



LAWS OF MALAYSIA

Act A1755

LEGAL PROFESSION (AMENDMENT) ACT 2025

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LAWS OF MALAYSIA

Act A1755

LEGAL PROFESSION (AMENDMENT) ACT 2025

An Act to amend the Legal Profession Act 1976.

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ENACTED by the Parliament of Malaysia as follows:

Short title and commencement

1. (1) This Act may be cited as the Legal Profession (Amendment) Act 2025.

(2) This Act comes into operation on a date to be appointed by the Minister by notification in the *Gazette* and the Minister may appoint different dates for the coming into operation of different provisions of this Act.

Amendment of section 3

2. The Legal Profession Act 1976 [*Act 166*], which is referred to as the “principal Act” in this Act, is amended in section 3 by inserting after the definition of “legal officer” the following definitions:

“limited liability law partnership” means a limited liability law partnership approved under section 40R and registered in accordance with the requirements of that section;

“limited liability partnership” means a limited liability partnership registered under the Limited Liability Partnerships Act 2012 [Act 743], and includes a limited liability partnership registered on conversion of a conventional partnership under the Limited Liability Partnerships Act 2012, but does not include a foreign limited liability partnership registered under the Limited Liability Partnerships Act 2012;’.

New section 9A

3. The principal Act is amended by inserting after section 9 the following section:

“Accounts of the Board

9A. The accounts of the Board shall be audited annually by the Auditor General.”.

Amendment of section 11

4. Subsection 11(1) of the principal Act is amended—

(a) in paragraph (d), by substituting for the full stop at the end of the paragraph the words “; and”; and

(b) by inserting after paragraph (d) the following paragraph:

“(e) has obtained an order under subsection 36(2).”.

Amendment of section 15

5. Subsection 15(3) of the principal Act is amended—

(a) in paragraph (f), by deleting the word “and” at the end of the paragraph;

(b) in paragraph (g), by substituting for the full stop at the end of the paragraph the words “; and”; and

(c) by inserting after paragraph (g) the following paragraph:

“(h) a true copy of an order obtained under subsection 36(2).”.

Amendment of section 30

6. Subsection 30(1) of the principal Act is amended—

(a) in paragraph (a), by substituting for the words “or in partnership” the words “, in partnership or in limited liability law partnership”; and

(b) in paragraph (b), by substituting for the words “or a firm of advocates and solicitors” the words “, a firm of advocates and solicitors or a limited liability law partnership”.

Amendment of section 36

7. Section 36 of the principal Act is amended—

(a) in subsection (2)—

(i) by substituting for the words “at the commencement of the pupillage” the words “within thirty days from the commencement of the pupillage”;

(ii) by substituting for the words “or of the firm” the words “or on behalf of the firm or the limited liability law partnership”; and

(iii) by substituting for paragraph (b) the following paragraph:

“(b) at the expiration of the period of three months from the date of the order, the pupil may appear—

(i) in chambers in the High Court and in the subordinate courts, to conduct any cause or matter; and

(ii) before any Magistrate to conduct any cause, matter or trial.”; and

(b) by inserting after subsection (2) the following subsection:

“(2A) Any application under subsection (2) after the expiry of thirty days from the commencement of the pupillage of the Master’s pupil shall not be permitted unless with the leave of court.”.

Amendment of section 40A

8. Section 40A of the principal Act is amended by inserting after the definition of “international partnership” the following definition:

““Malaysian law firm” means a sole proprietorship, a partnership or a limited liability law partnership which carries on the practice of advocates and solicitors under this Act;”.

Amendment of section 40F

9. Subsection 40F(1) of the principal Act is amended by inserting after the words “a Malaysian law firm may apply jointly” the words “or by means of a limited liability law partnership formed pursuant to an arrangement between such foreign law firm and Malaysian law firm”.

Amendment of section 40o

10. Section 40o of the principal Act is amended by inserting after paragraph (h) the following paragraph:

“(ha) the manner and means by which a limited liability law partnership may be formed for the purposes of an international partnership;”.

New Part IVB

11. The principal Act is amended by inserting after section 40o the following part:

“PART IVB

LIMITED LIABILITY LAW PARTNERSHIPS

Interpretation

40p. In this Part, unless the context otherwise requires—

“compliance officer” means a compliance officer appointed under section 27 of the Limited Liability Partnerships Act 2012;

“limited liability partnership agreement” has the meaning assigned to it in the Limited Liability Partnerships Act 2012;

“Registrar” has the meaning assigned to it in the Limited Liability Partnerships Act 2012.

Application for approval to form limited liability law partnerships, etc.

40q. An advocates and solicitors who wish to form a limited liability law partnership or to convert an existing firm into a limited liability law partnership for the purpose of carrying on the practice of advocates and solicitors shall apply to the Bar Council for approval of—

- (a) the formation of a limited liability law partnership;
or
- (b) the conversion of an existing firm into a limited liability law partnership; and
- (c) the proposed name for the limited liability law partnership.

Approval for formation of or conversion into limited liability law partnership

40r. (1) Upon receipt of the application under section 40q, the Bar Council may approve the formation of a limited liability law partnership or the conversion of an existing firm into a limited liability law partnership.

(2) A limited liability law partnership approved under subsection (1) shall not be recognized to be a limited liability law partnership under this Act until the limited liability law partnership is registered under the Limited Liability Partnerships Act 2012 as a limited liability partnership and its name is entered into the register under subsection 40z(2).

Approval for name of limited liability law partnership

40s. (1) For the purposes of the application under paragraph 40q(c), the Bar Council may approve the proposed name of a limited liability law partnership—

- (a) in the case of a conversion from an existing firm into a limited liability law partnership, if the name—
 - (i) is the same name as that of the existing firm with the additional words as required under subsection 13(1) of the Limited Liability Partnerships Act 2012; and
 - (ii) is not likely to be confused with the name of any existing limited liability law partnership or firm; or
- (b) in the case of the formation of a new limited liability law partnership, if the name—
 - (i) is not misleading;
 - (ii) is not likely to be confused with the name of any existing limited liability law partnership or firm; and
 - (iii) is not incompatible with the dignity of the legal profession.

(2) The approved name of a limited liability law partnership shall not be changed or altered unless with the approval of the Bar Council in writing subject to the same requirements under paragraph (1)(b).

Rights and obligations of limited liability law partnership

40r. (1) A limited liability law partnership may do anything that an advocate and solicitor may do by law and shall do all things that an advocate and solicitor is required to do by law.

(2) Notwithstanding subsection (1), a limited liability law partnership shall not do anything that may only be done by an advocate and solicitor as a natural person.

Effect of conversion into limited liability law partnership

40u. Without prejudice to section 33 of the Limited Liability Partnerships Act 2012, upon conversion of a firm into a limited liability law partnership—

- (a) all persons who have engaged or are engaging such firm in connection with its practice as an advocates and solicitors shall be deemed to be persons who have engaged or are engaging such limited liability law partnership in connection with its practice as an advocates and solicitors without the need for the consent of or notification to any person making such engagement or any other person and without further assurance, act or deed;
- (b) all assets and property held by such firm, either alone or jointly with any other person, for or in connection with its practice as an advocates and solicitors, whether for any such person or otherwise, shall vest in such limited liability law partnership subject to such trusts or other arrangements as had applied to such firm;
- (c) all documents, records, goods or things held by or for, or in the possession of, such firm shall be deemed to be held by or for, or in the possession of, such limited liability law partnership;

- (d) any lien or other security held by such firm, either alone or jointly with any other person for its own benefit or as a nominee or trustee, shall be deemed to be held by such limited liability law partnership;
- (e) any subsisting undertaking, consent, power of attorney, instruction, order, mandate, authority or other instrument, whether by deed or otherwise, entered into by, given by or to, or made for the benefit of, such firm for or in connection with its practice as an advocates and solicitors shall be deemed to be entered into by, given by or to, or made for the benefit of, such limited liability law partnership;
- (f) any account between such firm and the person engaging or who had engaged such firm or otherwise for or in connection with its practice as an advocates and solicitors shall be deemed to become an account between such limited liability law partnership and such person subject to the terms and conditions as had applied to such account with such firm; and
- (g) any filing or correspondence or matter with or involving any registry, court, tribunal, tax or revenue authority, stock exchange or any other governmental, public or regulatory authority made by such firm or an advocate and solicitor of such firm for or in connection with its practice as an advocates and solicitors shall be deemed to have been made by or with such limited liability law partnership.

Relationship between client and limited liability law partnership

40v. A limited liability law partnership shall have the rights and shall be subjected to the fiduciary, confidential and ethical requirements with regard to each client of the limited liability law partnership same as the rights and the fiduciary, confidential and ethical requirements that exist at law with regard to an advocate and solicitor and his client.

Standard of conduct

40w. A partner, a consultant or an employee of a limited liability law partnership who is an advocate and solicitor providing services which can only be provided by an advocate and solicitor under this Act shall be subjected to the same standards of conduct and competence with regard to such services as if he was personally providing such services as an advocate and solicitor in a firm.

Cessation of practice of advocate and solicitor

40x. (1) A limited liability law partnership shall not carry on the practice of an advocate and solicitor if at any time any partner of the limited liability law partnership is not a practising advocate and solicitor.

(2) If a limited liability law partnership carries on business in contravention of subsection (1)—

- (a) the limited liability law partnership; and
- (b) the person who is a partner during the period that the limited liability law partnership so carries on such business and is cognizant of the fact that the limited liability law partnership is carrying on business in contravention of subsection (1),

commits an offence and shall, on conviction, be liable to a fine not exceeding two thousand five hundred ringgit or to imprisonment for a term not exceeding six months or to both.

Winding up of limited liability law partnership

40y. (1) Notwithstanding section 49 of the Limited Liability Partnerships Act 2012, the High Court may, upon application made by the Bar Council, order the winding up of a limited liability law partnership under the Limited Liability Partnerships Act 2012 on any of the following grounds:

- (a) the limited liability law partnership fails to comply with the requirements of this Act or the rules made under section 40zD relating to a limited liability law partnership; or

- (b) the practice of the limited liability law partnership has been conducted in a manner incompatible with the dignity of the legal profession.

(2) The winding up of a limited liability law partnership under the Limited Liability Partnerships Act 2012 shall be without prejudice to—

- (a) any right to institute disciplinary proceedings against an advocate and solicitor practising under the limited liability law partnership; or
- (b) any right of the Bar Council or State Bar Committee to exercise any rights or powers under this Act.

Register of limited liability law partnerships

40z. (1) The Bar Council shall—

- (a) keep and maintain a register for limited liability law partnerships approved under section 40R in such form and manner as the Bar Council thinks fit and have custody of the register and all documents relating to it; and
- (b) allow any person to inspect the register referred to in paragraph (a) in such manner as the Bar Council thinks fit.

(2) The Bar Council shall enter the name of a limited liability law partnership approved under section 40R in the register.

(3) The Bar Council shall remove or strike off the name of a limited liability law partnership which is ceased to carry on the practice of an advocate and solicitor or which has been wound up from the register.

(4) Notwithstanding subsection (3), the Bar Council may restore the name of the limited liability law partnership to the register for the purpose of enabling the Bar Council or any

State Bar Committee or any other person to exercise any rights or powers in relation to such limited liability law partnership under this Act for or in connection with—

- (a) the professional practice, etiquette, conduct and discipline of advocate and solicitor and clerks under Part VI or disciplinary proceedings under Part VII;
- (b) the protection of clients or former clients of the limited liability law partnership; or
- (c) the rights and powers under section 119.

Right of appeal against decision of Bar Council

40ZA. Any person who is aggrieved by a decision of the Bar Council under section 40R or 40s may appeal to the High Court.

This Part to prevail over inconsistent provisions of limited liability partnership agreement

40ZB. This Part and any rules made under section 40ZD shall prevail over any inconsistent provision of any limited liability partnership agreement.

Application of Limited Liability Partnerships Act 2012 and other written laws to limited liability law partnership

40zc. (1) The provisions of this Part and the rules made under section 40ZD shall be read together with the provisions of the Limited Liability Partnerships Act 2012.

(2) In the case of any conflict or inconsistency between any provision of the Limited Liability Partnerships Act 2012 and any provision of this Part, the provisions of this Part shall prevail.

Rules on limited liability law partnership

40ZD. (1) The Bar Council may, with the approval of the Attorney General, make rules for the purposes of this Part.

(2) Without prejudice to the generality of subsection (1), the rules made under subsection (1) may provide for—

- (a) matters relating to the name of a limited liability law partnership;
- (b) restrictions to be imposed on persons or classes of persons who are the partners or compliance officers of a limited liability law partnership;
- (c) the payment of fees on applications made under this Part or any rules made under this Part;
- (d) the keeping of accounts by a limited liability law partnership; and
- (e) the nature and content of official correspondence, documents and publications issued by a limited liability law partnership.”.

New Part VA

12. The principal Act is amended by inserting after section 76 the following part:

“PART VA

BAR COUNCIL LEGAL AID CENTRE

Interpretation

76A. In this Part, unless the context otherwise requires—

“aided person” means a person who satisfy the means test and receives legal aid under this Part;

“Centre” means the Bar Council Legal Aid Centre under section 76B;

“Director” means the Director of the Legal Aid Centre appointed under section 76F;

“guardian” in relation to a child, includes any person who, in the opinion of the Director, is properly appointed as the next friend or guardian *ad litem* of the child;

“legal aid” means the legal services provided by the Centre to an aided person, including representing the aided person in any proceedings;

“Legal Aid Certificate” means a certificate filed in court under section 76I;

“means test” means a test, conducted by the Bar Council, to determine the eligibility of a person for legal aid.

Bar Council Legal Aid Centre

76B. (1) The Bar Council shall administer a centre known as the “Bar Council Legal Aid Centre” with one or more branches in each State for the purpose of carrying out the functions under section 76C.

(2) The Centre shall be responsible to the Bar Council, and shall—

- (a) furnish the Bar Council with reports on its activities, its annual accounts audited by the Bar Council’s auditors and any other information as the Bar Council may require; and
- (b) cause its annual audited report to be presented at the annual general meeting of the Malaysian Bar.

Functions of the Centre

76C. (1) The Centre shall have the following functions:

- (a) to provide legal aid to aided persons;

- (b) to promote legal literacy in a manner determined and approved by the Bar Council;
- (c) to assist the public in matters relating to justice;
- (d) to engage the service of members of the Malaysian Bar in the performance of its functions;
- (e) to establish any branch throughout Malaysia in cooperation with the relevant State Bar Committee;
- (f) to maintain a client account for any aided person, in accordance with any rules made pursuant to section 76M;
- (g) to carry on any activity that is relevant to, or in connection with, the performance of its functions;
- (h) to receive, in consideration of the services rendered by it, any fee or disbursement or contribution from the aided person, or such payment of costs as may be awarded to the aided person, in accordance with the rules made by the Bar Council; and
- (i) to establish committee and subcommittee as it may deem necessary for the performance of its functions.

(2) Notwithstanding paragraph (1)(a), the Bar Council may in special circumstances, direct the Centre to provide legal aid to any person who does not satisfy the means test.

Principal office of the Centre

76D. The principal office of the Centre shall be situated in such place as may be determined by the Bar Council.

Branches of the Centre

76E. (1) Where the Centre establishes a branch in any state outside its principal office, such branch shall be managed and administered by the Centre, with the assistance of the relevant State Bar Committee.

(2) The Bar Council shall delegate its power, as it may deem necessary, to the relevant State Bar Committee for the purposes of administration of the branch of the Centre.

(3) Any branch of the Centre shall also be answerable to the relevant State Bar Committee.

Appointment of Director and staff of the Centre

76F. (1) The Bar Council may employ and remunerate any qualified and suitable advocate and solicitor or person to be the Director who shall be responsible—

- (a) for the day-to-day management and administration of the Centre and its activities;
- (b) for the preparation of programmes and projects in the performance of the functions of the Centre for the consideration and approval of the Bar Council; and
- (c) to perform all directions of the Bar Council.

(2) The Bar Council may employ and remunerate any qualified and suitable person to be a staff of the Centre to assist the Director in performing the functions of the Centre.

Application for legal aid

76G. (1) Any person who whether in his own right or in a representative capacity desires to be granted legal aid under this Part shall make an application to the Centre.

(2) For the purposes of subsection (1), the applicant shall furnish full, true and correct information in the application.

Memorandum of Notification

76H. (1) The Centre shall, upon receiving the application under section 76G, as soon as practicable, notify any relevant party and file a Memorandum of Notification in Form 1 of the Second Schedule in the court in which the proceedings has been instituted.

(2) Where a Memorandum of Notification is filed under subsection (1), all proceedings shall, unless otherwise ordered by the court in which the proceedings is pending, be stayed for a period not exceeding twenty one days for enquiries to be made by the Centre on the eligibility of the applicant for legal aid before the issuance of a Legal Aid Certificate.

(3) Notwithstanding subsection (2), the filing of the Memorandum of Notification shall not affect—

- (a) the making of an interlocutory order for an injunction, or for the appointment of a receiver or manager;
- (b) the making of an order to prevent the lapse of a caveat against dealings with land;
- (c) the making of any other order which, in the opinion of the court in which the proceedings is pending, is necessary to prevent injustice;
- (d) the institution or continuance of proceedings to obtain, enforce or carry into effect, any such order as mentioned in paragraph (a), (b) or (c) or a decree to that effect, unless otherwise ordered by the court in which the proceedings is pending.

Legal Aid Certificate

76I. Where the Centre is satisfied that the applicant under section 76G is eligible for legal aid, the Centre may represent the applicant by filing a Legal Aid Certificate in Form 2 of the Second Schedule in the court in which the proceedings are pending, and the applicant shall be an aided person.

Aided person not liable to pay costs

76J. (1) The aided person shall not, unless expressly provided under this Act, be liable for costs to any other party in any proceedings to which the Legal Aid Certificate relates.

(2) Subject to the provisions of this Act, any person who conducts any investigation, prepares or publishes any report, gives any opinion, or conducts any proceedings, shall not take, or agree to take or seek any fee, profit or reward from the aided person.

Legal aid obtained through fraud, etc.

76K. (1) Where it appears to the Centre that any person obtained the legal aid through fraud or misrepresentation, the Centre shall revoke the Legal Aid Certificate by filing a Notice of Revocation of Legal Aid Certificate in Form 3 of the Second Schedule in court and the notice shall be served to the other parties in the proceedings.

(2) Upon filing of the notice of revocation under subsection (1)—

- (a) the Centre shall cease to represent that person;
- (b) all proceedings shall, unless otherwise ordered by the court in which the proceedings is pending, be stayed for a period of fourteen days; and
- (c) the Centre shall be entitled to be reimbursed for all sums paid and all legal fees for work done for that person.

Cost for legal aid obtained through fraud, etc.

76L. (1) The court may order any person who has obtained legal aid by fraud or misrepresentation to pay costs to the Centre or to the other party or to both.

(2) The costs to the Centre under subsection (1) shall, unless otherwise directed by the court, be paid to the Centre and shall include—

- (a) any appropriate fee and charge for work done; and
- (b) any expenses incurred by the Centre.

Bar Council may make rules

76M. (1) The Bar Council may, with the approval of the Attorney General, make rules as are necessary or expedient for the purpose of carrying into effect the provisions of this Part.

(2) Without prejudice to the generality of subsection (1), any rules made by the Bar Council may provide for any or all of the following:

- (a) any fee, charge and costs, including any fee for any advocate and solicitor, in relation to any proceedings to which an aided person is a party;
- (b) the recovery of any sum due in respect of legal aid, or for the enforcement of any order or agreement for costs made in favour of the aided person;
- (c) any provision relating to qualified and suitable person under section 76F; and
- (d) any change in circumstances of the aided person.”.

Amendment of section 77

13. Section 77 of the principal Act is amended by substituting for subsection (1) the following subsection:

“(1) Without prejudice to any other power to make rules provided under this Act, the Bar Council may, with the approval of the Attorney General, make rules for regulating the advocates and solicitors and pupils on the following:

- (a) professional practice, etiquette, conduct and discipline;
- (b) fees;
- (c) salaries;
- (d) allowances;
- (e) working conditions; and
- (f) admission.”.

Amendment of section 78A

14. Section 78A of the principal Act is amended—

(a) in subsection (1)—

- (i) by inserting after the words “advocates and solicitors” the words “and limited liability law partnerships”;
- (ii) in paragraph (a), by inserting after the words “advocate and solicitor” the words “and limited liability law partnership”; and
- (iii) in paragraph (c), by inserting after the words “advocates and solicitors” the words “and limited liability law partnerships”;

(b) in subsection (2)—

- (i) in paragraph (b), by inserting after the words “advocates and solicitors” the words “and limited liability law partnerships”;
- (ii) by substituting for paragraph (c) the following paragraph:

“(c) require advocates and solicitors and limited liability law partnerships to make payments by way of contributions or premiums on any indemnity or policy taken out under subsection (1) and provide for proceedings by the Malaysian Bar or its insurers against any advocate and solicitor who or limited liability law partnership which fails to do so for recovery of the appropriate contributions or premiums;”;

- (iii) by substituting for paragraph (d) the following paragraph:

“(d) prescribe the conditions which a professional indemnity or an insurance policy must satisfy for the purposes of paragraph (1)(b) or (c)”;

- (iv) in paragraph (f)—
- (A) by inserting after the words “advocate and solicitor” the words “or a limited liability law partnership”; and
 - (B) by substituting for the words “against him” the words “against the advocate and solicitor or the limited liability law partnership”;
- (v) in paragraph (g), by substituting for the words “unless he is insured” the words “unless he is indemnified or insured”; and
- (vi) by inserting after paragraph (g) the following paragraph:
- “(ga) prescribe that a limited liability law partnership shall not carry on the practice of an advocate and solicitor unless the limited liability law partnership is indemnified or insured as required by the rules made under this section for the period as specified in such rules;”;
- (c) by substituting for subsection (3) the following subsection:
- “(3) Nothing in this section shall affect the right of any advocate and solicitor or limited liability law partnership, in addition to the indemnity provided in the rules made under this section, to insure the advocate and solicitor or the limited liability law partnership further against loss arising from such claims as may be instituted against the advocate and solicitor or the limited liability law partnership.”.

Amendment of section 80

15. Section 80 of the principal Act is amended—

(a) by substituting for subsection (8) the following subsection:

“(8) Where it is proved to the satisfaction of the Bar Council that any person has sustained loss in consequence of dishonesty on the part of an advocate and solicitor, a limited liability law partnership, or any clerk or servant of an advocate and solicitor or a limited liability law partnership, in connection with that advocate and solicitor’s or limited liability law partnership’s practice in Malaysia as an advocate and solicitor or with any trust of which that advocate and solicitor or limited liability law partnership is a trustee, then subject to this section, the Malaysian Bar may, if the Bar Council thinks fair and reasonable, make a grant to that person out of the Fund for the purpose of relieving or mitigating that loss.”;

(b) by substituting for subsection (9) the following subsection:

“(9) A grant may be made under this section whether or not—

(a) the advocate and solicitor referred to in subsection (8) had a valid practising certificate when the act of dishonesty was committed, and notwithstanding that subsequent to the commission of the act the advocate and solicitor has died or had his name removed from or struck off the Roll or has ceased to practise or been suspended from practice; or

(b) the limited liability law partnership has ceased to carry on the practice of an advocate and solicitor or has been wound up.”;

(c) by substituting for subsection (10) the following subsection:

“(10) On any grant made by the Malaysian Bar under this section to any person in respect of any loss—

(a) the Malaysian Bar shall, to the extent of the amount of the grant, be subrogated to all such rights and remedies as the person to whom the grant is made may have against the advocate and solicitor, the limited liability law partnership, or clerk or servant of the advocate and solicitor or the limited liability law partnership, in respect of the loss; and

(b) the person to whom the grant is made shall have no right by way of bankruptcy, winding up or other legal proceedings or otherwise to receive any sum out of the assets of the advocate and solicitor, the limited liability law partnership, or clerk or servant of the advocate and solicitor or the limited liability law partnership, in respect of the loss until the Fund has been reimbursed with the full amount of the grant.”; and

(d) by substituting for subsection (11) the following subsection:

“(11) Reference in subsection (10) to the person to whom the grant is made or the advocate and solicitor, limited liability law partnership, or clerk or servant of the advocate and solicitor or the limited liability law partnership shall include, in the case of death, insolvency or other disability of the advocate and solicitor, limited liability law partnership, or clerk or servant of the advocate and solicitor or the limited liability law partnership, reference to his personal representatives or any other person having authority to administer his estate or its assets.”.

Substitution of section 82

16. The principal Act is amended by substituting for section 82 the following section:

“Advocate and solicitor or limited liability law partnership acting as agent

82. (1) An advocate and solicitor or a limited liability law partnership shall not wilfully and knowingly—

- (a) act as agent in any legal proceedings or matters which under this Act may be done only by an advocate and solicitor who has a valid practising certificate for another advocate and solicitor who does not have a valid practising certificate or another limited liability law partnership which is not authorized to carry on the practice of an advocate and solicitor;
- (b) permit his or its name to be used, in any legal proceedings or matters which under this Act may be done only by an advocate and solicitor who has a valid practising certificate or by a limited liability law partnership which is authorized to carry on the practice of an advocate and solicitor, by or for the profit of another advocate and solicitor who does not have a valid practising certificate or another limited liability law partnership which is not authorized to carry on the practice of an advocate and solicitor;
- (c) send any legal process to another advocate and solicitor who does not have a valid practising certificate or another limited liability law partnership which is not authorized to carry on the practice of an advocate and solicitor; or
- (d) do any other act enabling another advocate and solicitor who does not have a valid practising certificate or another limited liability law partnership which is not authorized to carry on the practice of an advocate and solicitor, to appear, do, practise or purport to

practise as an advocate and solicitor in any legal proceedings or matters which under this Act may be done only by an advocate and solicitor who has a valid practising certificate or by a limited liability law partnership which is authorized to carry on the practice of an advocate and solicitor.

(2) An advocate and solicitor shall not authorize any unauthorized person to operate—

- (a) any bank account in his name or in the name of his firm or in the name of the limited liability law partnership under which he practices; and
- (b) any bank account maintained by him or his firm, or by the limited liability law partnership under which he practices, in connection with his practice as an advocate and solicitor.

(3) A limited liability law partnership shall not authorize any unauthorized person or limited liability law partnership which is not authorized to carry on the practice of an advocate and solicitor to operate—

- (a) any bank account in its name; and
- (b) any bank account maintained by the limited liability law partnership, in connection with its practice as an advocate and solicitor.

(4) Any advocate and solicitor who contravenes subsection (1) or (2), or any partner of or other person involved in the management or control of a limited liability law partnership who contravenes subsection (3), may be liable to disciplinary proceedings.

(5) Any unauthorized person who acts or practises or purports to practise as an advocate and solicitor or any limited liability partnership which is not authorized to carry on the practice of an advocate and solicitor which carries on the practice or purports to practise as an advocate and solicitor commits an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding one year or to both.”.

Amendment of section 83

17. Section 83 of the principal Act is amended—

(a) in the shoulder note, by inserting after the words “**Advocate and solicitor**” the words “**and limited liability law partnership**”;

(b) in subsection (1)—

(i) by substituting for the words “No advocate and solicitor shall, in connection with his practice,” the words “No advocate and solicitor or limited liability law partnership shall, in connection with the advocate and solicitor’s or the limited liability law partnership’s practice,”; and

(ii) by substituting for the words “his knowledge” the words “the knowledge of the advocate and solicitor or limited liability law partnership”;

(c) in subsection (2)—

(i) by substituting for the words “no advocate and solicitor shall in connection with his practice” the words “no advocate and solicitor or limited liability law partnership shall in connection with the advocate and solicitor’s or the limited liability law partnership’s practice”; and

(ii) in paragraph (b), by inserting after the words “by an advocate and solicitor” the words “or a limited liability law partnership”;

(d) in subsection (3), by inserting after the words “an advocate and solicitor” the words “or a limited liability law partnership”;

(e) in subsection (4)—

(i) by deleting the words “for this purpose”; and

(ii) by inserting after the words “advocate and solicitor” the words “or limited liability law partnership”;

(f) in subsection (5)—

- (i) by inserting after the words “Before an advocate and solicitor” the words “or a limited liability law partnership”; and
- (ii) by substituting for the words “his practice as such, he shall” the words “the advocate and solicitor’s or the limited liability law partnership’s practice as such, the advocate and solicitor or the limited liability law partnership shall”; and

(g) by substituting for subsection (6) the following subsection:

“(6) Any advocate and solicitor, or any partner of or other person involved in the management or control of a limited liability law partnership, who contravenes this section may be liable to disciplinary proceedings.”.

Amendment of section 84

18. Section 84 of the principal Act is amended—

- (a) in the shoulder note, by inserting after the words “**Advocate and solicitor**” the words “**or limited liability law partnership**”;
- (b) by substituting for subsection (1) the following subsection:

“(1) Where an advocate and solicitor or a limited liability law partnership acts for a housing developer in a sale of immovable property developed under a housing development—

- (a) the advocate and solicitor or any other advocate and solicitor of the firm of which the advocate and solicitor is a partner or employee; or
- (b) the limited liability law partnership or any advocate and solicitor of the limited liability law partnership,

shall not in the same transaction act for the purchaser of that property.”;

(c) by inserting after subsection (1) the following subsections:

“(1A) A written agreement prepared by—

- (a) the advocate and solicitor or any other advocate and solicitor of the firm of which the advocate and solicitor is a partner or employee; or
- (b) the limited liability law partnership or any advocate and solicitor of the limited liability law partnership,

acting for the developer in respect of such transaction shall be scrutinized by an advocate and solicitor or a limited liability law partnership acting for the purchaser.

(1B) If the written agreement in respect of the transaction referred to in subsection (1A) is not scrutinized by such advocate and solicitor or limited liability law partnership acting for the purchaser, the advocate and solicitor or the limited liability law partnership acting for the housing developer shall obtain a certificate signed by the purchaser showing that the purchaser does not intend to engage an advocate and solicitor or limited liability law partnership to scrutinize the agreement for him.”;

(d) by substituting for subsection (2) the following subsection:

“(2) For the purposes of this section, the certificate under subsection (1B) shall be signed by the purchaser in the presence of a Commissioner for Oaths who is not an advocate and solicitor practicing with or an employee of the Malaysian law firm, acting for the housing developer.”;

(e) in subsection (3), by substituting for the words “its own advocate and solicitor” the words “its own advocate and solicitor or limited liability law partnership”; and

(f) in subsection (5)—

- (i) by substituting for the words “Subsection (1)” the words “Subsections (1), (1A) and (1B)”; and

- (ii) by inserting after the words “an advocate and solicitor who” the words “, or a limited liability law partnership which,”.

Amendment of section 86

19. Section 86 of the principal Act is amended—

- (a) in the shoulder note, by substituting for the word “**solicitor**” the words “**advocate and solicitor or limited liability law partnership**”;
- (b) in subsection (1), by inserting after the words “advocate and solicitor” the words “or limited liability law partnership”;
- (c) in subsection (2)—
 - (i) by inserting after the words “an advocate and solicitor” the words “or a limited liability law partnership”; and
 - (ii) by substituting for the words “he has in his custody or control” the words “the advocate and solicitor or the limited liability law partnership has in his or its custody or control”; and
- (d) by substituting for subsection (3) the following subsection:

“(3) In the event of the advocate and solicitor or limited liability law partnership alleging that the advocate and solicitor or the limited liability law partnership has a claim for costs, the Court or Judge may make such provision, for the payment thereof or security therefor or the protection of the advocate and solicitor’s or limited liability law partnership’s lien, if any, as the Court or Judge thinks fit and reasonable.”.

Amendment of section 87

20. Section 87 of the principal Act is amended—

- (a) in the shoulder note, by deleting the words “**from advocate and solicitor**”; and

(b) in subsection (1)—

- (i) by inserting after the words “between the advocate and solicitor” the words “or limited liability law partnership”;
- (ii) by inserting after the words “moneys due from an advocate and solicitor” the words “or a limited liability law partnership”; and
- (iii) by inserting after the words “amount so payable by the advocate and solicitor” the words “or the limited liability law partnership”.

Amendment of section 88

21. Section 88 of the principal Act is amended—

(a) by substituting for subsection (1) the following subsection:

“(1) If the Bar Council has reasonable cause to believe that—

- (a) an advocate and solicitor;
- (b) a limited liability law partnership; or
- (c) any clerk or servant of an advocate and solicitor or a limited liability law partnership,

has been guilty of dishonesty in connection with that advocate and solicitor’s or limited liability law partnership’s practice as an advocate and solicitor or in connection with any trust of which that advocate and solicitor or limited liability law partnership is a trustee, the Bar Council may issue a certificate to that effect and thereupon the First Schedule, except paragraph 7 of the Schedule, shall apply in relation to that advocate and solicitor or the limited liability law partnership.”;

(b) by substituting for subsection (2) the following subsection:

“(2) Where the name of an advocate and solicitor is removed from or struck off the Roll or an advocate and solicitor is suspended from practice, the advocate and solicitor or the limited liability law partnership under which the advocate and solicitor is practising shall, within twenty-one days from the material date, satisfy the Bar Council that the advocate and solicitor or the limited liability law partnership has made suitable arrangements for making available to their respective client, or to some other advocate and solicitor or advocates and solicitors instructed by the advocate and solicitor’s or the limited liability law partnership’s client, or by himself or the limited liability law partnership—

(a) all deeds, wills, documents constituting or evidencing title to any property, papers, books of account, records, vouchers and other documents—

(i) in the possession or control of the advocate and solicitor, or in the possession or control of the advocate and solicitor’s firm or the limited liability law partnership under which the advocate and solicitor is practising;

(ii) relating to any trust of which the advocate and solicitor is the sole trustee or co-trustee with one or more of his partners, clerks or servants; or

(iii) relating to any trust of which the limited liability law partnership is the sole trustee or co-trustee with one or more of its clerks or servants; and

(b) all sums of money which are—

(i) due from the advocate and solicitor or his firm to his or his firm’s client, or due from the limited liability law partnership to its client;

- (ii) held by the advocate and solicitor or his firm on behalf of his or his firm's client, or held by the limited liability law partnership on behalf of its client; or
 - (iii) subject to any such trust referred to in paragraph (a).";
- (c) by substituting for subsection (3) the following subsection:
- “(3) If the advocate and solicitor or limited liability law partnership fails to satisfy the Bar Council, the First Schedule shall apply in relation to the advocate and solicitor or limited liability law partnership.”; and
- (d) in subsection (5), by substituting for the word “Schedule” the words “First Schedule”.

Amendment of section 89

22. Section 89 of the principal Act is amended—

- (a) in the shoulder note, by deleting the words “**in the possession of advocate and solicitor**”; and
- (b) in subsection (1)—
 - (i) by substituting for paragraph (a) the following paragraph:

“(a) a complaint is made to the Bar Council that there has been undue delay on the part of—

 - (i) an advocate and solicitor in connection with any matter in which the advocate and solicitor or his firm has been instructed on behalf of his or his firm's client;

- (ii) a limited liability law partnership in connection with any matter in which the limited liability law partnership has been instructed on behalf of its client;
 - (iii) any matter which relates to the administration of a trust of which the advocate and solicitor is the sole trustee or co-trustee with one or more of his partners, clerks or servants; or
 - (iv) any matter which relates to the administration of a trust of which the limited liability law partnership is the sole trustee or co-trustee with one or more of its clerks or servants;”;
- (ii) in paragraph (b), by inserting after the words “the advocate and solicitor” the words “or the limited liability law partnership”;
- (iii) in paragraph (c), by inserting after the words “the advocate and solicitor” the words “or the limited liability law partnership”;
- (iv) by substituting for paragraph (d) the following paragraph:
- “(d) the advocate and solicitor or the limited liability law partnership has been notified in writing by the Bar Council that the advocate and solicitor or the limited liability law partnership has failed to give an explanation,”;
- (v) by substituting for the word “Schedule” wherever appearing the words “First Schedule”;
- (vii) by inserting after the words “in relation to that advocate and solicitor” the words “or limited liability law partnership”; and

- (viii) in the proviso, by inserting after the words “in that advocate and solicitor’s” the words “or limited liability law partnership’s”.

Amendment of section 90

23. Subsection 90(1) of the principal Act is amended by substituting for the word “Schedule” wherever appearing the words “First Schedule”.

Amendment of section 91

24. Subsection 91(1) of the principal Act is amended by substituting for the word “Schedule” wherever appearing the words “First Schedule”.

Amendment of section 94

25. Subsection 94(3) of the principal Act is amended—

- (a) in paragraph (n), by deleting the word “and” at the end of the paragraph;
- (b) in paragraph (o), by substituting for the full stop at the end of the paragraph the words “; and”; and
- (c) by inserting after paragraph (o) the following paragraph:
 - “(p) the failure without reasonable excuse to ensure as a partner of, or as a person involved in the management or control of, a limited liability law partnership that such limited liability law partnership complies with the requirements of this Act and all rules made thereunder or any directions or ruling of the Bar Council.”.

Amendment of heading of Part VIII

26. Part VIII of the principal Act is amended in the heading by inserting after the word “SOLICITORS” the words “AND LIMITED LIABILITY LAW PARTNERSHIPS”.

Amendment of section 112

27. Section 112 of the principal Act is amended—

(a) by substituting for the shoulder note the following shoulder note:

“Prohibition to purchase interest of client”; and

(b) in subsection (1)—

(i) by inserting after the words “no advocate and solicitor” the words “or limited liability law partnership”;

(ii) in paragraph (a), by substituting for the words “his client” the words “the advocate and solicitor’s or the limited liability law partnership’s client”;
and

(iii) in paragraph (b), by substituting for the words “he is retained” the words “the advocate and solicitor or the limited liability law partnership is retained”.

Amendment of section 113

28. Section 113 of the principal Act is amended—

(a) in subsection (3), by inserting after the words “advocates and solicitors” the words “and limited liability law partnerships”;

(b) in paragraph 4(a), by inserting after the words “advocate and solicitor” the words “or limited liability law partnership”;

(c) in subsection (5), by substituting for paragraph (a) the following paragraph:

“(a) the taking by an advocate and solicitor or a limited liability law partnership from the advocate and solicitor’s or the limited liability law partnership’s client of security for payment of any remuneration, to be ascertained by taxation or otherwise, which may become due to the advocate and solicitor or the limited liability law partnership under any such order; and”;

(d) in subsection (6), by inserting after the words “advocates and solicitors” the words “or limited liability law partnerships”.

Amendment of section 114

29. Section 114 of the principal Act is amended—

(a) by substituting for the shoulder note the following shoulder note:

“Agreement for remuneration from client”;

(b) in subsection (1)—

(i) by inserting after the words “an advocate and solicitor and his client” the words “or a limited liability law partnership and its client”; and

(ii) by inserting after the words “the advocate and solicitor” the words “or the limited liability law partnership”;

(c) in subsection (2), by inserting after the words “the advocate and solicitor” wherever appearing the words “or the limited liability law partnership”; and

(d) in subsection (4)—

(i) by inserting after the words “an advocate and solicitor” the words “or a limited liability law partnership”; and

- (ii) in the proviso, by inserting after the words “the advocate and solicitor” the words “or the limited liability law partnership”.

Amendment of section 115

30. Section 115 of the principal Act is amended—

- (a) by substituting for the shoulder note the following shoulder note:

“Costs of negotiation of mortgagor”;

- (b) in subsection (1)—

- (i) by inserting after the words “If a mortgage is made to an advocate and solicitor” the words “or a limited liability law partnership”;
- (ii) by substituting for the words “he, or the firm of which he is a member” the words “the advocate and solicitor, the firm of which the advocate and solicitor is a member or the limited liability law partnership under which the advocate and solicitor is practising”;
- (iii) by substituting for the words “all business transacted and acts done by him or them” the words “all business transacted and acts done by the advocate and solicitor, the firm or the limited liability law partnership”;
- (iv) by substituting for the words “such usual costs as he or they” the words “such usual costs as the advocate and solicitor, the firm or the limited liability law partnership”; and
- (v) by substituting for the words “and the mortgagor had retained and employed him or them” the words “or an entity which is not a limited liability law partnership and the mortgagor had retained and employed the advocate and solicitor, the firm or the limited liability law partnership”; and

(c) in subsection (2)—

- (i) by substituting for the words “an advocate and solicitor either alone or jointly” the words “an advocate and solicitor or a limited liability law partnership, either alone or jointly”;
- (ii) by substituting for the words “that advocate and solicitor, or by the firm of which he is a member,” the words “that advocate and solicitor, the firm of which the advocate and solicitor is a member or the limited liability law partnership under which the advocate and solicitor is practising”;
- (iii) by substituting for the words “then he or they” the words “then the advocate and solicitor, the firm or the limited liability law partnership”;
- (iv) by substituting for the words “such usual costs as he or they” the words “such usual costs as the advocate and solicitor, the firm or the limited liability law partnership”;
- (v) by inserting after the words “a person who was not an advocate and solicitor” the words “or an entity which is not a limited liability law partnership”; and
- (vi) by substituting for the words “and that mortgagor has retained and employed him” the words “and that mortgagor has retained and employed the advocate and solicitor or the limited liability law partnership”.

Amendment of section 116

31. Section 116 of the principal Act is amended—

(a) by substituting for the shoulder note the following shoulder note:

“Agreement for costing contentious business”; and

(b) in subsection (1)—

- (i) by substituting for the words “an advocate and solicitor may make an agreement in writing with his client” the words “an advocate and solicitor or a limited liability law partnership may make an agreement in writing with his or its client”;
- (ii) by substituting for the words “any part of his costs” the words “any part of the advocate and solicitor’s or the limited liability law partnership’s costs”;
- (iii) by inserting after the words “such advocate and solicitor” the words “or such limited liability law partnership”; and
- (iv) by substituting for the words “the rate at which he would otherwise be entitled” the words “the rate at which the advocate and solicitor or the limited liability law partnership would otherwise be entitled”.

Amendment of section 117

32. Section 117 of the principal Act is amended—

(a) in subsection (1), in the proviso—

- (i) by substituting for the words “any agreement” the words “such agreement”; and
- (ii) by inserting after the words “his own advocate and solicitor” the words “or the limited liability law partnership acting for him”;

(b) in subsection (2), by inserting after the words “the advocate and solicitor” the words “or the limited liability law partnership”;

(c) in subsection (3), by inserting after the words “an advocate and solicitor” the words “or a limited liability law partnership”; and

(d) by substituting for subsection (4) the following subsection:

“(4) A provision in any such agreement which states that the advocate and solicitor or the limited liability law partnership shall not be liable for negligence, or that the advocate and solicitor or the limited liability law partnership shall be relieved from any responsibility to which the advocate and solicitor or the limited liability law partnership would otherwise be subjected as an advocate and solicitor or a limited liability law partnership, shall be wholly void.”.

Amendment of section 118

33. Section 118 of the principal Act is amended—

(a) in subsection (5), by substituting for the words “the advocate and solicitor to be repaid by him,” the words “the advocate and solicitor or the limited liability law partnership to be repaid by such advocate and solicitor or such limited liability law partnership,”; and

(b) in paragraph (7)(b)—

(i) by inserting after the words “the advocate and solicitor” the words “or the limited liability law partnership”; and

(ii) by substituting for the words “order him to refund the amount so received by him” the words “order such advocate and solicitor or such limited liability law partnership to refund the amount so received”.

Amendment of section 119

34. Section 119 of the principal Act is amended—

(a) by substituting for the shoulder note the following shoulder note:

“Effect of agreement not performed due to death of advocate and solicitor or winding up of limited liability law partnership”;

(b) by substituting for subsection (1) the following subsection:

“(1) Where an advocate and solicitor or a limited liability law partnership has entered into an agreement with their respective client in pursuance of section 116 and anything has been done under the agreement, but before the agreement has been completely performed by the advocate and solicitor or the limited liability law partnership—

- (a) the advocate and solicitor dies or becomes incapable of acting due to any reason; or
- (b) the limited liability law partnership is wound up or becomes incapable of acting due to any other reason,

an application may be made to the Court by any party to the agreement or by the representatives of the party, and the Court shall thereupon have the same power to enforce or set aside the agreement, if it had not been acted upon.”; and

(c) in subsection (4)—

- (i) in the national language text, by deleting the word “seorang”; and
- (ii) by inserting after the words “advocate and solicitor” the words “or limited liability law partnership”.

Amendment of section 120

35. Section 120 of the principal Act is amended—

(a) in subsection (1)—

- (i) by inserting after the words “his advocate and solicitor” the words “or the limited liability law partnership acting for him”;

- (ii) by inserting after the words “the advocate and solicitor” the words “or the limited liability law partnership”; and
- (iii) by substituting for the words “the same within the meaning of this section” the words “the agreement”;

(b) in subsection (2)—

- (i) by inserting after the words “an advocate and solicitor” the words “or a limited liability law partnership”; and
- (ii) by inserting after the words “the change of advocate and solicitor” the words “or limited liability law partnership”; and

(c) in subsection (3)—

- (i) by inserting after the words “the advocate and solicitor” the words “or the limited liability law partnership”;
- (ii) by substituting for the words “to be paid to him” the words “to be paid to the advocate and solicitor or the limited liability law partnership”;
- (iii) by substituting for the words “other conduct on his part” the words “other improper conduct on the part of the advocate and solicitor or the limited liability law partnership”; and
- (iv) by inserting after the words “changing his advocate and solicitor” the words “or the limited liability law partnership acting for him”.

Amendment of section 121

36. Section 121 of the principal Act is amended—

- (a) in the shoulder note, by deleting the words “**of advocate and solicitor**”; and

(b) in subsection (1)—

- (i) by inserting after the words “the remuneration of an advocate and solicitor” the words “or a limited liability law partnership”;
- (ii) by substituting for the words “done by him” the words “done by the advocate and solicitor or the limited liability law partnership”;
- (iii) by deleting the word “solicitor’s”;
- (iv) by inserting after the words “the option of the advocate and solicitor” the words “or the limited liability law partnership”; and
- (v) in the proviso, by inserting after the words “the advocate and solicitor” wherever appearing the words “or the limited liability law partnership”.

Substitution of section 122

37. The principal Act is amended by substituting for section 122 the following section:

“Interpretation

122. In this Part, unless the context otherwise requires—

“advocate and solicitor” includes the executors, administrators and assignees of an advocate and solicitor;

“limited liability law partnership” includes the receivers, managers and liquidators of a limited liability law partnership.”.

Amendment of section 123

38. Section 123 of the principal Act is amended—

- (a) by substituting for the shoulder note the following shoulder note:

“Entitlement to charge on property for costs”;

- (b) by inserting after the words “an advocate and solicitor” the words “or a limited liability law partnership”;
- (c) by inserting after the words “declare the advocate and solicitor” the words “or the limited liability law partnership”;
- (d) by substituting for the words “advocate and solicitor’s taxed costs” the words “advocate and solicitor’s or limited liability law partnership’s taxed costs”; and
- (e) by inserting after the words “against the advocate and solicitor” the words “or the limited liability law partnership”.

Substitution of section 124

39. The principal Act is amended by substituting for section 124 the following section:

“Prohibition to sue for costs until delivery of bill of costs

124. (1) Subject to this Act, no advocate and solicitor or limited liability law partnership shall, without the leave of the court, commence or maintain any action for the recovery of any costs due for any business done by the advocate and solicitor or limited liability law partnership, until the expiration of thirty days after the advocate and solicitor or limited liability law partnership has delivered the bill of costs to the party to be charged, by post or electronic means to, or left with him at, his office or place of business, his dwelling house or last known place of residence.

(2) The bill of costs under subsection (1)—

(a) shall be signed—

- (i) by the advocate and solicitor;
- (ii) in the case of a partnership or limited liability law partnership, by any of the partners, either with his own name or with the name or style of the partnership or the limited liability law partnership; or

(iii) by another advocate and solicitor employed by the advocate and solicitor referred to in subparagraph (i) or the partnership or limited liability law partnership referred to in subparagraph (ii); or

(b) shall be enclosed in or accompanied by, a letter signed by the person specified in paragraph (a), referring to the bill of costs.

(3) Where a bill of costs has been delivered in accordance with subsection (1), the bill of costs shall be presumed to be a bill of costs *bona fide* complying with this Act until the contrary is proven.”.

Substitution of section 125

40. The principal Act is amended by substituting for section 125 the following section:

“Power of court to authorize commencement of action

125. The Court may authorize, before the expiry of thirty days from the date of delivery of the bill of costs, an advocate and solicitor or a limited liability law partnership to commence an action for recovery of costs and also refer the bill for taxation by the Registrar if there is proof that any party chargeable—

(a) intends to leave Malaysia;

(b) has a bankruptcy order made against him;

(c) has compounded with his creditors; or

(d) has taken any other steps or done any other act which in the opinion of the court would defeat or delay the advocate and solicitor or limited liability law partnership in obtaining payment.”.

Amendment of section 126

41. Section 126 of the principal Act is amended—

(a) in subsection (1)—

- (i) by inserting after the words “any advocate and solicitor” the words “or limited liability law partnership”;
- (ii) by substituting for the words “or to the advocate and solicitor” the words “, or to the advocate and solicitor or the limited liability law partnership”; and
- (iii) by inserting after the words “by the advocate and solicitor” the words “or the limited liability law partnership”; and

(b) by substituting for subsection (3) the following subsection:

“(3) Notwithstanding subsection (1), where a client of an advocate and solicitor or limited liability law partnership consents to taxation of a bill of costs, the Registrar may proceed to tax the bill.”.

Amendment of section 127

42. Section 127 of the principal Act is amended by substituting for the words “advocate and solicitor of either party” the words “advocate and solicitor or limited liability law partnership acting for either party”.

Amendment of section 128

43. Section 128 of the principal Act is amended—

(a) by substituting for the shoulder note the following shoulder note:

“Time limit for taxation of bill of costs”; and

- (b) in subsection (1), by substituting for the words “a solicitor’s bill of costs, except upon notice to the advocates and solicitors” the words “a bill of costs, except upon notice to the advocates and solicitors or the limited liability law partnerships”.

Amendment of section 129

44. Section 129 of the principal Act is amended by inserting after the words “the advocate and solicitor” the words “or the limited liability law partnership”.

Amendment of section 130

45. Section 130 of the principal Act is amended—

- (a) in the shoulder note, by deleting the word “**solicitor’s**”;
and

(b) in subsection (1)—

- (i) by substituting for the words “solicitor’s bill of costs” the words “bill of costs”; and
- (ii) by substituting for the words “advocate and solicitor may, subject to any lien which such advocate and solicitor may have” the words “advocate and solicitor or the limited liability law partnership may, subject to any lien which such advocate and solicitor or such limited liability law partnership may have”.

Amendment of section 131

46. Section 131 of the principal Act is amended—

- (a) by substituting for the shoulder note the following shoulder note:

“Court may order delivery of copy of bill of costs to applicant”; and

- (b) by substituting for the words “the advocate and solicitor to deliver to the party making the application a copy of the bill” the words “the advocate and solicitor or the limited liability law partnership to deliver to the party making the application a copy of the bill of costs”.

Amendment of section 132

47. Section 132 of the principal Act is amended by substituting for the words “as between advocate and solicitor and client shall be drawn in the manner provided by the Rules of the High Court” the words “under this Act shall be drawn in the manner provided by the Rules of Court 2012 [*P.U. (A) 205/2012*]”.

Substitution of section 133

48. The principal Act is amended by substituting for section 133 the following section:

“Registrar may allow interest on money disbursed

133. The Registrar may allow interest at any rate and from any time as he thinks fair and reasonable on—

- (a) moneys disbursed for the client by;
- (b) moneys of the client in the hands of; and
- (c) moneys of the client improperly retained by,

an advocate and solicitor or a limited liability law partnership.”.

Amendment of section 134

49. Section 134 of the principal Act is amended—

- (a) in the shoulder note, by deleting the words “**payable by solicitor**”;

(b) by substituting for the words “the advocate and solicitor” wherever appearing the words “the advocate and solicitor or the limited liability law partnership”; and

(c) in subsection (1)—

(i) by substituting for the words “In case any order for taxation” the words “Where an order for taxation of a bill of costs”; and

(ii) by inserting after the words “or of advocate and solicitor” the words “or limited liability law partnership”.

Amendment of section 141

50. Section 141 of the principal Act is amended—

(a) in the shoulder note, by inserting after the words “**advocate and solicitor**” the words “**or limited liability law partnership**”;

(b) in subsection (1)—

(i) by inserting after the words “the account of any advocate and solicitor” the words “or limited liability law partnership”; and

(ii) by inserting after the words “by an advocate and solicitor” the words “or a limited liability law partnership”; and

(c) in subsection (2)—

(i) by substituting for the words “keeps an account of his client moneys” the words “or a limited liability law partnership keeps an account of client moneys”; and

(ii) by inserting after the words “liability of the advocate and solicitor” the words “or the limited liability law partnership”.

Amendment of Schedule

51. The Schedule to the principal Act is amended—

(a) by renaming the existing Schedule as the “FIRST SCHEDULE”;

(b) in the heading, by deleting the words “OF AN ADVOCATE AND SOLICITOR IN CERTAIN CASES”;

(c) by substituting for paragraph 1 the following paragraph:

“1. The Bar Council may require the production or delivery to any person appointed by the Bar Council at a time and place to be fixed by the Bar Council, and may take possession, of all deeds, wills, documents constituting or evidencing the title to any property, papers, books of account, records, vouchers and other documents in the possession or control of the advocate and solicitor, or in the possession or control of the advocate and solicitor’s firm or the limited liability law partnership under which the advocate and solicitor is practising, or relating to any trust of which—

(a) the advocate and solicitor is a sole trustee or a co-trustee with one or more of his partners, clerks or servants;
or

(b) the limited liability law partnership is a sole trustee or a co-trustee with one or more of its clerks or servants.”;

(d) in paragraph 3, by inserting after the words “the advocate and solicitor” the words “or limited liability law partnership”;

(e) in paragraph 5, by inserting after the words “the advocate and solicitor” the words “, the limited liability law partnership”;

(f) in paragraph 7, by inserting after the words “the advocate and solicitor or his firm” the words “, or in the name of the limited liability law partnership”;

(g) by substituting for paragraph 9 the following paragraph:

“9. The Bar Council may, on a resolution in that behalf made by the Council, take control of all sums of money—

(a) due from the advocate and solicitor or to his firm, or held by him or his firm on behalf of, his or his firm’s clients or subject to any trust of which he is the sole trustee or co-trustee with one or more of his partners, clerks or servants; or

(b) due from or to the limited liability law partnership, or held by the limited liability law partnership on behalf of its clients or subject to any trust of which the limited liability law partnership is the sole trustee or co-trustee with one or more of its clerks or servants.”;

(h) by inserting after paragraph 9 the following paragraph:

“9A. For the purposes of paragraph 9, the Bar Council shall serve on the advocate and solicitor or his firm or the limited liability law partnership, and, except where section 98 applies, on any banker and on any other person having possession or control of any such sums of money a notice, together with a certified copy of the resolution, prohibiting the payment out of such sums of money otherwise than pursuant to paragraph 11 or 12.”.

(i) in paragraph 10—

(i) by substituting for the words “paragraph 9” the words “paragraph 9A”; and

(ii) by inserting after the words “the advocate and solicitor or his firm” the words “or the limited liability law partnership”;

(j) in paragraph 11—

- (i) by substituting for the words “the advocate and solicitor or his firm due to be held on behalf of his client” the words “the advocate and solicitor or his firm or the limited liability law partnership, due to be held on behalf of their respective client”;
- (ii) by inserting after the words “as the advocate and solicitor or his firm” the words “or the limited liability law partnership”; and
- (iii) by substituting for the words “paragraph 9” the words “paragraph 9A”;

(k) in subparagraph 12(1)—

- (i) by substituting for the words “or banker” the words “or the limited liability law partnership, or the banker”;
- (ii) by substituting for the words “paragraph 9” the words “paragraph 9A”; and
- (iii) in subparagraph (a) of the proviso, by inserting after the words “clerks or servants,” the words “or where the limited liability law partnership is the sole trustee of a trust or a co-trustee thereof with one or more of its clerks or servants”;

(l) in paragraph 13, by substituting for the words “paragraph 9” the words “paragraph 9A”; and

(m) in paragraph 14, by substituting for the words “shall be paid by the advocate and solicitor and shall be recoverable from him” the words “shall be paid by and recoverable from, the advocate and solicitor or the limited liability law partnership”.

New Second Schedule

52. The principal Act is amended by inserting after the First Schedule the following schedule:

“SECOND SCHEDULE

[Sections 76H, 76I and 76K]

FORMS

FORM 1

(Title of case)

MEMORANDUM OF NOTIFICATION

(Section 76H)

Bar Council Legal Aid Centre (*name of state*)

TAKE NOTICE that (*name and identity card number of the aided person*) having an address at (*correspondence address*), is an aided person and is represented by the Bar Council Legal Aid Centre (*name of state*) in these proceedings and this Memorandum is filed pursuant to section 76H of the Legal Profession Act 1976.

Dated the day of

.....
Director
Bar Council Legal Aid Centre (name of state)

Served on:

- (1)
- (2)
- (3)

This Memorandum of Notification is filed by the Bar Council Legal Aid Centre (*name of state*), representing (*name of aided person*) and having an address for service at (*Bar Council Legal Aid Centre (name of state) address*), Tel. No.: ; Facsimile No.:

File Ref.:

FORM 2
(Title of case)

LEGAL AID CERTIFICATE
(Section 76i)

Bar Council Legal Aid Centre (*name of state*)

This is to certify that (*name and identity card number of the aided person*) having an address at (*correspondence address*), has duly qualified to receive legal aid under paragraph 76c(1)(a) of the Legal Profession Act 1976.

Dated the day of

.....
Director
Bar Council Legal Aid Centre (name of state)

Served on:

- (1)
- (2)
- (3)

This Legal Aid Certificate is filed by the Bar Council Legal Aid Centre (*name of state*), representing (*name of aided person*) and having an address for service at (*Bar Council Legal Aid Centre (name of state) address*), Tel. No.: ; Facsimile No.:

File Ref.:

FORM 3
(Title of case)

NOTICE OF REVOCATION OF LEGAL AID CERTIFICATE
(Section 76K)

Bar Council Legal Aid Centre (*name of state*)

TAKE NOTICE that the Legal Aid Certificate issued to
(*name and identity card number of the aided person*) having an address at
..... (*correspondence address*), on day of (*month*)
..... (*year*) is hereby revoked and the aided person is thereby no longer
represented by the Legal Aid Centre under the Legal Profession Act 1976.

Dated the day of

.....
Director
Bar Council Legal Aid Centre (name of state)

Served on:

- (1)
- (2)
- (3)

This Notice of Revocation of the Legal Aid Certificate is filed by the Bar Council Legal Aid Centre (*name of state*), representing (*name of aided person*) and having an address for service at (*Bar Council Legal Aid Centre (name of state) address*), Tel. No.: ; Facsimile No.:

File Ref.:”.