



**Majlis Peguam
Bar Council Malaysia**

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**Circular No 166/2018
Dated 6 July 2018**

To Members of the Malaysian Bar

Legal Profession (Group Law Practice) Rules 2018 Came into Operation on 30 June 2018

We refer to [Circular No 189/2017](#) dated 23 Aug 2017, [Circular No 225/2017](#) dated 11 Oct 2017, and [Circular No 021/2018](#) dated 19 Jan 2018, informing Members of the Bar Council's initiative, through its Small Firm Practice Committee, to introduce rules to permit law firms to practise and operate through a Group Law Practice.

The Legal Profession (Group Law Practice) Rules 2018 ("Rules") drafted by the Bar Council was approved by the Attorney General on 12 June 2018, gazetted on 25 June 2018, and came into operation on 30 June 2018. A copy of the Rules (in Bahasa Malaysia and English) is attached, and is also accessible [here](#).

The Rules essentially allow small law firms to practise and operate as a group by sharing premises and facilities while remaining as separate entities. Under the Rules, the features of a Group Law Practice would include the following:

- (1) A Group Law Practice shall consist of between two to five small law firms. A small firm is one with not more than five advocates and solicitors, and that does not have branches;
- (2) A Group Law Practice is not a legal entity, is not operated as a partnership, and cannot have a branch;
- (3) The law firms in a Group Law Practice are to operate from shared premises at a common address, and may share facilities such as a library, furnishings and equipment;
- (4) A Group Law Practice shall bear a name — which includes the words "Group Law Practice" — that has been approved by the Bar Council. The law firms in the Group Law Practice shall use the Group Law Practice name, along with the law firm's name, in their operations; and
- (5) The law firms in the Group Law Practice may operate a common bank account to meet the common expenses of the Group Law Practice. Each law firm shall maintain its own office account and its client accounts.



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INTERNATIONAL MALAYSIA LAW CONFERENCE 2018

14-17 August 2018 The Regency Sateen Kuala Lumpur



In line with the introduction of Group Law Practice, Ruling 7.03 of the Rules and Rulings of the Bar Council relating to the sharing of office or premises has been amended, as marked below:

Bar Council Ruling 7.03: Sharing Office or Premises

Where an Advocate and Solicitor shares an office or premises with another person (“Person”), whether an Advocate and Solicitor or not, the office or premises must be partitioned off with separate and distinct entrances, with no connecting door between the 2 offices or premises.

This Ruling shall not apply to:

- (a) Advocates and Solicitors of the same law firm; or
- (b) an Advocate and Solicitor, or a partner or partners of his/her firm who has/have an interest in the Person, and the Person carries on such business as is permitted under Ruling 5.13A; or
- (c) a law firm that is part of an international partnership that has been granted a licence under section 40F of the Legal Profession Act 1976; or
- (d) a law firm that is part of a Group Law Practice established under the Legal Profession (Group Law Practice) Rules 2018;

provided always that the law firm, ~~and~~ the international partnership and the Group Law Practice preserve and observe at all times the duty of confidentiality in respect of privileged information owed to their respective clients.

The amended Ruling 7.03 took effect on 30 June 2018.

A Group Law Practice is a cost-effective alternative mode of practice for small law firms. Members are encouraged to take advantage of this option, which is intended to reduce operating costs for small law firms and to increase their efficiency and competitiveness.

If your law firm wishes to apply to establish a Group Law Practice, please complete the “Application Form for Setting Up a Group Law Practice”, which is available [here](#) on the Malaysian Bar website. Applications may be submitted in hard copy to the Bar Council Secretariat, or by email to membership@malaysianbar.org.my.

We will provide additional information in due course, and will conduct briefings to increase awareness regarding practising through a Group Law Practice.

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

Thank you.

R Jayabalan
Chairperson
Small Firm Practice Committee



25 Jun 2018
25 June 2018
P.U. (A) 142

WARTA KERAJAAN PERSEKUTUAN

*FEDERAL GOVERNMENT
GAZETTE*

KAEDAH-KAEDAH PROFESION UNDANG-UNDANG
(AMALAN UNDANG-UNDANG BERKUMPULAN) 2018

*LEGAL PROFESSION (GROUP LAW PRACTICE)
RULES 2018*

DISIARKAN OLEH/
PUBLISHED BY
JABATAN PEGUAM NEGARA/
ATTORNEY GENERAL'S CHAMBERS

AKTA PROFESION UNDANG-UNDANG 1976

KAEDAH-KAEDAH PROFESION UNDANG-UNDANG
(AMALAN UNDANG-UNDANG BERKUMPULAN) 2018

SUSUNAN KAEDAH-KAEDAH

Kaedah

1. Nama dan permulaan kuat kuasa
2. Tafsiran
3. Amalan undang-undang berkumpulan
4. Permohonan untuk menjalankan amalan sebagai amalan undang-undang berkumpulan
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11. Tanggungan berasingan
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AKTA PROFESION UNDANG-UNDANG 1976

KAEDAH-KAEDAH PROFESION UNDANG-UNDANG
(AMALAN UNDANG-UNDANG BERKUMPULAN) 2018

PADA menjalankan kuasa yang diberikan oleh seksyen 77 Akta Profesion Undang-Undang 1976 [*Akta 166*], Majlis Peguam, dengan kelulusan Peguam Negara, membuat kaedah-kaedah yang berikut:

Nama dan permulaan kuat kuasa

1. (1) Kaedah-kaedah ini bolehlah dinamakan **Kaedah-Kaedah Profesion Undang-Undang (Amalan Undang-Undang Berkumpulan) 2018**.

(2) Kaedah-Kaedah ini mula berkuat kuasa pada 30 Jun 2018.

Tafsiran

2. Dalam Kaedah-Kaedah ini—

“amalan undang-undang berkumpulan” ertinya amalan yang diperihalkan dalam kaedah 3;

“firma” ertinya ketuanpunyaan tunggal atau perkongsian peguam bela dan peguam cara.

Amalan undang-undang berkumpulan

3. (1) Amalan undang-undang berkumpulan ialah suatu amalan yang terdiri daripada dua hingga lima firma sebagai ahlinya—

(a) yang setiap firma mempunyai tidak lebih daripada lima peguam bela dan peguam cara;

(b) yang semua firma berkongsi premis di alamat yang sama dan kemudahan di bawah nama amalan undang-undang berkumpulan; dan

(c) yang setiap firma bekerjasama dengan satu sama lain tanpa menjadi rakan kongsi.

(2) Mana-mana firma dalam amalan undang-undang berkumpulan tidak boleh menjadi ahli bagi amalan undang-undang berkumpulan yang lain.

Permohonan untuk menjalankan amalan sebagai amalan undang-undang berkumpulan

4. (1) Semua firma yang ingin menjalankan amalan sebagai suatu amalan undang-undang berkumpulan hendaklah memohon secara bertulis kepada Majlis Peguam untuk kelulusan bagi—

(a) menjalankan amalan sebagai suatu amalan undang-undang berkumpulan;

(b) nama amalan undang-undang berkumpulan yang dicadangkan; dan

(c) cara nama amalan undang-undang berkumpulan yang akan digunakan bersama-sama dengan nama firma bagi setiap firma dalam amalan undang-undang berkumpulan.

(2) Majlis Peguam tidak boleh meluluskan apa-apa nama amalan undang-undang berkumpulan yang dicadangkan jika nama itu—

(a) adalah atau boleh dengan semunasabahnya dianggap sebagai suka menunjuk-nunjuk, mengelirukan, bersifat mengeksploitasi, memperdayakan, menimbulkan sensasi, menyakitkan hati atau dengan apa-apa cara yang lain yang tidak sepadan dengan martabat profesion undang-undang; atau

(b) sebegitu seumpama dengan amalan undang-undang berkumpulan lain yang sedia ada yang berkemungkinan menyebabkan kekeliruan.

(3) Suatu firma yang mempunyai cawangan tidak dibenarkan untuk menyertai suatu amalan undang-undang berkumpulan.

(4) Majlis Peguam boleh, dalam tempoh tiga puluh hari bekerja dari tarikh penerimaan permohonan di bawah subkaedah (1), memberitahu secara bertulis kepada firma yang ingin menjalankan amalan sebagai amalan undang-undang berkumpulan mengenai kelulusan atau penolakan permohonan itu.

Nama amalan undang-undang berkumpulan

5. (1) Tiada firma boleh menjalankan amalan sebagai suatu amalan undang-undang berkumpulan melainkan jika nama amalan undang-undang berkumpulan telah diluluskan mengikut subkaedah 4(4).

(2) Suatu amalan undang-undang berkumpulan hendaklah menggunakan perkataan “amalan undang-undang berkumpulan” sebagai sebahagian daripada namanya.

(3) Suatu amalan undang-undang berkumpulan hendaklah mempamerkan nama semua firma dalam amalan undang-undang berkumpulan atas papan nama amalan undang-undang berkumpulan di luar premis amalan undang-undang berkumpulan itu.

(4) Papan nama amalan undang-undang berkumpulan itu hendaklah dalam bentuk yang ditentukan oleh Majlis Peguam.

(5) Jika Majlis Peguam mempercayai atas alasan yang munasabah bahawa nama suatu amalan undang-undang berkumpulan patut ditukar, Majlis Peguam hendaklah menyerahkan suatu notis bertulis dengan alasan itu kepada amalan undang-undang berkumpulan itu untuk menukarkan namanya.

(6) Amalan undang-undang berkumpulan hendaklah mematuhi notis bertulis di bawah subkaedah (5) dalam tempoh enam minggu dari tarikh penerimaan

notis bertulis itu atau apa-apa tempoh lebih lanjut sebagaimana yang dibenarkan oleh Majlis Peguam.

(7) Jika amalan undang-undang berkumpulan itu tidak mematuhi notis bertulis di bawah subkaedah (5), amalan undang-undang berkumpulan itu hendaklah dengan segera berhenti menjalankan amalan di bawah nama amalan undang-undang berkumpulan itu.

Amalan undang-undang berkumpulan tidak boleh mempunyai cawangan

6. Suatu amalan undang-undang berkumpulan tidak boleh mempunyai mana-mana cawangan.

Pemberitahuan perubahan bilangan firma dalam suatu amalan undang-undang berkumpulan

7. Suatu amalan undang-undang berkumpulan hendaklah memberitahu Majlis Peguam secara bertulis apa-apa perubahan dalam bilangan firma dalam amalan undang-undang berkumpulan itu dalam tempoh empat belas hari dari tarikh perubahan itu.

Pengemukaan diri sebagai suatu amalan undang-undang berkumpulan

8. (1) Tiada firma yang bukan ahli kepada suatu amalan undang-undang berkumpulan boleh memperihalkan firma itu sebagai suatu amalan undang-undang berkumpulan.

(2) Suatu firma dalam amalan undang-undang berkumpulan hendaklah—

(a) menggunakan nama amalan undang-undang berkumpulan bersama-sama dengan nama firma dengan syarat nama firma itu hendaklah lebih jelas daripada nama amalan undang-undang berkumpulan; dan

- (b) menggunakan nama amalan undang-undang berkumpulan dalam dokumen yang terdapat nama firma itu termasuk kepala surat dan kad nama firma itu.

Daftar amalan undang-undang berkumpulan

9. (1) Majlis Peguam hendaklah menyenggara suatu daftar amalan undang-undang berkumpulan.

(2) Mana-mana firma yang menyertai atau menarik diri daripada amalan undang-undang berkumpulan hendaklah, dalam tempoh empat belas hari dari tarikh menyertai atau menarik diri itu, memberitahu Majlis Peguam secara bertulis mengenai penyertaan atau penarikan diri itu.

Klien firma dalam suatu amalan undang-undang berkumpulan

10. (1) Suatu firma dalam amalan undang-undang berkumpulan boleh—

(a) meminta suatu firma yang lain dalam amalan undang-undang berkumpulan yang sama untuk menjalankan kerja yang diarahkan oleh seseorang klien firma itu dengan syarat klien itu telah memberikan persetujuannya secara bertulis; dan

(b) bertindak bagi suatu pihak dalam suatu perkara apabila suatu firma yang lain dalam amalan undang-undang berkumpulan yang sama bertindak bagi suatu pihak yang lain dalam perkara yang sama dengan syarat kedua-dua pihak itu telah memberikan persetujuan mereka secara bertulis.

(2) Suatu notis yang menggabungkan perkara dalam perenggan (1)(a) dan (b) dalam bentuk yang ditentukan oleh Majlis Peguam hendaklah dipamerkan dengan jelas dalam pejabat amalan undang-undang berkumpulan.

(3) Seseorang peguam bela dan peguam cara bagi mana-mana firma dalam amalan undang-undang berkumpulan yang merupakan seorang pesuruhjaya sumpah

atau seorang penyaksi awam boleh mengaku saksi apa-apa dokumen yang menghendaki pengakusaksian klien bagi firma yang lain dalam amalan undang-undang berkumpulan itu.

Tanggungjawab berasingan

11. (1) Suatu amalan undang-undang berkumpulan tidak mempunyai entiti juridikal dan suatu notis yang bermaksud sedemikian hendaklah dipamerkan dengan jelas dalam pejabat amalan undang-undang berkumpulan itu.

(2) Suatu amalan undang-undang berkumpulan tidak boleh dikendalikan sebagai suatu perkongsian dan notis mengenainya hendaklah diberikan kepada klien firma masing-masing.

(3) Setiap firma dalam amalan undang-undang berkumpulan—

(a) hendaklah bertanggungjawab bagi membayar dan menjelaskan hutang dan tanggungjawabnya; dan

(b) hendaklah memastikan firma yang lain dalam amalan undang-undang berkumpulan dan harta masing-masing menanggung rugi terhadap hutang dan tanggungjawab dan terhadap semua tindakan, prosiding, kos, tuntutan dan permintaan berkenaan dengan hutang dan tanggungjawab itu.

(4) Setiap firma dalam amalan undang-undang berkumpulan hendaklah menanggung premium insurans tanggung rugi profesionalnya, kos perakaunan dan audit, yuran profesional dan seumpamanya, dan levi yang kena dibayar kepada Majlis Peguam.

Akaun bank

12. (1) Mana-mana firma dalam amalan undang-undang berkumpulan boleh membuka dan mengendalikan suatu akaun bank bersama bagi maksud memenuhi perbelanjaan bersama amalan undang-undang berkumpulan itu.

(2) Walau apa pun subkaedah (1), setiap firma dalam amalan undang-undang berkumpulan hendaklah menyenggara, secara berasingan daripada firma yang lain dalam amalan undang-undang berkumpulan itu, akaun pejabatnya sendiri dan akaun kliennya.

(3) Dalam kaedah ini,—

(a) “akaun klien” mempunyai erti yang diberikan kepadanya dalam Kaedah-Kaedah Akaun Peguamcara 1990 [*P.U. (A) 301/1990*]; dan

(b) “akaun pejabat” ertinya suatu akaun yang disenggara oleh peguam bela dan peguam cara bagi amalannya, selain akaun klien.

Ketidakupayaan atau kematian tuan punya tunggal

13. (1) Berhubung dengan firma dalam suatu amalan undang-undang berkumpulan yang merupakan suatu ketuanpunyaan tunggal, tuan punya tunggal itu hendaklah melantik secara bertulis suatu firma dalam amalan undang-undang berkumpulan yang sama untuk bertindak bagi pihak tuan punya tunggal itu sekiranya berlaku ketidakupayaan atau kematiannya.

(2) Pelantikan yang dibuat di bawah subkaedah (1) adalah tertakluk kepada kebenaran Majlis Peguam.

Dibuat 8 Jun 2018
[BC/CEN/M/16/2017(BC/PA/S/80/2017); PN(PU2)314/XVIII]

GEORGE VARUGHESE
Pengerusi Majlis Peguam

Diluluskan 12 Jun 2018
[BC/CEN/M/16/2017(BC/PA/S/80/2017); PN(PU2)314/XVIII]

TOMMY THOMAS
Peguam Negara

LEGAL PROFESSION ACT 1976

LEGAL PROFESSION (GROUP LAW PRACTICE) RULES 2018

ARRANGEMENT OF RULES

Rule

1. Citation and commencement
2. Interpretation
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8. Holding out as a group law practice
9. Register of group law practice
10. Client of firm in a group law practice
11. Separate liability
12. Bank account
13. Incapacity or death of sole proprietor

LEGAL PROFESSION ACT 1976

LEGAL PROFESSION (GROUP LAW PRACTICE) RULES 2018

IN exercise of the powers conferred by section 77 of the Legal Profession Act 1976 [Act 166], the Bar Council, with the approval of the Attorney General, makes the following rules:

Citation and commencement

1. (1) These rules may be cited as the **Legal Profession (Group Law Practice) Rules 2018**.

(2) These Rules come into operation on 30 June 2018.

Interpretation

2. In these Rules—

“group law practice” means the practice described in rule 3;

“firm” means a sole proprietorship or a partnership of advocates and solicitors.

Group law practice

3. (1) A group law practice is a practice which comprises two to five firms as its members—

(a) where each firm has not more than five advocates and solicitors;

(b) where all of the firms share a premises at a common address and facilities under a group law practice name; and

(c) where each firm cooperates with each other without being partners.

(2) Any firm in a group law practice shall not be a member of another group law practice.

Application to practice as group law practice

4. (1) All firms who wish to practice as a group law practice shall apply in writing to the Bar Council for an approval of—

(a) practising as a group law practice;

(b) the proposed name of the group law practice; and

(c) the manner in which the name of the group law practice will be used together with the name of the firm of each firm in the group law practice.

(2) The Bar Council shall not approve any proposed name of a group law practice if the name—

(a) is or may reasonably be regarded as being ostentatious, misleading, exploitative, deceptive, sensational, offensive or in any other way unbecoming the dignity of the legal profession; or

(b) is so similar to other existing group law practices as to likely to be confused with.

(3) A firm that has branches shall not be permitted to join a group law practice.

(4) The Bar Council may, within thirty working days from the date of receiving the application under subrule (1), notify the firms who wish to practice as a group law practice in writing of the approval or refusal of such application.

Name of group law practice

5. (1) No firm shall practice as a group law practice unless the name of the group law practice has been approved in accordance with subrule 4(4).

(2) A group law practice shall use the words “group law practice” as part of its name.

(3) A group law practice shall display the names of all firms in the group law practice on the group law practice nameplate outside the premises of the group law practice.

(4) The nameplate of the group law practice shall be in such form as determined by the Bar Council.

(5) If the Bar Council believes on reasonable grounds that the name of a group law practice should be changed, the Bar Council shall serve a written notice with the said grounds to the group law practice to change its name.

(6) The group law practice shall comply with the written notice under subrule (5) within six weeks from the date of receipt of the written notice or any longer period as the Bar Council allows.

(7) If the group law practice fails to comply with the written notice under subrule (5), the group law practice shall immediately cease to practice under the name of the group law practice.

Group law practice cannot have a branch

6. A group law practice shall not have any branch.

Notification of change of number of firms in a group law practice

7. A group law practice shall notify the Bar Council in writing of any change in the number of firms in the group law practice within fourteen days from the date of such change.

Holding out as a group law practice

8. (1) No firm which is not a member of a group law practice shall describe itself as a group law practice.

(2) A firm in a group law practice shall—

- (a) use the name of the group law practice together with the name of the firm provided that the name of the firm shall be more prominent than the name of the group law practice; and
- (b) use the name of the group law practice in documents in which its name appears including its letterheads and business cards.

Register of group law practice

9. (1) The Bar Council shall maintain a register of group law practice.

(2) Any firm which joins or withdraws from a group law practice shall, within fourteen days of such joining or withdrawal, notify the Bar Council of the same in writing.

Client of firm in a group law practice

10. (1) A firm in a group law practice may—

- (a) request another firm in the same group law practice to undertake work instructed by a client of the firm provided that the client has given his or its consent in writing; and
- (b) act for a party in a matter where another firm in the same group law practice is acting for the other party in the same matter provided that both parties have given their consent in writing.

(2) A notice incorporating the matters in paragraphs (1)(a) and (b) in such form as determined by the Bar Council shall be displayed prominently within the office of the group law practice.

(3) An advocate and solicitor of any firm in a group law practice who is a commissioner for oaths or a notary public may attest to any document requiring attestation of clients of another firm in the group law practice.

Separate liability

11. (1) A group law practice does not have a juridical entity and a notice to this effect shall be displayed prominently within the office of the group law practice.

(2) A group law practice shall not operate as a partnership and a notice to this effect shall be given to clients of the respective firm.

(3) Each firm in a group law practice—

(a) shall be liable to pay and discharge its own debts and liabilities; and

(b) shall keep the other firms in the group law practice and their respective estates indemnified against such debts and liabilities and against all actions, proceedings, costs, claims and demands in respect of the said debts and liabilities.

(4) Each firm in a group law practice shall bear its own professional indemnity insurance premium, accountancy and audit costs, professional and similar subscriptions, and levies payable to the Bar Council.

Bank account

12. (1) Any firm in a group law practice may open and operate a common bank account for the purpose of meeting common expenses of the group law practice.

(2) Notwithstanding subrule (1), each firm in a group law practice shall maintain, separately from the other firms in the group law practice, its own office account and its client accounts.

(3) In this rule,—

(a) “client account” has the meaning assigned to it in the Solicitors’ Account Rules 1990 [*P.U. (A) 301/1990*]; and

(b) “office account” means an account maintained by an advocate and solicitor for his practice, other than a client account.

Incapacity or death of sole proprietor

13. (1) In relation to a firm in a group law practice which is a sole proprietorship, the sole proprietor shall appoint in writing another firm in the same group law practice to act in his stead in the event of his incapacity or death.

(2) The appointment made under subrule (1) is subject to the permission of the Bar Council.

Made 8 June 2018
[BC/CEN/M/16/2017(BC/PA/S/80/2017); PN(PU2)314/XVIII]

GEORGE VARUGHESE
Chairman of the Bar Council

Approved 12 June 2018
[BC/CEN/M/16/2017(BC/PA/S/80/2017); PN(PU2)314/XVIII]

TOMMY THOMAS
Attorney General