

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; . . . (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.
- (3) At the 70th Annual General Meeting (“AGM”) of the Malaysian Bar held on 19 March 2016, it was resolved that the mandatory Continuing Professional Development (“CPD”) Scheme would be implemented on a staggered basis, with effect from 1 July 2016, for Members and pupils in chambers.
- (4) The mandatory CPD Scheme came into effect on 1 July 2016 for Members admitted as advocates and solicitors of the High Court of Malaya on or after 1 July 2011 (“Group One Members”), who are required to obtain a total of 16 CPD points in each 24-month CPD cycle.
- (5) At the 72nd AGM of the Malaysian Bar held on 17 March 2018, it was further resolved that the mandatory CPD Scheme would continue to be implemented to Members admitted as advocates and solicitors of the High Court of Malaya between 1 July 2006 and 30 June 2011 (inclusive) (“Group Two Members”), with effect from 1 July 2018. Group Two Members are also required to obtain a total of 16 CPD points in each 24-month cycle.
- (6) The current 24-month CPD cycle is from 1 July 2020 until 30 June 2022 (inclusive).
- (7) Where Group One Members and Group Two Members are admitted as advocates and solicitors of the High Court of Malaya after the commencement of any CPD cycle, the CPD points to be obtained during that cycle are prorated based on the table below:

No	Duration	Prorated CPD Points
(a)	12 to 24 months until the end of the current CPD cycle	16
(b)	More than or equal to 6 months, but less than 12 months, until the end of the current CPD cycle	8
(c)	More than or equal to 2 months, but less than 6 months, until the end of the current CPD cycle	4
(d)	Less than 2 months until the end of the current CPD cycle	Nil

- (8) The mandatory CPD Scheme came into effect for pupils in chambers who commenced their pupillage on or after 1 July 2016, who are required to obtain a total of 8 CPD points in the course of their pupillage.
- (9) A motion to extend the application of the staggered mandatory CPD Scheme to Members admitted as advocates and solicitors of the High Court of Malaya between 1 July 2001 and 30 June 2006 (inclusive) (“Group Three Members”), with effect from 1 July 2020, was to have been tabled at the 74th AGM of the Malaysian Bar held on 14 March 2020. However, in light of the health concerns arising from the growing COVID-19 pandemic, the motion was withdrawn in order to expedite the conduct of the AGM, with the intention that an appropriately amended motion be tabled for a subsequent general meeting of the Malaysian Bar.
- (10) This motion seeks to extend the application of the staggered mandatory CPD Scheme to Group Three Members with effect from 1 July 2021.
- (11) Thereafter, the proposed implementation of the mandatory CPD Scheme shall, subject to the decision of Members at the AGM of the Malaysian Bar in 2022, be as follows:

No	CPD becomes mandatory from	Applicable to Members who commenced legal practice on or after
(a)	1 July 2022	1 July 1996 to 30 June 2001 (inclusive)
(b)	1 July 2024	1 July 1991 to 30 June 1996 (inclusive)

THEREFORE, it is hereby resolved that the CPD Scheme shall apply to:

- (A) Members Admitted as Advocates and Solicitors of the High Court of Malaya between 1 July 2001 and 30 June 2006 (Inclusive) (“Group Three Members”)**
 - (1) The CPD Scheme shall take effect from 1 July 2021 until 30 June 2022 (inclusive) for a 12-month cycle (“applicable CPD cycle”);
 - (2) The CPD Scheme shall apply to Group Three Members, who shall be required to obtain a minimum of eight CPD points during the applicable CPD cycle;
 - (3) Thereafter, from 1 July 2022, Group Three Members shall be required to obtain a minimum of 16 CPD points during each subsequent 24-month CPD cycle; and
 - (4) If, as at 30 June 2021, any Group Three Member has obtained CPD points from the period of 1 July 2020 until 30 June 2021 (inclusive) (“eligible CPD points”) exceeding eight points, the Member can carry forward the excess eligible CPD points into the applicable CPD cycle, as illustrated below:
 - (a) Member X has obtained two CPD points as at 30 June 2021: This Member cannot carry forward any points into the applicable CPD

cycle, and shall therefore be required to obtain a minimum of eight CPD points during the applicable CPD cycle;

- (b) Member Y has obtained 12 eligible CPD points as at 30 June 2021: Four eligible CPD points will be carried forward into the applicable CPD cycle; and
- (c) Member Z has obtained 20 eligible CPD points as at 30 June 2021: 12 CPD points will be carried forward into the applicable CPD cycle. This Member is therefore deemed to have complied with the requirement of obtaining a minimum of eight CPD points during the applicable CPD cycle.

(B) Other Members: Members Admitted as Advocates and Solicitors of the High Court of Malaya Before 1 July 2001

- (1) The CPD Scheme shall take effect on other Members (either in totality or for a selected group), subject to the decision of Members at the AGM of the Malaysian Bar in 2022.

(C) Compliance with the CPD Requirements

- (1) Compliance by Group Three Members with the requisite CPD points within any CPD cycle shall result in Group Three Members receiving one event voucher 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) Non-attainment of the required CPD Points in any CPD cycle shall result in:
 - (a) an automatic six-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 not obtained within the six-month extension period.

The granting of an extension will not affect the number of CPD points that Group Three Members 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
(a)	Between 9 to 15 CPD points (inclusive)	RM100
(b)	Between 1 to 8 CPD points (inclusive)	RM200
(c)	No CPD points	RM500

In this regard, the Bar Council shall be authorised to do all acts as it may consider to be necessary or appropriate to implement D(2) above, including through the making of Rules or Rulings, or through amendments to the Legal Profession Act 1976.

(E) Ancillary Matters

- (1) The Bar Council shall be authorised to take all necessary steps towards the implementation and enforcement of the CPD Scheme, including, if considered necessary:
- (a) adopting the CPD Guidelines, as shall be updated from time to time;
 - (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 all such other things that are incidental or conducive to the successful achievement or betterment of the CPD Scheme.
- (2) The Professional Standards and Development Committee will report on the progress of the CPD Scheme at each subsequent AGM.