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THE ADVOCATES ORDINANCE

ADVOCATES (REGISTRATION OF FIRM NAMES) RULES, 2014

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THE ADVOCATES ORDINANCE

ADVOCATES (REGISTRATION OF FIRM NAMES) RULES, 2014

(Made under section 17(a))

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

Citation and commencement

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

Interpretation

2. In these Rules—

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

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

“firm” means a sole proprietorship or a partnership of advocates ;

“firm name” means the name or style under which a firm is carrying on its practice in Sarawak;

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

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

Application

3. These Rules shall apply to every advocate in respect only of his practice in Sarawak

Registration of firm

4.—(1) The Advocates' Association of Sarawak shall maintain a register of firm names under which advocates practice. The Association may refuse a certificate for registration on the grounds that the proposed firm name is likely to be confused with a registered firm name or is likely to mislead the public.

(2) An advocate shall practise under a name that is—

(a) his own name; or

(b) the names of advocates who are or were his partners; or

(c) the names of his predecessors whose goodwill he has, or his partners have, acquired; or

(d) any combination of the names specified in paragraphs (a), (b) and (c) above.

(3) In any case where a name which complies with subrule (2) cannot be registered for contravening subrule (1) then the person may practise under such name as he wishes which is approved by the Association.

(4) The Association shall, at the request of the partners practising under a firm name, and may, if it is satisfied that no one is practising under that name, remove a firm name from the register.

(5) The certificate for registration under subrule (1) shall be in such form as may be determined by the Association from time to time.

Application for registration

5.—(1) An application for registration of a firm name may be made in such form as may be determined by the Association from time to time.

(2) Any existing firm name registered under the Business Names Ordinance [*Cap. 64 (1958 Ed.)*] which do not comply with rule 4 shall cease to be a firm for the purposes of these Rules unless application is made for registration within six months from the date of coming into force of these Rules or within such further period of not exceeding six months as may be approved by the Association.

Language of firm names

6. Every firm name shall be stated either in the Bahasa Malaysia or English language, or both, provided that an advocate may in addition state the name of his firm in the Chinese or any of the local native languages .

Acronyms and initials

7.—(1) Subject to paragraph (2), the firm name shall not consist of an acronym or solely of initials, but may include the initials or part of the initials of any existing or former proprietor or partner of the firm.

(2) Subject to rule 9, the firm name may, in its logo, be stated in the form of an acronym or by initials only.

Firm name not to be descriptive of services provided

8. The firm name shall not contain any words which are descriptive of the services provided by, or the areas of practice of, the firm, except that the words—

- (a) “A Law Firm”; or
- (b) “Advocates”

may appear immediately after the firm name.

Firm name must fit the dignity of legal profession

9. Firm name, whether stated in full or in the form of an acronym or by initials only, and whether alone or in combination with any other words or images appearing in the logo or other publicity of the firm, shall not—

- (a) be such as may reasonably be regarded as being ostentatious, in bad taste, misleading, deceptive, inaccurate, false sensational, offensive, or in any other way unbecoming the dignity of the legal profession;
- (b) be so similar to that of an existing firm as to be likely to be confused with it; or
- (c) be inconsistent with the Advocates (Practice and Etiquette) Rules 1988 [Swk. L.N. (F) 71/88].

Contravention of Rules

10. An advocate who acts in contravention of these Rules may be liable to disciplinary proceedings.

Made this 9th day of January, 2014.

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

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

DATU HAJI ABDUL RAZAK TREADY
State Attorney-General Sarawak

Sarawak Lawnet

Sarawak Lawnet



DICETAK OLEH PERCETAKAN NASIONAL MALAYSIA BERHAD, KUCHING, SARAWAK
BAGI PIHAK DAN DENGAN KUASA PERINTAH KERAJAAN SARAWAK