



**Resolution Adopted at the Extraordinary General Meeting of the Malaysian Bar
(Held Virtually on Saturday, 25 Sept 2021)**

Resolution to Increase the Number of Elected Members in the Bar Council under Section 47(2)(c) of the Legal Profession Act 1976

- (1) **WHEREAS** the Bar Council was formed on 1 June 1977 with the coming into force of the Legal Profession Act 1976 (“LPA”) after the Advocates and Solicitors Ordinance 1947.
 - (1.1) When the bill for the LPA was passed in the House of Representatives on 18 Dec 1975, there were 1,706 legal practitioners.
 - (1.2) When the LPA came into force, there were about 2,000 Members and a total of 9 state bars, being Johore, Kedah, Melaka, Negeri Sembilan, Pahang, Penang, Selangor, Kelantan / Terengganu and Perak / Perlis.
 - (1.3) The number of elected members pursuant to section 47(2)(c) of the LPA was 12 in 1977 whereas the number of representatives from the state bars was 18. The ratio was 1:1.5 between nationwide elected members and state bar representatives.
 - (1.4) The number of elected members pursuant to section 47(2)(c) of the LPA was decided by the Bar Council pursuant to section 50(2)(b) of the LPA.
- (2) **WHEREAS** in 1983, the number of state bars increased to 10 with the severance of Kelantan and Terengganu. The number of representatives from the state bars was 20. The number of elected members pursuant to section 47(2)(c) of the LPA remained at 12.
- (3) **WHEREAS** in 1992, the number of state bars increased to 11 with the establishment of the Kuala Lumpur State Bar. The number of representatives from the state bars was 22. The number of elected members pursuant to section 47(2)(c) of the LPA remained at 12.
- (4) **WHEREAS** in 2013, the number of state bars increased to 12 with the severance of Perlis and Kedah. The number of representatives from the state bars was, and remains at, 24. The number of elected members pursuant to section 47(2)(c) of the LPA remained at 12.
- (5) **RECOGNISING** the exponential increase in the number of Members of the Malaysian Bar and increase in the number of state bars since 1977.

- (5.1) Currently, there are about 21,250 Members of the Malaysian Bar. The number of Members has increased about tenfold since the LPA came into force. The number of elected members pursuant to section 47(2)(c) of the LPA, however, remains at 12.
- (5.2) The current ratio between elected members and representatives of the state bars is 1:2.
- (5.3) If the ratio determined in 1977 is adopted, the number of elected members pursuant to section 47(2)(c) of the LPA ought to be **16**.
- (6) **RECOGNISING** that elected members pursuant to section 47(2)(c) of the LPA come from various states and are elected from the general body of Members of the Malaysian Bar, transcending state boundaries.
- (7) **RECOGNISING** that the Bar Council currently has approximately 55 committees on various areas of the law and the need to have members of the Bar Council to chair or co-chair such committees to ensure good governance and accountability to the Members of the Malaysian Bar.
- (8) **RECOGNISING** that the Malaysian Bar has to uphold the rule of law and independence of the judiciary at all times, without fear or favour and without regard to any unpleasant consequences to itself, the increase of numbers for those elected members from the floor nationwide can only augur well for the Malaysian Bar.
- (9) **RECOGNISING** that the number of candidates running for the Bar Council elections has increased over the past few years and that Members should be given the opportunity to serve if they are interested to do so.
- (9.1) For the 2019/2020 Bar Council election, there were 30 candidates.
- (9.2) For the 2020/2021 Bar Council election, there were 35 candidates.
- (9.3) For the 2021/2022 Bar Council election, there were 27 candidates.
- (10) **RECOGNISING** that the Bar Council must take into account all the factors above in coming to its decision under section 50(2)(b) of the LPA.

IT IS HEREBY RESOLVED THAT:

- (A) The Bar Council immediately take the necessary steps to increase the number of elected members under section 47(2)(c) of the LPA from 12 to 16 pursuant to section 50(2)(b) of the LPA for the 2022/2023 annual election of the Bar Council; and
- (B) The number of elected members under section 47(2)(c) of the LPA shall remain at a minimum of 16 for subsequent annual elections of the Bar Council, until such time where further changes are needed for the benefit of the Malaysian Bar and its Members.