates' Account Rules 1988 declaring, among others, that the advocate did not give any discount to anyone except to permitted persons; and
- (e) a certified true copy of the bankruptcy search showing that the advocate is not a bankrupt.

Power to waive any of the provisions of Rules

4. Subject to the provisions of the Advocates Ordinance (*Cap.2*), the Law Society may, in writing, waive any of the provisions of these Rules.

SCHEDULE
ADVOCATES ORDINANCE
(CAP.2)

ADVOCATES (ISSUE OF ANNUAL CERTIFICATE) RULES 2017

FORM OF APPLICATION FOR ANNUAL CERTIFICATE

(To be returned to the Law Society by)

I, (full name) Sex

(NRIC No.) [New] [Old]

*practising/intend to practise

*as a partner in the name of

*as a sole proprietor in the name of

*as a legal assistant in the name of

(complete the name under which you practise or intend to practise)

Address: (address where you intend to practise)

Tel No. (Office)

Fax No.(Office)

Home Address

Tel. No. (House) Handphone No.

Email address

And I hereby declare that I –

- (a) have not at any time been declared a bankrupt;
- (b) have not been convicted in Malaysia or elsewhere of a criminal offence which would render me unfit to be a member of my profession, and in particular, but not limited to, an offence involving fraud or dishonesty.

I also state that I have paid the following fees and dues which are due and payable to the Law Society for the year

- (i) annual subscription in the sum of RM500.00 payable pursuant to subsection 13C(1) of the Advocates Ordinance;
- (ii) **contribution to Discipline Fund in the sum of RM200.00 payable pursuant to subsection 12J(2) of the Advocates Ordinance; and
- (iii) **contribution to Compensation Fund in the Sum of RM50.00 payable pursuant to subsection 16E(2) of the Advocates Ordinance.

I hereby apply for the Annual Certificate in order that I can present it to the Registrar to enable me to obtain a Certificate to Practise in respect of the yearand I enclose herewith the following documents:

1. Accountant's Report in respect of the period not earlier than 30 June prior to the year for which the Annual Certificate is being applied for (ending at 30 June at the earliest) in the form prescribed under the Advocates' Account Rules 1988 or evidence that I fall within the exemption under the provisions of sub-rule 16(1) of the Advocates' Account Rules 1988;
2. A copy of the previous Accountant's Report submitted for renewal of the Certificate to Practise/Annual Certificate, if applicable;
3. Statutory declaration made pursuant to sub-rule 16(1) of the Advocates' Account Rules 1988 declaring, among others, that I did not give any discount to anyone except to permitted persons; and

4. A certified true copy of bankrupt search certificate.

I shall ensure that I am in possession of an Annual Certificate and Certificate to Practise at all times especially when pupils are undergoing pupillage. Should I at any time for whatever reason not have an Annual Certificate and Certificate to Practise, I shall inform my pupil accordingly to enable him to make the necessary arrangements to continue his pupillage with another master.

I shall comply with all the requirements as set out in the Advocates' Account Rules 1988 and Advocates (Remuneration) Rules 1988.

Dated

Signed

Advocate

Made 21 October 2017

(BRENNON SOH)

President

Sabah Law Society

* *Delete where inapplicable.*

** *Half of the amount only if certificate to practise is to be valid for less than six month*