Majlis Peguam
Bar Council Malaysia

www.malaysianbar.org.my

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Circular No 185/2011
Dated 24 Aug 2011

To all Members of the Malaysian Bar

Sijil Annual 2012

Pursuant to Part III of the Legal Profession Act 1976, Practising Certificate and Sijil Annual shall be renewed annually.

Members can obtain the Form of Application for Sijil Annual 2012 and the Application Form for Practising Certificate 2012 (hereinafter collectively referred to as the "Application Forms") by the following means:

(1) Download the attachments that come with this circular; or

(2) Download a copy of the Application Forms from the Malaysian Bar website under the About Us>Membership>Sijil Annual tab; or

(3) Collect a copy from their respective State Bar Committee (Selangor and Kuala Lumpur Members may also collect their Application Forms from the Bar Council Secretariat).

A **<u>General</u>**

(1) To enable the Bar Council Secretariat to process your Application Forms, Members are advised to do the following before submitting the Application Forms:

(a) Ensure the following payments have been made:

(i) 2011 Subscription: RM450;
(ii) 2011 Building Fund: RM100;
(iii) 2011 Legal Aid Fund: RM100;
(iv) 2011 Bar Council Sports Fund: RM10;
(v) 2011 Bar Council LawCare Fund: RM100;
(vi) 2012 Bar Council Compensation Fund: RM100;
(vii) 2012 Bar Council Discipline Fund: RM60; and
(viii) Penalty pursuant to section 46(6) of the Legal Profession Act 1976 (if applicable): RM450.

Subscription of RM450 for 2011 was to be paid on or before 30 June 2011. In the event this payment was not made before 30 June 2011 and the Member was in practice from 1 Jan to 30 June 2011, or any part thereof, an additional

penalty payment of RM450 has to be made pursuant to section 46(6) of the Legal Profession Act 1976.

(b) Obtain the Professional Indemnity Insurance Cover 2012 from Jardine Lloyd Thompson Sdn Bhd ("JLT"). Please contact JLT **directly** for all enquiries pertaining to Professional Indemnity Insurance at:

Jardine Lloyd Thompson Sdn Bhd
Suite 10.2 10th Floor Faber Imperial Court
21A Jalan Sultan Ismail
50250 Kuala Lumpur
Tel: 03-2723 3388
Fax: 03-2723 3301
www.myPII.com.my

Please take note that Members are no longer required to forward the receipts for the payments in item A(1)(a) and the Professional Indemnity Insurance Schedule 2012 from JLT with their Application Forms, unless requested otherwise, as the Bar Council Secretariat has upgraded its system and would be able to check online that the formalities have been complied with.

(2) To enable the Bar Council Secretariat to deal with your application expeditiously, kindly submit your Application Forms with the supporting documents duly arranged in the order listed in the SA Application 2012 Checklist attached herewith, not later than **17 Oct 2011 (Monday)**.

(3) If a Member were to change firm after submission of the Application Forms but prior to the issuance of his or her Sijil Annual and Practising Certificate 2012, a fresh set of Application Forms should be submitted.

B Documents to be Submitted for Application of Sijil Annual and Practising Certificate 2012

The following documents are to be submitted for the application of Sijil Annual and Practising Certificate 2012:

(1) SA Application 2012 Checklist duly completed (please refer to Attachment 1);

(2) Cheques for the payments stated in A(1)(a) **only if the payments have not been made:**

(a) In favour of "Bar Council Compensation Fund" for the year 2012 in the sum of RM100;

(b) In favour of "Bar Council Discipline Fund" for the year 2012 in the sum of RM60;

(c) In favour of "Bar Council" in the sum of RM760 (for 2011 Subscription RM450, 2011 Building Fund RM100, 2011 Legal Aid Fund RM100, 2011 Bar

Council Sports Fund RM10, and 2011 Bar Council LawCare Fund RM100); and

(d) In favour of "Bar Council" in the sum of RM450 if penalty payment is due.

(3) Application Form for Practising Certificate 2012 duly completed in capital letters (please refer to Attachment 2);

(4) Form of Application for Sijil Annual 2012 duly completed (please refer to Attachment 3).

In the form, each Member is required to indicate:

(a) the actual address where he or she is practising at (at the section of the form that states "State the address/es at which you practise or intend to practise"); and

(b) all address(es) of the other offices of the firm, if applicable (at the section of the form that states "And at branch office/s").

(5) State Bar Committee Certificates for:

(a) main office; **and**

(b) branch office(s) (only applicable to sole proprietor/partner with branch office(s));

confirming that there are no arrears in subscription(s) for 2011.

Where a firm has offices in more than one state, the sole proprietor or all partners of that firm must be a member of all the relevant State Bar Committees where the offices are located, and is/are required to submit the certificates confirming that there are no arrears in subscriptions.

(6) Statutory Declaration by:

(a) sole proprietor/partner (please refer to Attachment 4): **or**

(b) legal assistant/consultant (please refer to Attachment 5).

(7) Accountant's Report 2010 applicable to Members who were sole proprietors/partners from 1 Jan to 31 Dec 2010, or any part thereof, for:

(a) main office; **and**

(b) branch office(s) (only applicable to sole proprietor/partner with branch office(s)).

Each sole proprietor/partner is to submit a copy of the Accountant's Report for the period from 1 Jan to 31 Dec 2010 as an attachment to the Statutory Declaration in addition to the report sent in by the Accountant, unless exempted by Bar Council under rule 6 of the Accountant's Report Rules 1960.

The Accountant's Report is required to be issued under the name of individual members.

Members who have more than one office are required to ensure that the Accountant's Report covers **ALL** their offices and/or branches **OR** separate Accountant's Report are submitted for each and every office.

C Additional Documents to be Furnished

The following additional documents are to be furnished:

(1) Anti-Money Laundering and Anti-Terrorism Financing Act 2001 Compliance Report for Legal Firms Confirmation Form (please refer to Attachment 6)

Bank Negara Malaysia ("BNM"), the competent authority under the Anti-Money Laundering and Anti-Terrorism Financing Act 2001 ("AMLATFA"), has sought Bar Council's assistance to urge legal firms to complete and submit an AMLATFA Compliance Report on BNM's website on a biennial basis. Members of the Bar are requested to return this form duly completed to confirm whether their firms have completed the AMLATFA Compliance Report on BNM's website.

(2) Areas of Practice Form (please refer to Attachment 7)

Bar Council urges all Members of the Bar to return the Areas of Practice Form duly completed to enable Bar Council to compile a database on the areas of practice undertaken by the Members of the Bar.

(3) LawCare: Malaysian Bar Member's Beneficiary/Trustee Nomination Form

Bar Council urges all Members of the Bar who have not submitted the Member's Beneficiary/Trustee Nomination Form or wish to update the list of the nominee(s)/trustee(s)/beneficiary(ies) to return the Member's Beneficiary/Trustee Nomination Form duly completed to enable the LawCare Department to expeditiously pay out the sum insured to the nominee(s)/trustee(s)/beneficiary(ies). For Muslim Members, the entire sum is paid to the named nominee/trustee as trustee, to be distributed according to *Faraid*.

A copy of the form can be obtained from the Bar Council Secretariat or downloaded from the Malaysian Bar website under the Resource Centre>Frequently Used Forms tab.

D Collection Letters

(1) The Bar Council Secretariat will send collection letters to firms when the Practising Certificates of the firms' practitioners are ready for collection ("Collection Letter").

(2) An authorised representative ("Authorised Collector") of the firm is required to bring along an authorisation letter ("Authorisation Letter") from the firm evidencing that the person is authorised to collect the Practising Certificate(s), together with the Collection Letter. Upon presentation of proof of identification, the Practising Certificate(s) will be released to the Authorised Collector.

(3) Practising Certificate would not be released to individual Member unless the Member is also the Authorised Collector.

(4) The "Track Your Firm's Sijil Annual/Practising Certificate Online" feature on the Malaysian Bar website will be introduced beginning 1 Sept 2011, to assist firms with the collection process.

The feature will enable an authorised representative of a firm to access the following information:

(a) Whether the Sijil Annual/Practising Certificate 2012 of each of the firm's practitioners is ready for collection;

(b) For firms in Kuala Lumpur or Selangor, whether the Sijil Annual/Practising Certificate 2012 of each of the practitioners has been collected by the authorised representative; and

(c) For firms in states other than Labuan, Kuala Lumpur or Selangor, whether the Sijil Annual/Practising Certificate 2012 of each of the firm's practitioners has been sent by the Bar Council Secretariat to the respective State Bar Committees.

Emails/letters to firms, requesting each firm to nominate its authorised representative and provide one email address were sent out to all firms in the months of June and July. To date, 779 firms have been issued with user identification login ("user ID") and password to access this feature.

For more details, please see Circular No 143/2011 dated 5 July 2011.

E Disciplinary and/or Injunction Proceedings

Bar Council will institute disciplinary and/or injunction proceedings in 2012 against Members:

(1) from whom Bar Council has not received the Sijil Annual and Practising Certificate 2012 Application Forms; or

(2) who have not been issued with Sijil Annual and Practising Certificates 2012 by 31 Jan 2012;

except against Members from whom Bar Council has received their Notice of Cessation of Practice supported with a Statutory Declaration as prescribed under the Rulings on Cessation of Practice. A copy of the Rulings and the relevant forms can be obtained from the Bar Council Secretariat or downloaded from the Malaysian Bar website under the Resource Centre>Frequently Used Forms tab.

Any costs incurred by Bar Council in filing the injunction proceedings shall be borne by the Member concerned.

Contact Persons at the Bar Council Membership Department

Should you require any clarification or assistance, kindly call 03-2050 2050, press (1) for Membership Department and press (1) again for Sijil Annual enquiries.

Thank you.

Tony Woon Yeow Thong
Secretary
Malaysian Bar

Name: _____ **Ref:** **BC/ / _____**
(as per NRIC) *(Bar Council Membership No)*
Messrs: _____

ATTACHMENT 1

SA APPLICATION 2012 CHECKLIST

Please indicate your position:
☐ **Legal Assistant/Associate** ☐ **Partner** ☐ **Sole Proprietor** ☐ **Consultant**

Kindly **arrange your documents in the order** as set out below to expedite the processing of your application. Thank you for your cooperation.

No	Applications are to be accompanied by the following documents:	Tick where applicable	*For Bar Council's office use*
(1)	**SA Application 2012 Checklist** duly completed.	☐	☐
(2)	**Cheques,** stapled on top of the Application Forms **if payments have not been made**. Skip this item and complete the confirmation below if the following payments have been made: (a) In favour of "Bar Council Compensation Fund" for the year 2012 in the sum of RM100; (b) In favour of "Bar Council Discipline Fund" for the year 2012 in the sum of RM60; (c) In favour of "Bar Council" in the sum of RM760 (for 2011 Subscription RM450, 2011 Building Fund RM100, 2011 Legal Aid Fund RM100, 2011 Bar Council Sports Fund RM10, and 2011 Bar Council LawCare Fund RM100); and (d) In favour of "Bar Council" in the sum of RM450 if penalty payment is due. Subscription of RM450 for 2011 was to be paid on or before 30 June 2011. In the event this payment was not made before 30 June 2011 and the Member was in practice from 1 Jan to 30 June 2011, or any part thereof, an additional penalty payment of RM450 has to be made pursuant to section 46(6) of the Legal Profession Act 1976.	☐ CF ☐ DF ☐ SB ☐ BF ☐ LAC ☐ SF ☐ LC ☐ Penalty	☐ CF ☐ DF ☐ SB ☐ BF ☐ LAC ☐ SF ☐ LC
(3)	**Application Form for Practising Certificate 2012** (Borang Permohonan Sijil Amalan Tahun 2012) duly completed in capital letters.	☐	☐
(4)	**Form of Application for Sijil Annual 2012** duly completed. In the form, each Member is required to indicate: (a) the actual address where he or she is practising at	☐	☐

	(at the section of the form that states "State the address/es at which you practise or intend to practise"); and (b) all address(es) of the other offices of the firm, if applicable (at the section of the form that states "And at branch office/s").		
(5)	**State Bar Committee Certificates for**: (a) main office; **and** (b) branch office(s) (only applicable to sole proprietor/partner with branch office(s)); confirming that there are no arrears in subscription(s) for 2011. Where a firm has offices in more than one state, the sole proprietor or all partners of that firm must be a member of all the relevant State Bar Committees where the offices are located, and is/are required to submit the certificates confirming that there are no arrears in subscriptions.	☐ Main ☐ Branch	☐ Main ☐ Branch
(6)	**Statutory Declaration by:** (a) sole proprietor/partner; **or** (b) legal assistant/consultant.	☐ ☐	☐ ☐
(7)	**Accountant's Report 2010** applicable to Members who were sole proprietors/partners from 1 Jan to 31 Dec 2010, or any part thereof, for: (a) main office; **and** (b) branch office(s) (only applicable to sole proprietor/partner with branch office(s)). Each sole proprietor/partner is to submit a copy of the Accountant's Report for the period from 1 Jan to 31 Dec 2010 as an attachment to the Statutory Declaration in addition to the report sent in by the Accountant, unless exempted by Bar Council under rule 6 of the Accountant's Report Rules 1960. The Accountant's Report is required to be issued under the name of individual members. Members who have more than one office are required to ensure that the Accountant's Report covers **ALL** their offices and/or branches **OR** separate Accountant's Report are submitted for each and every office.	☐ Main ☐ Branch(es)	☐ Main ☐ Branch(es)
(8)	**Anti-Money Laundering and Anti-Terrorism Financing Act 2001 Compliance Report for Legal Firms Confirmation Form** duly completed.	☐	☐
(9)	**Areas of Practice Form** duly completed.	☐	☐
(10)	**LawCare: Malaysian Bar Member's Beneficiary/Trustee Nomination Form** duly completed. For Members who have not submitted the Member's Beneficiary/Trustee Nomination Form or wish to update the list of the nominee(s)/trustee(s)/beneficiary(ies).	☐	☐

Name: _____ **Ref:** **BC/ / _____**
(as per NRIC) *(Bar Council Membership No)*
Messrs: _____

I confirm that I have:

(1)	made the following payments: (a) 2011 Subscription RM450 (b) 2011 Building Fund RM100 (c) 2011 Legal Aid Fund RM100 (d) 2011 Bar Council Sports Fund RM 10 (e) 2011 Bar Council LawCare Fund RM100 (f) 2012 Bar Council Compensation Fund RM100 (g) 2012 Bar Council Discipline Fund RM 60 (h) Penalty pursuant to section 46(6) RM450 of the Legal Profession Act 1976 (if applicable)	☐ SB ☐ BF ☐ LAC ☐ SF ☐ LC ☐ CF ☐ DF ☐ Penalty	☐ SB ☐ BF ☐ LAC ☐ SF ☐ LC ☐ CF ☐ DF ☐ Penalty
(2)	obtained the Professional Indemnity Insurance Cover for 1 Jan to 31 Dec 2012 from Jardine Lloyd Thompson Sdn Bhd.	☐	☐

BORANG PERMOHONAN SIJIL AMALAN TAHUN 2012
(MEMPERBAHARUI / PERTAMA KALI*)

PERHATIAN:

- ✓ Semua maklumat hendaklah diisi dengan **LENGKAP** dengan **HURUF BESAR**.
- ✓ * Potong mana yang **TIDAK** berkenaan.

KEPADA PEGUAM YANG MEMBUAT PERMOHONAN UNTUK PERTAMA KALI:
Sila sertakan dokumen-dokumen berikut:

i) Sijil Tahunan (Sijil Annual) asal yang dikeluarkan oleh Majlis Peguam;
ii) 2 salinan Perintah penerimaan masuk asal yang diakui sah; dan
iii) Salinan resit bayaran-bayaran yang dikenakan di bawah Sek 28(3) dan 29(1)(c) di bawah Akta Profesion Undang-Undang 1976.

BUTIR-BUTIR PEMOHON

a) Nama Penuh: _____
(Seperti dalam Kad Pengenalan)
b) No. Kad Pengenalan: (Baru) _____ - _____ - _____ (Lama) _____
c) Kewarganegaraan: _____
d) Keturunan: _____
e) No. Pasport (Jika bukan warganegara Malaysia): _____
f) Alamat Rumah: _____
_____
g) No. Telefon: _____ - _____

KELAYAKAN AKADEMIK

a) Kelulusan (Diploma/Ijazah*): _____
b) Institusi: _____

PERINTAH PENERIMAAN MASUK SEBAGAI PEGUAMBELA & PEGUAMCARA

a) No. Petisyen: _____
b) Tarikh Diterima Masuk: _____
c) Nama Mahkamah Tinggi: _____

PERKHIDMATAN

a) No. Siri Sijil Tahunan Majlis Peguam: BC/_____
b) Nama Firma: _____
c) Alamat Firma: _____
_____
_____
d) No. Telefon: _____ - _____ No. Faks: _____ - _____
e) Status Perkhidmatan (Bekerja sendiri/Rakan kongsi/Penasihat/Makan gaji*): _____
f) Nama-nama rakan kongsi atau peguam yang beramal di bawah/bersama* anda:
_____
_____
_____

Saya mengaku bahawa butir-butir di atas adalah **benar** dan **betul**.

Tarikh: _____ _____
Tandatangan Pemohon

Sijil Annual Serial No: BC/ /

LEGAL PROFESSION ACT 1976

ADVOCATES AND SOLICITORS (ISSUE OF SIJIL ANNUAL) RULES 1978

FORM OF APPLICATION FOR SIJIL ANNUAL 2012

(To be returned to the Bar Council by 15-9-2011)

Complete full name and particulars	)	I, …...…… Sex : ..…….….
	)	(NRIC No: [Old]) …….. (Date of Birth) ……
		(NRIC No: [New]) ……...
		an advocate and solicitor
Delete as appropriate	)	practising / intend to practise
Delete as appropriate & complete the name under which you practise or intend to practise	)	as a **partner** in the name of Messrs ……..……..……...
	)	……..……..
	)	as a **sole proprietor** in the name of Messrs ……..……...
	)	……...
	)	as a **legal assistant/associate** in the name of Messrs ……...
		……...
State the address/es at which you practise or intend to practise	)	……
	)	……
	)	……
		……
		……
		Tel No. (Off)……...
		Fax No. (Off)……..
		E-mail (Off): ...……..
		And at branch office/s……..
		……
		……
		……
		……
		as a **consultant** at ..…….…..
		……
		……
		……
		Home Address ……...
		……
		……
		Tel No. (House) …… Hand Phone No. ……
		E-mail (Personal) ……..……

I shall notify the Bar Council if I intend during the year 2012 to maintain an office or branch office in any other place or places in Malaysia.

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.

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* *Those who have been declared a bankrupt or convicted in the preceding year, please give particulars for perusal of the Bar Council.*

I hereby apply for the Sijil Annual in order to enable me to obtain a practising certificate in respect of the year 2012 and I enclose herewith the following documents:-

1. *__accountant's report in respect of the period 1.1.2010 to 31.12.2010__ in the form prescribed under the Accountant's Report Rules 1990/evidence that I fall within the provisions of rule 6(2) of the Accountant's Report Rules 1990;

2. **statutory declaration** containing particulars of client's account/s (including branch office/s) pursuant to rule 13 of the Solicitors' Account Rules 1990. Specimen attached;

~~3. a **certificate** for 2012 issued by the broker appointed by the Bar Council pursuant to the Legal Profession (Professional Liability) (Insurance) Rules 1992 that I am insured under the Master Policy;~~

4. the sum of **__one hundred ringgit__ only being my contribution to the **Bar Council Compensation Fund** in respect of the year 2012 in accordance with Section 80(2) of the Legal Profession Act, 1976;

5. the sum of **sixty ringgit** only being my contribution to the **Bar Council Discipline Fund** in respect of the year 2012 in accordance with Section 103H of the Legal Profession Act 1976;

~~6. **receipts** from the Bar Council in respect of my subscription and contribution to the various Funds for the year 2011;~~

7. **certificate/s** from the ……..……. **Bar Committee/s** in respect of my subscription/s for the year 2011.

Please issue to me the Sijil Annual within twenty one (21) days of receipt of this Application Form.

I shall ensure that I am in possession of a Sijil Annual / Practising Certificate at all times especially when pupils are undergoing pupillage. Should I at anytime for whatever reason not have a Sijil Annual / Practising Certificate, 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 requirements set out in the Solicitors' Account Rules 1990, Solicitors' Account (Deposit Interest) Rules 1990 and the Accountant's Report Rules 1990. I shall ensure that if I have more than one office I will keep separate books of accounts and ensure that the accountant's report covers all offices and/or branch offices or have separate reports for each office/branch. Consequently I shall be responsible for producing clean accountant's reports for all my offices and that it is not acceptable for me to say that I am the partner in charge of the office of one town and have nothing to do with the branch office in another town.

Dated: …… Signed: ……
Advocate & Solicitor

*** Delete where inapplicable**
**** Half the amount if Practising Certificate is to be valid for less than six months**

ATTACHMENT 4

GUIDELINES FOR PREPARING STATUTORY DECLARATION BY SOLE PROPRIETOR/PARTNER

Sole Proprietor/Partner

(1) If you practised as a sole proprietor or partner under the same style and name for the accounting period from 1 Jan to 31 Dec 2010, or any part thereof, (hereinafter referred to as "the Accounting Period"), pursuant to rule 13 of the Solicitors' Account Rules 1990 you must affirm a Statutory Declaration declaring that during the Accounting Period you maintained the client account(s) listed in your Accountant's Report **and thereafter proceed to list any additional client account(s) maintained from 1 Jan 2011 to the date of the Statutory Declaration. Please exhibit a copy of the Accountant's Report(s) (for ALL the offices).**

In the event that you did not maintain any client account(s) during the Accounting Period or any part thereof and/or thereafter from 1 Jan 2011 to the date of the Statutory Declaration, kindly state so.

(2) In the event a client account is only opened/closed in the current year or the number of account has changed, please detail the facts in the Statutory Declaration as prescribed in the form appearing immediately hereafter.

(3) If you practised under more than one name and style (eg as a sole proprietor and then in partnership, or in more than one partnership) during the Accounting Period, please list the details of **ALL** client account(s) maintained by **EACH** of the firm in your Statutory Declaration.

(4) If you were a legal assistant during the entire Accounting Period but have since set up practice either as a sole proprietor or in partnership, please narrate in your Statutory Declaration that you were employed as a legal assistant during the entire Accounting Period until the date of change in your status of practice from being a legal assistant until the date of the Statutory Declaration (kindly refer to the suggested format of Statutory Declaration for Legal Assistant in Attachment 5) **and** also provide a list of **ALL** client account(s) currently maintained by your practice.

(5) If your firm had more than one branch during the Accounting Period, you are required to **exhibit** the Accountant's Report(s) which lists the client account(s) maintained by **ALL** branches of the firm.

FORM OF STATUTORY DECLARATION
[FOR SOLE PROPRIETOR/PARTNER]

I, ……. (NRIC No ……) an Advocate and Solicitor of the High Court of Malaya, do solemnly affirm and declare as follows:-

1. I am practising as a *sole proprietor/partner under the name of:-
Messrs _____at [*please specify place of your practice*] _____and hereby undertake that I shall not practise in 2012 until I have been issued with a valid Sijil Annual and Practising Certificate for 2012 in accordance with the provisions in Part III of the Legal Profession Act 1976.

2. I was practising as a *sole proprietor/partner under the name of Messrs _____ during the period between 1 January 2010 to 31 December 2010 ("Accounting Period"). *I did not maintain any client account during the Accounting Period/* from _____ to _____ / I maintained the client account(s) as listed in my Accountant's Report(s) exhibited hereto.

3. I was/am practising as a *sole proprietor/partner under the name of Messrs _____ from 1 January 2011 until the date of this Statutory Declaration.* I did not maintain any client account from _____ to _____ / I maintained the client account and currently maintain **the same client account(s) mentioned in paragraph 2 above and/the additional client account(s)* as follows:

NAME OF BANK(S)	**ADDRESS**	**ACCOUNT NO**	**REMARKS**
XYZ Bank Berhad	10, Jalan Melaka,KL	56565-898988	opened on 1.6.2011
……NIL ……	……NIL ……	……NIL ……	……NIL……

(if no additional client account/s maintained)

4. I undertake to notify the Bar Council in writing of any changes in my client account(s) above as provided under rule 13 of the Solicitors' Account Rules 1990.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declaration Act 1960.

Affirmed by the said ……)
at ……..)
…….day of…… 2011)

Before me,
Commissioner for Oaths

NOTE

***Delete where inapplicable**
In the event of any changes in your practice during the current year, kindly provide details of such changes.

SPECIMEN

ATTACHMENT 5

GUIDELINES FOR PREPARING STATUTORY DECLARATION BY LEGAL ASSISTANT/CONSULTANT

Legal Assistant/Consultant

(1) If you were a legal assistant/consultant during the accounting period from 1 Jan to 31 Dec 2010, or any part thereof, (hereinafter referred to as "the Accounting Period") and are still employed as a legal assistant/consultant, you are to state the same in your Statutory Declaration (see the form of Statutory Declaration for Legal Assistant/Consultant appearing hereafter).

(2) If you were a legal assistant/consultant during the Accounting Period but have since set up practice either as a sole proprietor or in partnership, please narrate in your Statutory Declaration that you were employed as a legal assistant during the Accounting Period until the date of change in your status of practice from being a legal assistant to the date of the Statutory Declaration and provide a list of **ALL** client account(s) currently maintained by your practice (kindly refer to the suggested format of Statutory Declaration for Sole Proprietor/Partner in Attachment 4).

(3) If you practised as a **sole proprietor** or in **partnership** for any period of time during the Accounting Period, but are now employed as a legal assistant/consultant, you should refer to Attachment 4 and exhibit the relevant Accountant's Report(s) in your Statutory Declaration listing **ALL** client account(s) maintained by **EACH** of the firm in which you practised as a sole proprietor or partner during the Accounting Period.

Kindly amend Attachment 4 to reflect the period during which you practised as a legal assistant until the current status.

FORM OF STATUTORY DECLARATION
[FOR LEGAL ASSISTANT/CONSULTANT]

I, ……. (NRIC No……..), an Advocate and Solicitor of the High Court of Malaya, do hereby solemnly affirm and declare as follows :-

1. I am employed as a *legal assistant/consultant in Messrs *[state current employment]*_____ _____ at [*please specify place of your practice*] _____

2. During the period 1 January 2010 to _____ 2010, I was employed as a *legal assistant/consultant in Messrs _____

3. From _____ 2010 to _____ 2010, I was not employed (if unemployed at any time during 2010).

4. From _____ 2010 to 31 December 2010, I was employed as a *legal assistant/consultant in Messrs _____.

5. From 1 January 2011 to the date of this Statutory Declaration I was/am employed as a *legal assistant/consultant in Messrs _____ and I hereby undertake that I shall not practise in 2012 until I have been issued with a valid Sijil Annual and Practising Certificate for 2012 in accordance with the provisions of Part III of the Legal Profession Act 1976.

[NB: Please list your employment/unemployment history for the year of 2010 and thereafter until the date of this Statutory Declaration. If you practised in more than one firm during such period, please state all the firm names and the period during which you were practising thereat. If you were called to the Bar after the Accounting Period please state the date of admission and your period of unemployment until you joined a legal firm. Please note that there should be no gaps in the narration of your employment/unemployment history.]

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declaration Act 1960.

Affirmed by the said ……)
at ……. the)
……day of ……. 2011)

Before me,
Commissioner for Oaths

NOTE

***Delete where inapplicable**
In the event of any changes in your practice during the current year, kindly provide details of such changes.

SPECIMEN

ATTACHMENT 6

ANTI-MONEY LAUNDERING AND ANTI-TERRORISM FINANCING ACT 2001 COMPLIANCE REPORT FOR LEGAL FIRMS CONFIRMATION FORM

Bank Negara Malaysia ("BNM"), the competent authority under the Anti-Money Laundering and Anti-Terrorism Financing Act 2001 ("AMLATFA"), has sought Bar Council's assistance to urge legal firms to complete and submit an AMLATFA Compliance Report on BNM's website on a biennial basis. The Compliance Report is firm based and only requires a partner/managing partner/sole proprietor selected by the firm to **make a submission on behalf of the entire firm.** The Compliance Report must be submitted to BNM via online to BNM's e-SURVEY Portal at:

https://esurvey.bnm.gov.my

BNM will provide the username and password required to access the BNM's e-SURVEY Portal by **15 Sept 2011**, via email to each legal firm which has an email address recorded in Bar Council's database. Those legal firms which have not received their username and password by 15 Sept 2011 are required to send an email request to the Manager of the Financial Intelligence Unit at the following email address:

fiu@bnm.gov.my

Firms are strongly urged to complete the Compliance Report online to ensure compliance with AMLATFA. Failure to comply could lead to BNM imposing more intrusive directives on all law firms, including legal penalties for non-compliance. All lawyers are advised to check with the management of their legal firm to find out whether the firm has submitted the Compliance Report online.

……..

CONFIRMATION

I, _____ (NRIC No_____), an advocate and solicitor of the High Court of Malaya practising at Messrs _____ do confirm that:

☐ My firm has completed the AMLATFA Compliance Report on the BNM website. The Compliance Report was completed and submitted on (*date of online submission*) _____ by:
Name of partner/managing partner/sole proprietor (*circle where applicable*)

_____

☐ My firm has not completed the AMLATFA Compliance Report on the BNM website.

ATTACHMENT 7

AREAS OF PRACTICE FORM

Bar Council urges all Members of the Bar to return the Areas of Practice Form duly completed to enable Bar Council to compile a database on the areas of practice undertaken by the Members of the Bar.

Name of Member :_____

Bar Council Membership No : BC/_____

My areas of practice are as follows:

- ☐ Accidents and Personal Injuries
- ☐ Administrative and Constitutional Law
- ☐ Arbitration and Dispute Resolution
- ☐ Aviation Law
- ☐ Banking Finance and Securities Law
- ☐ Bankruptcy and Insolvency
- ☐ Civil Litigation
- ☐ Consumer Protection
- ☐ Construction and Engineering
- ☐ Corporate and Commercial Law
- ☐ Criminal Law
- ☐ Customs and Immigration
- ☐ Divorce and Family Law
- ☐ Employment Law
- ☐ Environment Law
- ☐ Franchising
- ☐ Government and Infrastructure Contracts
- ☐ Human Rights
- ☐ Insurance and Reinsurance
- ☐ Intellectual Property
- ☐ International Law
- ☐ Information Technology
- ☐ Islamic Finance
- ☐ Landlord and Tenant
- ☐ Mediation
- ☐ Petroleum and Gas
- ☐ Property and Conveyancing
- ☐ Shipping and Admiralty Law
- ☐ Sports Law
- ☐ Syariah Law
- ☐ Taxation
- ☐ Trusts, Wills and Probate
- ☐ Others (*please provide details*):

_____

_____

_____

The other services that I can provide are:

- ☐ Commissioner for Oaths
- ☐ Corporate Secretarial Services
- ☐ Notary Public

I hereby confirm that all information stated in this form is true, accurate and complete.

_____ _____ _____

Signature Date