

23rd April, 1979.

All Presidents, Sessions Courts, Peninsular Malaysia;

All Senior Asst. Registrars/Asst. Registrars,
High Court, Peninsular Malaysia;

All Magistrates, Magistrates' Court, Peninsular Malaysia;
All Registrars, Subordinate Courts, Peninsular Malaysia.

REGISTRAR'S CIRCULAR (J) NO. 2 OF 1979

The Hon'ble the Chief Justice is concerned over the abuse of the Orders made by Judges of the High Court under section 36(2) of the Legal Profession Act, 1976.

2. Section 36(2) of the Act reads as follows:

"(2) A Judge may, if he thinks fair and reasonable, on the application of an advocate and Solicitor who is a master under Part 11 allow his pupil who has completed not less than three months of his pupillage to appear on behalf of the master or the firm in which the master is a partner before -
(a) a Judge or the Registrar in Chambers;
(b) a Sessions Court President or the Registrar of a Sessions Court in Chambers; and
(c) a Sessions Court President or a Magistrate, to mention a case or to apply for bail or to take a consent judgment or order."

3. It goes without saying that a pupil may only appear before and for the purposes stated in the Order which in any case cannot exceed the provisions of section 36(2) of the Act.

4. To clear any doubt, the term "to mention a case" means to appear in Court on the day the case is fixed for mention. It does not include appearing on the day the case is fixed for hearing to ask for a postponement. Of course, pupil may appear on the day originally fixed for hearing but in which on a prior application for postponement by the master or the firm, by letter or otherwise, the Court has agreed to postpone the case, in which case the pupil only appears in Court to give the master's or the firm's free dates.

5. "Consent judgment or order" means precisely what it says. It does not, for example, include appearing in Chambers or otherwise to argue or pray for an order not consented to by the opposing party. Appearing for an ex-parte application does not fall within the meaning of the term "to take consent judgment or order".

6. The Hon'ble the Chief Justice directs that Judges, Presidents, Magistrates and Registrars shall, in future, not entertain any pupil appearing before them otherwise than in strict compliance with the Order of a Judge and the provisions of section 36(2) of the Act.

(ABDUL HAMID BIN HAJI MOHAMED)
Deputy Registrar.
for Chief Registrar.

c.c: Hon'ble Lord President;
Hon'ble Chief Justice, Malaya;
Hon'ble Chief Justice, Borneo;
Hon'ble Judges, Federal Court, Malaysia;
Hon'ble Judges, High Court, Malaya;
Registrar, High Court, Borneo, Kuching, Sarawak;
Deputy Registrar, High Court, Kota Kinabalu, Sabah.