



2 Mac 2017
2 March 2017
P.U. (A) 67

WARTA KERAJAAN PERSEKUTUAN

FEDERAL GOVERNMENT GAZETTE

PERINTAH SARAAN PEGUAM CARA (PINDAAN) 2017

SOLICITORS' REMUNERATION (AMENDMENT) ORDER 2017



DISIARKAN OLEH/
PUBLISHED BY
JABATAN PEGUAM NEGARA/
ATTORNEY GENERAL'S CHAMBERS

AKTA PROFESION UNDANG-UNDANG 1976

PERINTAH SARAAN PEGUAM CARA (PINDAAN) 2017

PADA menjalankan kuasa yang diberikan oleh subseksyen 113(3) Akta Profesion Undang-Undang 1976 [*Akta 166*], Jawatankuasa Kos Peguam Cara membuat perintah yang berikut:

Nama

1. Perintah ini bolehlah dinamakan **Perintah Saraan Peguam Cara (Pindaan) 2017**.
2. Perintah ini mula berkuat kuasa pada 15 Mac 2017.

Pindaan perenggan 6

3. Perintah Saraan Peguam Cara 2005 [*P.U. (A) 520/2005*] yang disebut “Perintah ibu” dalam Perintah ini, dipinda dengan menggantikan perenggan 6 dengan perenggan yang berikut:

“6. Diskaun

(1) Seseorang peguam boleh memberi diskaun tidak melebihi 25% ke atas fi yang dinyatakan dalam Jadual Pertama dan Jadual Ketiga, kecuali bagi apa-apa transaksi yang tertakluk kepada Akta Pemajuan Perumahan (Kawalan dan Pelesenan) 1966 [*Akta 118*] atau apa-apa perundangan subsidiari yang dibuat di bawah Akta itu.

(2) Tiada diskaun boleh diberi ke atas fi yang dinyatakan dalam Jadual Kedua, Keempat, Kelima dan Keenam.”.

Pindaan Jadual Pertama

4. Perintah ibu dipinda dengan menggantikan Jadual Pertama dengan Jadual yang berikut:

“JADUAL PERTAMA
[Perenggan 2(a)]
Jualan dan Pindah Milik

Balasan atau Nilai yang Dihukumkan (yang mana lebih tinggi)	Skala Fi
Bagi RM500,000.00 yang pertama	1.0% (tertakluk kepada fi minimum sebanyak RM500.00)
Bagi RM500,000.00 yang berikutnya	0.8%
Bagi RM2,000,000.00 yang berikutnya	0.7%
Bagi RM2,000,000.00 yang berikutnya	0.6%
Bagi RM2,500,000.00 yang berikutnya	0.5%
Jika balasan atau nilai yang dihukumkan itu melebihi RM7,500,000.00	Boleh dirundingkan atas lebihan (tetapi tidak boleh melebihi 0.5% daripada lebihan itu)

Walau apa pun kadar di atas, dalam hal apa-apa transaksi yang tertakluk kepada Akta Pemajuan Perumahan (Kawalan dan Pelesenan) 1966 [*Akta 118*] atau apa-apa perundangan subsidiari yang dibuat di bawah Akta itu, saraan peguam cara yang menjalankan dan menyempurnakan transaksi itu, sama ada bertindak bagi penjual atau pembeli, adalah seperti yang berikut:

- (a) RM300.00, jika balasan ialah RM50,000.00 atau kurang;
- (b) 75% daripada skala fi berkenaan yang dinyatakan, jika balasan melebihi RM50,000.00 tetapi tidak melebihi RM250,000.00;

(c) 70% daripada skala fi berkenaan yang dinyatakan, jika balasan melebihi RM250,000.00 tetapi tidak melebihi RM500,000.00; atau

(d) 65% daripada skala fi berkenaan yang dinyatakan, jika balasan melebihi RM500,000.00.”.

Pindaan Jadual Ketiga

5. Perintah ibu dipinda dengan menggantikan Jadual Ketiga dengan Jadual yang berikut:

“JADUAL KETIGA

[Perenggan 2(c)]

Gadaian, Debentur dan Dokumen Cagaran atau Pembiayaan lain

Amaun Dicagar atau Dibiayai	Skala Fi
Bagi RM500,000.00 yang pertama	1.0% (tertakluk kepada fi minimum sebanyak RM500.00)
Bagi RM500,000.00 yang berikutnya	0.8%
Bagi RM2,000,000.00 yang berikutnya	0.7%
Bagi RM2,000,000.00 yang berikutnya	0.6%
Bagi RM2,500,000.00 yang berikutnya	0.5%
Jika amaun yang dicagar atau dibiayai itu melebihi RM7,500,000.00	Boleh dirundingkan atas lebihan (tetapi tidak boleh melebihi 0.5% daripada lebihan itu)
Bagi instrumen utama	Skala fi penuh
Bagi setiap instrumen subsidiari mengikut maksud subseksyen 4(3) Akta Setem 1949 [<i>Akta 378</i>]	10% (tertakluk kepada fi minimum RM300.00 dan fi maksimum RM1,200.00)

Walau apa pun kadar di atas, dalam hal apa-apa transaksi yang tertakluk kepada Akta Pemajuan Perumahan (Kawalan dan Pelesenan) 1966 [Akta 118] atau apa-apa perundangan subsidiari yang dibuat di bawah Akta itu, saraan peguam cara yang menjalankan dan menyempurnakan transaksi, sama ada bertindak bagi pihak pembiaya/pemegang gadaian atau peminjam/penggadai, adalah seperti yang berikut:

- (a) RM300.00, jika balasan dan juga jumlah pinjaman ialah RM50,000.00 atau kurang;
- (b) 75% daripada skala fi berkenaan yang dinyatakan, jika balasan dan juga jumlah pinjaman melebihi RM50,000.00 tetapi tidak melebihi RM250,000.00;
- (c) 70% daripada skala fi berkenaan yang dinyatakan, jika balasan dan juga jumlah pinjaman melebihi RM250,000.00 tetapi tidak melebihi RM500,000.00; atau
- (d) 65% daripada skala fi berkenaan yang dinyatakan, jika balasan dan juga pinjaman melebihi RM500,000.00.”.

Dibuat 28 Februari 2017

[BC/M/2017(BC/PA/C/112/2017); PN(PU2)314/XVII]

YAA Tan Sri Dato’ Seri Zulkefli bin Ahmad Makinudin
Hakim Besar Malaya

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Peguam Bela dan Peguam Cara

Alice Loke Yee Ching
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Hj. Abdul Murad bin Che Chik
Peguam Bela dan Peguam Cara

LEGAL PROFESSION ACT 1976

SOLICITORS' REMUNERATION (AMENDMENT) ORDER 2017

IN exercise of the powers conferred by subsection 113(3) of the Legal Profession Act 1976 [*Act 166*], the Solicitors Cost Committee makes the following order:

Citation

1. This order may be cited as the **Solicitors' Remuneration (Amendment) Order 2017**.
2. This Order comes into operation on 15 March 2017.

Amendment of paragraph 6

3. The Solicitors' Remuneration Order 2005 [*P.U. (A) 520/2005*] which is referred to as the "principal Order" in this Order, is amended by substituting for paragraph 6 the following paragraph:

"6. Discount

(1) A solicitor may give a discount of up to 25% on fees specified in the First and Third Schedules, except for any transaction governed by the Housing Development (Control and Licensing) Act 1966 [*Act 118*] or any subsidiary legislation made under that Act.

(2) No discount may be given on fees specified in the Second, Fourth, Fifth and Sixth Schedules."

Amendment of First Schedule

4. The principal Order is amended by substituting for the First Schedule the following Schedule:

"FIRST SCHEDULE

[Paragraph 2(a)]

Sale and Transfer

Consideration or Adjudicated Value (whichever is higher)	Scale of Fees
For the first RM500,000.00	1.0% (subject to a minimum fee of RM500.00)
For the next RM500,000.00	0.8%
For the next RM2,000,000.00	0.7%
For the next RM2,000,000.00	0.6%
For the next RM2,500,000.00	0.5%
Where the consideration or the adjudicated value is in excess of RM7,500,000.00	Negotiable on the excess (but shall not exceed 0.5% of such excess)

Notwithstanding the above rates, in the case of any transaction governed by the Housing Development (Control and Licensing) Act 1966 [Act 118] or any subsidiary legislation made under that Act, the remuneration of the solicitor having the conduct of and completing the transaction, whether acting for the vendor or the purchaser, shall be as follows:

- (a) RM300.00, if the consideration is RM50,000.00 or below;
- (b) 75% of the applicable scale fee specified, if the consideration is in excess of RM50,000.00 but not more than RM250,000.00;
- (c) 70% of the applicable scale fee specified, if the consideration is in excess of RM250,000.00 but not more than RM500,000.00; or
- (d) 65% of the applicable scale fee specified, if the consideration is in excess of RM500,000.00.”.

Amendment of Third Schedule

5. The principal Order is amended by substituting for the Third Schedule the following Schedule:

“THIRD SCHEDULE

[Paragraph 2(c)]

Charges, Debenture, and other Security or Financing Documents

Amount Secured or Financed	Scale of Fees
For the first RM500,000.00	1.0% (subject to a minimum fee of RM500.00)
For the next RM500,000.00	0.8%
For the next RM2,000,000.00	0.7%
For the next RM2,000,000.00	0.6%
For the next RM2,500,000.00	0.5%
Where the amount secured or financed is in excess of RM7,500,000.00	Negotiable on the excess (but shall not exceed 0.5% of such excess)
For the principal instrument	Full scale fee
For each subsidiary instrument within the meaning of subsection 4(3) of the Stamp Act 1949 [Act 378]	10% (subject to a minimum fee of RM300.00 and a maximum fee of RM1,200.00)

Notwithstanding the above rates, in the case of any transaction governed by the Housing Development (Control and Licensing) Act 1966 [Act 118] or any subsidiary legislation made under that Act, the remuneration of the solicitor having the conduct of and completing the transaction, whether acting for the financier/chargee or the borrower/chargor, shall be as follows:

- (a) RM300.00, if the consideration and the loan sum is RM50,000.00 or below;

- (b) 75% of the applicable scale fee specified, if the consideration and the loan sum is in excess of RM50,000.00 but not more than RM250,000.00;
- (c) 70% of the applicable scale fee specified, if the consideration and the loan sum is in excess of RM250,000.00 but not more than RM500,000.00; or
- (d) 65% of the applicable scale fee specified, if the consideration and the loan sum is in excess of RM500,000.00.”.

Made 28 February 2017

[BC/M/2017(BC/PA/C/112/2017); PN(PU2)314/XVII]

YAA Tan Sri Dato’ Seri Zulkefli bin Ahmad Makinudin
Chief Judge of Malaya

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Dato’ Low Beng Choo
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