

ADMISSION TO THE SABAH BAR

A. Introduction

1. In order to be admitted to the Sabah Bar, a person has to fulfil each and every one of the conditions stipulated in the Advocates Ordinance (Sabah Cap. 2) (“the Advocates Ordinance”). The conditions to be fulfilled by a person seeking to be admitted to the Sabah Bar are as follows:

(i) he is in possession of any of the qualifications stated in Section 4(1)(a), or (c) or (ca) or (cb) or (d) of the Advocates Ordinance,
- see paragraph 2 hereinbelow.

(ii) he has been a Magistrate of the First Class for a period not less than 12 months or he has been a pupil or read in the chambers of the State Attorney General, or of an advocate who has been lawfully practising in some part of Malaysia for a period of not less than five (5) years immediately prior to the person becoming his pupil or commencing to read in his chambers,

or

if he has obtained a certificate from the University of Malaya or the National University of Singapore that he has satisfactorily completed a post-graduate course of instruction in law organised by the University of not less than six (6) months.

see Section 4(1A) of the Advocates Ordinance.

but note that the Chief Judge may in his sole discretion exempt a person from the whole or part of any period of pupillage or reading in chambers.

see Section 4(1B) of the Advocates Ordinance.

(iii) at the date of his application he is not disbarred, struck off (other than on his own application), suspended or in any other manner disentitled to practise as an

Advocate or legal practitioner in any territory within the Commonwealth and is not subject to any present or pending disciplinary proceedings in connection with his practise as an Advocate or legal practitioner and has not been convicted in and is not subject to any pending or present criminal proceedings involving dishonesty in any territory within the Commonwealth.

see Section 4(2)(a) of the Advocates Ordinance.

- (iv) he is not an undischarged bankrupt or the subject of any bankruptcy proceedings within the Commonwealth.

see Section 4(2)(c) of the Advocates Ordinance.

- (v) he has Sabah connections.

see Section 4(2)(d) of the Advocates Ordinance.

- a person shall be deemed to have Sabah connections for the purposes of the Advocates Ordinance if, and only if he –

- (a) has been born in Sabah;
- (b) has been ordinarily resident in Sabah for a continuous period of five (5) years or more; or
- (c) satisfies the Chief Judge that he is, at the time when the question whether he has Sabah connections is relevant, domiciled in Sabah.

see Section 2 (2) of the Advocates Ordinance.

B. Qualification for admission of advocate: Section 4(1)(a), (c), (ca), (cb) and (d) of the Advocates Ordinance

2. A person is qualified to be admitted as an advocate if:

- (i) he is a member of the Bar of England, Scotland, Northern Ireland or the Republic of Ireland;

see Section 4(1)(a) of the Advocates Ordinance.

(ii) he is a Solicitor of the Supreme Court in England, Northern Ireland or the Republic of Ireland.
see Section 4(1)(c) of the Advocates Ordinance.

(iii) he has been conferred the degree of:

- (a) Bachelor of Laws by the University of Malaya
- (b) Bachelor of Laws (Honours) by the Universiti Kebangsaan Malaysia
- (c) Advanced Diploma in Law by the Institut Teknologi Mara Malaysia
- (d) Bachelor of Laws (Honours) by the Institut Teknologi Mara Malaysia
- (e) Bachelor of Laws (Honours) by the Universiti Teknologi Mara Malaysia
- (f) Bachelor of Laws by the International Islamic University, Malaysia
- (g) Bachelor of Laws by the National University of Singapore
- (h) Bachelor of Laws (Honours) by the Universiti Utara Malaysia
- (i) Bachelor of Laws (Honours) by the Multimedia University.

see Section 4(1)(ca) of the Advocates Ordinance.

(iv) he has been awarded a Certificate in Legal Practice by the Qualifying Board established under the Legal Profession Act 1976 : **see Section 4(1)(cb) of the Advocates Ordinance.**

or

he has been admitted to practice as a legal practitioner (by whatever name called) by a Supreme Court or High Court exercising jurisdiction in any place within any territory within the Commonwealth.
see Section 4(1)(d) of the Advocates Ordinance.

C. Entry requirements for the Certificate in Legal Practice (“CLP”)

3. In order to be registered as a student to appear for the CLP examination, a candidate must fulfil the following criteria:

- (i) achievement at SPM or its equivalent;
- (ii) achievement at STPM level or its equivalent;
- (iii) a law degree conferred by a recognised university in the United Kingdom, Australia and New Zealand.

Achievement at SPM or its equivalent

- 4. All candidates must have obtained a minimum of 3 credits which must be obtained in the same sitting.

- 5. The qualifications which are accepted as equivalent to the SPM are:
 - (a) the "O" level examination by the various Boards in the United Kingdom
 - (b) the School Certificate examination in Australia, and
 - (c) the School Certificate examination for New Zealand schools, colleges and high schools

Achievement at STPM level or its equivalent

- 6. All candidates must have obtained a minimum of 2 principals which must be obtained in the one and same sitting of the examination

and

The duration of the STPM course of study or its equivalent SHALL be a minimum of one academic year.

- 7. The qualifications which are accepted as equivalent to the STPM are:
 - (a) the "A" levels examination by the various Boards in the United Kingdom;
 - (b) the Australian Matriculation examination;
 - (c) the New Zealand Bursaries Examination; and
 - (d) Any other qualification which may be accepted by the Legal Profession Qualifying Board Malaysia ("the CLP Board") as equivalent to the STPM.

Law degrees

Duration of the law degree

8. The duration for the law degrees SHALL be a minimum of 3 academic years, PROVIDED THAT the duration may be less than 3 academic years, BUT SHALL have a total of at least 80 lecture weeks

and

In the case of a full-time study at a university, the law degree which is obtained must be completed within 6 years of initial registration with that university

but

For the LL.B. London degree, studied as an External Student, candidates must complete the degree within 4 years upon successful completion of the intermediate examination or a referral thereof.

(Note: With effect from 1st January 2001, the CLP Board will only allow students who achieve a lower second class degree (2.2) or above on the London LLB obtained as an External Student to read for the CLP examination)

Subjects

9. The law degree SHALL contain a minimum of 12 substantive law subjects,

and

The 12 law subjects SHALL include the following 6 core subjects:

- (a) Law of Contract
- (b) Law of Torts
- (c) Constitutional Law
- (d) Criminal Law
- (e) Land Law
- (f) Equity and Trusts

and

Each of the core-subjects as stated above SHALL be studied for the duration of one academic year

and

Candidates must have passed all the core subjects mentioned above.

Twinning Programme

10. Twinning Programme are recognised provided they are fully validated by a UK University and at least one (1) year of study are completed at the same UK University in the UK.

Joint Degrees

11. Joint Degrees are recognised provided that such a degree is extended for a period of five (5) years or more at a recognised University.

Transfer degrees

12. Transfer LLB degrees are recognised provided that they are fully approved by the JPS and accredited by MQA. A student must successfully complete the examination date of an academic year and successfully pass his examinations before a transfer is effected to a university for subsequent year/ years of study to complete his studies.

Part time external and distance learning

13. The Qualifying Board only recognises the University of London external law degree provided that the student obtains no less than a second class honours degree.

Mature Student Entry

14. Mature student entry is recognised provided that the student obtains from the admitting university a confirmation of the basis of admission of the student as a mature student with relevant work experience.

15. **List of recognised universities in the UK, Australia and New Zealand**

United Kingdom

1. Aberystwyth University
2. Cardiff University
3. Northumbria University
4. Nottingham Trent University
5. Nottingham University
6. Oxford Brookes University
7. Queen's University Belfast
8. School of Oriental & African Studies
9. University College of Wales, Aberystwyth
10. University of Birmingham
11. University of Bristol
12. University of Cambridge
13. University of East Anglia
14. University of Essex
15. University of Exeter
16. University of Hertfordshire
17. University of Hull
18. University of Leeds
19. University of Leicester
20. University of Liverpool
21. King's College - *University of London
22. London School of Economic - *University of London
& Political Science
23. Queen Mary & Westfield College - *University of London
24. School of Oriental & African Studies - *University of London
25. University College - *University of London
*excluding external law
programme

26. University of Manchester
27. University of Oxford
28. University of Reading
29. University of Sheffield
30. University of Southampton
31. University of Wales, Cardiff
32. University of Warwick
33. University of West of England, Bristol

AUSTRALIA

1. Australia National University
2. University of Sydney
3. University of Adelaide
4. Monash University
5. University of Melbourne
6. University of Western Australia
7. Macquarie University
8. University of New South Wales
9. University of Queensland
10. University of Tasmania
11. University of Technology, Sydney
12. Bond University, Queensland
13. Murdoch University
14. Queensland University of Technology

NEW ZEALAND

1. University of Auckland
2. University of Canterbury
3. Victoria University of Wellington
4. University of Otago
5. University of Waikato

D. Pupillage or Reading in Chambers

16. Under section 4(1A) of the Advocates Ordinance (Sabah Cap. 2), subject to section 4(1B), it is a requirement that persons applying for admission as Advocates under the Advocates Ordinance should complete, inter alia, 12 months pupillage or reading in Chambers.

NB:- The Chief Judge of Sabah and Sarawak has recently directed the Sabah Law Association to issue guidelines regarding application for exemption under section 4(1B).

6 months exemption

17. A person may apply for 6 months exemption if he or she is:-
- A graduate from a local university or law college and has been admitted as an Advocate and Solicitor in the High Court of Malaya.
 - A graduate with a Certificate of Legal Practice and has been admitted as an Advocate and Solicitor in the High Court of Malaya.

3 months exemption

18. A person may apply for 3 months exemption if he or she is a graduate with an Australian Law Degree and has been admitted as a legal practitioner in the relevant State in Australia.

12 months pupillage or reading in chambers

19. A person applying for admission cannot rely on section 4(1B) and will have to complete 12 months pupillage or reading in chambers, if he or she comes under the following category:-
- A graduate from a local university or law college and has not been admitted as an Advocate and Solicitor in the High Court of Malaya.
 - A graduate with a Certificate of Legal Practice and has not been admitted as an Advocate and Solicitor in the High Court of Malaya.
 - Barister at Law from England.

Persons not coming within the above categories, applying for full or part exemption from pupillage or reading in chambers

20. The Chief Judge has the sole discretion under section 4(1B) to allow full or part of exemption to a person applying for admission and who does not come within the above categories.

E. Work permit

21. A person who is not of Sabah origin and who does not possess permanent stay status in Sabah and who intends to work or practice in Sabah has to apply for work permit notwithstanding the fact that he has been admitted to the Sabah Bar.
- see Sections 64, 65 and 66 of the Immigration Act 1959 / 1963 read together with Immigration Regulations 1963 and Immigration and Passport (Exemption) Order 1984.

F. Caveat

22. This write-up on “Requirements for Admission to the Sabah Bar” is meant to be a guide only. Hence the Sabah Law Association does not accept, assume or take any responsibility or liability as to the accuracy of its contents.
23. Therefore persons interested to be admitted to the Sabah Bar are strongly advised to check the latest law / legislation relating to this matter and where applicable, to make enquiries directly with the Legal Qualifying Board in Kuala Lumpur.

Sabah Law Association.