

**CONSTITUTION OF  
INNS OF COURT MALAYSIA**

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**1 1 NAME**

(1) The Association shall be known as

INNS OF COURT MALAYSIA

Hereinafter referred to as the Association.

(2) Meaning of name : INNS OF COURT MALAYSIA

(3) Level : KEBANGSAAN

**1 2 PLACE OF BUSINESS**

(1) The registered address is

V2-08-05 LINGKARAN SV SUNWAY VELOCITY, JALAN PEEL, MALURI  
55100 MALURI  
WILAYAH PERSEKUTUAN KUALA LUMPUR

or at such other place as may from time to time be decided by the Committee;  
and the postal address is

V2-08-05 LINGKARAN SV SUNWAY VELOCITY, JALAN PEEL, MALURI  
55100 MALURI  
WILAYAH PERSEKUTUAN KUALA LUMPUR

(2) The registered and postal addresses shall not be changed without the prior approval of the Registrar of Societies.

**1 3 OBJECTIVE**

(1) To establish a society of judges, lawyers, jurists and legal academia (hereinafter referred to as "members") to foster fellowship, fraternity, goodwill, networking and cooperation;

(2) To create opportunities and joint collaboration with other institutions to organise events, training, and programs for significant educational experiences, and development of legal skills to improve and enhance the abilities of its members;

- (3) To develop strategic alliances with international law-related communities, organisations and international links for the promotion of legal development;
- (4) To promote excellence in legal advocacy and to foster greater understanding and appreciation of Malaysian law, with particular emphasis on ethics, civility, professionalism and legal skills;
- (5) To promote interaction and collegiality among all legal professionals in order to minimise misapprehensions, misconceptions and failures of communication that obstruct the effective practice of law;
- (6) To facilitate the development and mentoring of law students, recent law school graduates and less experienced lawyers as skilled participants in the Malaysian court system;
- (7) To preserve and transmit ethical values from one generation of legal professionals to the next;
- (8) To develop a culture of life-long learning of professional and legal educational development;
- (9) To build upon the strengths of the common law and the English Inns of Court together with Malaysian law and to renew and inspire joy and zest in legal advocacy as a service worthy of constant effort and learning;
- (10) To establish an educational fund for deserving law students; and
- (11) To represent, protect and assist members and to promote in any proper manner the interests of the members.

#### **1 4 MEMBERSHIP**

- (1) There shall be five types of Membership namely:

##### Ordinary

Malaysian citizens who have obtained a recognised law degree or its equivalent are eligible for Ordinary Membership, subject to the discretion of the Executive Committee.

##### Associate

Non-Malaysians who have obtained a recognised law degree or its equivalent are eligible for Associate Membership, subject to the discretion of the Executive Committee.

##### Student

Malaysian citizens and non-Malaysian citizens who are pursuing a recognised law degree or its equivalent are eligible for Student membership, valid only for the period of his or her studentship, subject to the discretion of the Executive Committee.

#### Honorary

Malaysian citizens and non-Malaysian citizens, recommended for Honorary membership by the President, are eligible for Honorary membership, subject to the discretion of the Executive Committee, for a period that may from time to time be prescribed by the Executive Committee.

#### Bencher

The Executive Committee may, by unanimous resolution, appoint any member, other than a student member, to be a Bencher, who shall at least have 15 years of involvement in legal works and/or have achieved distinction in fields other than law and have not necessarily been members before.

(2) All members, other than Student members and Honorary members, shall be life members.

(3) Every application for membership shall be proposed and seconded by two existing members and shall be forwarded to the Secretary who shall at the first convenient opportunity, submit it to the Executive Committee for approval. The Executive Committee may at its discretion reject any application without assigning any reason therefor.

(4) Every applicant whose application has been approved as aforesaid shall, upon payment of the prescribed membership fee pursuant to Clause 1.6 (if any), be admitted as a member of the Society and shall be entitled to all the privileges of membership.

## **1.5 RESIGNATION AND TERMINATION**

(1) Any member who wishes to resign from the Society shall give two weeks notice in writing to the Secretary.

(2) Any member shall otherwise cease to be a member:-

(a) if he is adjudicated a bankrupt;

(b) if he is convicted of a criminal offence as would render him unfit to be a member of the legal profession, and in particular, but not limited to, an offence involving fraud or dishonesty;

(c) if he is found guilty by the Executive Committee of misconduct as defined in Section 94 of the Legal Profession Act 1976;

(d) if he is found guilty by the Executive Committee of any of the causes as specified in Section 12 of the Advocates Ordinance of Sabah (Cap. 2);

- (e) if he is found guilty by the Executive Committee of any of the causes as specified in Section 12 of the Advocates Ordinance of Sarawak [Cap 110 (1958 Ed).]; or
- (f) if he fails to comply with the Rules of the Society

(3) The Executive Committee has discretionary powers to determine whether any member has breached the Rules of the Society and can determine the status of the member.

## 1 6 SOURCE OF INCOME

### Membership Fee

(1) The life time membership fee is RM300.00 (Ringgit Malaysia Three Hundred Only) for both Ordinary Members and Associate Members, provided that a Student Member shall only pay RM250.00 to upgrade to Ordinary or Associate Member.

(1A) The membership fee, for Student Members, is RM50.00 (Ringgit Malaysia Fifty Only) for the entire period of studentship.

(1B) No membership fee shall be charged for Honorary Members and Benchers.

(2) The Membership Fee shall be payable to the Treasurer as soon as the membership is approved.

## 1 7 GENERAL MEETING

### Quorum

(1) The supreme authority of the Society is vested in a general meeting of the members. At least one-fifth of the voting membership of the Society or the voting members present representing twice the total number of Executive Committee members, whichever is the lesser, must be present at a general meeting for its proceedings to be valid and to constitute a quorum.

(2) If a quorum is not present within half an hour after the time appointed for a general meeting, the meeting shall be postponed to a date to be decided by the Executive Committee (not less than 14 days and not exceeding 30 days from the date of the original meeting). If a quorum is not present within half an hour after the time appointed for the postponed meeting, the members present shall constitute a quorum and proceed with the agenda of the postponed meeting but shall not have the power to alter the Rules of the Society or make any decision affecting membership.

(3) An annual general meeting of the Society shall be held within four months after the close of each financial year on a date and time and place to be decided by the Executive Committee. The agenda of the annual general meeting shall be

- (a) To receive the minutes of the previous annual general meeting.
  - (b) To receive the Executive Committee report on the workings of the Society during the previous year.
  - (c) To receive the Treasurer report and the audited accounts of the Society for the previous year.
  - (d) To elect the Executive Committee biennially. The elected Executive Committee shall serve for one term consisting of two years and can be re-elected biennially.
  - (e) To appoint auditors for the ensuing year.
  - (f) To deal with such other matters as may be put before it.
- (4) The Secretary shall send to all members at least 14 days before the meeting an agenda including annual reports, copies of minutes and reports, together with the audited accounts of the Society for the previous year. Copies of these documents will also be made available at the registered place of business of the Society for the perusal of members.
- (5) An extraordinary general meeting of the Society shall be convened.
- (a) Whenever the Executive Committee deems it desirable or
  - (b) At the joint request in writing of not less than twice the number of Executive Committee members, stating the objects and reasons for such meeting.
- (6) An extraordinary general meeting requisitioned by members shall be convened on a date within 30 days of the receipt of such requisition.
- (7) The Secretary shall send to all members at least 14 days before the meeting a notice and agenda for an extraordinary general meeting.
- (8) Rules 7 (1) and 7 (2) of these Rules regarding the quorum and the postponement of an annual general meeting shall apply to an extraordinary general meeting, but with the provision that if no quorum is present after half an hour from the time appointed for a postponed extraordinary general meeting requisitioned by the members, the meeting shall be cancelled, and no extraordinary general meeting shall be requisitioned for the same purpose until after the lapse of at least six months from the date thereof.
- (9) The Secretary shall forward to the Executive Committee members a copy of the draft minutes of each annual and extraordinary general meeting as soon as possible after its conclusion.

## Executive Committee

(1) An Executive Committee comprising of the following, who shall be termed the office-bearers of the Society, shall be elected biennially at the annual general meeting.

A President

A Deputy President

Three Vice-Presidents

A Secretary

An Assistant Secretary

A Treasurer

11 Ordinary Committee Members or any numbers that the Executive Committee may determine from time to time

(2) Office-bearers representing the following sectors shall be elected from:-

(a) At least 4 from the Judiciary;

(b) At least 2 from Government lawyers;

(c) At least 4 from the Bar including 1 from Sabah and 1 from Sarawak;

(d) At least 1 from Corporate Lawyers;

(e) At least 1 from Law Teachers

(3) All office bearers of the Society and every officer performing executive functions in the Society shall be Malaysian citizens.

(4) Names for the above office-bearers in paragraph (1) shall be proposed and seconded and election will be by a simple majority vote at the annual general meeting. All the office-bearers shall be eligible for reelection biennially.

(5) The function of the Executive Committee is to organize and supervise the day-to-day activities of the Society and to make decisions on matters affecting its running within the general policy laid down by the general meeting. The Executive Committee shall not act contrary to the expressed wishes of the general meeting without prior reference to it and shall always remain subordinate to the general meeting. It shall furnish a report to each annual general meeting on its activities during the previous year.

(6) The Executive Committee shall have the power to make such bylaws and regulations as are necessary for implementing the objects and/or managing the activities of the Society, including the determination of entrance and subscription fees, and to repeat or amend the same.

(7) The Executive Committee shall meet at least three times a year, and ten days notice for each meeting shall be given to the members. The President acting alone, or not less than five of its members acting together may call for a meeting of the Executive Committee to be held at any time. At least one half of the Executive Committee must be present for its proceedings to be valid and to constitute a quorum.

(8) The Executive Committee meetings may be conducted by way of telephone conferencing or similar communications equipment by which all persons participating in the meeting can hear each other, and participation in a meeting in such manner shall constitute presence in person at the meeting.

(9) Where any urgent matter requiring the approval of the Executive Committee arises and it is not possible to convene a meeting, the Secretary may obtain such approval by means of a circular letter. The following conditions must be fulfilled before a decision of the Executive Committee is deemed to have been obtained.

(a) The issue must be clearly set out in the circular and forwarded to the Executive Committee.

(b) At least one half of the Executive Committee must indicate whether they are in favour or against the proposal, and

(c) The decision must be by a majority vote.

Any decision obtained by circular letter shall be reported by the Secretary at the next Executive Committee meeting and recorded in the minutes thereof.

(10) Any member of the Executive Committee who fails to attend two consecutive meetings of the Executive Committee without satisfactory explanation shall be deemed to have resigned from the Executive Committee.

(11) In the event of the death or resignation of a member of the Executive Committee, the Executive Committee shall have the power to co-opt any other member of the Society to fill the vacancy until the next election of office-bearers.

(12) The Executive Committee shall give instructions to the Secretary and other officers for the conduct of the affairs of the Society. It may appoint such officers and such staff as it deems necessary. It may suspend or dismiss any officers or member of the staff for neglect of duty, dishonesty, incompetence, refusal to carry out the decisions of the Executive Committee, or for any other reason which it deems good and sufficient in the interest of the Society.

(13) The Executive Committee may co-opt any member of the Society as the Executive Committee may deem necessary for the carrying of its aims and objects.

(14) The Executive Committee may appoint any member to take part in any sub-committees and working parties for any purpose arising out of or connected with any of the duties, functions and aims laid down under the Rules.

(15) Associate Members may attend General Meetings but shall not be entitled to vote nor hold office.

## **19 DUTIES OF OFFICE BEARERS**

(1) The President shall during his term of office preside at all general meetings, all meetings of the Executive Committee and shall be responsible for the proper conduct of all such meetings. He shall have the casting vote and shall sign the minutes of each meeting at the time they are approved.

(2) The Deputy President shall deputize for the President during the latter absence.

(3) The three Vice Presidents shall assist the President and Deputy President in carrying out their duties.

(4) The Secretary shall conduct the business of the Society in accordance with the Rules, and shall carry out the instructions of the general meeting and of the Executive Committee. He shall be responsible for conducting all correspondence and keeping all books, documents and paper except the accounts and financial records. He shall attend all meetings, and record all proceedings. He shall keep a membership register consisting of details such as name, identity card number, date and place of birth, occupation, name and address of employer and residential address. He shall file annual returns 60 days from the date of the annual general meeting to the Registrar of Societies.

(5) The Treasurer shall be responsible for the finances of the Society. He shall keep account of all its financial transactions and shall be responsible for their correctness. The Ordinary Committee Members shall carry out such duties as directed by the President or the Executive Committee.

## **1 10 FINANCIAL PROVISION**

(1) Subject to the following provisions in these Rules, the funds of the Society may be expended for the purpose necessary for the carrying out of its objects, including the expenses of its office-bearers and paid staff if any, and the audit of its accounts, but they shall on no account be used to pay the fine of any member who may be convicted in a court of law.

(2) The Treasurer may hold a petty cash advance not exceeding RM500.00 (Ringgit Malaysia Five Hundred) at any one time. All money in excess of this sum shall within seven days of receipt be deposited in a bank approved by the Committee. The bank account shall be in the name of the Society.

(3) All cheques or withdrawal notices on the Society account shall be signed jointly by two of the three authorised signatories, namely the President, the Secretary, and the Treasurer, one of whom shall be the Treasurer.

(4) No expenditure exceeding RM1,000.00 (Ringgit Malaysia One Thousand) at any one time shall be incurred without the prior sanction of the Executive Committee. Expenditure less than RM1,000.00 (Ringgit Malaysia One Thousand) at any one time may be incurred by the President together with the Treasurer or the Secretary.

(5) As soon as possible after the end of each financial year, a statement of receipts



and payments and a balance sheet for the year shall be prepared by the Treasurer and audited by the Auditors appointed under Rule 11. The audited accounts shall be submitted for the approval of the next annual general meeting, and copies shall be made available at the registered place of business of the Society for the perusal of members.

(6) The financial year of the Society shall commence on 1st January and end on 31st December of each year.

## **1 11 AUDITORS**

### **Audit**

(1) The Annual General Meeting shall appoint as Auditor a qualified Accountant (or firm of Accountants) who shall not be a member of the Association. The Auditor thus appointed shall hold his/her appointment until he/she resigns or until his/her appointment is otherwise terminated by the General Meeting.

(2) The Auditors shall be required to audit the accounts of the Society for the year, and to prepare a report or certificate for the annual general meeting. They may also be required by the President to audit the accounts of the Society for any period within their tenure of office, at any date, and to make a report to the Executive Committee.

## **1 12 PROPERTY ADMINISTRATOR / TRUSTEES**

### **Trustees**

(1) Three Trustees, who must be over 21 years of age, shall be appointed at the annual general meeting and shall hold office for as long as the Society deems fit. They shall be vested in them all immovable properties whatsoever belonging to the Society upon execution of a Deed of Trust.

(2) The Trustees shall not sell, withdraw or transfer any of the property of the Society without the consent and authority of a general meeting of members.

(3) A Trustee may be removed from office by a general meeting on the grounds that, owing to ill health, unsoundness of mind, absence from the country or for any other reason, he is unable to perform his duties or is unable to do so satisfactorily. In the event of the death, resignation or removal of a trustee the vacancy shall be filled by a new Trustee appointed by a general meeting.

## **1 13 INTERPRETATION**

(1) Between annual general meetings the Executive Committee shall interpret the

Rules of the Society and when necessary, determine any point on which the Rules are silent.

(2) Except where they are contrary to or inconsistent with the policy previously laid down by the general meeting, the decisions of the Executive Committee shall be binding on all members of the Society unless and until countermanded by a resolution of a general meeting.

#### **1 14 ADVISOR/PATRON**

Royal Patron / Advisor

(1) The Royal Patron of the Society shall be His Majesty the Yang di-Pertuan Agong XV Sultan Muhammad V.

(2) The Executive Committee may appoint such qualified and prominent person(s) to be the Advisor(s) of the Society who shall render advice and who may from time to time be invited to sit in meetings of the Executive Committee.

#### **1 15 PROHIBITION**

(1) None of the following games shall be played in the premises of the Society Roulette, Lotto, Fan Tan, Poh, Peh Bin, Belankai, Pai Kau, Tau Ngau, Tien Ngau, Tien Kow, Chap Ji Kee, Sam Cheong, Twenty One, Thirty One, Ten and a half, all games of dice, banker games, all video games and all games of mere chance.

(2) Neither the Society nor its members shall attempt to restrict or in any other manner interfere with the trade or prices or engage in any Trade Union activities as defined in the Trade Union Act, 1959.

(3) The Society shall not hold any lottery, whether confined to its members or not, in the name of the society, its office-bearers or members without prior approval from the authorities concerned.

(4) Benefits as mentioned under section 2 of the Societies Act 1966 shall not be given by the society to any of its member.

#### **1 16 AMENDMENT OF CONSTITUTION**

(1) These Rules shall not be amended except by resolution of a general meeting.

(a) Prior notice to be given to all ordinary members 14 days before the date of a general meeting,

(b) The amendment must be carried by two-thirds majority of the ordinary members

attending the meeting,

(c) Such amendments shall take effect from the date of their approval by the Registrar of Societies. Any amendment to the Rules shall be forwarded to the Registrar of Societies within 60 days of being passed by the general meeting.

(2) Rules wherever mentioned, shall be construed to mean these Rules of the Inns of Court Malaysia and whatever amendments that may be approved subsequently by resolution of a general meeting.

## **1 17 DISSOLUTION**

(1) The Society may be voluntarily dissolved by a resolution of not less than three-fifths of the members present in a general meeting.

(2) In the event of the Society being dissolved as provided above, all debts and liabilities legally incurred on its behalf shall be fully discharged, and the remaining funds shall be disposed of in such manner as may be decided upon by a general meeting.

(3) Notice of dissolution shall be forwarded to the Registrar of Societies within fourteen (14) days of its dissolution.

## **1 18 FLAG, LOGO AND BADGE**

Gambar

## ATTACHEMENT

### 1. FLAGS

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### 2. SYMBOLS

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### 3. BADGES

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