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THE ADVOCATES ORDINANCE

THE ADVOCATES' REMUNERATION (AMENDMENT) RULES, 2018

(Made under section 17(c))

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

Citation and commencement

1. These Rules may be cited as the Advocates' Remuneration (Amendment) Rules, 2018, and shall come into force on the 1st day of May, 2018.

Amendment of rule 2

2. Rule 2(1) of the Advocates' Remuneration Rules, 1988 [*Swk. L.N. (F) 72/88*] (in these Rules referred to as "the Principal Rules") is amended:

(a) by deleting the words "other than those regulated by sub-paragraph (b) and the Second and Twelfth Schedules" in line two of paragraph (a);

(b) by substituting paragraph (b) with the following new paragraph (b):

“(b) in respect of sale and purchase agreements and transfers for housing and commercial estates of fifteen (15) units and more by a housing Developer or Vendor, where an advocate represents only the Developer or Vendor, the remuneration shall be in accordance with the Second Schedule;” and

(c) by adding the words “or assigned” after the word “charged” in line one of paragraph (d).

Amendment of Schedules

3. The Schedules of the Principal Rules are amended:

(a) by substituting the First Schedule with a new First Schedule;

“FIRST SCHEDULE CONSIDERATION OR AMOUNT SECURED

1.	Up to RM10,000.00	...	2.5%
2.	For the next RM40,000.00	...	1.0%
3.	For the next RM50,000.00	...	0.90%
4.	For the next RM200,000.00	...	0.80%
5.	For the next RM400,000.00	...	0.70%
6.	For the next RM500,000.00	...	0.60%
7.	For the next RM1,000,000.00	...	0.55%
8.	For the next RM3,000,000.00	...	0.50%
9.	For the next RM5,000,000.00	...	0.45%

Where the consideration or amount secured is in excess of RM10,200,000.00 the remuneration shall be negotiable but shall not exceed 0.45% on the excess.

The scale of costs set out above shall not apply to all deeds and assignments by way of gift, donation or endowment. The charges shall be one-half of the scale of costs stipulated above based on the value of the property as assessed by the Valuation and Property Services Department or the Superintendent of Lands and Surveys before whom the instrument of transfer is tendered for registration under the Land Code [*Cap. 81 (1958 Ed.)*].

There shall be a minimum scale charge of RM500.00.

Forms for registration of charges with the Companies Registry will be charged at RM300.00 per set for each instrument.

RULES

1. Where the transaction includes the Sale and Purchase Agreement and the Memorandum of Transfer to complete the sale, the advocate who represents the Vendor shall charge one-half of the scale and the advocate who represents the Purchaser shall charge the full scale.
2. Where the transaction involves only the Sale and Purchase Agreement, the advocate who represents the Vendor shall charge one-half of the scale and the advocate who represents the Purchaser shall charge three-quarters of the scale.
3. Rule 2 shall also apply where the transaction involves the Memorandum of Transfer only or where the transaction involves the Deed of Assignment of property when no individual document of title or strata title has been issued.
4. Rule 2 shall also apply to a subsale and purchase transaction.
5. Where the advocate having acted for the Purchaser in the sale and purchase transaction also acts for the Purchaser in a subsale of the same property, he shall charge a further one-quarter of the scale on the subsale consideration.
6. Where the advocate also acts for the Purchaser in the financing transaction, he shall charge a further one-half of the scale on the amount of the Charge as the Chargor's advocate.
7. Where the transaction includes an assignment and loan agreement in addition to the Charge in escrow, the advocate shall charge a further sum equivalent to one-half of the scale (subject to a minimum fee of RM300.00).
8. Where the advocate acts for the Chargee, he shall charge the full scale on the amount of the Charge.
9. Where the advocate acts for the Chargor, he shall charge one-half of the scale.
10. For property with individual document of title or strata title, where the advocate has to prepare any subsidiary instrument of security within the meaning of section 4(3) of the Stamp Act 1949 [Act 378] the remuneration for which is not provided, the remuneration of the advocate shall be RM300.00 for every instrument.
11. For the preparation of any document where remuneration has not been provided for, the remuneration shall be RM300.00 for every document.

12. Where the transaction involves security documents for Islamic banking business as defined in the Islamic Financial Services Act 2013 [*Act 378*], the advocate shall charge the full scale for the principal instrument and a further sum equivalent to one-half of the scale for the subsidiary instrument prepared in relation to the financing transaction.
13. Where the transaction involves a housing estate of twenty-five (25) units and more, the remuneration of the advocate shall be one-half of the scale if the consideration or amount secured is less than RM100,000.00.
14. Where an advocate is instructed to put up a property for sale by public auction—
 - (a) the Vendor's advocate shall charge full scale on the sale price for conducting the sale including drafting and settling conditions of sale if the property is sold but if the property is not sold, he shall charge one-half of scale on the reserve price, or if there is no reserve price, one-half of scale on the highest bid as certified in writing by the auctioneer but if there is no reserve price and no bid, the advocate shall charge according to the Sixteenth Schedule;
 - (b) the fee of one-half of scale for investigating title; and perusing and completing transfer on a sale by auction is to be chargeable on each lot of property, except that where a property held under the same title is divided into lots for convenience of sale and the same Purchaser buys several such lots and takes one transfer, one-half of scale is to be chargeable by the Vendor's advocate upon the aggregate prices of the lots and full scale is to be chargeable by the Purchaser's advocate upon the aggregate prices of the lots; and
 - (c) the fee on an attempted sale by auction of lots is to be chargeable on the aggregate of the reserve prices (or if there be no reserve prices, the aggregate of the highest bids). When property offered for sale is not sold by or on behalf of the owner to a third party and terms are afterwards negotiated and arranged by the same advocate, he shall charge full scale on the reserve price where the property is not sold and also one-half of scale for negotiating the sale. When property is bought in and afterwards offered for auction by the same advocate, he shall charge only full scale for the first attempted sale and for each subsequent sale ineffectually attempted he shall charge according to the Sixteenth Schedule. In case of a subsequent effectual sale by auction he shall charge full scale less one-half of the fee previously charged on the first attempted sale.

15. There shall be no discount on all fees specified in these Rules. All advocates shall not entertain any discount requested or agree to any promotion scheme or self-imposed scale fees by Banks or Financial Institution or Developer and/or all clients and must report the same to the Advocates Association to take appropriate action if such request had been made. Any advocate or their firms giving discounts or agreeing to any of the above shall be in breach of these Rules and subject to the Inquiry Rules.
16. Where a property is sold subject to encumbrances, the amount of the encumbrances shall be deemed a part of the purchase money, except where the Chargee purchases the charged property, and the same advocate who prepared the charge acts for the Chargee upon such purchase, in which case the fee of the advocate shall be calculated on the price of the equity of redemption.
17. In addition to the other fees payable to an advocate under these Rules, where an advocate negotiates any transaction he shall be entitled to charge a negotiation fee. The scale for negotiating shall be in accordance with the scale prescribed by the First Schedule and shall apply to cases where the advocate for a Vendor, or Purchaser arranges the sale or purchase and the price and terms and conditions thereof and no commission is paid by the client to an auctioneer or estate or other agent. A Chargor's advocate shall also be entitled to a negotiating fee where he arranges and obtains a loan for the Chargor. The negotiating fee payable pursuant to these Rules shall be full scale based on the amount of the consideration or loan.
18. Where completion of a transfer of property takes place simultaneously with a charge of the same property, the fees due to the advocate under the First Schedule shall include charges for attending to the stamping and registration of the transfer or other documents by the advocate on behalf of the parties or for attendance at the office of another advocate for completion except the actual transport charges incurred for such attendance.
19. Where additional facilities are granted on the security of an existing charge which is being stamped additionally to cover such facilities, the advocate in charge of such stamping and other attendant work, shall be entitled to charge on the above scale at the appropriate rate as if the additional facilities formed part of the original facilities.”;

(b) by substituting the Second Schedule with a new Second Schedule:

“SECOND SCHEDULE

SCALE OF REMUNERATION IN RESPECT OF AGREEMENT
FOR SALE, PURCHASE, CHARGE OR TRANSFER OF HOUSING
AND COMMERCIAL ESTATES OF FIFTEEN (15) UNITS AND
MORE

This Schedule applies where an advocate acts for the Vendors or Developers of housing or commercial estates of fifteen (15) units and more. It does not apply to advocates of the Purchasers of the houses therein whose fees shall be governed by the First Schedule.

RULES

1. Where an advocate attends to the Sale and Purchase Agreement only, he shall charge one-half of the First Schedule scale.
2. Where the advocate also attends to the Memorandum of Transfer, he shall charge an additional one-quarter of appropriate charges set out in the First Schedule.
3. Where the same advocate who acts for the Vendor or Developer also acts for the Purchaser in respect of the Sale and Purchase Agreement only, he shall charge three-quarters of appropriate charges set out in the First Schedule.
4. Where the same advocate who acts for the Vendor or Developer also acts for the Purchaser in respect of both the Sale and Purchase Agreement and Transfer, he shall charge appropriate charges set out in the First Schedule.”;

(c) by substituting the Third Schedule with a new Third Schedule:

“THIRD SCHEDULE

SCALE OF REMUNERATION APPLICABLE TO ALL
SUBLEASES,
AGREEMENTS OF SUBLEASES AND TENANCY AGREEMENTS

SCALE		
<i>Monthly rent not exceeding</i>	<i>Annual rent not exceeding</i>	<i>Scale charges</i>
50.00	600.00	300.00
100.00	1,200.00	350.00
150.00	1,800.00	400.00
200.00	2,400.00	450.00
250.00	3,000.00	500.00

<i>300.00 Monthly rent not exceeding</i>	<i>3,600.00 Annual rent not exceeding</i>	<i>550.00 Scale charges</i>
350.00	4,200.00	600.00
400.00	4,800.00	650.00
450.00	5,400.00	700.00
500.00	6,000.00	750.00
550.00	6,600.00	800.00
600.00	7,200.00	850.00
650.00	7,800.00	900.00
700.00	8,400.00	950.00
750.00	9,000.00	1000.00
800.00	9,600.00	1050.00
850.00	10,200.00	1100.00
900.00	10,800.00	1150.00
950.00	11,400.00	1200.00
1,000.00	12,000.00	1250.00

Between the annual rent of RM12, 000.00 and RM24, 000.00, there shall be charged 12% of the annual rent. After the annual rent of RM24, 000.00, there shall be charged 10% of the annual rent.

There shall be a minimum scale charge of RM300.00 on all transactions.

RULES

1. Where an advocate represents only the Sublessor, he shall charge full scale.
2. Where an advocate represents only the Sublessee, he shall charge three-quarters of scale.
3. Where the advocate having represented the Sublessee also represents the Sublessee in the sublet of the whole or any part of the premises, he shall charge one-quarter of the scale.
4. Where an advocate represents the Sublessor in respect of subleases of parts of a building in which there are ten or more leaseable units and a standard form of sublease is used or where a sublease is renewed upon substantially the same terms and conditions, the fees to be charged by the Sublessor's advocate in respect of these subleases shall be one-half of the fees chargeable under rules 1, 2 and 3 of this Schedule.
5. Any consideration in the sublease or tenancy agreement expressed to be chargeable other than by way of rent (e.g. service charges, hire or furniture and fixtures) shall be deemed to be rent.

6. Where a varying rent is payable, the remuneration shall be charged on the highest amount of rent payable.
7. Where a sublease is partly in consideration of a money payment or premium and partly of a rent, then, in addition to the remuneration prescribed in respect of rent, there shall be paid a further sum equal to the remuneration on a purchase at a price equal to such money payment or premium in accordance with the scale prescribed under the First Schedule, and for these purposes, the Landlord or Sublessor shall be regarded as Purchaser and the Tenant or Sublessee shall be regarded as Vendor and rules 1, 2, 3, 4, 5 and 6 of this Schedule shall apply to such further remuneration.”;

(d) by substituting the Fourth Schedule with a new Fourth Schedule:

“FOURTH SCHEDULE
DISCHARGE OF CHARGE & DEED OF REASSIGNMENT

(Per Title)

Discharge of Charge

Chargor	...	...	...	RM	250.00
Chargee	...	...	...	RM	150.00

Deed of Reassignment

Assignor	...	...	...	RM	250.00
Assignee	...	...	...	RM	150.00

If the Discharge of Charge or Deed of Reassignment includes a Revocation of Power of Attorney, there shall be an additional fee of RM150.00. For every other document to be prepared, the remuneration of the advocate shall be RM200.00 for every document.

RULES

1. Where the same advocate acts for both parties, he shall charge RM250.00.
2. The scale charges are inclusive of all necessary attendances.
3. This scale applies only where the advocate is not required to give an undertaking to pay the redemption sum. If he is required to do so, his fees shall be one-half of the First Schedule scale and calculated on the amount of the redemption sum.
4. Forms for registration of Satisfaction of Charge with the Companies Registry will be charged at RM300.00 per set.”;

(e) by substituting the Fifth Schedule with a new Fifth Schedule:

“FIFTH SCHEDULE

SCALE OF REMUNERATION IN RESPECT OF DEBENTURES BY
WAY OF FIXED OR FLOATING CHARGES

SCALE

(a)	For the first RM500,000.00	...	1%
(b)	For the next RM500,000.00	...	0.5%
(c)	For the next RM4,000,000.00	...	0.45%
(d)	For the next RM5,000,000.00	...	0.35%

Where the amount secured is in excess of RM10,000,000.00, the remuneration shall be negotiable but shall not exceed 0.25%.

This scale does not extend to any additional instructions to investigate the title to immovable property to be secured thereunder or by a collateral instrument.

Forms for registration of Debenture and Charges with the Companies Registry will be charged at RM300.00 per set for each instrument.

RULES

1. Where the same advocate acts for the Lender, he shall charge full scale.
2. Where an advocate acts for the Borrower, he shall charge one-quarter of the scale.
3. Where the security documents include, in addition to a Debenture, a fixed charge on immovable property and the title is investigated, the advocate having the conduct of the business shall charge under the First Schedule on the value of the immovable property as fixed by the Lender and on the balance of the loan in accordance with this Schedule commencing from Item (a) of the scale.
4. Where the charge by way of collateral security to the Debenture is executed subsequently to the Debenture and secures immovable property but without any additional loan, the advocate having the conduct of the business shall charge a fee under the Sixteenth Schedule. Where an additional loan is secured, the First Schedule shall apply.
5. Where additional facilities are granted on the security of an existing charge which is being stamped additionally to cover such facilities, the advocate in charge of such stamping and other attendant work shall be entitled to charge on the above scale at the appropriate rate as if the additional facilities formed part of the original facilities.

6. Where the security documents consist of a Debenture and a fixed charge on immovable property and the title is investigated, the advocate having the conduct of the business shall charge one-quarter of the fees according to the First Schedule in respect of the Charge and full fee under this Schedule in respect of the Debenture.”;

(f) by substituting the Sixth Schedule with a new Sixth Schedule:

“SIXTH SCHEDULE

SCALE OF REMUNERATION FOR WITNESSING OF DOCUMENTS (INCLUDING THE GIVING OF AN ATTESTATION CERTIFICATE, IF ANY)

- | | | |
|-----|---|---|
| (a) | For witnessing execution of a document | ... RM50.00 for first and RM5.00 for each subsequent copy. |
| (b) | For witnessing execution of a document and giving an attestation certificate (if any) | ... RM100.00 for first and RM5.00 for each subsequent copy. |

RULES

1. The above witnessing fee is not chargeable when the advocate has prepared, settled or approved the document and where he has made other charges under these Rules.
2. If the witnessing advocate is asked to advise on the contents of any document not prepared by him, he shall be entitled to charge therefor in accordance with the Sixteenth Schedule.”;

(g) by substituting the Seventh Schedule with a new Seventh Schedule:

“SEVENTH SCHEDULE

SCALE OF REMUNERATION FOR LODGMENT, RENEWAL AND REMOVAL OF CAVEATS

- | | | |
|----|--|----------------|
| 1. | For lodgment of Caveat against each title, inclusive of all necessary attendances and perusal of documents | ... RM300.00 |
| 2. | For Caveat against each subsequent title based on the same grounds | ... RM150.00 |
| 3. | For renewal of Caveat against each title | ... RM100.00 |
| 4. | Removal of Caveat | ... RM100.00 |
| 5. | For preparation of a Statutory Declaration or any other document supporting a Caveat | ... RM150.00”; |

(h) by substituting the Eighth Schedule with a new Eighth Schedule:

“EIGHTH SCHEDULE

SCALE OF REMUNERATION FOR SEARCHES MADE OR
INSPECTION HAD IN GOVERNMENT REGISTRIES

1. Searches at the Land Registry
 - (a) Land and personal index search in respect of individuals or companies RM100.00
 - (b) For property without titles, making inquiries and obtaining confirmation from the Developer/Land owner ... RM100.00
2. Company searches
 - (a) Requesting “computer information” from Companies Commission of Malaysia RM150.00
 - (b) Conducting search on the files/micro films maintained by the Companies Commission of Malaysia RM250.00
 - (c) Vehicle/Insurance searches – Road Transport Department RM100.00
 - (d) Bankruptcy searches RM100.00
 - (e) Company winding up searches RM100.00
 - (f) Identity card searches RM100.00
 - (g) Trading licence searches RM100.00
 - (h) Any other searches RM100.00

The above fees are for per searches.”;

(i) by substituting the Ninth Schedule with a new Ninth Schedule:

“NINTH SCHEDULE

SCALE OF REMUNERATION FOR ADMINISTRATION OF
ESTATES

	<i>Gross Value of Estate Not Exceeding</i>	<i>Work Done Up to Letters of Administration or Probate</i>	<i>Distribution and Winding Up of Intestate Estate</i>	<i>Distribution and Winding Up of Testate Estate</i>
	RM	RM	RM	RM
1.	10,000.00	750.00	440.00	400.00
2.	25,000.00	1,500.00	550.00	500.00
3.	30,000.00	1,800.00	660.00	600.00
4.	40,000.00	2,400.00	880.00	800.00
5.	50,000.00	3,000.00	1,100.00	1,000.00
6.	60,000.00	3,600.00	1,650.00	1,500.00

	<i>Gross Value of Estate Not Exceeding</i>	<i>Work Done Up to Letters of Administration or Probate</i>	<i>Distribution and Winding Up of Intestate Estate</i>	<i>Distribution and Winding Up of Testate Estate</i>
	RM	RM	RM	RM
7.	70,000.00	4,000.00	2,200.00	2,000.00
8.	80,000.00	4,500.00	2,750.00	2,500.00
9.	90,000.00	4,750.00	2,750.00	2,500.00
10.	100,000.00	5,000.00	3,850.00	3,500.00
11.	125,000.00	5,500.00	4,400.00	4,000.00
12.	150,000.00	6,000.00	4,950.00	4,500.00
13.	175,000.00	6,500.00	5,500.00	5,000.00
14.	200,000.00	6,750.00	6,050.00	5,500.00
15.	225,000.00	7,000.00	6,600.00	6,000.00
16.	250,000.00	7,250.00	7,150.00	6,500.00
	Exceeding: RM250,000.00 up to RM500,000.00	3%	7,700.00	7,000.00
	Exceeding: RM500,000.00 up to RM750,000.00	2.5%	8,800.00	8,000.00
	Exceeding: RM750,000.00 up to RM1,000,000.00	2.25%	9,900.00	9,000.00
	Exceeding: RM1,000,000.00	Negotiable but RM20,000.00		Negotiable but RM10,000.00”;

(j) by substituting the Tenth Schedule with a new Tenth Schedule:

“TENTH SCHEDULE

SCALE OF REMUNERATION FOR PARTNERSHIP
AGREEMENTS

CAPITAL

1.	Up to first RM50,000.00	...	1.75%
2.	For the next RM100,000.00	...	1.50%
3.	For the next RM200,000.00	...	1.25%
4.	For the next RM650,000.00	...	1.00%

Where the capital exceeds RM1,000,000.00, the remuneration shall be negotiable but shall not exceed 0.6%. Where no capital is provided as in a joint-venture agreement to tender for a contract, the advocate's fee shall be based on the Sixteenth Schedule.

Notwithstanding Item 1 above, there shall be a minimum scale charge of RM875.00.”;

(k) by substituting the Eleventh Schedule with a new Eleventh Schedule:

“ELEVENTH SCHEDULE

REMUNERATION FOR SUBMISSION OF NOTIFICATION
UNDER THE REAL PROPERTY GAINS TAX ACT 1976

1. For each submission of the notification of acquisition or disposition of all landed properties inclusive of all interviews for low cost properties up to a value of RM100,000.00:
 - (a) CKHT 1A Forms (or any replacement form) ... RM200.00 per form
 - (b) CHKT 2A Forms (or any replacement form) ... RM150.00 per form
 - (c) Any other additional forms ... RM100.00 per form
2. For each submission of the notification of acquisition or disposition of all landed properties inclusive of all interviews for medium cost properties in excess of RM100,000.00 but not exceeding RM250,000.00:
 - (a) CKHT 1A Forms (or any replacement form) ... RM300.00 per form
 - (b) CHKT 2A Forms (or any replacement form) ... RM250.00 per form
 - (c) Any other additional forms ... RM200.00 per form
3. For each submission of the notification of acquisition or disposition of all landed properties inclusive of all interviews for high cost properties in excess of RM250,000.00 but not exceeding RM100,000.00:
 - (a) CKHT 1A Forms (or any replacement form) ... RM400.00 per form
 - (b) CHKT 2A Forms (or any replacement form) ... RM350.00 per form
 - (c) Any other additional forms ... RM300.00 per form
4. For all other submission of the notification of acquisition or disposition of all landed properties inclusive any such properties exceeding

RM1,000,000.00 or not covered by items 1, 2 and 3 hereof:

- (a) CKHT 1A Forms (or any replacement ... RM500.00 per form form)
 - (b) CHKT 2A Forms (or any replacement ... RM400.00 per form form)
 - (c) Any other additional forms ... RM350.00 per form
5. For each submission of the notification of acquisition or disposition of shares in a Real Property Company inclusive of all interviews:
- (a) CKHT 1A Forms (or any replacement ... RM1,000.00 per form form)
 - (b) CHKT 2A Forms (or any replacement ... RM800.00 per form form)
 - (c) Any other additional forms ... RM500.00 per form
6. For any major attendance requiring getting-up before the Director General of Inland Revenue, Inland Revenue Board or as required by his office pertaining to the submission of the notification or acquisition of landed properties or other assets (exclusive of disbursements) RM100,00 per attendance
7. For any major attendance requiring getting-up before the Director General of Inland Revenue, Inland Revenue Board or as required by his office pertaining to the submission of the notification of acquisition or disposition of shares in a Real Property Company (exclusive of disbursements) RM100,00 per attendance”;
- (d) by substituting the Twelfth Schedule with a new Twelfth Schedule:

“TWELFTH SCHEDULE

SCALE OF REMUNERATION FOR MATTERS RELATING
TO CHARGE ACTIONS UNDER THE LAND CODE AND
MATTERS INCIDENTAL THERETO

	...	RM
1. Per letter of termination or demand	...	100.00
2. Issuing Statutory Notice by Chargee in Case of Default	...	150.00
3. Service of Statutory Notice by Chargee in Case of Default whether by personal service, or by post or otherwise	...	100.00
4. Effecting substituted service of Statutory Notice by Chargee in Case of Default or Notice by Advertisement (Cost of Advertisements to be separately indemnified)	...	250.00

5.	In the event the Charge action is stopped before the Order for Sale is obtained	...	500.00
6.	Drawing up Application by Chargee for Sale of Land	...	500.00
7.	Attending and acquiring Order for Sale from High Court (per one attendance and non-contentious)	...	300.00
8.	Apply for Notice of Application for court direction after acquiring Order for Sale	...	300.00
9.	Attending and perusing Notice of Sale and Conditions of Sale after Court directions	...	250.00
10.	Drawing up all necessary documents or letter not herein otherwise provided, per document:		
	(a) Documents other than letter	...	150.00
	(b) Letter only	...	100.00
11.	Drawing up Application and Notice for Postponement or Cancellation of sale	...	300.00
12.	Where a Sale takes place, whether by public tender or private treaty, the following fees shall be payable in addition to the above fees:		
	<i>Where the sale realised:</i>		<i>%</i>
	Up to RM10,000.00	... ..	2.00
	For the next RM40,000.00	... ..	4.00
	For the next RM150,000.00	... ..	5.00
	For the next RM200,000.00	... ..	4.00
	For the next RM300,000.00	... ..	3.00
	For the next RM500,000.00	... ..	2.00
	For the next RM1,000,000.00	... ..	1.00
13.	In the event the Charge is redeemed by the Chargor, after action had commenced, the charges shall be one-third of the scale under Item 12 of this Schedule, based on the redemption sum.		
15.	In the event that the auction is postponed for whatever reason or cause	...	500.00
16.	(a) Drawing up and filing the Certificate of Non Appearance for each Certificate	...	150.00
	(b) Drawing up and filing any further supplementary affidavit as to outstanding figures	...	150.00
	(c) Drawing up and filing any Notice of Application for Substituted service and service thereof	...	300.00
	(d) Drawing up and filing Notice of Application for Payment out of sales proceed	...	750.00
	(e) Drawing up and filing Notice of Application for reduced reserve price and/or fresh tender/auction date	...	500.00

RULES

1. The above fees shall be payable by the Chargee and for non-contentious matters only.
2. The scale of charges are exclusive of all necessary attendances.
3. In addition to the scale of fees stipulated in this Schedule, to each attendance in court for mention, hearing, auction, tender or for any attendance whatsoever RM100.00 per attendance.”

(m) by inserting a new Twelfth (A) Schedule after the Twelfth Schedule:

“TWELFTH (A) SCHEDULE
SALE OF PROPERTY BY WAY OF ASSIGNMENT

	RM
1. Issuance of notice of termination of licence and vacant possession and service thereof ...	300.00
2. Each letter to Developer and/or Vendor for Consent to Sale ...	300.00
3. All other letters and correspondences per letter/correspondence ...	100.00
4. To attend and peruse through all notice and proclamation of sale ...	600.00
5. Each sale attendance ...	100.00
6. In the event the sale is successful whether by public auction, public tender or private treaty, the following fees shall be payable in addition to the above fees:	
Up to RM10,000.00	2.00%
For the next RM40,000.00	4.00%
For the next RM150,000.00	5.00%
For the next RM200,000.00	4.00%
For the next RM300,000.00	3.00%
For the next RM500,000.00	2.00%
For the next RM1,000,000.00 and above	1.00%”;

(n) by substituting the Thirteenth Schedule with a new Thirteenth Schedule:

“THIRTEENTH SCHEDULE
SCALE OF REMUNERATION FOR COLLECTING DEBTS
(NON-CONTENTIOUS)

<i>Where the amount recovered:</i>	<i>%</i>
Up to RM50,000.00	... 10.00
For the next RM200,000.00	... 8.00
For the next RM400,000.00	... 5.00
For the next RM500,000.00	... 3.00
For the next RM1,000,000.00 and above	... 2.00

RULES

1. The fee shall only be charged for the amount of the debt actually recovered and for this purpose the debt is recovered whether the payment by the debtor is through the advocate having the conduct of the matters or direct to the client of the advocate or for the account of the client or settled by instalments.
2. Where the debt has not been recovered the advocate shall have the discretion to charge whatever fee not in excess of the scale of fee above provided subject to a minimum scale of fees as set up below.
3. Where the debt is paid up upon receipt of letter of demand from the Creditor's advocate, the fee shall be 1.5% on the amount recovered.
4. There shall be a minimum fee of RM1,000.00.
5. The following minimum scale of fees shall apply for filing of summons to obtain default judgment. This minimum scale of fees is payable upon filing of summons and if the case is discontinued before obtaining judgment.

Claim amount	(a) < RM10,000.00	RM800.00
	(b) > RM10,000.00	RM900.00
Claim amount	RM10,000.00 – RM25,000.00	RM1,000.00
	RM25,001.00 – RM50,000.00	RM1,250.00
	RM50,001.00 – RM100,000.00	RM1,500.00
	RM100,001.00 – RM150,000.00	RM2,000.00
	RM150,001.00 – RM200,000.00	RM2,500.00
	RM200,001.00 – RM250,000.00	RM3,000.00
	RM250,001.00 – RM300,000.00	RM3,500.00
	RM300,001.00 – RM350,000.00	RM4,000.00
	RM350,001.00 – RM400,000.00	RM4,500.00
	RM400,001.00 – RM450,000.00	RM5,000.00

	RM450,001.00 – RM500,000.00	RM5,500.00
	RM500,001.00 – RM550,000.00	RM6,000.00
	RM550,001.00 – RM600,000.00	RM6,500.00
	RM600,001.00 – RM650,000.00	RM7,000.00
	RM650,001.00 – RM700,000.00	RM7,500.00
	RM700,001.00 – RM750,000.00	RM8,000.00
	RM750,001.00 – RM800,000.00	RM8,500.00
	RM800,001.00 – RM850,000.00	RM9,000.00
	RM850,001.00 – RM900,000.00	RM9,500.00
	RM900,001.00 – RM950,000.00	RM10,000.00
	RM950,001.00 – RM1,000,000.00	RM10,500.00
Claim amount	> RM1,000,000.00	A minimum fee of RM11,000.00”;

(0) by substituting the Fourteenth Schedule with a new Fourteenth Schedule:

“FOURTEENTH SCHEDULE

SCALE OF REMUNERATION IN RESPECT OF MATTERS AFFECTING
EXECUTION PROCEEDINGS

Payment recovered consequent on execution proceedings shall be in accordance with the scales under the Thirteenth Schedule plus the fees chargeable for execution proceedings as set out below:

1. *Judgment Debtor Summons*
Judgment Debtor Summons proceedings under provisions of Rules of Court, irrespective whether proceedings result in:

<ol style="list-style-type: none"> (a) Consent Order to pay; (b) Order made by Court on examining debtor, or (c) No order made after examining debtor; 	}	<i>Fees</i> RM750.00 in addition to every attendance where summons stands adjourned due to non-service at RM100.00 per attendance.
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In the event of issue of Warrant of Arrest, further fees of RM500.00.
2. *Judgment Notice*
Judgment Notice involving application for Committal proceedings, service of documents and Court attendance
... RM500.00
(For each adjournment and attendance) ... RM100.00
3. *Garnishment Proceedings*
 - (a) 2 attendances in Court/Service of Order on garnishee ... RM1,200.00
 - (b) In addition to every attendance where summons stands adjourned due to non-service (per attendance) ... RM100.00

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4. *Writ of Seizure*
- (a) Execution of Writ of Seizure resulting in payment ... RM1,500.00
 - (b) Seizure and proceeding to sale by Public Auction ... RM3,500.00
5. *Attachment proceedings of Property — Prohibitory Orders*
- (a) Obtaining or renewal of Prohibitory Order ... RM750.00
 - (b) Applying for sale of property seized, Summons for Directions, Public Auction and preparation of Conditions of Sale and to confirm the sale ... RM3,500.00
6. *Bankruptcy Proceedings*
- (a) Issue of Bankruptcy Notice and service thereof ... RM500.00
 - (b) Issue of Bankruptcy Notice and substituted service thereof, through to extend Notice and service ... RM750.00
 - (c) Issue of Bankruptcy Notice and service thereof, presentation of Bankruptcy Petition and service thereof and attending same to obtain Receiving and Adjudication Orders ... RM1,500.00
 - (d) Issuing of Bankruptcy Petition, substituted service thereto and attending hearing of Petition to obtaining Receiving and Adjudication Order ... RM1,750.00
 - (e) Filing Proof of Debt ... RM150.00
 - (f) Attending a Creditor's Meeting subsequent to Receiving and Adjudicating Orders and Public Examination Bankrupt ... RM150.00 per hour or part thereof
7. *Companies Winding-up Petition*
- (a) Preparation of Petition, attending *gazette* publication, advertisement in the press, appointment of Provisional Receiver/Liquidator, service of Petition and appearing upon Petition in Court ... RM7,500.00
 - (b) Where Petition moved by another creditor, filing form in support and attending hearing in Court to lend support to Petition ... RM500.00
 - (c) Filing Proof of Debt ... RM100.00
 - (d) Attending a Creditor's Meeting subsequent to

Winding Up Order and Public Examination ... RM200.00
per hour or part
thereof

8. Where the execution proceedings are contentious, the fees chargeable shall be in accordance with the Sixteenth Schedule.”;

(p) by substituting the Fifteenth Schedule with a new Fifteenth Schedule:

“FIFTEENTH SCHEDULE

SCALE OF REMUNERATION IN RESPECT OF MATTERS
AFFECTING THE INCORPORATION OF COMPANIES

<i>Authorized Capital</i>		<i>Scale of Remuneration</i>
Up to RM100,000.00	...	1.5%
For the next RM400,000.00	...	0.3%
For the next RM500,000.00	...	0.2%

RULES

1. The above fee is for drawing up the Memorandum and Articles of Association and the preparation of all forms up to the issue of the Certificate of Incorporation.
2. All other costs are to be charged for separately and at a reasonable fee.
3. There shall be a minimum scale charge of RM1,500.00.”; and

(q) by substituting the Sixteenth Schedule with a new Sixteenth Schedule:

“SIXTEENTH SCHEDULE

REMUNERATION FOR WORKS NOT PROVIDED FOR
IN THESE RULES

Non-contentious works for which no provision is made by means of a scale or fixed sum and contentious work shall be such sum as is fair and reasonable having regard to all the circumstances of the case, and in particular the following circumstances:

- (a) the importance of the matter to the client;
- (b) the skill, labour, specialised knowledge and responsibility involved on the part of the advocate;

(c) the complexity of the matter or the difficulty or novelty of the question raised or both;

(d) where money or property is involved, the amount or value thereof;

(e) the time expended by the advocate;

(f) the number and importance of the documents prepared or perused without regard to length; and

(g) the place where and the circumstances under which the services or business or any part thereof are rendered or transacted.

Provided always that the Advocate may, at his discretion or option, in respect of any non-contentious works not covered by any of the First to Fifteenth Schedule hereof adopt the scale fees or any part thereof prescribed under any of the First to Fifteenth Schedule thereof as forming the fees under the Sixteenth Schedule whether wholly or as part thereof in conjunction with the fees under the Sixteenth Schedule.”

Dated this 28th day of March , 2018.

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

SAGC

