



Note: Cheques must be made payable to “Malaysian Bar”.

Circular No 143/2020

Dated 6 May 2020

To Members of the Malaysian Bar

2020 Malaysian Bar Payments Required under the Legal Profession Act 1976

We refer to [Circular No 111/2020](#) entitled “Movement Control Order and Payment of Subscription and Levies for 2020” dated 16 Apr 2020, containing a summary of the annual subscription, contribution, prescribed fee and levies for 2020.

We understand the difficulties that Members are experiencing as a result of the COVID-19 pandemic and the Government’s Movement Control Order (“MCO”) that has been in effect since 18 Mar 2020. The Bar Council has been looking at ways to help ease the cash flow problem that Members are facing.

Having looked at the finances of the Bar and considered the provisions of the Legal Profession Act 1976 (“LPA”), the Bar Council has determined that it is possible to reduce the amount of the annual subscription, and either waive completely or reduce some of the levies for 2020.

In 2019, each Member of the Bar paid a total of RM1,080. The Bar Council has decided to reduce the amount in 2020 to RM730 — which represents a saving of RM350 for you — as follows:

No	Payments Required under the Legal Profession Act 1976 (“LPA”)	Amount (RM) in 2019	Amount (RM) in 2020
(1)	Annual Subscription — Section 46(1) of the LPA	450	350
(2)	Building Fund (Levy) — Section 46(3) of the LPA	250	120
(3)	Legal Aid Fund (Levy) — Section 46(3) of the LPA	100	100
(4)	LawCare Fund (Levy) — Section 46(3) of the LPA	100	0
(5)	Sports Fund (Levy) — Section 46(3) of the LPA	20	0
(6)	Compensation Fund (Contribution) — Section 80(2) of the LPA	100	100
(7)	Discipline Fund (Prescribed Fee) — Section 29(1)(c) of the LPA	60	60
	TOTAL	1,080	730

The Bar Council is not able to reduce the annual subscription and levies further as this would severely affect the financial standing of the Bar. As it is, the reduction in the amount of annual subscription and levies outlined above will result in the Bar forgoing approximately RM7 million in subscription and levies to the various Funds. The Bar Council is thus looking at measures to reduce costs and to generate income in order to strengthen the financial standing of the Bar.

We draw your attention to sections 44, 46(5) and 46(6) of the LPA, which read as follows (emphasis 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.

In accordance with section 46(5), the only payment that is due by **30 June 2020 (Tuesday)** is the annual subscription amounting to RM350. Payment of the balance, amounting to RM380, is only required when you apply for your Sijil Annual and Practising Certificate (“SAPC”) 2021.

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”.

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

Please click [here](#) to view the following documents:

- (1) Appendix 1, containing a payment guide (see page 5); and
- (2) Appendix 2, containing a set of Frequently-Asked-Questions (see pages 6 to 9).

An online feature is available in the “Subscription” section of the Bar Council’s Member Online Portal on the Malaysian Bar website (www.malaysianbar.org.my), whereby you can view and download the details of your own payment records, and print receipts of payments made.

To access the Member Online Portal, please go to the Malaysian Bar website at www.malaysianbar.org.my, and click on “Login” at the top right-hand side of the website. Key in your National Registration Identity Card number (“NRIC No”) where indicated, and then:

- (1) If you are a first-time user, key in your NRIC No as your first-time temporary password (which you will have to change) and follow the instructions on the screen;
- (2) If you had already changed to a new password (eg when you submitted your SAPC 2020 online application), please use that password; or

(3) If you have lost your password, please click on “Lost Your Password?” and follow the instructions on the screen.

Should you have any enquiries regarding the login process, please contact the Membership Department by email at membership@malaysianbar.org.my or by telephone at 03-2050 2191.

Should you have any enquiries regarding the payments required under the LPA, please contact the Finance Department by email at finance@malaysianbar.org.my or by telephone at 03-2050 2128 / 016-792 1750 / 011-2729 1493 / 011-2728 1915.

Thank you.

A G Kalidas
Secretary
Malaysian Bar

Attention: Director
Finance Department
Bar Council
Wisma Badan Peguam Malaysia
2 Leboh Pasar Besar
50050 Kuala Lumpur

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

Name of Member _____

Bar Council Membership No _____

Name of Law Firm _____

Address _____

Tel _____

Fax _____

Email _____

2020 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**” **RM350**

OR

One cheque made payable to “**Malaysian Bar**” **RM730**

Date _____

Signature _____

Guide for 2020 Malaysian Bar Payments Required under the Legal Profession Act 1976


Bar Council accepts payment via:

- (1) Direct deposit or Internet banking (such as Instant Transfer) to:
- | | |
|---------------|--|
| Bank Name: | RHB Bank Berhad |
| Account Name: | Malaysian Bar |
| Account No: | 2-64188-0000521-9 |
| Bank Address: | No.75, Jalan Tun H. S. Lee, 50000 Kuala Lumpur |
| Swift Code: | RHBBMYKL |
| Bank ID: | KUP00980031 |

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

- (2) Cheque

Issue a cheque in accordance with the sample below. Kindly ensure that the name and Bar Council membership number of the Member of the Bar are clearly written on the reverse side of the cheque.

	ABC Bank Malaysia Berhad		Date : <u>05/05/2020</u>
	PAY BAYAR	MALAYSIAN BAR	RM 350.00
RINGGIT MALAYSIA	THREE HUNDRED FIFTY ONLY	<i>SIGNATURE</i>	
			<small>IO SIGNATURE BELOW THIS LINE</small>
1:00 ■ 168168 ■ 22■■ 1281281: 1681288688 ■ 23			

The payments required under the Legal Profession Act 1976 (“LPA”) for the year 2020 are as follows:

(1) Annual Subscription	RM 350
— Section 46(1) of the LPA	
(2) Building Fund (Levy)	RM 120
— Section 46(3) of the LPA	
(3) Legal Aid Fund (Levy)	RM 100
— Section 46(3) of the LPA	
(4) LawCare Fund (Levy)	RM 0
— Section 46(3) of the LPA	
(5) Sports Fund (Levy)	RM 0
— 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 730**

In accordance with Section 46(5), the only payment that is due by **30 June 2020 (Tuesday)** is the annual subscription amounting to RM350. Payment of the balance, amounting to RM380, is only required when you apply for your Sijil Annual and Practising Certificate (“SAPC”) 2021.

Frequently-Asked-Questions
2020 Malaysian Bar Payments Required under the Legal Profession Act 1976

The issuance of a Sijil Annual and Practising Certificate (“SAPC”) 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) What are the payments that I am required to make for the year 2020?

The annual subscription is RM350 for the year 2020.

In addition, Members are also required to make the following payments under the Legal Profession Act 1976 (“LPA”):

No	Payments Required under the LPA	Amount (RM)
(a)	Building Fund (Levy): Section 46(3) of the LPA	120
(b)	Legal Aid Fund (Levy): Section 46(3) of the LPA	100
(c)	LawCare Fund (Levy): Section 46(3) of the LPA	0
(d)	Sports Fund (Levy): Section 46(3) of the LPA	0
(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	380

(2) When do I have to make the payments?

We draw your attention to sections 44, 46(5) and 46(6) of the LPA, which read as follows (emphasis 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.

In accordance with section 46(5) of the LPA, the only payment that is due by **30 June 2020 (Tuesday)** is the annual subscription amounting to RM350. Payment of the balance, amounting to RM380, is only required when you apply for your Sijil Annual and Practising Certificate (“SAPC”) 2021.

(3) Can I pay the annual subscription of RM350 by 30 June 2020, and then pay the balance of RM380 when I apply for my SAPC 2021?

Yes.

(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 Instant Transfer) to:

Bank Name: RHB Bank Berhad
Account Name: Malaysian Bar
Account No: 2-64188-0000521-9
Bank Address: No.75, Jalan Tun H. S. Lee, 50000 Kuala Lumpur
Swift Code: RHBBMYKL
Bank ID: KUP00980031

or

- (b) Cheque

The cheque must be 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 Jan to 30 June 2020 (inclusive) is required to pay the sum of **RM730**, being payment for:

No	Payments Required under the LPA	Amount (RM)
(i)	Annual Subscription: Section 46(1) of the LPA	350
(ii)	Building Fund (Levy): Section 46(3) of the LPA	120
(iii)	Legal Aid Fund (Levy): Section 46(3) of the LPA	100
(iv)	Compensation Fund (Contribution): Section 80(2) of the LPA	100
(v)	Discipline Fund (Prescribed Fee): Section 29(1)(c) of the LPA	60
	Total	730

The payments of RM120 for the Building Fund and RM100 for the Legal Aid Fund are only required to be made before the SAPC 2021 application is submitted to the Bar Council.

- (b) An advocate and solicitor who resumes practice at any time from 1 July to 31 Dec 2020 (inclusive) is required to pay the sum of **RM680**, being payment for:

No	Payments Required under the LPA	Amount (RM)
(i)	Annual Subscription: Section 46(1) of the LPA	350
(ii)	Building Fund (Levy): Section 46(3) of the LPA	120
(iii)	Legal Aid Fund (Levy): Section 46(3) of the LPA	100
(iv)	Compensation Fund (Contribution): Section 80(2) of the LPA	50
(v)	Discipline Fund (Prescribed Fee): Section 29(1)(c) of the LPA	60
	Total	680

The payments of RM120 for the Building Fund and RM100 for the Legal Aid Fund are only required to be made before the SAPC 2021 application is submitted to the Bar Council.

The only difference between sections (5)(a) and (5)(b) above is that the amount paid towards the Compensation Fund is reduced from RM100 to RM50 in section (5)(b).

(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 at any time from 1 Jan to 30 June 2020 (inclusive) is required to pay the sum of **RM730**, being payment for:

No	Payments Required under the LPA	Amount (RM)
(i)	Annual Subscription: Section 46(1) of the LPA	350
(ii)	Building Fund (Levy): Section 46(3) of the LPA	120
(iii)	Legal Aid Fund (Levy): Section 46(3) of the LPA	100
(iv)	Compensation Fund (Contribution): Section 80(2) of the LPA	100
(v)	Discipline Fund (Prescribed Fee): Section 29(1)(c) of the LPA	60
	Total	730

The payments of RM120 for the Building Fund and RM100 for the Legal Aid Fund are only required to be made before the SAPC 2021 application is submitted to the Bar Council.

- (b) An advocate and solicitor who is admitted from 1 July to 30 Sept 2020 (inclusive) is required to pay the sum of **RM505**, being payment for:

No	Payments Required under the LPA	Amount (RM)
(i)	Annual Subscription: Section 46(1) of the LPA	175
(ii)	Building Fund (Levy): Section 46(3) of the LPA	120
(iii)	Legal Aid Fund (Levy): Section 46(3) of the LPA	100
(iv)	Compensation Fund (Contribution): Section 80(2) of the LPA	50
(v)	Discipline Fund (Prescribed Fee): Section 29(1)(c) of the LPA	60
	Total	505

The payments of RM120 for the Building Fund and RM100 for the Legal Aid Fund are only required to be made before the SAPC 2021 application is submitted to the Bar Council.

- (c) An advocate and solicitor who is admitted from 1 Oct to 31 Dec 2020 (inclusive) is required to pay the sum of **RM330**, being payment for:

No	Payments Required under the LPA	Amount (RM)
(i)	Building Fund (Levy): Section 46(3) of the LPA	120
(ii)	Legal Aid Fund (Levy): Section 46(3) of the LPA	100
(iii)	Compensation Fund (Contribution): Section 80(2) of the LPA	50
(iv)	Discipline Fund (Prescribed Fee): Section 29(1)(c) of the LPA	60
	Total	330

The payments of RM120 for the Building Fund and RM100 for the Legal Aid Fund are only required to be made before the SAPC 2021 application is submitted to the Bar Council.

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

No SAPC will be issued to an advocate and solicitor in the event of failure to remit the required payments.

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”.

(8) 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 at any time from 1 Jan to 30 June 2020 (inclusive) 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 Dec 2020 (inclusive) is required to pay RM50 (instead of RM100) towards the Compensation Fund. All other required amounts must be paid in full. Please refer to item (5) above for more details.

(9) I was issued with Sijil Annual 2020 and I ceased practice on 15 Jan 2020. What payments am I required to make for the year 2020?

No	Payments Required under the LPA	Amount (RM)
(i)	Annual Subscription: Section 46(1) of the LPA	350
(ii)	Building Fund (Levy): Section 46(3) of the LPA	120
(iii)	Legal Aid Fund (Levy): Section 46(3) of the LPA	100
	Total	570

As long as you practised as an advocate and solicitor during the year 2020, even for one day, you are required to pay the 2020 annual subscription and levies shown above, totalling RM570. The annual subscription of RM350 is due by 30 June 2020, and payment of the remaining RM220 will be required when you apply for your next SAPC.

(10) An advocate and solicitor had been issued with Sijil Annual 2020. She ceased practice on 15 Dec 2019. Is she entitled to a refund of the Compensation Fund and Discipline Fund payments for 2020 or can these be transferred to the following year when she resumes practice?

Once Sijil Annual 2020 has been issued, there will be no refund of the 2020 Compensation Fund and Discipline Fund payments, and the amounts cannot be transferred to the following year.

Updated on 6 May 2020