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**(A) Legal Profession (Amendment) Bill 2023**

In 2020, the Bar Council (“BC”) decided that the amendments to the Legal Profession Act 1976 (“LPA”) are to proceed by way of an amendment Bill instead of a new Bill to entirely replace the LPA. The Committee on Reform to the Legal Sector / LPA Amendments (“CReLS”) thus worked on this basis and BC’s proposed Legal Profession (Amendment) Bill (“LPA (Amendment) Bill”) was submitted to the Attorney General’s Chambers (“AGC”) on 6 July 2021. BC issued Circular No 281/2021 on 14 July 2021 inviting feedback from Members on the LPA Amendment Bill; and Circular No 070/2022 on 14 Mar 2022 informing Members of the latest update.

During the term under review, CReLS continued its engagements with AGC to finalise the wordings of the LPA (Amendment) Bill, as well as the accompanying Explanatory Statement. This entailed, among others, consultation with the Judiciary, and seeking input from other Bar Council committees, in order to respond to several matters raised by AGC in connection with the LPA (Amendment) Bill.

In April 2023, the Legal Profession (Amendment) Bill 2023 was finalised by AGC. The Legal Profession (Amendment) Bill 2023 contains amendments to the LPA in relation to the following:

- (1) **Limited liability law partnerships** — to introduce provisions relating to the conversion, and setting-up, of limited liability law partnerships and related matters;

- (2) **Bar Council Legal Aid Centre (“BCLAC”)** — to include a new Part in the LPA to establish BCLAC, which will have branches in each state, operated with assistance from the respective state bar committee. Among others, BCLAC may represent “aided persons” (ie those who receive legal aid under BCLAC) by filing a legal aid certificate in court in relation to the relevant proceedings;
- (3) **Amendments to section 77** — to expand the existing provision to allow for rules to also be made regarding fees, salaries, allowances and working conditions of advocates and solicitors and pupils in chambers, as well as regarding admission; and
- (4) **Amendments to sections 11, 15 and 36 regarding the order obtained by a pupil in chambers under section 36(2)** — to provide that the application should be made within 30 days from the commencement of pupillage (unless leave of court is obtained), and to provide clarity that at the expiration of three months from the date of the order, the pupil in chambers may appear in chambers in the High Court and in the subordinate courts, to conduct any cause or matter, and before any magistrate to conduct any cause, matter or trial.

Alongside the finalisation of the Legal Profession (Amendment) Bill 2023, CReLS engaged with YB Dato’ Sri Azalina Othman Said and YB Tuan Ramkarpal Singh, Minister and then-Deputy Minister in the Prime Minister’s Department (Law and Institutional Reform), respectively, as well as the Legal Affairs Division (Bahagian Hal Ehwal Undang-Undang, “BHEUU”), to push for the Legal Profession (Amendment) Bill 2023 to be tabled in Parliament as soon as possible, and to finalise several documents for this purpose:

- (1) A courtesy visit-cum-meeting was held with the Minister and then-Deputy Minister on 14 Feb 2023 during which the matter of the Legal Profession (Amendment) Bill 2023 was brought to their attention;
- (2) A virtual meeting was held with the then-Deputy Minister on 28 Feb 2023 during which CReLS

briefed him on the matters contained in the Legal Profession (Amendment) Bill 2023;

- (3) A meeting was held with BHEUU on 2 June 2023 during which CReLS briefed BHEUU on the matters contained in the Legal Profession (Amendment) Bill 2023 and discussed the way forward; and
- (4) Continuous engagement with BHEUU from June to September 2023 to finalise several documents, including providing input on the following drafts: Memorandum Jemaah Menteri (“MJM”), Matriks MJM and a set of Frequently-Asked-Questions.

In addition to the above, letters were sent to the Prime Minister, YAB Dato’ Seri Anwar Ibrahim, and the then-Deputy Minister in the Prime Minister’s Department (Law and Institutional Reform) on 25 Oct 2023, to push for the Legal Profession (Amendment) Bill 2023 to be tabled during the November sitting of Parliament.

At the time of writing this report, the Legal Profession (Amendment) Bill 2023 has not yet been brought to Parliament. As the Legal Profession (Amendment) Bill 2023 and related documents have been finalised, what is left is the political will to move the bill forward. CReLS will persist in our efforts in engaging with the authorities to see this through.

### (B) LPA Review — Other Areas

CReLS has also deliberated on the review of other areas of the LPA, including those as contained in BC’s prior draft new Bill to replace the LPA which was worked on during the 2018/19 exercise. It is intended that these additional proposals be by way of tranches to amend the LPA, and CReLS plans to set up working groups to look into the different areas and propose amendments to the LPA accordingly, once the Legal Profession (Amendment) Bill 2023 has been passed.

CReLS is preliminarily looking at the following areas / sections of the LPA for the second tranche:

- (1) Legal Profession Qualifying Board, Admission and Pupillage [*Part II*];

- (2) Sijil Annual / Practising Certificate *[Part IIA and Part III]*;
- (3) Privileges of Advocates and Solicitors *[Part IV]*;
- (4) Malaysian Bar *[Part V]*;
- (5) Associate Membership;
- (6) Disciplinary Proceedings *[Part VII]*; and
- (7) Others: Firm Names, Professional Indemnity, Legal Professional Privilege.

### **Acknowledgement**

On behalf of the Malaysian Bar and BC, we express our appreciation, particularly to the former Attorney General of Malaysia and AGC officers, for their continuing efforts and cooperation in engaging with us on the amendments to the LPA.

We also thank the members of CReLS for their unstinting diligence and generosity of time, energy and skills in service to the Bar.

We wish to take this opportunity to record our thanks to the Bar Council Secretariat staff, in particular Pavithar Kaur (Officer) and Laura Vincent (Administrative Assistant). Not forgetting the Law, Policy and Special Projects team, particularly Boo Sha-Lyn (Executive Officer), Basileia Chen (Officer) and Thanraj Singh (Officer), we also extend our sincere appreciation for their invaluable work and input during the term.

Karen Cheah Yee Lynn and Roger Tan Kor Mee  
Co-Chairpersons

Date: 5 Jan 2024

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