



SABAH, MALAYSIA

Warta Kerajaan

Tambahan Kedua

Diterbitkan dengan kuasa

JIL. LXV] KOTA KINABALU, KHAMIS, 30 SEPTEMBER 2010 [No. S 8

No. S 10

[No. JPBN(S) 100-6/4

THE ADVOCATES ORDINANCE

(Cap. 2)

ADVOCATES' ACCOUNT (AMENDMENT) RULES 2010

In exercise of the powers conferred by paragraph 17 (*b*) of the Advocates Ordinance [*Cap. 2*], the Chief Judge, with the concurrence of the State Attorney-General, makes the following rules:

Citation and commencement

1. (1) These rules may be cited as the Advocates' Account (Amendment) Rules 2010.
- (2) These Rules come into operation on 1 October 2010.

Amendment of rule 16

2. The Advocates' Account Rules 1988 [*G.N.S. 14 of 1988*] which are referred to as the "principal Rules" in these Rules, are amended in rule 16 –
 - (a) in subrule (1), by inserting after the words "Kota Kinabalu" the words "a statutory declaration in the form shown in the First Schedule and"; and
 - (b) in subrule (2), by inserting before the word "Schedule" the word "Second".

New First Schedule

3. The principal Rules are amended by inserting the following:

“FIRST SCHEDULE

[Subrule 16 (1)]

FORM OF STATUTORY DECLARATION

I, the undersigned, being the advocate in Messrs of do solemnly and sincerely declare that I have strictly complied with the First to the Fifteenth Schedule to the Advocates’ Remuneration Rules 1988 in charging the remuneration (“the Scale Fees”) for the accounting period from to and that I have not in anyway during the said accounting period given any preferential treatment to the clients by way of discount on the Scale Fees through any devise or method which shall have the effect of giving a discount on the Scale Fees or have received or shall receive in the future any other consideration other than the full Scale Fees except in the following instances:

Name of Client	Nature of work carried out (specify nature of work carried out under the First to the Fifteenth Schedule)	Reasons for not charging Scale Fees (specify the exceptions stipulated in rule 8 of the Advocates’ Remuneration Rules 1988)
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1.

2.

3.

Subscribed and solemnly declared by at in the State of Sabah this day of	}
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Before me,”.

Amendment of Schedule

4. The principal Rules are amended by substituting for “SCHEDULE” the “SECOND SCHEDULE”.

Made 23 September 2010.

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

I concur with the making of the above rules.

Dated 23 September 2010.

DATUK RODERIC FERNANDEZ,
State Attorney General.

No. S 11

[No. JPBN(S) 100-6/4

THE ADVOCATES ORDINANCE

(Cap. 2)

ADVOCATES' (INQUIRY COMMITTEE) (AMENDMENT) RULES 2010

In exercise of the powers conferred by paragraph 17 (*ccc*) of the Advocates Ordinance [*Cap. 2*], the Chief Judge, with the concurrence of the State Attorney-General, makes the following rules:

Citation and commencement

1. (1) These rules may be cited as the Advocates' (Inquiry Committee) (Amendment) Rules 2010.

(2) These Rules come into operation on 1 October 2010.

Amendment of rule 4

2. The Advocates' (Inquiry Committee) Rules 1988 [*G.N.S. 15 of 1988*] which are referred to as the “principal Rules” in these Rules, are amended in rule 4 –

(a) in paragraph (1) (*a*), by substituting for the words “or by the State Attorney-General” the words “, by the State Attorney-General or Sabah Law Association”;
and

(b) by inserting after subrule (1) the following subrule:

“(1A) All complaints to the Inquiry Committee in respect of any breach of any provisions of the Advocates’ Remuneration Rules 1988 shall be made by the complainant substantially in the form in the Schedule hereto”.

New Schedule

3. The principal Rules are amended by inserting after rule 8 the following Schedule:

“SCHEDULE

[Subrule 4 (1A)]

FORM OF COMPLAINT TO THE INQUIRY COMMITTEE

From: Name of complainant, NRIC No. and address:

To: The Secretary
Inquiry Committee

1. I verily believe that [name of advocate and solicitor of firm of advocates and solicitors] of [address of the advocate and solicitor complained against] is/are in breach of the Advocates’ Remuneration Rules 1988 on the following grounds:

[State the grounds of belief and enclose documentary evidence (if available) of the alleged breach]

2. I request the Inquiry Committee to investigate into the above complaint and to take such necessary actions as it deems fit and proper.

3. And I make this complaint by way of a solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Statutory Declarations Act 1960 [Act 13].

Subscribed and solemnly declared by
the abovenamed [name of complainant]
at
this day of }

Before me,”.

Made 23 September 2010.

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

I concur with the making of the above rules.

Dated 23 September 2010.

DATUK RODERIC FERNANDEZ,
State Attorney General.

No. S 12

[No. JPBN(S) 100-6/4

THE ADVOCATES ORDINANCE

(Cap. 2)

ADVOCATES' REMUNERATION (AMENDMENT) RULES 2010

In exercise of the powers conferred upon him by paragraph 17 (*c*) of the Advocates Ordinance [*Cap. 2*], the Chief Judge, with the concurrence of the State Attorney-General, makes the following rules:

Citation and commencement

1. (1) These rules may be cited as the Advocates' Remuneration (Amendment) Rules 2010.

(2) These Rules come into operation on 1 October 2010.

Amendment of rule 2

2. The Advocates' Remuneration Rules 1988 [*G.N.S. 17 of 1988*] which are referred to as the "principal Rules" in these Rules, are amended in rule 2 –

- (a) in paragraph (*a*), by substituting for the word "1st" the word "First";
- (b) in paragraph (*b*), by substituting for the word "2nd" the word "Second";
- (c) in paragraph (*c*), by substituting for the word "3rd" the word "Third";
- (d) in paragraph (*d*), by substituting for the word "4th" the word "Fourth";

- (e) in paragraph (e), by substituting for the word “5th” the word “Fifth”;
- (f) in paragraph (f), by substituting for the word “6th” the word “Sixth”;
- (g) in paragraph (g), by substituting for the word “7th” the word “Seventh”;
- (h) in paragraph (h), by substituting for the word “8th” the word “Eighth”;
- (i) in paragraph (i), by substituting for the word “9th” the word “Ninth”;
- (j) in paragraph (j), by substituting for the word “10th” the word “Tenth”;
- (k) in paragraph (k), by substituting for the word “11th” the word “Eleventh”;
- (l) in paragraph (l), by substituting for the word “12th” the word “Twelfth”;
- (m) in paragraph (m), by substituting for the word “13th” the word “Thirteenth”;
- (n) in paragraph (n), by substituting for the word “14th” the word “Fourteenth”;
- (o) in paragraph (o), by substituting for the word “15th” the word “Fifteenth”; and
- (p) in paragraph (p), by substituting for the word “16th” the word “Sixteenth”;

Amendment of rule 4

3. The principal Rules are amended in rule 4 by substituting for the word “16th” the word “Sixteenth”.

New rules 7, 8 and 9

4. The principal Rules are amended by inserting after rule 6 the following:

“No discount

7. (1) No advocates, unless otherwise provided in these rules or in any other rules made under section 17 of the Advocates Ordinance [*Cap. 2*], shall give any discount on or receive in consideration any other consideration other than the remuneration set out in the First to the Fifteenth Schedule in respect of work done thereunder.

(2) Except as herein provided an advocate shall not give a discount on the remuneration through any device or method which shall have the effect of giving a discount on the remuneration and for the purpose of this rule any waiver of disbursements which are in fact incurred shall amount to a discount on the remuneration.

Exceptions

8. An advocate may, in his absolute discretion, charge no remuneration or give such discount on the remuneration as he shall deem fit in respect of work carried out under the First to the Fifteenth Schedule to the following persons or body of persons:

- (a) bodies registered or incorporated under the law and having their objects which are wholly or mainly charitable or religious in nature;

- (b) full-time employees of the firm in which the advocate is practising;
- (c) the immediate family members of the advocate;
- (d) a fellow advocate; and
- (e) for the purpose of this rule, “immediate family members” means the spouse, children, parents and siblings of the advocate and the parents of the advocate’s spouse.

Complaint on breach

9. Any person who has reasonable grounds to believe that an advocate had committed any breach of these Rules, may complain to the Inquiry Committee.”.

Amendment of Schedule

5. The principal Rules are amended by substituting for the 1st to the 16th Schedule the following:

“FIRST SCHEDULE
 {Paragraph 2 (a)}
 CONSIDERATION OR AMOUNT SECURED

	RM	%
Up to	10,000.00	2.50
For the next	40,000.00	1.00
For the next	50,000.00	0.90
For the next	200,000.00	0.80
For the next	400,000.00	0.70
For the next	500,000.00	0.60
For the next	1,000,000.00	0.45
For the next	3,000,000.00	0.35
For the next	5,000,000.00	0.25

Where the consideration or amount secured is in excess of RM10,200,000.00 the remuneration shall be negotiable.

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

RULES

1. Where the same advocate acts for both the Vendor and the Purchaser and the transaction includes the sale and purchase agreement and the Memorandum of Transfer to complete the sale, the advocate shall charge full scale as the Purchaser's advocate and one half as the Vendor's advocate. Where he represents only the Vendor or the Purchaser, he shall charge the full scale.
2. Where the same advocate acts for both the Vendor and the Purchaser and the transaction involves only the sale and purchase agreement the advocate shall charge three-quarters of the scale as the Purchaser's advocate and one-quarter as the Vendor's advocate. Where he represents only the Vendor or the Purchaser, he shall charge three-quarters of the scale. This rule also applies where the transaction involves the Memorandum of Transfer only.
3. Where the same advocate acts for the Vendor, the Purchaser and the Sub-Purchaser in the same transaction, he shall charge one-quarter of the scale as the Vendor's advocate (on the sale consideration), three-quarters of the scale as the Purchaser's advocate (on the purchase consideration), three-quarters of the scale as the Sub-Purchaser's advocate (on the sub-purchase consideration).
4. Where the same advocate is acting on behalf of the Purchaser and the Sub-Purchaser but not on behalf of the Vendor, he shall charge three-quarters of the scale as the Purchaser's advocate (on the purchase consideration) and three-quarters of the scale as the Sub-Purchaser's advocate (on the sub-purchase consideration).
5. Where the same advocate is acting on behalf of the Vendor and the Purchaser but not on behalf of the Sub-Purchaser in a sale, purchase and sub-purchase, he shall charge one-quarter of the scale as the Vendor's advocate (on the sale consideration) and one and one-quarter of the scale as the Purchaser's advocate (being the full scale on the purchase consideration and one-quarter of the scale on the sub-sale consideration).
6. Where the same advocate is acting on behalf of both the Chargor and the Chargee he shall charge the full scale as the Chargee's advocate and one-quarter of the scale as the Chargor's advocate. Where he acts for the Chargor or the Chargee only he shall charge the full scale.
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-quarter of the scale.
8. Where the same advocate acts for the Vendor, the Purchaser, the Chargor and the Chargee, he shall charge one-half of the scale as the Vendor's advocate and the full scale as the Purchaser's advocate (both on the purchase consideration) and one-half of the scale as the Chargee's advocate and one-quarter of the scale as the Chargor's advocate (both on the amount of the Charge).

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9. Where an advocate is instructed to put up a property for sale by public auction –
- (a) the Vendor's advocate shall charge the 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 the scale on the reserve price, or if there is no reserve price, one-half of the 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 the 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 on transfer, one half of the 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 the full scale on the reserve price where the property is not sold and also one-half of the scale for negotiating the sale. When property is bought in and afterwards offered for re-auction by the same advocate, he shall charge only the 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 the full scale less one-half of the fee previously charge on the first attempted sale.
10. The scale in this Schedule shall apply to transfer of charge based on the consideration for such transfer.
11. Where the property is sold subject to incumbrances, the amount of the incumbrances shall be deemed as 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.
12. 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 negotiating fee. The scale for negotiating shall be in accordance with the scale prescribed by this 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 other agent. A Chargor's solicitor shall also be entitled to a negotiating fee where he arranges and obtains a loan for the Chargor. The negotiating fee payable pursuant to this rule shall be the full scale based on the amount of the consideration or loan.

13. When completion of a transfer of property takes place simultaneously with a charge of the same property, the Chargee's scale fee under this Schedule shall include charges for attending to the stamping and registration of the transfer or other documents by the advocate on behalf of the Chargee or for attendance at the office of another advocate for completion except the actual transport charges incurred for such attendance.
14. 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.

SECOND SCHEDULE

[Paragraph 2 (b)]

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 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 a further one-quarter of the said scale.
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 the said scale.
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 the full First Schedule scale.

THIRD SCHEDULE
[Paragraph 2 (c)]
SUBLEASES AND TENANCY AGREEMENTS

SCALE

<i>Monthly rent not Exceeding RM</i>	<i>Annual rent not Exceeding RM</i>	<i>Scale Charges RM</i>
50.00	600.00	150.00
100.00	1,200.00	200.00
150.00	1,800.00	220.00
200.00	2,400.00	260.00
250.00	3,000.00	300.00
300.00	3,600.00	320.00
350.00	4,200.00	360.00
400.00	4,800.00	380.00
450.00	5,400.00	420.00
500.00	6,000.00	460.00
550.00	6,600.00	480.00
600.00	7,200.00	500.00
650.00	7,800.00	520.00
700.00	8,400.00	550.00
750.00	9,000.00	580.00
800.00	9,600.00	600.00
850.00	10,200.00	620.00
900.00	10,800.00	640.00
950.00	11,400.00	680.00
1,000.00	12,000.00	700.00

Between the annual rent of RM12,000.00 and RM120,000.00 there shall be charged RM1.75 on each RM100.00 of annual rent. After the annual rent of RM120,000.00 there shall be charged RM1.00 on each subsequent RM100.00 of annual rent.

There shall be a minimum scale charge of RM150.00 on all transactions.

RULES

1. Where an advocate represents only the Lessor or the Landlord, he shall charge the full scale.
2. Where an advocate represents only the Lessee or Tenant, he shall charge three-quarters of the scale.
3. Where the same advocate acts for the Lessor and the Lessee or the Landlord and the Tenant, he shall charge the full scale as the Lessor's or Landlord's advocate and one-quarter of the scale as the Lessee's or Tenant's advocate.
4. Where the advocate represents the Lessor or the Landlord in respect of leases or tenancies of parts of a building in which there are ten or more leaseable or tenantable units and a standard form of lease or tenancy agreement is used or where a lease or tenancy agreement is renewed upon substantially the same terms and conditions, the fees to be charged by the Lessor's or Landlord's advocate in respect of these leases or tenancy agreements shall be one-half of the fees chargeable under the rules 1, 2 and 3 of this Schedule.
5. Any consideration in the lease or tenancy agreement expressed to be chargeable other than by way of rent (eg service charges, hire or furnitures 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 lease or tenancy agreement 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 Lessor shall be regarded as Purchaser and the Tenant or Lessee shall be regarded as Vendor and the rules 1, 2, 3, 4, 5 and 6 of this Schedule shall apply to such further remuneration.

FOURTH SCHEDULE

[Paragraph 2 (d)]

SATISFACTION OF CHARGES

(Per Title)

Chargor	RM180.00
Chargee	RM135.00

RULES

1. Where the same advocate acts for both parties, he shall charge RM225.00.
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.

FIFTH SCHEDULE

[Paragraph 2 (e)]

DEBENTURES AND FIXED AND FLOATING CHARGES

(a) For the first RM500,000.00	1.0%
(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%

The fee for any amount secured in excess of the first RM10,000,000.00 shall be negotiable but shall not be less than zero point two five per centum (0.25%).

RULES

1. Where the same advocate acts for both the Lender and the Borrower or the Lender only, he shall charge full scale.
2. Where an advocate represents only the Borrower, he shall charge one-half of the full 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 consists 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 the Fifth Schedule in respect of the Debenture.

SIXTH SCHEDULE

[Paragraph 2 (f)]

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 therefore in accordance with the Sixteenth Schedule.

SEVENTH SCHEDULE

[Paragraph 2 (g)]

CAVEATS

- | | |
|-----------------------------|----------|
| 1. For each and every title | RM300.00 |
| 2. Withdrawal of Caveat | RM100.00 |

EIGHTH SCHEDULE

[Paragraph 2 (h)]

SEARCHES

1. Searches at the Central Land Registry or District Land Registry:
 - (i) Land search in respect of individuals or companies RM100.00
 - (ii) For property without titles, making inquiries and obtaining confirmation from the Developer/Landowner RM100.00

2. Company Searches:	
(i) requesting "Computer Information" from Companies Commission of Malaysia	RM150.00
(ii) conducting search on the files/micro films maintained by the Companies Commission of Malaysia	RM250.00
3. Vehicle/Insurance Searches – Road Transport Department	RM100.00
4. Bankruptcy Searches	RM100.00
5. Company Winding Up Searches	RM100.00
6. Identity Card Searches	RM100.00
7. Trading Licence Services	RM100.00
8. Any other searches	RM100.00

NINTH SCHEDULE

[Paragraph 2 (i)]

ESTATE MATTERS (DECEASED)

	<i>Gross Value of Estate Not Exceeding</i>	<i>Work done up to Grant of 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
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	3,300.00	3,000.00

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
17.	Exceeding: RM250,000.00 up to RM500,000.00	3%	7,700.00	7,000.00
18.	Exceeding: RM500,000.00 up to RM750,000.00	2.5%	8,800.00	8,000.00
19.	Exceeding: RM750,000.00 up to RM1,000,000.00	2.25%	9,900.00	9,000.00
20.	Exceeding: RM1,000,000.00	Discretionary but not less than RM20,000.00	Discretionary but not less than RM11,000.00	Discretionary but not less than RM10,000.00

TENTH SCHEDULE
[Paragraph 2 (j)]
PARTNERSHIP AGREEMENT

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. Where no capital is provided as in a joint-venture agreement to tender for a contract, the advocates' fees shall be based on the Sixteenth Schedule.

There shall be a minimum scale charge of RM875.00.

ELEVENTH SCHEDULE

[Paragraph 2 (k)]

REAL PROPERTY GAINS TAX SUBMISSION

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)	RM 200.00 per form
(b) CKHT 2A Forms (or any replacement form)	RM 150.00 per form
(c) any other additional forms	RM 100.00 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)	RM 300.00 per form
(b) CKHT 2A Forms (or any replacement form)	RM 250.00 per form
(c) any other additional forms	RM 200.00 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 RM1,000,000.00:

(a) CKHT 1A Forms (or any replacement form)	RM 400.00 per form
(b) CKHT 2A Forms (or any replacement form)	RM 350.00 per form
(c) any other additional forms	RM 300.00 per form

4. For all other submissions of the notification of acquisition or disposition of all landed properties inclusive of all interviews for 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 form)	RM 500.00 per form
(b) CKHT 2A Forms (or any replacement form)	RM 400.00 per form
(c) any other additional forms	RM 350.00 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 1B Forms (or any replacement form)	RM 1,000.00 per form
(b) CKHT 2B Forms (or any replacement form)	RM 800.00 per form
(c) any other additional forms	RM 500.00 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) RM 100.00 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) RM 300.00 per attendance

TWELFTH SCHEDULE

[Paragraph 2 (l)]

FORECLOSURE ACTIONS UNDER THE LAND ORDINANCE [CAP. 68]

1. Drawing up letter of demand (if any) prior to issuance of notice by Chargee in case of default RM 100.00
2. Issuing notice by Chargee in case of default RM 150.00
3. Service of notice by Chargee in case of default or notice by Collector that Chargee has applied for sale of land whether by personal service, or by post or otherwise RM 100.00
4. Obtaining order for substituted service of notice by Chargee in case of default or notice by Collector including attending before the Assistant Collector of Land Revenue to obtain such order RM 250.00
5. In the event the foreclosure action is stopped before the order for sale is obtained RM 500.00
6. Drawing up application by Chargee for sale of land RM 400.00
7. Drawing up notice by Collector that Chargee has applied for order for sale of land RM 150.00
8. Attending before Assistant Collector of Land Revenue on hearing of application for sale of land (per attendance and non-contentious) RM 300.00
9. Drawing up conditions of sale RM 250.00
10. Drawing up or obtaining order of sale by Collector at instance of Chargee RM 150.00

11. Drawing up all necessary documents or letter not herein otherwise provided, per document:
- | | |
|--|-----------|
| (a) documents other than letter | RM 150.00 |
| (b) letter only | RM 50.00 |
12. Drawing up notice for cancellation of sale and attending Assistant Collector of Land Revenue to obtain order ... RM 150.00
13. Where a sale takes place, whether by public auction or private treaty, the following fees shall be payable in addition to the above fees –
- Where the sale realised:
- | | |
|--|-------|
| Up to RM10,000.00 | 2.00% |
| For the next RM 40,000.00 | 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% |
14. In the event the charge is redeemed by the Chargor, the charges shall be one-third of the scale under rule 13 of this Schedule, based on the redemption sum.
15. In the event that the auction is postponed for whatever reason or cause RM 500.00

RULES

1. The above fees shall be payable by the Chargee.
2. The scale charges are inclusive of all necessary attendances.
3. Where the hearing or attendance before the Assistant Collector of Land Revenue on the hearing of application for sale of land is contentious, for which no provision is made under this Schedule, the remuneration shall be in accordance with the Sixteenth Schedule.
4. Any appeals required to be undertaken against the decision of the Assistant Collector of Land Revenue consequent upon the hearing of application for sale of land to the Director of Lands and Surveys and thereafter to the High Court, if applicable, for which no provision is made under this Schedule, the remuneration shall be in accordance with the Sixteenth Schedule.

THIRTEENTH SCHEDULE

[Paragraph 2 (m)]

DEBT COLLECTION (NON-CONTENTIOUS INCLUDING JUDGMENTS IN DEFAULT OF APPEARANCE, JUDGMENTS IN DEFAULT OF DEFENCE AND JUDGMENTS ON ADMISSION)

Where the amount recovered:

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.
3. Where the debt is paid up upon receipt of letter of demand from the Creditor's advocate, the fee shall be one point five per centum (1.5%) on the amount recovered.
4. In respect of Rules 1 and 2 above there shall be a minimum fee of RM1,000.00.

FOURTEENTH SCHEDULE

[Paragraph 2 (n)]

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. <i>Judgment Debtor Summons</i> | } | Fees |
| Judgment Debtor Summons proceedings under provisions of Rules of Court, irrespective whether proceedings result in - | | RM750.00 in addition to every attendance where summons stands adjourned due to non-service at RM100.00 per attendance |
| (a) Consent Order to pay; | | |
| (b) order made by Court on examining debtor; or
(c) no order made after examining debtor | | |

In the event of issue of Warrant of Arrest, further fees of: ...	RM500.00
<i>2. Judgment Notice</i>	
Judgment Notice involving application for committal ...	RM500.00
proceedings, service of documents and court attendance (For each adjournment and attendance)...	RM100.00
<i>3. Garnishment Proceedings (Charging Orders/Stop Orders/ Appointment of Receivers: Equitable Execution/Committal)</i>	
(i) two attendances in Court/service of Order on garnishee	RM1,200.00
(ii) In addition to every attendance where summons stands adjourned due to non-service (per attendance) ...	RM100.00
<i>4. Writ of Seizure</i>	
(i) Execution of Writ of Seizure resulting in payment ...	RM1,500.00
(ii) Seizure and proceeding to sale by Public Auction ...	RM3,500.00
<i>5. Attachment proceedings of Property-Prohibitory Orders</i>	
(i) Obtaining or renewal of Prohibitory Order	RM750.00
(ii) 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
<i>6. Bankruptcy Proceedings</i>	
(i) Issue of Bankruptcy Notice and service thereof ...	RM500.00
(ii) Issue of Bankruptcy Notice and substituted service thereof, through to extend Notice and service ...	RM750.00
(iii) Issue of Bankruptcy Notice and service thereof, presentation of Bankruptcy Petition and service thereof and attending same to obtain Receiving and Adjudication Orders: or	RM1,500.00
(iv) Issuing of Bankruptcy Petition, substituted service thereto and attending hearing of Petition for obtaining Receiving and Adjudication Order	RM1,750.00
<i>7. Companies Winding-up Petition</i>	
(i) Preparation of Petition, attending gazette publication, advertisement in the press, appointment of Provisional Receiver/Liquidator, service of Petition and appearing upon Petition in Court... ..	RM6,500.00

(ii) Where Petition moved by another creditor, filing form in support and attending hearing in court to lend support to Petition RM500.00

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

FIFTEENTH SCHEDULE

[*Paragraph 2 (o)*]

INCORPORATION OF COMPANIES

Authorised Capitals	%
Up to RM100,000.00	1.5
For the next RM400,000.00	0.3
For the next (exceeding) 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 in scale charge of RM1,500.00.

SIXTEENTH SCHEDULE

[*Paragraph 2 (p)*]

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

RULES

- (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 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 hereof as forming the fees under the Sixteenth Schedule whether wholly or as part thereof in conjunction with the fees under the Sixteenth Schedule.”.

Made 23 September 2010.

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

I concur with the making of the above rules.

Dated 23 September 2010.

DATUK RODERIC FERNANDEZ,
State Attorney General.

