

ATTACHMENT 5

GUIDELINES FOR PREPARING STATUTORY DECLARATION BY LEGAL ASSISTANT/CONSULTANT

Legal Assistant/Consultant

- (1) If you are a Malaysian, please provide your name and details as per your Malaysian identity card. If you are not a Malaysian, please provide details of your nationality and passport number.
- (2) Please provide details of your current status and place of practice.
- (3) If you are gainfully employed elsewhere, please provide details of employment and position held. If you are not gainfully employed elsewhere, please confirm the same.
- (4) If you are in practice as an advocate and/or as a solicitor in any jurisdiction other than in West Malaysia, please provide details and contact particulars of the place(s) of practice and position(s).
- (5) Please provide an undertaking not to commence practice in 2017 until the issuance of a valid Sijil Annual and Practising Certificate 2017.
- (6) Please provide details of your employment/unemployment history with reference to the scenarios listed below, as the case may be:

Scenario 1 — Renewal

(You are in possession of a valid Sijil Annual and Practising Certificate 2016, and are submitting an application for renewal)

- (a) The details of employment/unemployment history from 1 Jan 2015 until the date of the Statutory Declaration.

or

Scenario 2 — Resumption of Practice

(You ceased practice in 2016 or prior to the issuance of Sijil Annual and Practising Certificate 2016, and are submitting an application to resume practice)

- (a) The details of employment/unemployment history from 1 January of the year preceding the year that you were last issued with a valid Sijil Annual and Practising Certificate until the date of cessation of practice, and from the date of cessation of practice to the date of the Statutory Declaration.

or

Scenario 3 — Newly Admitted

(You are applying for the issuance of Sijil Annual and Practising Certificate for the first time)

- (a) The date of admission; and
- (b) Confirmation that you were not in practice.

or

Scenario 4 — Application After the Expiry of the Validity of Practising Certificate 2016

(Your Practising Certificate 2016 expired on 31 Dec 2016 pursuant to section 29(2) of the Legal Profession Act 1976, and you are applying from 1 Jan 2017 for the issuance of Sijil Annual and Practising Certificate 2017)

- (a) The details of employment/unemployment from 1 Jan 2015 until 31 Dec 2016; and
 - (b) Confirmation that you were not in practice from 1 Jan 2017.
- (7) If you were a legal assistant/consultant during the accounting period from 1 Jan to 31 Dec 2015, or any part thereof, (hereinafter referred to as “Accounting Period”) and are still employed as a legal assistant/consultant, you are to state the same in your Statutory Declaration (see the Form of Statutory Declaration for Legal Assistant/Consultant appearing hereafter).
- (8) If you were a legal assistant/consultant during the Accounting Period but have since set up practice either as a sole proprietor or in partnership, please narrate in your Statutory Declaration that you were employed as a legal assistant during the Accounting Period until the date of change in your status of practice from being a legal assistant to the date of the Statutory Declaration (kindly refer to the suggested format of Statutory Declaration for Sole Proprietor/Partner in Attachment 4), and also provide a list of **ALL** client account(s) currently maintained by your practice.
- (9) If you practised as a **sole proprietor** or in **partnership** for any period of time during the Accounting Period, but are now employed as a legal assistant/consultant, you should refer to Attachment 4 and exhibit the relevant Accountant’s Report(s) in your Statutory Declaration listing **ALL** client account(s) maintained by **EACH** of the firms in which you practised as a sole proprietor or partner during the Accounting Period.

Kindly amend Attachment 4 to reflect the period during which you practised as a legal assistant until the current status.

- (10) Please ensure that the Statutory Declaration is:
- (a) signed;
 - (b) affirmed in the presence of a Commissioner for Oaths; and
 - (c) dated.

FORM OF STATUTORY DECLARATION
[FOR LEGAL ASSISTANT/CONSULTANT]

I, _____ (NRIC No _____), am a citizen of Malaysia* or a citizen of _____ (Passport No _____) and an Advocate and Solicitor of the High Court of Malaya. I do hereby solemnly affirm and declare as follows:-

1. I am practising as a *legal assistant/consultant in Messrs (state current employment) _____ at (please specify place of your practice) _____ and hereby undertake that I shall not practise in 2017 until I have been issued with a valid Sijil Annual and Practising Certificate for 2017 in accordance with the provisions in Part III of the Legal Profession Act 1976.
2. I am not gainfully employed elsewhere or *I am gainfully employed at _____ (please specify details of place of employment and position held).
3. I am practising as an advocate and solicitor only in West Malaysia or *I am practising as an advocate and solicitor in West Malaysia as well as the following other jurisdictions:-

- | Place | Name and Address of Practice | Position |
|-------|---|----------|
| 4. | During the period 1 January 2015 to _____ 2015, I was employed as a *legal assistant/consultant in Messrs _____. | |
| 5. | From _____ 2015 to _____ 2015, I was not employed (if unemployed at any time during 2015). | |
| 6. | From _____ 2015 to 31 December 2015, I was employed as a *legal assistant/consultant in Messrs _____. | |
| 7. | From 1 January 2016 to the date of this Statutory Declaration I was/am employed as a *legal assistant/consultant in Messrs _____. | |

[NB: Please list your employment/unemployment history for the year of 2015 and thereafter until the date of this Statutory Declaration. If you practised in more than one firm during such period, please state all the firm names and the period during which you were practising thereat. If you were called to the Bar after the Accounting Period, please state the date of admission and your period of unemployment until you joined a legal firm. Please note that there should be no gaps in the narration of your employment/unemployment history.]

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declaration Act 1960.

Affirmed by the said _____)
at _____ the _____)
_____ day of _____ 2016/2017*)

Before me,
Commissioner for Oaths

NOTE

***Delete where inapplicable**

In the event of any changes in your practice during the current year, kindly provide details of such changes.

Please make the necessary amendments to this suggested format of Statutory Declaration in accordance with your applicable scenario detailed in the Guidelines provided.