



**Bar Malaysia
Malaysian Bar**

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To Members of the Malaysian Bar

Frequently-Asked-Questions on the Proposed Mandatory CPD Scheme

The Continuing Professional Development (“CPD”) Scheme was implemented in July 2012, and applies to all Members of the Bar and pupils in chambers. Since that time, a variety of mechanisms and structures have been put in place to create a platform for an effective CPD Scheme. The first CPD cycle was from 1 July 2012 to 30 June 2014, and resulted in a total of 956 events being conducted during the 24-month cycle, with more than 32,000 registrations.

The second CPD cycle, which commenced on 1 July 2014 and will conclude on 30 June 2016, has already seen 835 events conducted to date, with more than 35,000 registrations.

While it is clear that the CPD Scheme has received a positive response, and the Scheme has benefited Members of the Bar and pupils in chambers, the time has come for a more concerted focus on the development of this Scheme. The Bar Council has decided to make a financial commitment and invest in Members of the Bar, particularly those who are called to the Bar from 2011 onwards. The decision to select this group is driven by budgetary considerations, as there are financial constraints on how many Members and pupils can be subsidised annually.

There are several key considerations regarding the proposal to implement a mandatory CPD Scheme in 2016. We attach a list of Top 10 Frequently-Asked-Questions (“FAQs”) with this circular, which we hope will address these considerations. Please click [here](#) for a more detailed set of FAQs.

Should you have any enquiries, feedback or views regarding the proposed mandatory CPD Scheme, please direct them to the CPD Department by telephone at 03-2050 2111, or by email at cpd@malaysianbar.org.my.

Thank you.

**Richard Wee Thiam Seng
Chairperson
Professional Standards and Development Committee**

Top 10 Frequently-Asked-Questions (“FAQs”) on the Proposed Mandatory CPD Scheme

(1) To whom will the proposed mandatory CPD Scheme apply?

It is proposed that the mandatory CPD Scheme commence on 1 July 2016, and apply to Members who are admitted to the Malaysian Bar from 1 July 2011 onwards, and pupils in chambers who commence their pupillage from 1 July 2016 onwards.

(2) Will it be difficult to accumulate the required 16 CPD points within a CPD cycle that consists of 24 months?

Numerous activities may be undertaken to accumulate CPD points, such as attending CPD courses (some of which are subsidised) and by accessing online courses that are available for free. These activities alone may enable Members and pupils in chambers to accumulate the required CPD points.

Other activities that accumulate CPD points include, but are not limited to, publishing legal articles, speaking at events, and enrolling in postgraduate programmes. More information about the kinds of CPD activities that one can participate in, as specified in the CPD Guidelines, can be accessed [here](#).

For the first cycle of the proposed mandatory CPD Scheme, the Bar Council has confirmed that in order to benefit Members and pupils who have already been actively participating in the Scheme, all CPD points accumulated from 1 Jan to 30 June 2016 will be included in the calculation of the total points attained. This is **not** to be regarded as a general policy and is only applicable to Members and pupils who will be affected by the implementation of the proposed mandatory CPD Scheme on 1 July 2016.

(3) Will it be expensive for Members and pupils in chambers to accumulate the required CPD points when the proposed mandatory CPD Scheme comes into force?

The Bar Council, working in tandem with the Bar Council Professional Indemnity Insurance (“PII”) Committee, has allocated a sum of RM300,000 each year from the PII’s Self-Insurance Fund to cover some of the costs that will be incurred in the implementation of the proposed mandatory CPD Scheme. Therefore, Members admitted into the Malaysian Bar from 1 July 2011, and pupils in chambers who commence their pupillage from 1 July 2016, can expect to pay only between RM20 and RM30 for each four-hour CPD course in selected areas each year. The online courses will be available for free, as all the costs involved in creating the teaching materials are fully absorbed by the Self-Insurance Fund.

(4) How will the proposed mandatory CPD Scheme be implemented on pupils in chambers?

Currently, all pupils in chambers are required to participate in the Ethics and Professional Standards Course (“EPS Course”) as part of the requirements for pupillage. This EPS Course will enable them to accumulate four CPD points. They will then only be required to accumulate another four CPD points from other CPD activities during their pupillage.

(5) What if Members fail to accumulate the required CPD points?

Every effort is being made to provide Members with the requisite support to help them succeed in completing their CPD requirements. Extensions of time will be provided for Members to accumulate their CPD points, in the event that they were unable to satisfy the CPD requirements at the end of a CPD cycle. Members will automatically receive a six-month extension, and if they are still unable to accumulate the required CPD points during this period, they may write in to the Bar Council CPD Department for an additional three-month extension, which may be granted at the discretion of the Bar Council Professional Standards and Development Committee.

(6) What is the consequence for non-compliance with the proposed mandatory CPD Scheme?

The Bar Council has determined that no disciplinary proceedings will be brought against Members and pupils in chambers for non-compliance with the proposed mandatory CPD Scheme. Instead, it is proposed that a system of fines be implemented, which will only take effect when the relevant rules or amendments to the Legal Profession Act 1976 come into force.

(7) What are the anticipated rates for the fines?

Where a Member has failed to accumulate the required CPD points at the end of the first proposed mandatory CPD cycle (30 June 2018), and exhausted all the time extensions, the proposed fine structure is as follows:

- (a) Where the Member has accumulated between 8 and 15 CPD points: RM100 per cycle;
- (b) Where the Member has accumulated between 1 and 7 CPD points: RM200 per cycle; and
- (c) Where the Member has not accumulated any CPD point: RM500 per cycle.

(8) Will the proposed mandatory CPD Scheme be applied to other Members?

Currently, the proposed mandatory CPD Scheme will be implemented on a specific group, based on the financial investment that the Malaysian Bar can afford to make for the benefit of these Members and pupils in chambers. Once the first cycle of the proposed mandatory CPD Scheme has been completed, it is expected that a review will be conducted, and additional financial resources may be allocated to expand the proposed mandatory CPD Scheme to a wider group.

(9) What will Members obtain when they have successfully fulfilled the CPD requirements?

Members who have accumulated the required 16 CPD points within the first proposed mandatory CPD cycle will receive two event vouchers that may be used at selected courses organised by the Bar Council and State Bar Committees in the next CPD cycle.

(10) How long will Members, who have been admitted to the Malaysian Bar from 1 July 2011 onwards, be required to fulfil the requirements of the proposed mandatory CPD Scheme?

Once the CPD Scheme is implemented on a mandatory basis, Members who are subject to it will be required to continue on the Scheme for the duration of their legal careers, unless one of the following exceptions applies:

- (a) Members have been in legal practice for 30 years or more;
- (b) Members have suffered from or are suffering from serious illness (medical records will have to be provided); or
- (c) Members have reached the age of 75 years or more.

Members who have satisfied the criteria above may consider applying for an exemption from the mandatory CPD Scheme. For more information, please download the application form, which is accessible [here](#).

*This FAQ is prepared by the CPD Department and it is accurate as at 23 Feb 2016.
The CPD Department reserves the right to modify the content as and when
necessary, without prior notice.*

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