



Solicitors' Remuneration (Enforcement) Rules 2016 (As Amended by the Solicitors' Remuneration (Enforcement) (Amendment) Rules 2024)

PART I: Frequently-Asked-Questions ("FAQ")

The Solicitors' Remuneration (Enforcement) (Amendment) Rules ("SREAR") 2024 was gazetted on 16 Feb 2024, amending the Solicitors' Remuneration (Enforcement) Rules ("SRER") 2016. The FAQ is produced to assist Members in understanding the SRER 2016.

Q1. Rule 3(2) of the SRER 2016 (as amended by the SREAR 2024) stipulates that the "no discount" signage shall contain certain words. What is the recommended signage to be displayed in a solicitor's office?

A1. (a) A recommended signage in Bahasa Malaysia is as follows:

NOTIS

Yuran guaman bagi transaksi harta tanah seperti urusan jual-beli, pinjaman, kemudahan bank dan urusan lain bukan bertikaian, yang dikawal selia oleh Perintah Saraan Peguam Cara 2023 ("SRO 2023") adalah ditetapkan oleh undang-undang dan PEGUAM-PEGUAM TIDAK DIBENARKAN MEMBERI DISKAUN kepada;

- (i) Transaksi jualan dan pindahmilik yang tertakluk kepada Akta Pemajuan Perumahan (Kawalan dan Pelesenan) 1966 (Akta 118);
- (ii) Pajakan dan Penyewaan;
- (iii) Gadaian, debentur dan dokumen cagaran atau pembiayaan lain berhubungan transaksi yang tertakluk kepada Akta 118;
- (iv) Pelepasan gadaian dan Surat Ikatan penyerahhakan semula;
- (v) Menyediakan, memfailkan atau menyaksikan dokumen pelbagai dinyatakan dalam Jadual Kelima, SRO 2023; dan
- (vi) Kerja bukan bertikaian dinyatakan dalam Jadual Keenam, SRO 2023.

(b) A recommended signage in English is as follows:

NOTICE

Legal fees for property transactions such as sale and purchase, loan, banking facility and other non-contentious matters governed by the Solicitors' Remuneration Order 2023 ("SRO 2023") are fixed by law and LAWYERS ARE NOT ALLOWED TO PROVIDE DISCOUNT on;

- (i) Sale and transfer transactions governed by the Housing Development (Control and Licensing) Act 1966 (Act 118);
- (ii) Lease and Tenancy;
- (iii) Charges, debentures and other security or financing documents relating to transactions governed by Act 118;
- (iv) Discharge of Charge and Deed of Reassignment;
- (v) Preparing, filing and witnessing miscellaneous documents specified in the Fifth Schedule of the SRO 2023; and
- (vi) Non-contentious work specified in the Sixth Schedule of the SRO 2023.

Q2. I wish to complain about a solicitor who has not complied with the SRO 2023. What must I do?

A2. A solicitor or any person may lodge a complaint in writing to the Bar Council using Form A of the Schedule to the SRER 2016 (as amended by the SREAR 2024).

Q3. I have lodged a complaint to the Bar Council against solicitor ABC for breach of the SRO 2023. What can the Bar Council do?

- A3. (a) If the Bar Council is satisfied that there is no merit in your complaint, the Bar Council shall:
- (i) dismiss your complaint; and
 - (ii) notify you and solicitor ABC.
- (b) If the Bar Council is satisfied that there is merit in your complaint, the Bar Council shall deliver to solicitor ABC, a copy of your complaint together with all the supporting documents furnished by you, and the Bar Council may then require solicitor ABC to:
- (i) complete a return relating to any transaction in Form C; or
 - (ii) attend personally before the Bar Council and produce for examination any documents relating to any transactions; or
 - (iii) provide in writing such information or particulars which the Bar Council deems necessary.
- (c) The Bar Council may use any document or information obtained under paragraph (b) above, as a basis for a complaint to the Advocates and Solicitors Disciplinary Board against solicitor ABC.

Q4. A complaint had been lodged against me by my client. The Bar Council had required me to complete a return in Form C relating to my client's transaction and I did not comply with the Bar Council's request. What actions can the Bar Council take against me?

- A4. If you fail to comply with the Bar Council's request to complete Form C, or attend personally before the Bar Council or provide such information or particulars which the Bar Council deems necessary, you may be subject to disciplinary proceedings.

Q5. There is no complaint lodged against me for breach of the SRO 2023. Can the Bar Council require me to complete Form C or attend personally before the Bar Council or provide such information or particulars which the Bar Council deems necessary?

- A5. Even if there is no complaint lodged against you for breach of the SRO 2023, the Bar Council may on its own volition, require you to complete Form C or attend personally before the Bar Council or provide such information or particulars which the Bar Council deems necessary, and if you fail to do so, you may be subject to disciplinary proceedings.

Q6. The Bar Council had in Form B required my firm to complete Form C relating to transactions for the period commencing January 2024 and ending on March 2024. I am only the legal assistant in charge of some of the transactions listed in Form C. I am not the managing partner or the partner responsible for the other transactions listed in Form C. Am I required to do anything in respect of the return in Form C?

- A6. (a) The statutory declaration required to be given at the end of the return in Form C shall be made by the managing partner or the partner responsible for the transactions listed in the Form C **and** by the solicitor in charge of the respective transactions listed in Form C.
- (b) You are required to provide a statutory declaration for all the files listed in Form C, which are handled by you as the legal assistant.
- (c) In the event of doubt as to the proper manner to complete and deliver Form C to the Bar Council, you should write to the Bar Council to seek clarification or directions.

Q7. The Bar Council had in Form B required my firm to complete Form C relating to transactions for the period commencing January 2024 and ending on March 2024. I am the managing partner of my firm but I am unable to furnish some of the documents for verification by the Bar Council. What shall I do?

- A7 You should write to the Bar Council to seek clarification or directions.

Disclaimer: This FAQ serves as guidelines to advocates and solicitors but is not conclusive or binding.

Should you have any enquiries, please contact:

Solicitors' Remuneration Enforcement Committee
conveyancing@malaysianbar.org.my

PART II: Process Flow for Complaints Received under SRER 2016

The infographic chart below refers to the process flow for complaints made under the SRER 2016 (as amended by SREAR 2024).

PROCESS FLOW THAT WILL BE ADOPTED BY THE BAR COUNCIL PERTAINING TO COMPLAINTS RECEIVED UNDER SRER 2016 [P.U. (A) 340/2016], AS AMENDED BY P.U. (A) 47/2024.

