



**Majlis Peguam
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**Circular No 129/2018
Dated 24 May 2018**

To Members of the Malaysian Bar

**Update on Imposition by Local Authorities of Requirement of Licences for Premises
and/or Signboards (24 May 2018)**

We refer to [Circular No 221/2017](#) dated 9 Oct 2017, entitled “Update on Imposition by Local Authorities of Requirement of Licences for Premises and/or Signboards (9 Oct 2017)”.

The Bar Council maintains its position that law firms are regulated under the Legal Profession Act 1976 and the Legal Profession (Publicity) Rules 2001, and that there is no requirement for law firms to make payment to their local council for any licences for their premises and/or signboards.

The Bar Council and a law firm in Kuala Lumpur filed an application for leave to apply for judicial review at the Kuala Lumpur High Court on 3 July 2017. The judicial review was to seek appropriate relief against the notices and summonses issued by Dewan Bandaraya Kuala Lumpur (“DBKL”) requiring firms of advocates and solicitors to obtain a “premises licence” pursuant to the provisions of the Licensing of Trades, Businesses and Industries (Federal Territory of Kuala Lumpur) By-Laws 2016 [P.U.(A) 230/2016] (“2016 By-Laws”).

Leave was originally granted to both the law firm and the Malaysian Bar. However, after being served with the substantive application, DBKL applied to set aside the order granting leave. The Court allowed that application in part and set aside only the order granting leave to the Bar, but then subsequently allowed — on counsel’s oral application — the Bar to intervene in the proceedings.

DBKL subsequently filed appeals against the part of the order refusing to set aside the leave to the law firm, and against the order allowing the Bar to become an intervenor.

By consent, the judicial review proceedings in the High Court have been stayed pending the hearing and disposal of the appeals. However, DBKL has also by consent agreed not to enforce the provisions of the 2016 By-Laws — and, in particular, the requirement for a premises licence — until the final disposal of the judicial review proceedings and any appeal therefrom.

Members of the Bar who receive any notice or summons in respect of a premises licence are advised to inform the Bar Council, and to respond to DBKL informing them of the consent order by referring to this circular and requesting DBKL to rescind the notice or summons immediately.



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For enquiries, or if Members encounter any difficulties in respect of this matter, please contact Malathi Mohan, Officer, by telephone at 03-2050 2150, or by email at lpc@malaysianbar.org.my.

Thank you.

Roger Chan Weng Keng
Secretary
Malaysian Bar