

Note: Cheques must be made payable to "Malaysian Bar"

Circular No 084/2017

Dated 18 Apr 2017

To Members of the Malaysian Bar

2017 Malaysian Bar Payments Required under the Legal Profession Act 1976

Kindly be informed that the following annual subscription, contribution, prescribed fee and levies for 2017 are now due and payable.

No	Payments Required under the Legal Profession Act 1976 ("LPA")	Amount (RM)	Mode of Payment
(1)	Annual Subscription — Section 46(1) of the LPA	450	(a) By direct deposit or Internet banking (such as Interbank Giro Transfer) to Hong Leong Bank Berhad. Please refer to the payment guide in Appendix 1 for details; or (b) By cheque: Items (1) to (7) may be remitted in ONE single cheque for RM1,080 made payable to " Malaysian Bar ".
(2)	Building Fund (Levy) — Section 46(3) of the LPA	250	
(3)	Legal Aid Fund (Levy) — Section 46(3) of the LPA	100	
(4)	LawCare Fund (Levy) — Section 46(3) of the LPA	100	
(5)	Sports Fund (Levy) — Section 46(3) of the LPA	20	
(6)	Compensation Fund (Contribution) — Section 80(2) of the LPA	100	
(7)	Discipline Fund (Prescribed Fee) — Section 29(1)(c) of the LPA	60	
	TOTAL	1,080	

The issuance of a Sijil Annual / Practising Certificate is dependent on full payment of all the required amounts. No Sijil Annual / Practising Certificate will be issued to an advocate and solicitor in the event of failure to remit the required payments. It is an offence to practise without a Practising Certificate.

We would like to draw your attention to section 36(1) of the LPA, which reads as follows:

Subject to this section, no person shall practise as an advocate and solicitor or do any act as an advocate and solicitor unless his name is on the Roll and he has a valid practicing [*sic*] certificate authorizing him to do the act; a person who is not so qualified is in this Act referred to as an “unauthorized person”.

We would also like to draw your attention to sections 44, 46(5) and 46(6) of the LPA, which read as follows (emphases added):

Section 44 All members who are not in arrears with their subscription under section 46 shall be eligible—
(a) to attend and vote at any general meeting;
(b) subject to section 46A, to be elected to the Bar Council; and
(c) to vote on the election of members to the Bar Council.

Section 46(5) Liability to pay any annual subscription to the Malaysian Bar shall arise when the subscription has been fixed by the Bar Council. All annual subscriptions to the Malaysian Bar shall be paid by the **30th day of June of each year.**

Section 46(6) An advocate and solicitor shall, if he pays his annual subscription after the date mentioned in subsection (5), pay to the Bar Council, in addition to the subscription due, **an amount equivalent** to the subscription so due.

Please note that the deadline of **30 June 2017** for payment of the annual subscription must be strictly adhered to, and no application for waiver of penalty will be entertained. If you fail to pay by the deadline of 30 June 2017, you will have to pay an additional sum of RM450.

Kindly ensure that your name and Bar Council membership number are clearly written on the reverse side of the cheque.

A payment guide (see Appendix 1) and a set of Frequently-Asked-Questions (see Appendix 2) are attached for your reference.

An e-Statement feature is available on the Malaysian Bar website, whereby registered users of the Malaysian Bar website can view and download the details of their own payment records, and print receipts of payments made. For more details, please refer to [Circular No 297/2011](#) dated 19 Dec 2011.

Should you have any enquiries, please contact the Finance Department by telephone at 03-2050 2128 or by email at finance@malaysianbar.org.my.

Thank you.

Rajen Devaraj
Chief Executive Officer
Bar Council

Attention: Director
Finance Department
Bar Council
15 Leboh Pasar Besar
50050 Kuala Lumpur
Malaysia

Tel: 03-2050 2128
Fax: 03-2050 2133
Email: finance@malaysianbar.org.my

Name of Member _____

Bar Council Membership No _____

Name of Firm _____

Address _____

Tel _____

Fax _____

Email _____

2017 MALAYSIAN BAR PAYMENTS REQUIRED UNDER THE LEGAL PROFESSION ACT 1976

Enclosed please find my cheque made out as follows:

☐ One cheque made payable to “**Malaysian Bar**” **RM1,080**

Date _____

Signature _____

Guide for 2017 Malaysian Bar Payments Required under the Legal Profession Act 1976

Bar Council accepts payment via:

- (1) Direct deposit or Internet banking (such as Interbank Giro Transfer) to:

Bank Name: Hong Leong Bank Berhad
 Account Name: Malaysian Bar
 Account No: 00200760645
 Bank Address: No. 34, 36 & 38, Jalan Petaling, 50000 Kuala Lumpur
 Swift Code: HLBBMYKL

Please submit the transaction slip as proof of payment, by email to finance@malaysianbar.org.my or by fax to 03-2050 2133.

or

- (2) Cheque

Issue a cheque in accordance with the sample below.

 ABC Bank Malaysia Berhad		Date : 28/03/2017
PAY BAYAR	MALAYSIAN BAR	RM 1080.00
RINGGIT MALAYSIA	ONE THOUSAND EIGHTY ONLY	
		<i>SIGNATURE</i>
		IO SIGNATURE BELOW THIS LINE
1:00 ■ 168168 ■ 22■■ 1281281: 1681288688 ■ 23		

Payments required under the Legal Profession Act 1976 ("LPA"):

- | | |
|--------------------------------------|--------|
| (1) Annual Subscription | RM 450 |
| — Section 46(1) of the LPA | |
| (2) Building Fund (Levy) | RM 250 |
| — Section 46(3) of the LPA | |
| (3) Legal Aid Fund (Levy) | RM 100 |
| — Section 46(3) of the LPA | |
| (4) LawCare Fund (Levy) | RM 100 |
| — Section 46(3) of the LPA | |
| (5) Sports Fund (Levy) | RM 20 |
| — Section 46(3) of the LPA | |
| (6) Compensation Fund (Contribution) | RM 100 |
| — Section 80(2) of the LPA | |
| (7) Discipline Fund (Prescribed Fee) | RM 60 |
| — Section 29(1)(c) of the LPA | |

Total **RM 1,080**

Frequently-Asked-Questions

2017 Malaysian Bar Payments Required under the Legal Profession Act 1976

The issuance of a Sijil Annual / Practising Certificate is subject to full payment of all required amounts. Practising Certificates are generally valid from 1 January (or the date of issue) to 31 December of each respective year.

(1) When is the annual subscription due?

The annual subscription to the Malaysian Bar shall be paid by 30 June of each year. If a Member of the Bar pays the annual subscription after 30 June, the Member will have to pay an additional amount equivalent to the subscription amount due.

We would like to draw your attention to sections 44, 46(5) and 46(6) of the Legal Profession Act 1976 (“LPA”), which read as follows (emphases added):

Section 44 All members who are not in arrears with their subscription under section 46 shall be eligible—
 (a) to attend and vote at any general meeting;
 (b) subject to section 46A, to be elected to the Bar Council; and
 (c) to vote on the election of members to the Bar Council.

Section 46(5) Liability to pay any annual subscription to the Malaysian Bar shall arise when the subscription has been fixed by the Bar Council. All annual subscriptions to the Malaysian Bar shall be paid by the **30th day of June of each year**.

Section 46(6) An advocate and solicitor shall, if he pays his annual subscription after the date mentioned in subsection (5), pay to the Bar Council, in addition to the subscription due, **an amount equivalent** to the subscription so due.

(2) Can the penalty incurred due to late payment be waived?

The deadline of 30 June for payment of the annual subscription must be strictly adhered to, and no application for waiver of penalty will be entertained.

(3) What are the payments that I am required to make?

The annual subscription is in the sum of RM450 for the period from 1 January to 31 December of each year.

In addition, Members are also required to make the following payments under the LPA:

No	Payments Required under the LPA	Amount (RM)
(a)	Building Fund (Levy): Section 46(3) of the LPA	250
(b)	Legal Aid Fund (Levy): Section 46(3) of the LPA	100
(c)	LawCare Fund (Levy): Section 46(3) of the LPA	100
(d)	Sports Fund (Levy): Section 46(3) of the LPA	20
(e)	Compensation Fund (Contribution): Section 80(2) of the LPA	100
(f)	Discipline Fund (Prescribed Fee): Section 29(1)(c) of the LPA	60
	Total	630

(4) What are my choices for the mode of payment?

Please refer to the payment guide contained in Appendix 1.

Bar Council accepts payment via:

- (a) Direct deposit or Internet banking (such as Interbank Giro Transfer) to:

Bank Name: Hong Leong Bank Berhad
Account Name: Malaysian Bar
Account No: 00200760645
Bank Address: No. 34, 36 & 38, Jalan Petaling, 50000 Kuala Lumpur
Swift Code: HLBBMYKL

or

- (b) Cheque

One single cheque in the sum of **RM1,080** made payable to “**Malaysian Bar**”. Kindly ensure that the name and membership number of the Member of the Bar are clearly written on the reverse side of the cheque.

(5) If an advocate and solicitor resumes practice at any part of a year, what are the payments required to be made?

- (a) An advocate and solicitor who resumes practice at any time from 1 January to 30 June (inclusive) is required to pay the sum of **RM1,080**, which may be remitted in a single cheque made payable to “**Malaysian Bar**”, being payment for:

No	Payments Required under the LPA	Amount (RM)
(i)	Annual Subscription: Section 46(1) of the LPA	450
(ii)	Building Fund (Levy): Section 46(3) of the LPA	250
(iii)	Legal Aid Fund (Levy): Section 46(3) of the LPA	100
(iv)	LawCare Fund (Levy): Section 46(3) of the LPA	100
(v)	Sports Fund (Levy): Section 46(3) of the LPA	20
(vi)	Compensation Fund (Contribution): Section 80(2) of the LPA	100
(vii)	Discipline Fund (Prescribed Fee): Section 29(1)(c) of the LPA	60
	Total	1,080

- (b) An advocate and solicitor who resumes practice at any time from 1 July to 31 December (inclusive) is required to pay the sum of **RM1,030**, which may be remitted in a single cheque made payable to “**Malaysian Bar**”, being payment for:

No	Payments Required under the LPA	Amount (RM)
(i)	Annual Subscription: Section 46(1) of the LPA	450
(ii)	Building Fund (Levy): Section 46(3) of the LPA	250
(iii)	Legal Aid Fund (Levy): Section 46(3) of the LPA	100
(iv)	LawCare Fund (Levy): Section 46(3) of the LPA	100
(v)	Sports Fund (Levy): Section 46(3) of the LPA	20
(vi)	Compensation Fund (Contribution): Section 80(2) of the LPA	50
(vii)	Discipline Fund (Prescribed Fee): Section 29(1)(c) of the LPA	60
	Total	1,030

The only difference in these two scenarios is that the amount paid towards the Compensation Fund is reduced from RM100 to RM50 in the second scenario.

(6) What are the payments required to be made by newly-admitted advocates and solicitors, admitted at different parts of the year?

- (a) An advocate and solicitor who is admitted before 1 July is required to pay the sum of **RM1,080**, which may be remitted in a single cheque made payable to “**Malaysian Bar**”, being payment for:

No	Payments Required under the LPA	Amount (RM)
(i)	Annual Subscription: Section 46(1) of the LPA	450
(ii)	Building Fund (Levy): Section 46(3) of the LPA	250
(iii)	Legal Aid Fund (Levy): Section 46(3) of the LPA	100
(iv)	LawCare Fund (Levy): Section 46(3) of the LPA	100
(v)	Sports Fund (Levy): Section 46(3) of the LPA	20
(vi)	Compensation Fund (Contribution): Section 80(2) of the LPA	100
(vii)	Discipline Fund (Prescribed Fee): Section 29(1)(c) of the LPA	60
	Total	1,080

- (b) An advocate and solicitor who is admitted from 1 July to 30 September (inclusive) is required to pay the sum of **RM805**, which may be remitted in a single cheque made payable to “**Malaysian Bar**”, being payment for:

No	Payments Required under the LPA	Amount (RM)
(i)	Annual Subscription: Section 46(1) of the LPA	225
(ii)	Building Fund (Levy): Section 46(3) of the LPA	250
(iii)	Legal Aid Fund (Levy): Section 46(3) of the LPA	100
(iv)	LawCare Fund (Levy): Section 46(3) of the LPA	100
(v)	Sports Fund (Levy): Section 46(3) of the LPA	20
(vi)	Compensation Fund (Contribution): Section 80(2) of the LPA	50
(vii)	Discipline Fund (Prescribed Fee): Section 29(1)(c) of the LPA	60
	Total	805

- (c) An advocate and solicitor who is admitted from 1 October to 31 December (inclusive) is required to pay the sum of **RM580**, which may be remitted in a single cheque made payable to “**Malaysian Bar**”, being payment for:

No	Payments Required under the LPA	Amount (RM)
(i)	Building Fund (Levy): Section 46(3) of the LPA	250
(ii)	Legal Aid Fund (Levy): Section 46(3) of the LPA	100
(iii)	LawCare Fund (Levy): Section 46(3) of the LPA	100
(iv)	Sports Fund (Levy): Section 46(3) of the LPA	20
(v)	Compensation Fund (Contribution): Section 80(2) of the LPA	50
(vi)	Discipline Fund (Prescribed Fee): Section 29(1)(c) of the LPA	60
	Total	580

(7) Can the required payments be paid in instalments?

The required amounts must be paid in full by the stipulated due date. There is no provision for deferred or periodic payment.

(8) What are the consequences of failure to remit the required payments?

The issuance of a Sijil Annual / Practising Certificate is dependent on full payment of all required amounts. No Sijil Annual / Practising Certificate will be issued to an advocate and solicitor in the event of failure to remit the required payments. It is an offence to practise without a Practising Certificate.

We would like to draw your attention to section 36(1) of the LPA, which reads as follows:

Subject to this section, no person shall practise as an advocate and solicitor or do any act as an advocate and solicitor unless his name is on the Roll and he has a valid practicing [sic] certificate authorizing him to do the act; a person who is not so qualified is in this Act referred to as an “unauthorized person”.

(9) If I only require a Practising Certificate for a certain period in a year, can a discount or refund be obtained?

An advocate and solicitor who resumes practice before 1 July of any year must pay the full amounts, as there is no provision for a discount or a refund. An advocate and solicitor who resumes practice from 1 July to 31 December (inclusive) of any year is required to pay RM50 instead of RM100 towards the Compensation Fund. All other required amounts must be paid in full.

(10) An advocate and solicitor had been issued with Sijil Annual 2017. He ceased practice on 15 Jan 2017. Is he required to pay the 2017 annual subscription and levies of RM920?

Yes. As long as he practised as an advocate and solicitor during the year 2017, even for one day, he is required to pay the 2017 annual subscription and levies of RM920.

(11) An advocate and solicitor had ceased practice in April 2017. As she did not pay the 2017 annual subscription by 30 June 2017, a penalty was imposed. She then resumed practice in November 2017. Can the penalty be waived?

As long as she practised as an advocate and solicitor during the year 2017, even for one day, she is required to pay the 2017 annual subscription and levies of RM920. Furthermore, the penalty cannot be waived.

(12) An advocate and solicitor had been issued with Sijil Annual 2017. She ceased practice on 15 Dec 2016. Is she entitled to a refund of the Compensation Fund and Discipline Fund payments for 2017 or can these be transferred to the following year when she resumes practice?

Once Sijil Annual 2017 is issued, there will be no refund of the 2017 Compensation Fund and Discipline Fund payments, and the amounts cannot be transferred to the following year.

Updated on 14 Apr 2017