



**Bar Malaysia
Malaysian Bar**

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**Circular No 154/2017
Dated 14 July 2017**

To Members of the Malaysian Bar and pupils in chambers

Notice of Extraordinary General Meeting of the Malaysian Bar (3 August 2017)

Notice is hereby given that, pursuant to section 65(1) of the Legal Profession Act 1976 (“LPA”), the Bar Council will convene an Extraordinary General Meeting (“EGM”) of the Malaysian Bar, as follows:

- Date:** 3 August 2017 (Thursday)
- Time:** 4:00 pm
- Venue:** Kuala Lumpur and Selangor Chinese Assembly Hall
No. 1, Jalan Maharajalela, 50150 Kuala Lumpur

Agenda

- (1) To discuss matters pertaining to, and if deemed fit, to pass one or more motions with regard to the announcement by the Office of the Prime Minister dated 7 July 2017 (attached in English and Bahasa Malaysia) relating to, *inter alia*, the appointment of the Chief Justice and the President of the Court of Appeal, Malaysia, who are appointees as additional judges in the Federal Court pursuant to Article 122(1A) of the Federal Constitution; and
- (2) Any other matters.

The motion(s) will be circulated to Members in due course.

We take this opportunity to remind Members that under section 65(5) of the LPA, if any Member of the Malaysian Bar desires to propose any motion to be considered at the EGM, the Member shall, “not less than seven days before the date of the meeting serve upon the Secretary of the Malaysian Bar notice of such motion in writing”.

In accordance with sections 65(4A) and 65(4B) of the LPA, the quorum shall be 500 Members of the Malaysian Bar, and the EGM shall be dissolved if a quorum is not present by 5:00 pm.

Please note that you will be required to produce your National Registration Identity Card (“NRIC”) or driver’s licence in order to register your attendance for the EGM.

We would like to draw your attention to sections 44 and 46(5) 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.**

Under the Continuing Professional Development (“CPD”) Scheme, you will earn one CPD point for attending the EGM.

Members are urged to make every effort to attend the EGM so that the issues on the agenda may be effectively discussed by as many Members as possible.

We look forward to your presence and participation at the EGM on 3 August 2017 (Thursday).

Thank you.

Roger Chan Weng Keng
Secretary
Malaysian Bar

Notes

- (1) Members are kindly requested to make every effort to attend the meeting punctually to ensure a quorum of 500.
- (2) Registration counters will open from 2:30 pm. Light refreshments will be served.
- (3) All Members and pupils in chambers shall, upon registering their names, wear the designated wristbands for the purpose of admission.
- (4) Pupils in chambers may attend but shall not vote, and shall be seated only at the area(s) designated for them.
- (5) For information on preferential hotel corporate rates secured by the Bar Council, please refer to the current list, which can be downloaded from the scroll box located on the top right-hand section of the Malaysian Bar website at www.malaysianbar.org.my.



MEDIA STATEMENT

APPOINTMENT OF THE CHIEF JUSTICE AND THE PRESIDENT OF THE COURT OF APPEAL, MALAYSIA, WHO ARE APPOINTEES AS ADDITIONAL JUDGES IN THE FEDERAL COURT PURSUANT TO ARTICLE 122(1A) OF THE FEDERAL CONSTITUTION

Pursuant to Article 122B(1) of the Federal Constitution, His Majesty the Yang di-Pertuan Agong, on the advice of the Prime Minister and after consultation with the Conference of Rulers convened on the 24th and 25th of May 2017, is pleased to announce the following:-

- (i) YAA Tan Sri Dato' Seri Md Raus bin Sharif who has been appointed as an additional judge in the Federal Court for a period of 3 years commencing from 4th of August 2017 pursuant to Article 122(1A) of the Federal Constitution, to continue holding the position of the Chief Justice of the Federal Court from the date and for the same period; and
- (ii) YAA Tan Sri Dato' Seri Zulkefli bin Ahmad Makinudin who was appointed as an additional judge for the Federal Court for a period of 2 years commencing from 28th of September 2017 pursuant to Article 122(1A) of the Federal Constitution, to continue holding the position of the President of the Court of Appeal from the date and for the same period.

2. The appointment of YAA Tan Sri Dato' Seri Md Raus bin Sharif and YAA Tan Sri Dato' Seri Zulkefli bin Ahmad Makinudin as additional judges in the Federal Court after each of them reaching the age of 66 years and 6 months is on the respectful suggestion and advice of the Chief Justice at the material time, YAA Tun Dato' Seri Arifin bin Zakaria to His Majesty the Yang di-Pertuan Agong on the 30th of March 2017, before Yang Amat Arif retired. The proposal and advice was accepted by His Majesty the Yang di-Pertuan Agong in accordance with Article 122(1A) of the Federal Constitution.

3. The above decisions and procedure are consonant with the provisions of the Federal Constitution now.

4. The Malaysian Government is however contemplating tabling a proposal in Parliament for the amendment of Article 125 of the Federal Constitution to raise the retirement age of Apex Court judges to 70 years. This is consonant with the Commonwealth and international practice and jurisprudence.

7 July 2017



KENYATAAN MEDIA

PELANTIKAN KETUA HAKIM NEGARA DAN PRESIDEN MAHKAMAH RAYUAN YANG MERUPAKAN HAKIM TAMBAHAN BAGI MAHKAMAH PERSEKUTUAN DI BAWAH FASAL (1A) PERKARA 122 PERLEMBAGAAN PERSEKUTUAN

Berdasarkan Fasal (1) Perkara 122B Perlembagaan Persekutuan, Seri Paduka Baginda Yang di-Pertuan Agong atas nasihat Perdana Menteri dan selepas berunding dengan Majlis Raja-Raja yang bersidang pada 24 dan 25 Mei 2017, telah memperkenankan seperti berikut:

- (i) YAA Tan Sri Dato' Seri Md Raus bin Sharif yang telah dilantik sebagai hakim tambahan bagi Mahkamah Persekutuan untuk tempoh 3 tahun mulai 4 Ogos 2017 di bawah Fasal (1A) Perkara 122 Perlembagaan Persekutuan, terus memegang jawatan Ketua Hakim Negara Mahkamah Persekutuan mulai tarikh dan untuk tempoh yang sama; dan
- (ii) YAA Tan Sri Dato' Seri Zulkefli bin Ahmad Makinudin yang telah dilantik sebagai hakim tambahan bagi Mahkamah Persekutuan untuk tempoh 2 tahun mulai 28 September 2017 di bawah Fasal (1A) Perkara 122 Perlembagaan Persekutuan, terus memegang jawatan Presiden Mahkamah Rayuan mulai tarikh dan untuk tempoh yang sama.

2. Pelantikan YAA Tan Sri Dato' Seri Md Raus bin Sharif dan YAA Tan Sri Dato' Seri Zulkefli bin Ahmad Makinudin sebagai hakim tambahan Mahkamah Persekutuan setelah masing-masing mencapai umur 66 tahun dan 6 bulan adalah atas sembah cadangan dan nasihat Ketua Hakim Negara pada ketika itu, YAA Tun Dato' Seri Arifin bin Zakaria kepada Kebawah Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong pada 30 Mac 2017 sebelum Yang Amat Arif bersara. Cadangan dan nasihat itu telah diperkenankan oleh Kebawah Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong selaras dengan Fasal (1A) Perkara 122 Perlembagaan Persekutuan.

3. Keputusan-keputusan dan aturcara-aturcara di atas adalah selaras dengan peruntukan-peruntukan di dalam Perlembagaan Persekutuan sekarang.

4. Walau bagaimanapun, Kerajaan Malaysia sedang menimbangkan pembentangan cadangan di Parlimen untuk pindaan Perkara 125 Perlembagaan Persekutuan, untuk meningkatkan umur persaraan bagi hakim-hakim Mahkamah Apex kepada 70 tahun. Ini adalah selaras dengan amalan dan jurisprudens Komanwel dan antarabangsa.

7 Julai 2017