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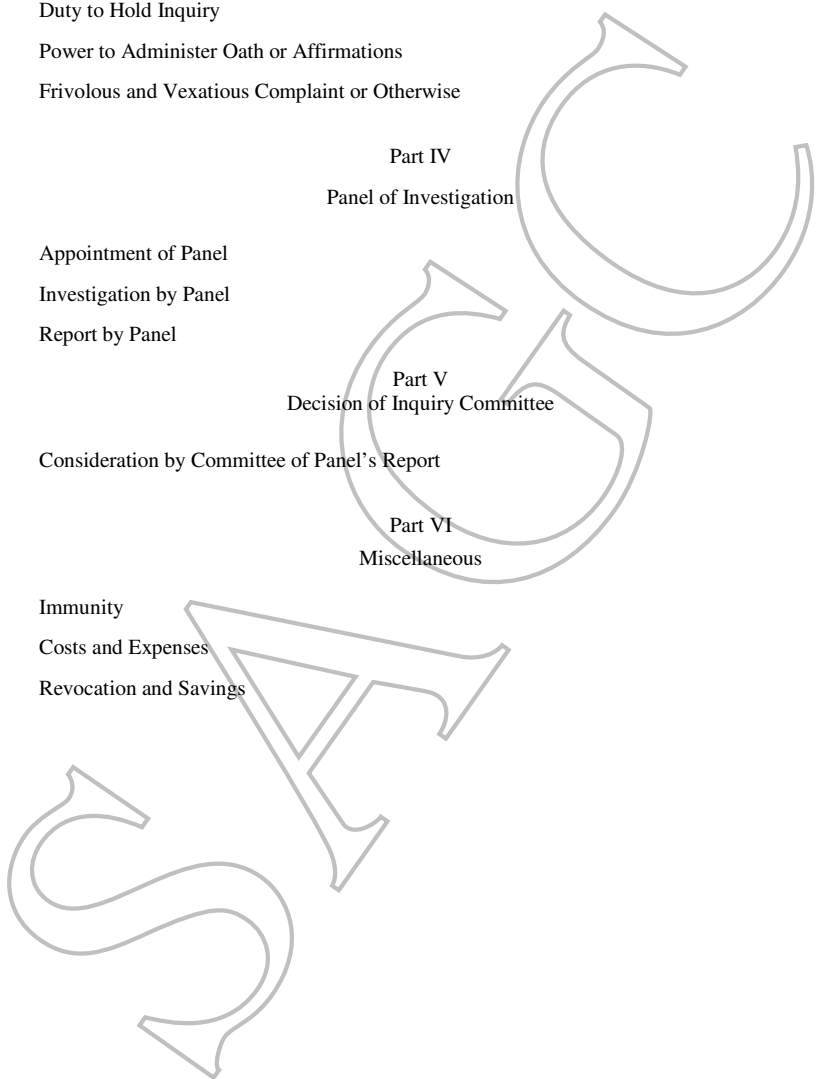
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THE ADVOCATES ORDINANCE
ADVOCATES (INQUIRY COMMITTEE) RULES, 2014
(Made under section 17(ccc))

In exercise of the powers conferred by section 17(ccc) of the Advocates Ordinance [*Cap. 110 (1958 Ed.)*], the Chief Judge with the concurrence of the State Attorney-General has made the following Rules:—

Part I
Preliminary

Citation and commencement

1. These Rules may be cited as the **Advocates (Inquiry Committee) Rules, 2014**, and shall come into force on the 17th day of January, 2014.

Interpretation

2. In these Rules:—

“advocate” means an advocate whose name has been entered on the Roll of Advocates for Sarawak and includes an advocate to whom a licence to practise has been granted by the Chief Judge under section 10 of the Ordinance but shall not include a legal officer as defined in section 2 of the Government Proceedings Act 1956 [*Act 359*];

“Association” means the Central Committee of the Advocates’ Association of Sarawak;

“Chief Judge” means the Chief Judge of the High Court in Sabah and Sarawak;

“Court” means the High Court in Sabah and in Sarawak or a Judge thereof when sitting in open court;

“Committee” means the Inquiry Committee established under rule 4;

“Judge” means a Judge of the High Court in Sabah and Sarawak sitting in Chambers;

“misconduct” means any of the causes specified in section 12 of the Ordinance;

“Ordinance” means the Advocates Ordinance [*Cap 110 (1958 Ed.)*];

“Panel” means the Panel established under rule 9;

“State Attorney-General” means the State Attorney-General of Sarawak and includes his Deputy or any legally qualified member of his Chambers authorised in writing to act or appear on his behalf;

“Statutory Declaration” means a statutory declaration made pursuant to the Statutory Declarations Act 1960 [*Act 13*].

Part II

Lodgment of Complaint

Lodgment of Complaint

3. Any complaint against an advocate shall be lodged with the Secretary of the Committee in such form and on payment of such fee as may be determined from time to time by the Chief Judge and accompanied by a Statutory Declaration, with a copy of such documents to be delivered to the State Attorney-General.

Part III

Inquiry Committee

Establishment and Appointment

4.—(1) There shall be established a Committee to be known as the Inquiry Committee whose members shall be appointed by the Chief Judge and consist of the following;

(a) a Chairman;

(b) a Secretary;

(c) the President of the Association; and

(d) twelve other members recommended by the Association from among the advocates of not less than fifteen (15) years standing and having valid practicing certificates and such other persons with legal background or qualified to be admitted to the Rolls of Advocates.

(2) A member of the Committee shall hold office for a term of not exceeding two years and is eligible for reappointment:

Provided that no member referred to in subrule (1)(a), (b) and (d) shall hold office for more than two consecutive terms.

(3) The Chief Judge may at any time revoke the appointment of any member specified under subrule (1)(a) and (b) and, in respect of any member specified under subrule (1)(d), on the recommendation of the Association.

(4) During the temporary incapacity from illness or any other cause or during the temporary absence from the State of the Chairman or the Secretary, the Chief Judge may appoint from amongst members of the Committee a temporary Chairman or Secretary, as the case may be.

Quorum

5. The Chairman and any five other members present at a meeting of the Committee shall constitute a quorum.

Duty to Hold Inquiry

6.—(1) It shall be the duty of the Committee to hold an inquiry into any complaint made by any person concerning the conduct of any advocate.

(2) The Committee may hold its inquiry at such place as it may determine from time to time and shall, subject to these Rules, have power to regulate its own procedure including the appointment of a Panel to assist the Committee in carrying out its duties.

Power to Administer Oaths or Affirmations

7. The Committee may administer oaths and affirmations and shall have all the powers of a Court for the summoning and examination of witnesses and for compelling the production of documents. Provided that no person shall be compelled to produce any document which he could not be compelled to produce at the trial of an action.

Frivolous and Vexatious Complaint or Otherwise

8.—(1) Where a complaint is lodged in accordance with Rule 3, the Committee may, if it is satisfied that the complaint is frivolous or vexatious, dismiss the complaint and notify the complainant and State Attorney-General forthwith.

(2) Where the Committee is satisfied that the complaint is not frivolous or vexatious, the Committee shall forward to the advocate who is the subject of the complaint, an opportunity to make written representation within fourteen days thereof why an application should not be made against him pursuant to section 13 of the Ordinance.

(3) Upon receipt of his written representation or if he fails to make any written representation within the stipulated period, the Committee may;

- (a) dismiss the complaint; or
- (b) proceed to form a Panel to further investigate the complaint.

Part IV

Panel of Investigation

Appointment of Panel

9.—(1) The Chairman of the Committee shall appoint a Panel of Investigation consisting of three members, one of whom shall be a member of the Committee who shall be the chairman.

(2) Where a member of the Panel has an interest in any matter of the investigation, he shall, as soon as he is aware of his interest, disclose the fact and nature thereof and shall take no part or further part in the investigation. In such circumstances, the Chairman of the Committee shall appoint a replacement member.

(3) Notwithstanding subrule (2), a replacement member may be appointed by the Chairman of the Committee upon receipt of information that a member of the Panel is likely to have interest in any matter of the investigation, or upon application being made to recuse such member.

Investigation by Panel

10.—(1) The Panel shall give not less than seven days' notice in writing to all parties in respect of the investigation. Such notice may be served personally or by prepaid acknowledged receipt (A.R.) registered letter delivered to the parties at the last known addresses.

(2) The Panel may proceed with the investigation notwithstanding the absence of any party if it is proved to the satisfaction of the Panel that a notice under subrule (1) has been duly served.

(3) The Panel may or may not permit a party to an investigation to be represented by an advocate.

Report by Panel

11. After investigating any matter referred to it, the Panel shall submit a report thereof to the Committee.

Part V

Decision of Inquiry Committee

Consideration by Committee of Panel's Report

12.—(1) Upon receipt of the report of the Panel, the Committee shall forthwith convene a meeting to consider and decide on the report, and

(a) if it finds that the complaint is proved, proceed to make an application under section 13 of the Ordinance; or

(b) if it finds that the complaint is not proved, dismiss the complaint.

(2) The decision in subrule (1) shall be made by members present by a majority vote and in the event of an equality of votes the Chairman shall have a casting vote.

(3) The Committee shall forthwith notify its decision to all parties involved in the complaint.

(4) The Committee shall deliver to the State Attorney-General a report of the Panel and the Committee's decision under subrule (1).

Part VI

Miscellaneous

Immunity

13. No action or suit shall be instituted against the Committee, the Panel or any member thereof or any person acting for or on behalf of the Committee and the Panel, for any act or omission done in good faith under these Rules.

Costs and Expenses

14. The costs and expenses incurred by the Committee and the Panel in the discharge of their functions under these Rules, including any costs which the Court or Judge may award against the Committee, shall be paid out of moneys appropriated for the purpose by the Association.

Revocation and Savings

15.—(1) The Advocates (Inquiry Committee) Rules 1988 [*Swk. L.N. (F) 70/88*] is revoked.

(2) Nothing in subrule (1) shall affect the validity of anything lawfully done under and in accordance with the revoked Rules.

(3) All inquiries and proceedings conducted by and all decisions made by the Inquiry Committee established under the revoked Rules shall notwithstanding the revocation be proceeded with and be continued and acted upon by the Committee established under these Rules as if they have been so made, conducted or decided under these Rules.

(4) Any person who immediately before the commencement of these Rules is appointed the Chairman, Secretary and a member of the Inquiry Committee established under the revoked Rules shall continue in that office and be deemed for the purpose of these Rules to have been so appointed until the expiry of the term.

Made this 9th day of January, 2014.

TAN SRI DATUK SERI PANGLIMA RICHARD MALANJUM
Chief Judge of the High Court in Sabah and Sarawak

With the concurrence of the State Attorney-General Sarawak this 13th day of January, 2014.

DATU HAJI ABDUL RAZAK TREADY
State Attorney-General Sarawak

Swk. L. N. (F) 2

THE ADVOCATES ORDINANCE
ADVOCATES (PUPILLAGE AND ADMISSION) RULES, 2014

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THE ADVOCATES ORDINANCE
ADVOCATES (PUPILLAGE AND ADMISSION) RULES, 2014

(Made under section 17(a))

In exercise of the powers conferred section 17(a) of the Advocates Ordinance [*Cap.110 (1958 Ed.)*], the Chief Judge with the concurrence of the State Attorney-General has made the following Rules:

Part I
Interpretation

Citation and commencement

1. These Rules may be cited as the Advocates (Pupillage and Admission) Rules, 2014, and shall come into force on the 17th day of January, 2014.

Interpretation

2. In these Rules—

“advocate” means an advocate entitled to practice in Sarawak;

“Association” means the Central Committee of the Advocates’ Association of Sarawak;

“Chief Judge” means the Chief Judge of the High Court in Sabah and Sarawak and includes a Judge duly authorized by the Chief Judge;

“High Court” means the High Court in Sabah and Sarawak;

“Legal Officer” means an officer as defined in section 2 of the Government Proceedings Act 1956 [*Act 359*];

“master” means an advocate with whom the pupil serves his period of pupillage as provided in section 4(1A) of the Ordinance;

“Ordinance” means the Advocates Ordinance [*Cap 110(1958 Ed.)*];

“practice in Sarawak” has the meaning assigned to it in section 2(1) of the Ordinance;

“period of pupillage” means, unless exempted under section 4(1B) of the Ordinance, the period as provided under section 4(1A);

“pupil” means a qualified person who reads in the chambers of the State Attorney-General or of an advocate as provided in section 4(1A) of the Ordinance.

Part II
Pupillage

Notice of Commencement

3. A pupil shall, within seven days from the date of commencement of his pupillage, notify the Association, the Registrar of the High Court, and the State Attorney-General of such commencement in such form as may be determined by the Association.

Posting Copy of Notice of Commencement

4. Upon receipt of the notice of commencement of pupillage, the Association shall cause a copy thereof to be posted at the Notice Board of the High Court where the pupil is serving his pupillage.

Change of Masters

5. Any change of master shall be notified to the Association, the Registrar of the High Court and the State Attorney-General within seven days of such change.

Posting Copy of Notice of Change

6. Upon receipt of the notice of change of master, the Association shall cause a copy thereof to be posted at the Notice Board of the High Court where the pupil is serving his pupillage.

Pupillage Under Different Masters

7. A pupil may serve his pupillage with different masters provided that he shall not have more than two masters unless with prior written permission of the Chief Judge.

No Employment

8. A pupil other than a serving Legal Officer shall not, without prior written permission of the Chief Judge, hold any office or engage in any employment of any kind, whether full-time or otherwise, during his period of pupillage, but nothing in this rule shall preclude a pupil from receiving remuneration from his master.

Etiquette Course

9.—(1) A pupil shall attend an etiquette course organized by the Association during his pupillage and prior to his application for admission, unless otherwise exempted by the Chief Judge.

(2) The Association shall formulate the standards and contents of the etiquette course in consultation with the State Attorney-General and the Chief Judge.

(3) Upon completion of the etiquette course, the Association shall issue to the pupil a Certificate which shall be annexed to the petition for admission.

Part III**Exemption and Temporary Licence****Application for Exemption, Temporary Licence or Permission to Practice**

10.—(1) An application for exemption pursuant to section 4(1B) of the Ordinance or a temporary licence or permission to practice pursuant to section 10 shall be by way of petition supported by an affidavit which shall annex:

- (a) proof of his qualification and of his eligibility; and
- (b) two recent testimonials as to his good character.

(2) A copy of the petition and of the documents in support thereof shall be served on the State Attorney-General, the Association and all parties in the cause or matter, who shall be entitled to be heard on any such application, not less than fourteen days before the date of the hearing.

Part IV**Procedure for Admission****Application for admission by way of petition**

11.—(1) An application pursuant to section 5 of the Ordinance shall be by way of petition.

(2) A copy of the application and of the documents in support thereof shall be served on the State Attorney-General and the Association, who shall be entitled to be heard on any such application, not less than fourteen days before the date of the hearing.

Posting of Petition

12. The Association shall, upon being served with the petition, cause a copy thereof to be posted on the Notice Board of the High Court where the petitioner is serving his pupillage.

Objection to Petition

13. If the State Attorney-General or the Association intends to object to any application, a notice of objection setting the grounds thereof shall be served on the petitioner, not less than five clear days before the date of the hearing or such shorter period as the Chief Judge may allow.

Interview by Chief Judge

14—(1) The Chief Judge may, before the hearing of any petition, interview the petitioner to determine whether or not he is a fit and proper person to be admitted as an advocate.

(2) For the purpose of this rule, the Chief Judge may be assisted by the State Attorney-General and the Association.

Made this 9th day of January, 2014.

TAN SRI DATUK SERI PANGLIMA RICHARD MALANJUM
Chief Judge of the High Court in Sabah and Sarawak

With the concurrence of the State Attorney-General Sarawak this 13th day of January, 2014.

DATU HAJI ABDUL RAZAK TREADY
State Attorney-General Sarawak

Swk. L. N. (F) 3

THE ADVOCATES ORDINANCE

ADVOCATES (REGISTRATION OF FIRM NAMES) RULES, 2014

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ARRANGEMENT OF RULES
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2. Interpretation
3. Application
4. Registration of firm
5. Application for registration
6. Language of firm names
7. Acronyms and initials
8. Firm name not to be descriptive of services provided
9. Firm name must fit the dignity of legal profession
10. Contravention of Rules



THE ADVOCATES ORDINANCE

ADVOCATES (REGISTRATION OF FIRM NAMES) RULES, 2014

(Made under section 17(a))

In exercise of the powers conferred by section 17(a) of the Advocates Ordinance [*Cap. 110 (1958 Ed.)*], the Chief Judge with the concurrence of the State Attorney-General has made the following Rules:-

Citation and commencement

1. These Rules may be cited as the **Advocates (Registration of Firm Names) Rules 2014**, and shall come into force on the 17th day of January, 2014.

Interpretation

2. In these Rules—

“advocate” means an advocate entitled to practice in Sarawak;

“Association” means the Central Committee of the Advocates’ Association of Sarawak;

“firm” means a sole proprietorship or a partnership of advocates ;

“firm name” means the name or style under which a firm is carrying on its practice in Sarawak;

“Ordinance” means the Advocates Ordinance [*Cap. 110 (1958 Ed.)*];

“practice in Sarawak” has the meaning assigned to it in section 2(1) of the Ordinance;

Application

3. These Rules shall apply to every advocate in respect only of his practice in Sarawak.

Registration of firm

4.—(1) The Advocates' Association of Sarawak shall maintain a register of firm names under which advocates practice. The Association may refuse a certificate for registration on the grounds that the proposed firm name is likely to be confused with a registered firm name or is likely to mislead the public.

(2) An advocate shall practise under a name that is—

- (a) his own name; or
- (b) the names of advocates who are or were his partners; or
- (c) the names of his predecessors whose goodwill he has, or his partners have, acquired; or
- (d) any combination of the names specified in paragraphs (a), (b) and (c) above.

(3) In any case where a name which complies with subrule (2) cannot be registered for contravening subrule (1) then the person may practise under such name as he wishes which is approved by the Association.

(4) The Association shall, at the request of the partners practising under a firm name, and may, if it is satisfied that no one is practising under that name, remove a firm name from the register.

(5) The certificate for registration under subrule (1) shall be in such form as may be determined by the Association from time to time.

Application for registration

5.—(1) An application for registration of a firm name may be made in such form as may be determined by the Association from time to time.

(2) Any existing firm name registered under the Business Names Ordinance [*Cap. 64 (1958 Ed.)*] which do not comply with rule 4 shall cease to be a firm for the purposes of these Rules unless application is made for registration within six months from the date of coming into force of these Rules or within such further period of not exceeding six months as may be approved by the Association.

Language of firm names

6. Every firm name shall be stated either in the Bahasa Malaysia or English language, or both, provided that an advocate may in addition state the name of his firm in the Chinese or any of the local native languages .

Acronyms and initials

7.—(1) Subject to paragraph (2), the firm name shall not consist of an acronym or solely of initials, but may include the initials or part of the initials of any existing or former proprietor or partner of the firm.

(2) Subject to rule 9, the firm name may, in its logo, be stated in the form of an acronym or by initials only.

Firm name not to be descriptive of services provided

8. The firm name shall not contain any words which are descriptive of the services provided by, or the areas of practice of, the firm, except that the words—

(a) “A Law Firm”; or

(b) “Advocates”

may appear immediately after the firm name.

Firm name must fit the dignity of legal profession

9. Firm name, whether stated in full or in the form of an acronym or by initials only, and whether alone or in combination with any other words or images appearing in the logo or other publicity of the firm, shall not—

(a) be such as may reasonably be regarded as being ostentatious, in bad taste, misleading, deceptive, inaccurate, false sensational, offensive, or in any other way unbecoming the dignity of the legal profession;

(b) be so similar to that of an existing firm as to be likely to be confused with it; or

(c) be inconsistent with the Advocates (Practice and Etiquette) Rules 1988 [*Swk. L.N. (F) 71/88*].

Contravention of Rules

10. An advocate who acts in contravention of these Rules may be liable to disciplinary proceedings.

Made this 9th day of January, 2014.

TAN SRI DATUK SERI PANGLIMA RICHARD MALANJUM
Chief Judge of the High Court in Sabah and Sarawak

With the concurrence of the State Attorney-General Sarawak this 13th day of January, 2014.

DATU HAJI ABDUL RAZAK TREADY
State Attorney-General Sarawak

Swk. L. N. (F) 4

THE ADVOCATES ORDINANCE
ADVOCATES (FEES) RULES, 2014
(Made under section 17(d))

In exercise of the powers conferred by section 17(d) of the Advocates Ordinance [*Cap.110 (1958 Ed.)*], the Chief Judge with the concurrence of the State Attorney-General has made the following Rules:

Citation and commencement

1. These Rules may be cited as the Advocates (Fees) Rules, 2014, and shall come into force on the 17th day of January, 2014.

Fees

2. The fees set out in the Schedule shall be paid by an advocate in respect of the matters therein specified.

Revocation

3. The Advocates (Fees) Rules [*G.N.S.54 of 1953*] is revoked.

*SCHEDULE**(Rule 2)*

FEES

On being admitted as an advocate (section 6)	-	RM200.00
For renewal of Certificate to Practice (payable annually) (section 9)	-	RM100.00
On being granted a Temporary Licence to Practice (section 10(b))	-	RM100.00
On being granted an Ad-hoc Licence to Practice (section 10(c))	-	RM100.00

Made this 9th day of January, 2014.

TAN SRI DATUK SERI PANGLIMA RICHARD MALANJUM
Chief Judge of the High Court in Sabah and Sarawak

With the concurrence of the State Attorney-General Sarawak this 13th day of January, 2014.

DATU HAJI ABDUL RAZAK TREADY
State Attorney-General Sarawak

SARAWAK

