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THE ADVOCATES ORDINANCE
ADVOCATES (PUPILLAGE AND ADMISSION) RULES, 2014

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THE ADVOCATES ORDINANCE
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(Made under section 17(a))

In exercise of the powers conferred section 17(a) of the Advocates Ordinance [*Cap.110 (1958 Ed.)*], the Chief Judge with the concurrence of the State Attorney-General has made the following Rules:

Part I
Interpretation

Citation and commencement

1. These Rules may be cited as the Advocates (Pupillage and Admission) Rules, 2014, and shall come into force on the 17th day of January, 2014.

Interpretation

2. In these Rules—

“advocate” means an advocate entitled to practice in Sarawak;

“Association” means the Central Committee of the Advocates’ Association of Sarawak;

“Chief Judge” means the Chief Judge of the High Court in Sabah and Sarawak and includes a Judge duly authorized by the Chief Judge;

“High Court” means the High Court in Sabah and Sarawak;

“Legal Officer” means an officer as defined in section 2 of the Government Proceedings Act 1956 [*Act 359*];

“master” means an advocate with whom the pupil serves his period of pupillage as provided in section 4(1A) of the Ordinance;

“Ordinance” means the Advocates Ordinance [*Cap 110(1958 Ed.)*];

“practice in Sarawak” has the meaning assigned to it in section 2(1) of the Ordinance;

“period of pupillage” means, unless exempted under section 4(1B) of the Ordinance, the period as provided under section 4(1A);

“pupil” means a qualified person who reads in the chambers of the State Attorney-General or of an advocate as provided in section 4(1A) of the Ordinance.

Part II
Pupillage

Notice of Commencement

3. A pupil shall, within seven days from the date of commencement of his pupillage, notify the Association, the Registrar of the High Court, and the State Attorney-General of such commencement in such form as may be determined by the Association.

Posting Copy of Notice of Commencement

4. Upon receipt of the notice of commencement of pupillage, the Association shall cause a copy thereof to be posted at the Notice Board of the High Court where the pupil is serving his pupillage.

Change of Masters

5. Any change of master shall be notified to the Association, the Registrar of the High Court and the State Attorney-General within seven days of such change.

Posting Copy of Notice of Change

6. Upon receipt of the notice of change of master, the Association shall cause a copy thereof to be posted at the Notice Board of the High Court where the pupil is serving his pupillage.

Pupillage Under Different Masters

7. A pupil may serve his pupillage with different masters provided that he shall not have more than two masters unless with prior written permission of the Chief Judge.

No Employment

8. A pupil other than a serving Legal Officer shall not, without prior written permission of the Chief Judge, hold any office or engage in any employment of any kind, whether full-time or otherwise, during his period of pupillage, but nothing in this rule shall preclude a pupil from receiving remuneration from his master.

Etiquette Course

9.—(1) A pupil shall attend an etiquette course organized by the Association during his pupillage and prior to his application for admission, unless otherwise exempted by the Chief Judge.

(2) The Association shall formulate the standards and contents of the etiquette course in consultation with the State Attorney-General and the Chief Judge.

(3) Upon completion of the etiquette course, the Association shall issue to the pupil a Certificate which shall be annexed to the petition for admission.

Part III

Exemption and Temporary Licence

Application for Exemption, Temporary Licence or Permission to Practice

10.—(1) An application for exemption pursuant to section 4(1B) of the Ordinance or a temporary licence or permission to practice pursuant to section 10 shall be by way of petition supported by an affidavit which shall annex:

- (a) proof of his qualification and of his eligibility; and
- (b) two recent testimonials as to his good character.

(2) A copy of the petition and of the documents in support thereof shall be served on the State Attorney-General, the Association and all parties in the cause or matter, who shall be entitled to be heard on any such application, not less than fourteen days before the date of the hearing.

Part IV

Procedure for Admission

Application for admission by way of petition

11.—(1) An application pursuant to section 5 of the Ordinance shall be by way of petition.

(2) A copy of the application and of the documents in support thereof shall be served on the State Attorney-General and the Association, who shall be entitled to be heard on any such application, not less than fourteen days before the date of the hearing.

Posting of Petition

12. The Association shall, upon being served with the petition, cause a copy thereof to be posted on the Notice Board of the High Court where the petitioner is serving his pupillage.

Objection to Petition

13. If the State Attorney-General or the Association intends to object to any application, a notice of objection setting the grounds thereof shall be served on the petitioner, not less than five clear days before the date of the hearing or such shorter period as the Chief Judge may allow.

Interview by Chief Judge

14—(1) The Chief Judge may, before the hearing of any petition, interview the petitioner to determine whether or not he is a fit and proper person to be admitted as an advocate.

(2) For the purpose of this rule, the Chief Judge may be assisted by the State Attorney-General and the Association.

Made this 9th day of January, 2014.

TAN SRI DATUK SERI PANGLIMA RICHARD MALANJUM
Chief Judge of the High Court in Sabah and Sarawak

With the concurrence of the State Attorney-General Sarawak this 13th day of January, 2014.

DATU HAJI ABDUL RAZAK TREADY
State Attorney-General Sarawak