

CHAPTER 13

CESSATION OF/CHANGE IN PRACTICE AND DISCIPLINARY PROCEEDINGS

13.01. Notice to Bar Council

(1) An Advocate and Solicitor shall within 14 days of any change:

- (a) in the address of his/her place of practice; or
- (b) of his/her place of practice (eg if he/she moves to another firm);

notify the Bar Council in writing in the form and manner as the Bar Council may prescribe from time to time and shall comply with the Rules on Cessation of, or Change in, Practice.

(2) Any Advocate and Solicitor who:

- (i) ceases practice as a sole proprietor but continues to practise:
 - (a) as a partner in a firm (other than by reason of the admission of a partner);
 - (b) as an employee; or
 - (c) as a consultant; or
- (ii) ceases practice as a partner in a firm of Advocates and Solicitors but continues to practise:
 - (a) as a partner in a different firm of Advocates and Solicitors;
 - (b) as a sole proprietor; or
 - (c) as an employee or a consultant; or
- (iii) ceases practice as an Advocate and Solicitor altogether whether temporarily or permanently;

shall within 14 days thereof notify the Bar Council in writing in such form and manner as the Bar Council may require from time to time.

- (3) Without prejudice to the foregoing the Bar Council may in its discretion impose such terms or conditions on, or give such further or other directions to the Advocate and Solicitor concerned as it may consider appropriate and may require the Advocate and Solicitor concerned to attend before the Bar Council or its nominated committee to provide such clarification or to answer such queries as may be required of, or put to, him/her.
- (4) The Notice of Cessation of Practice as an Advocate and Solicitor attached to these Rulings as Appendix I, the Form for Change of Address of Practice/Place of Practice attached to these Rulings as Appendix IA, and the Statutory Declaration attached to these Rulings as Appendix IB, shall be applicable as from 1 July 2004 (unless and until modified or revoked by the Bar Council hereafter).

APPENDIX I*

CESSATION OF/CHANGE IN PRACTICE (FORMS)

Notice of Cessation of Practice as an Advocate and Solicitor

Note: This form is to be completed by an Advocate and Solicitor who has ceased or intends to cease practice as an Advocate and Solicitor whether temporarily or permanently and whether as an employee, consultant, sole proprietor or partner. The truth and accuracy of the answers provided must be verified by that Advocate and Solicitor by way of a statutory declaration.

This form and statutory declaration must be lodged with the Bar Council within 14 days from the date of cessation or date of intended cessation of practice.

PART 1: Every Advocate and Solicitor who is a sole proprietor, a partner, an employee or a consultant of a law firm and who has ceased or intends to cease practice altogether, whether temporarily or permanently must complete this Part 1 and also affirm a statutory declaration in the form of Appendix IB.

PART 1: Applicable to every Advocate and Solicitor who ceases practice altogether.

A: Name :
NRIC number :
Address** :

Telephone number :
Fax number :
E-mail address :
Mobile phone number :

* See Ruling 13.01.

** Kindly ensure that this address corresponds to the address as stated in the statutory declaration failing which the records will be updated based on the address provided herein.

- B. Date you ceased or intend to cease practice: *[dd/mm/yr]*
- (a) Please state reasons for cessation of practice:
(Optional) (Confidentiality will be maintained)
 - (b) If you know your next place of employment/practice, kindly provide the following details for our records:
 - (i) Name of Firm/Company
 - (ii) Address(es)
 - (iii) Telephone number
 - (iv) Date of commencement
- C. Particulars of the firm in which you currently practise/last practised
(*delete as appropriate*) (hereinafter referred to as the “Firm”):
- Name of Firm :
Address :
Telephone number :
Fax number :
E-mail address :
- Status in the Firm: Sole Proprietor / Partner / Employee / Consultant
(*delete as appropriate*)

PART 2:

- D. In addition to complying with Part 1, every Advocate and Solicitor who is a partner of a law firm and who has ceased or intends to cease practice altogether, whether temporarily or permanently, must in a separate attachment to Part 1, answer the questions in Section D of this Part 2 and also affirm a statutory declaration in the form of Appendix IB.**
- (i) Name(s) of the other partner(s) of the firm in which you were or are a partner:
 - (ii) After your cessation of practice, will the firm in which you were or are a partner continue in practice as a firm of Advocates and Solicitors?

- (iii) If the firm in which you were or are a partner has ceased or intends to cease practice as a firm of Advocates and Solicitors:
- (a) Have all its clients been given notice to this effect, and if so, when and how?
- (b) Describe what steps have been or will be taken to protect the interest of its clients — their documents and files. Have all your files been transferred to other Advocates and Solicitors? Please provide particulars of all files transferred and the Advocates and Solicitors who have taken them over, supported by written confirmation from each of these Advocates and Solicitors of such taking over (example shown below).

Title: Details of files transferred to other Advocates and Solicitors

Columns:

- File reference number
 - Subject matter and parties concerned
 - Name of client
 - Amount of client's money transferred
 - Name of appointed Advocates and Solicitors
- (c) Describe what steps have been or will be taken in respect of monies in its client account(s).
- (d) Is/are your client account(s) closed? If so, when and with which bank(s) and provide particulars of the account(s).
- Name of bank(s)
 - Address(es)
 - Account number(s)
 - Date of closure (if closed)

E. In addition to complying with Part 1, every Advocate and Solicitor who is a sole proprietor of a law firm and who has ceased or intends to cease practice altogether, whether temporarily or permanently, must, in a separate attachment to Part 1, answer the following questions set out in this Section E of Part 2 and also affirm a statutory declaration in the form of Appendix IB.

- (i) Have all your clients been given notice of your cessation or intended cessation of practice, and if so, when and how?
- (ii) Describe what steps have been or will be taken to protect the interest of your clients, their documents and files. Have all your files been transferred to other Advocates and Solicitors? Please provide particulars of all files transferred and the Advocates and Solicitors who have taken them over, supported by written confirmation from each of these Advocates and Solicitors of such taking over (example shown below).

Title: Details of files transferred to other Advocates and Solicitors

Columns:

- File reference number
 - Subject matter and parties concerned
 - Name of client
 - Amount of client's money transferred
 - Name of appointed Advocates and Solicitors
- (iii) Describe what steps have been or will be taken in respect of monies in the client account(s):
 - (iv) Is/are your client account(s) closed? If so, when and with which bank(s) and provide particulars of the account(s).
 - Name of bank(s)
 - Address(es)
 - Account number(s)
 - Date of closure (if closed)

APPENDIX IA***CESSATION OF/CHANGE IN PRACTICE (FORMS)****Form for Change of Address of Practice/Place of Practice**

Name: _____

NRIC number: _____

	<i>Former</i>	<i>Current</i>
Firm name		
Firm address		
Tel number(s)		
Fax number		
E-mail address		
Status in Firm	Sole proprietor/ partner/employee/ consultant <i>(delete as appropriate)</i>	Sole proprietor/ partner/employee/ consultant <i>(delete as appropriate)</i>
Date	<i>(date of cessation)</i>	<i>(date of commencement)</i>
Other changes (if any)		

Date

Signature

* See Ruling 13.01.

APPENDIX IB*

Statutory Declaration

I, _____

(NRIC no _____), an Advocate and Solicitor of

the High Court of Malaya residing at _____

do hereby solemnly affirm and declare as follows:

The information contained in the form of Notice of Cessation of Practice as an Advocate and Solicitor and any attachments thereto relating to my cessation of practice as an Advocate and Solicitor, attached to this Statutory Declaration is true and accurate.

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 _____)

_____) _____

this _____ day of _____)

Before me,

Commissioner for Oaths

* See Ruling 13.01.