

A BILL

i n t i t u l e d

An Act to amend the Legal Profession Act 1976.

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ENACTED by the Parliament of Malaysia as follows:

Short title and commencement

1. (1) This Act may be cited as the Legal Profession (Amendment) (No. 2) Act 2025.

(2) This Act comes into operation on a date to be appointed by the Minister by notification in the *Gazette*.

Amendment of section 4

2. The Legal Profession Act 1976 [*Act 166*], which is referred to as the “principal Act” in this Act, is amended in section 4—

(a) by renumbering the existing section as subsection (1);

(b) in subsection (1) as renumbered, by substituting for the words “a body” the words “a body corporate”; and

(c) by inserting after subsection (1) as renumbered the following subsections:

“(2) The Board shall have perpetual succession and a common seal.

(3) The Board may sue and be sued in its corporate name.

(4) Subject to and for the purposes of this Act, the Board may, upon such terms as it deems fit—

(a) enter into contracts;

(b) acquire, purchase, take, lease, hold, sell and enjoy any movable and immovable property of every description or any interest in such property vested in the Board; and

(c) convey, assign, surrender, yield up, charge, mortgage, demise, reassign, transfer or otherwise dispose of, or deal with, any movable or immovable property or any interest in such property vested in the Board.”.

Substitution of section 7

3. The principal Act is amended by substituting for section 7 the following section:

“Membership of Board

7. (1) The Board shall consist of—

(a) the Attorney General who shall be the Chairman;

(b) the Chairman of the Bar Council who shall be the Deputy Chairman;

(c) a Judge nominated by the Chief Justice;

(d) the Director General of the Legal Affairs Division of the Prime Minister’s Department;

- (e) the Chief Registrar;
- (f) a member of the Malaysian Bar nominated by the Bar Council and appointed by the Minister;
- (g) a full-time member of the academic staff of a Faculty of Law nominated by the Minister charged with the responsibility for higher education and appointed by the Minister;
- (h) a full-time member of the academic staff of a faculty of law of a private higher educational institution approved and registered under the Private Higher Educational Institutions Act 1996 [Act 555] nominated by the Minister charged with the responsibility for higher education and appointed by the Minister;
- (i) a member who is an advocate and solicitor of the High Court of Sabah and Sarawak and practicing law in the State of Sabah nominated by the Sabah Law Society and appointed by the Minister;
- (j) a member who is an advocate and solicitor of the High Court of Sabah and Sarawak and practicing law in the State of Sarawak nominated by the Advocates Association of Sarawak and appointed by the Minister; and
- (k) three other members appointed by the Minister.

(2) The members of the Board appointed under paragraph (1)(k)—

- (a) shall have extensive experience in law, education or good governance;
- (b) so far as is practicable, shall comprise of men and women, of various religious or racial backgrounds, and persons with disabilities; and
- (c) shall be able to contribute to the development of the legal profession.

(3) Any person who holds any office in any registered political party shall not be nominated or appointed as a member of the Board.

(4) A member of the Board appointed under paragraphs (1)(f), (g), (h), (i), (j) and (k) shall hold office for a term not exceeding three years on such conditions as may be specified in his instrument of appointment and is eligible for reappointment.

(5) Every member of the Board shall devote such time to the business of the Board as may be necessary to discharge his duties effectively.”.

New sections 7A, 7B and 7C

4. The principal Act is amended by inserting after section 7 the following sections:

“Revocation of appointment and resignation

7A. (1) The Minister may at any time revoke the appointment of any member of the Board under paragraphs 7(1)(g), (h), (i), (j) and (k) without assigning any reason for the revocation.

(2) A member appointed by the Minister may at any time resign from his office by giving a notice in writing to the Minister.

Vacation of office

7B. The office of a member of the Board shall be vacated if—

(a) he dies;

(b) there has been proved against him, or he has been convicted of, a charge in respect of—

(i) an offence involving fraud, dishonesty or moral turpitude;

(ii) an offence under any law relating to corruption; or

- (iii) any other offence punishable with imprisonment, in itself only or in addition to or in lieu of a fine, for more than two years;
- (c) he becomes a bankrupt or insolvent;
- (d) he becomes of unsound mind or is otherwise incapable of discharging his duties;
- (e) he holds any office in any registered political party;
- (f) he absents himself from three consecutive meetings of the Board without leave of the Chairman or, in the case of the Chairman, without leave of the Minister;
- (g) his resignation has been accepted by the Minister; or
- (h) his appointment has been revoked by the Minister.

Allowances

7c. All members of the Board shall be paid such allowances and other benefits as may be determined by the Board and approved by the Minister.”.

Deletion of section 8

5. The principal Act is amended by deleting section 8.

Substitution of section 9

6. The principal Act is amended by substituting for section 9 the following section:

“Meetings of Board and quorum

9. (1) The Board shall meet as often as necessary, but not less than six times a year.

(2) The Chairman shall preside at all meetings of the Board, and if the Chairman is absent from any meeting, the Deputy Chairman shall preside at such meeting.

(3) The quorum of the Board shall be eight.

(4) Every member of the Board present at meetings of the Board shall be entitled to one vote.

(5) All questions raised in meetings of the Board shall be decided by the votes of the majority of the members present, and where there is an equality of votes, the chairman of the meeting shall have the casting vote.

(6) The Board may determine its own procedure.

(7) The Board shall cause minutes of all its meetings to be maintained and kept in a proper form.

(8) A member of the Board shall, as soon as practicable, disclose to the Board any interest, whether substantial or not, which may conflict with the member's duties as a member of the Board, in a particular matter.

(9) A disclosure under subsection (8) shall be recorded in the minutes of the meeting in which the disclosure was made, and after the disclosure the member of the Board shall not be present and take part in deliberation or decision of the Board.

(10) The Board may invite any person to attend meetings of the Board for the purpose of advising it on any matter under discussion but that person shall not be entitled to vote at the meeting or be present during the making of a decision.

(11) Any person invited to attend any meeting of the Board may be paid such allowances and other expenses as the Board may determine.”.

New sections 9B, 9C and 9D

7. The principal Act is amended by inserting after section 9A the following sections:

“Director and employee of Board

9B. (1) The Board shall appoint a Director of the Board and employ such number of employees to assist the Director of the Board.

(2) The Director of the Board shall be the Secretary to the Board.

(3) The Director of the Board—

(a) shall be responsible for the proper administration and management of the functions and affairs of the Board in accordance with the policy laid down by the Board;

(b) shall be responsible for the carrying out of the decisions of the Board;

(c) shall act as the director for any courses of instruction or examinations held by the Board pursuant to paragraph 5(e); and

(d) shall perform such other duties as the Board may direct from time to time.

(4) The Director of the Board and the employee of the Board shall be paid such remuneration and allowances as the Board may determine.

(5) A person shall not be eligible for employment as an employee of the Board if he, directly or indirectly, has any share or interest in any contract or proposed contract with, for or on behalf of the Board.

Monies of Board

9C. (1) All monies from fees and charges payable to the Board under this Act shall be paid to the Board.

(2) The monies received by the Board under this Act shall be used to defray all expenditure incurred by the Board in carrying out its functions under this Act.

(3) The monies not immediately required by the Board, after consultation with the Minister of Finance, may be invested in such trustee securities as the Board may determine or kept as fixed deposits in such banks as the Board may determine.

Board may establish committees

9D. (1) The Board may establish such committees as it considers necessary or expedient to assist it in the performance of its functions under this Act.

(2) The Board may elect any of its members to be the chairman of a committee established under subsection (1).

(3) The Board may appoint any person to be a member of a committee.

(4) A committee established under subsection (1) may regulate its own procedure and, in the exercise of its powers under this subsection, such committee shall be subject to and act in accordance with any directions given to the committee by the Board.

(5) Meetings of a committee shall be held at such times and places as the chairman of the committee may determine.

(6) The committee may invite any person to attend meetings of the committee for the purpose of advising it on any matter under discussion but that person shall not be entitled to vote at the meeting.

(7) Member of a committee or any person invited under subsection (6) to attend any meeting of a committee may be paid such allowances and other expenses as the Board may determine.

(8) A member of a committee shall serve the committee for such period and on such terms and conditions as may be specified in his instrument of appointment.

(9) The appointment of any member of a committee may at any time be revoked by the Board without assigning any reason for the revocation.

(10) A member of a committee may at any time resign from his office by giving a notice in writing to the Chairman of the Board.”.

Saving

8. The incorporation of the Legal Profession Qualifying Board under this Act shall not affect any powers, rights, privileges, liabilities, duties or obligations of the Legal Profession Qualifying Board prior to its incorporation, or render defective any legal proceedings by or against it.

EXPLANATORY STATEMENT

This Bill seeks to amend the Legal Profession Act 1976 (“Act 166”).

2. *Clause 1* contains the short title and provisions on the commencement of the proposed Act.

3. *Clause 2* seeks to amend section 4 of Act 166 to clarify the status of the Legal Profession Qualifying Board as a body corporate which has a legal capacity.

4. *Clause 3* seeks to substitute section 7 of Act 166 to provide for the membership of the Board. This *clause* also seeks to provide for the power of the Minister to appoint certain members of the Board and the matters relating to it. This *clause* also seeks to provide that every member of the Board shall devote such time to the business of the Board as may be necessary to discharge his duties effectively.

5. *Clause 4* seeks to introduce new sections 7A, 7B and 7C into Act 166.

The proposed new section 7A empowers the Minister to revoke the appointment of certain members of the Board appointed by the Minister and allows a member appointed by the Minister to resign as a member of the Board.

The proposed new section 7B provides for the circumstances of which the office of a member of the Board shall be vacated.

The proposed new section 7C provides that the members of the Board shall be paid such allowances and other benefits as may be determined by the Board and approved by the Minister.

6. *Clause 6* seeks to substitute section 9 of Act 166 to provide for the meetings of Board, its quorum and the matters relating to it.

7. *Clause 7* seeks to introduce new sections 9B, 9C and 9D into Act 166.

The proposed new section 9B seeks to provide for the appointment of the Director and employees of the Board and the matters relating to it.

The proposed new section 9C provides that all monies from fees and charges payable to the Board under Act 166 shall be paid to the Board. This new section also provides that the monies received by the Board under Act 166 shall be used to defray all expenditure incurred by the Board in carrying out its functions under Act 166. This new section also empowers the Board, after consultation with the Minister of Finance, to invest or kept as fixed deposit monies not immediately required by the Board.

The proposed new section 9D seeks to empower the Board to establish committees and to provide for the matters relating to it.

8. *Clause 8* deals with saving provision.

9. Other amendments not specifically dealt with in this Explanatory Statement are minor or consequential in nature.

FINANCIAL IMPLICATIONS

This Bill will not involve the Government in any extra financial expenditure.

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