



LAWS OF MALAYSIA

Act A1640

**ADVOCATES ORDINANCE (SABAH)
(AMENDMENT) ACT 2021**

Date of Royal Assent	28 December 2021
Date of publication in the <i>Gazette</i>	31 December 2021

Publisher's Copyright ©

PERCETAKAN NASIONAL MALAYSIA BERHAD

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system or transmitted in any form or by any means electronic, mechanical, photocopying, recording and/or otherwise without the prior permission of **Percetakan Nasional Malaysia Berhad (Appointed Printer to the Government of Malaysia)**.

LAWS OF MALAYSIA

Act A1640

**ADVOCATES ORDINANCE (SABAH)
(AMENDMENT) ACT 2021**

An Act to amend the Advocates Ordinance of Sabah.

[]

ENACTED by the Parliament of Malaysia as follows:

Short title and commencement

1. (1) This Act may be cited as the Advocates Ordinance (Sabah) (Amendment) Act 2021.

(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 7c

2. The Advocates Ordinance [*Sabah Cap. 2*], which is referred to as the “Ordinance” in this Act, is amended in subsection 7c(1) by inserting after the words “preceding year” the words “or, in the case of admission of a person as an advocate, after such admission”.

Amendment of section 12A**3.** Section 12A of the Ordinance is amended—

- (a) in subsection (5), by deleting the words “with a member each from paragraphs 2(a), (b) and (c)”;
- (b) in subsection (6), by inserting after the words “the Law Society” the words “or his alternate”;
- (c) in subsection (7), by inserting after the words “the Law Society” the words “or his alternate”;
- (d) in subsection (9), by substituting for the words “a full-time employee” the words “an employee”; and
- (e) by inserting after subsection (9) the following subsections:

“(9A) Wherever it is deemed necessary and expedient, the Disciplinary Board may sit in two or more panels consisting of members who shall be appointed by the Chairman from amongst the members of the Disciplinary Board.

(9B) The quorum of the panel shall be three members.

(9C) Any hearing, disposal, determination, decision, ruling, direction, order or final order of the panel shall be deemed to be the hearing, disposal, determination, decision, ruling, direction, order or final order of the Disciplinary Board.”.

Amendment of section 12c**4.** Subsection 12c(1) of the Ordinance is amended by substituting for the words “such rules as may from time to time be made under this Ordinance” the words “section 12D”.

Amendment of section 12D

5. Section 12D of the Ordinance is amended—

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

“Classification and handling of complaints.”; and

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

“(1) Where a written complaint is made or referred to the Disciplinary Board, the Disciplinary Board shall, if it is satisfied that—

- (a) there is no merit in the complaint or the complaint is frivolous and vexatious, dismiss the complaint and notify the complainant and the advocate concerned of its decision; or

- (b) there is merit in the complaint, proceed to hear such complaint in accordance with such rules as may from time to time be made under this Ordinance.”.

Amendment of section 12G

6. Section 12G of the Ordinance is amended—

- (a) in subparagraph (1)(c)(i), by substituting for the words “reprimand or censure” the words “having costs awarded against him”; and

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

“(3) The Disciplinary Board may, at any stage of the disciplinary proceedings or in its decision in appropriate cases, make an order of costs against the complainant or against the advocate concerned, as the case may be, to be paid to the opposite party as the Disciplinary Board may deem fit.”.

Amendment of section 12H

7. Subsection 12H(5) of the Ordinance is amended by substituting for the word “motion” the word “summons”.

Amendment of section 13D

8. Section 13D of the Ordinance is amended—

- (a) in paragraph (2)(g), by substituting for the word “six” the word “eight”;
- (b) in subsection (7), by inserting after the words “shall be elected” the word “biennially”; and
- (c) by inserting after subsection (7) the following subsections:

“(7A) Election of members of the Executive Committee may be by show of hands or by secret ballot if the members at the meeting so decide, provided that the Law Society may make rules to provide for and to regulate voting by online voting or postal ballot in such cases as it may deem fit.

“(7B) Any rules made under subsection (7A) shall not come into operation until they have been published in the *Sabah Government Gazette*.”.

Amendment of section 13K

9. Paragraph 13K(1)(c) of the Ordinance is amended by inserting after the words “Executive Committee” the word “biennially”.

Amendment of section 15

10. Subsection 15(1) of the Ordinance is amended by inserting after the words “he has” the words “a valid Annual Certificate and”.

Amendment of section 16B

11. Subsection 16B(1) of the Ordinance is amended—

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

(b) in paragraph (d), by substituting for the comma at the end of the paragraph the words “; or”; and

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

“(e) is incapacitated due to illness or any other cause,”.

Commencement of section 23 of Act A1528

12. Notwithstanding subsection 1(2) of the Advocates Ordinance (Sabah) (Amendment) Act 2017 [*Act A1528*], the Minister may appoint different dates for the coming into operation of section 23 of the Advocates Ordinance (Sabah) (Amendment) Act 2017 in the State of Sabah and the Federal Territory of Labuan.