

# **Resolutions Adopted at the 70th Annual General Meeting of the Malaysian Bar Held at Renaissance Kuala Lumpur Hotel (Saturday, 19 Mar 2016)**

## **Resolution Regarding the Continuing Professional Development Scheme**

**WHEREAS:**

- (1) The object and powers of the Bar in section 42(1) of the Legal Profession Act 1976 stipulate that the purpose of the Malaysian Bar shall be, *inter alia*: (b) to maintain and improve the standards of conduct and learning of the legal profession in Malaysia; (c) to facilitate the acquisition of legal knowledge by members of the legal profession and others; and (e) to represent, protect and assist members of the legal profession in Malaysia and to promote in any proper manner the interests of the legal profession in Malaysia; and
- (2) This motion is pursuant to these objects and powers, and the need for exemplary standards of professional practice, etiquette and conduct to be achieved by Members of the Malaysian Bar (“Members”), and to inculcate a culture of continuing professional development in Members.

**THEREFORE, it is hereby resolved that:**

### **A. New Entrants: Members Admitted to the Malaysian Bar from 1 July 2011 Onwards**

- (1) The Continuing Professional Development (“CPD”) Scheme shall take effect for a 24-month cycle from 1 July 2016 until 30 June 2018.
- (2) The CPD Scheme shall apply to all persons who were issued their first Practising Certificate on or after 1 July 2011 (“new entrants”).
- (3) All new entrants shall be required to obtain a minimum of 16 CPD points per 24-month CPD cycle, or as shall be specified thereafter, from the date their first Practising Certificate is issued (“CPD requirements”).
- (4) Where the new entrant’s Practising Certificate is issued after the commencement of the CPD cycle, the CPD points to be obtained during that cycle shall be prorated based on the table below:

<b>Duration</b>	<b>Prorated CPD Points</b>
12 months or more until end of the current CPD cycle	8
More than or equal to 6 months, but less than 12 months, until the end of the current CPD cycle	4
More than or equal to 2 months, but less than 6 months, until the end of the current CPD cycle	2
Less than 2 months until end of the current CPD cycle	Nil

- (5) All new entrants shall continue in the CPD Scheme unless otherwise resolved by the Members at the Annual General Meeting of the Malaysian Bar (“AGM”) in 2018.

**B. Other Members: Members Admitted to the Malaysian Bar On or Before 30 June 2011**

- (1) The CPD Scheme shall take effect on other Members in the manner set out in Appendix 1 annexed hereto, subject to the decision of the Members at the AGM in 2018.

**C. Compliance with the CPD Requirements**

- (1) New entrants who obtain 16 CPD points within the first 24-month cycle from 1 July 2016 until 30 June 2018 shall receive two Event Vouchers for selected Bar Council and/or State Bar Committee professional development events, which will be valid for one year from the date of issue.

**D. Non-Compliance with the CPD Requirements**

- (1) Any new entrant who fails to obtain the required CPD points in any CPD cycle shall be given:
- an automatic six-month extension to obtain the required CPD points for that cycle; and
  - a further extension not exceeding three months may be granted by the Bar Council Professional Standards and Development Committee and/or the Bar Council, if the required CPD points are not obtained within the automatic six-month extension period.

The granting of an extension will not affect the number of CPD points that the new entrant will be required to obtain in any subsequent cycle.

- (2) In the event of non-compliance upon the expiry of the extension(s) granted under D(1) above, the following penalties will be applicable:

No	Status of CPD Point(s) at the End of the Extension Period(s)	Amount of Fine
(1)	From 9 to 15 CPD points (inclusive)	RM100
(2)	From 1 to 8 CPD points (inclusive)	RM200
(3)	No CPD point	RM500

In this regard, the Bar Council shall be authorised to take any and all action that it deems appropriate or necessary to implement D(2) above, including through the making of Rules or Rulings, or through amendments to the Legal Profession Act 1976.

**E. New Pupils**

- The implementation of the CPD Scheme shall be applicable for all pupils in chambers who commence their pupillage ("new pupils") on or after 1 July 2016.
- All new pupils will be required to obtain a total of 8 CPD points, inclusive of 4 CPD points for the Ethics and Professional Standards Course, during their pupillage, which is the duration between the date Borang 1 is filed and the dates Borang 6, 7 and 8 are filed.
- Any new pupil who fails to obtain the required CPD points in any CPD cycle shall be given:

- (a) an automatic three-month extension to obtain the required CPD points for that cycle; and
- (b) a further extension not exceeding three months may be granted by the Bar Council Professional Standards and Development Committee and/or the Bar Council, if the required CPD points are still not obtained within the automatic three-month extension period.

The granting of an extension will not affect the number of CPD points that the new pupil will be required to obtain in any subsequent cycle.

- (4) In the event of non-compliance upon the expiry of the extension(s) granted under E(3) above, the following penalties will be applicable:

No	Status of CPD Points at the End of the Extension Period(s)	Amount of Fine
(1)	From 1 to 7 CPD points (inclusive)	RM100
(2)	No CPD point	RM300

In this regard, the Bar Council shall be authorised to take any and all action that it deems appropriate or necessary to implement E(4) above, including through the making of Rules or Rulings, or through amendments to the Legal Profession Act 1976.

#### F. Ancillary Matters

- (1) The Bar Council shall be authorised to take any and all action that it deems appropriate or necessary towards the implementation and enforcement of the CPD Scheme, including, if considered necessary:
  - (a) adopting the CPD Guidelines;
  - (b) accrediting courses, seminars, workshops, conferences and other appropriate events for the CPD Scheme;
  - (c) organising courses, seminars, workshops, conferences and other appropriate events for the CPD Scheme;
  - (d) putting in place measures to ensure participation in the CPD Scheme and to inculcate a culture of continuing professional development amongst Members and pupils; and
  - (e) doing any and all such other things that are incidental or conducive to the successful achievement or betterment of the CPD Scheme.
- (2) The Bar Council Professional Standards and Development Committee will report on the progress of the CPD Scheme at each subsequent AGM.

#### Appendix 1

#### **Members Admitted to the Malaysian Bar On or Before 30 June 2011**

No	CPD becomes mandatory from:	Applicable to Members who commenced legal practice on or after:	Exemption for Members with 30 years of legal practice, who commenced legal practice before:
(1)	1 July 2018	1 July 2008 (10 years or less)	1 July 1988
(2)	1 July 2020	1 July 2005 (15 years or less)	1 July 1990

(3)	1 July 2022	1 July 1992 (20 years or less)	1 July 1992
(4)	1 July 2024	1 July 1984 (30 years or less)	1 July 1994

***The motion was proposed by Steven Thiru (Chairman, Bar Council), on behalf of the Bar Council.***