

**To All Members
Malaysian Bar**

**BAR COUNCIL REVISED GUIDELINES ON WAIVER OF FEES IN
CONVEYANCING MATTERS**

The following guidelines shall apply with effect from 1st March 2007.

1. The Solicitors Remuneration Order (“SRO”) prohibits the giving of discount. Therefore, any device or method employed as a means to providing a discount (or which in effect provides a form of discount) is likewise prohibited.
2. A waiver of fees that in effect amounts to a discount is not permitted.
3. An advocate and solicitor may however waive any fees due to (or chargeable by) him for the conduct of any non-contentious business governed by the SRO provided that:
 - (a) it is a bona fide waiver; and
 - (b) the waiver is a FULL waiver of all fees due to or chargeable by him and not a part thereof unless otherwise provided herein; and
 - (c) the waiver of fees is not a device or method employed by the advocate and solicitor as a means to providing a discount; and
 - (d) the fact of the waiver and detailed particulars of the nature of the relationship or purpose upon which the waiver is given is noted on the file.
4. Circumstances under which an advocate and solicitor MAY NOT waive fees due to or chargeable by him, and which may be deemed as a device or method in providing a discount, include the following:
 - (a) the preparation of any subsidiary instrument under the Third Schedule of the SRO;
 - (b) where the solicitor is attending to both the sale and purchase agreement for the purchaser and the end financing for the purchaser, the solicitor may not waive either the fees chargeable in respect of the sale and purchase agreement or the loan documentation;
 - (c) where the solicitor is acting in relation to a property development (whether acting for the developer or the purchasers), the solicitor may not waive fees in respect of a proportion of the cases he handles in that property development;
 - (d) a solicitor may not waive disbursements in fact incurred, and thereby resulting in a discount in effect being given;
 - (e) where the solicitor is acting in relation to documentation pertaining to loans or facilities granted by a bank or finance company, the solicitor may not waive fees in respect of a proportion of the loan matters he handles for and on behalf of the bank or finance company.

5. The Bar Council Guidelines on Waiver of Fees for Conveyancing Matters dated 8th December 2004 is hereby replaced by these Guidelines which shall take effect on 1st March 2007.

Dated this 12th day of February 2007

Yeo Yang Poh
President
Malaysian Bar