

## **MALAYSIAN BAR LAW CARE RULES**

### **NAME**

1. There shall be set up a benevolent fund for the Malaysian Bar to be called “LawCare”.

### **OBJECTS**

2. The object of LawCare is to afford financial assistance to the Beneficiaries hereinafter defined who find themselves in dire need of such assistance and such other persons whomsoever as may be determined by the LawCare Committee (whose decision shall be final and conclusive).

### **ELIGIBLE BENEFICIARIES**

3. Persons who are or have been members of the Malaysian Bar practicing in Malaysia and who are not in arrears of contributions to LawCare AND such other persons whomsoever as may be determined by the LawCare Committee;

May apply to LawCare for a grant OR a loan repayable free from interest but on terms;

For one or more of the following reasons:

- i. Poverty or lack of income & resources, due to illness or incapacity.
  - ii. Inability to afford urgent and essential medical expenses of the Beneficiary necessitated by serious and or life threatening illness or injury.
  - iii. Such other reason as the Bar Council may approve.
4. The Bar Council may prescribe such guidelines, including but not limited to, means tests for determining the suitability of the applicant for financial assistance by LawCare.

### **CAPITAL AND INCOME**

5. LawCare shall be funded by and from, among others, voluntary donations, bequests and compulsory levies raised from Members of the Bar.

### **FINANCIAL ASSISTANCE**

6. The total aggregate amount of any gratification that may be approved to be made from LawCare in respect of any one beneficiary shall not exceed RM25,000.00, unless the Bar Council in special circumstances decide otherwise.

7. The LawCare Committee shall have the absolute discretion as to whether or not to approve any application for financial assistance and to decide the nature, amount and terms of such assistance but such discretion shall always be exercised subject to these Rules.
8. Upon receipt of notification of the demise of a Beneficiary, LawCare shall pay to his lawful executors, administrators, nominee or such person as the LawCare Committee shall in its absolute discretion see fit a sum equivalent to the total amount that had been paid by the Beneficiary to LawCare as compulsory levies during the Beneficiary's lifetime or such amount as may be approved by the LawCare Committee from time to time.

### **THE LAW CARE COMMITTEE**

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- i) LawCare shall be under the management of a committee ("the LawCare Committee") comprised as follows:
  - (a) The President, Vice President, Honorary Secretary and Treasurer of the Malaysian Bar for the time being or their representative;
  - (b) Up to ten members appointed annually by the Bar Council of the Malaysian Bar for a term of one year commencing on 1<sup>st</sup> April every year.
- ii) The LawCare Committee shall prepare and submit to the Bar Council 4 weeks before vacating office a list of not more than ten persons eligible and willing to serve as appointed members of the LawCare Committee for the ensuing year.
- iii) The Chairman of the LawCare Committee or, failing him, the Deputy Chairman shall preside at meetings of the LawCare Committee. If both be absent from any meeting, the senior member present at the beginning of the meeting shall take the chair.
- iv) In the event that a member of the LawCare Committee shall die or resign or be in the opinion of the LawCare Committee or the Bar Council incapable of acting or unfit to act, the Bar Council may appoint another person in his place after consultation with the LawCare Committee.
- v) The LawCare Committee shall hold ordinary meetings at such time and place as it may decide. Any two members of the LawCare Committee may require a special meeting of the LawCare Committee to be convened.
- vi) Save for in the case of receipt of an application for assistance that is required to be considered and decided on urgently, members of the LawCare Committee shall be given at least seven clear days notice of its meetings.
- vii) Three members shall be a quorum for any meeting of the LawCare Committee. At its meetings questions shall be decided by a majority of votes and in the event of a tie, the chairman of the meeting shall have a casting vote.

## **FUNCTIONS AND DUTIES OF THE LAW CARE COMMITTEE**

10. The Bar Council shall appoint a Chairman and the LawCare Committee shall appoint a Deputy Chairman. The LawCare Committee shall conduct its affairs in all things and manage LawCare according to its discretion, subject only to these Rules. For this purpose and without prejudice to the generality of its powers and duties, the LawCare Committee may:
- (a) decide on all applications for assistance, the amount of such assistance, the nature and terms thereof and the manner of affording it;
  - (b) delegate to such persons as it may think fit (being either members of the LawCare Committee or staff of LawCare or of the Bar Council) power on behalf of the LawCare Committee to order payments, sign cheques and give receipts;
  - (c) nominate and appoint on such terms and conditions as it may decide such persons as it may think fit to take, invest and hold for LawCare any money, investments or security for money belonging to LawCare and all proceeds and income there from;
  - (d) delegate to any sub-committee, consisting of two or more members of the LawCare Committee, and within such limits as it may think fit, power to make grants in urgent cases, but so that every grant so made shall be made in accordance with these rules and shall be reported to the next meeting of the LawCare Committee;
  - (e) advise and report to the Bar Council on all matters relating to the management of the Fund;
  - (f) cause to be drawn up and submitted to the Bar Council at least once every calendar year the full accounts pertaining to all monies belonging to LawCare for auditing together with a full report of all financial assistance rendered by LawCare and the details of the same;
  - (g) at its discretion, to invest and or deal with any monies belonging to LawCare in a manner which in the opinion of the LawCare Committee will increase such monies or benefit the Members of the Malaysian Bar.

## **SUSPENSION/TERMINATION OF A GRANT**

11. The LawCare Committee may, in its sole discretion, terminate, withdraw or suspend any financial assistance that has been approved if it is satisfied that the Beneficiary is not in further need of the same or that the approval of the financial assistance was obtained by fraud, mistake or misrepresentation and in such latter case, the LawCare Committee through the Bar Council shall have power to demand and claim from the Beneficiary and or his heirs and or the recipients of such financial assistance for full repayment of all financial assistance rendered and received as a result of such fraud, mistake and or misrepresentation together with interest calculated thereon at the rate of twelve per centum (12%) per annum on the same from the date or dates of payment of the same to the Beneficiary / his spouse, heirs executors or representatives up to the date of repayment thereof.

## **FORMS**

12. All applications for financial assistance under LawCare must be made by submitting to the Chief Executive Officer of the Bar Council, the completed prescribed forms accompanied by all required supporting documents, which forms are obtainable at the office of the Bar Council.

## **ALTERATION OF RULES**

13. These Rules (but not the objects) whether on the recommendation of the LawCare Committee or otherwise, may from time to time be revoked, varied, and or amended and or new Rules be made by the Bar Council after consultation with the LawCare Committee. Notice of any proposal for such revocation, variation, amendment or new Rules must be given to the Chairman of the LawCare Committee at least one month before the meeting at which such proposal is to be considered and the members of the LawCare Committee shall be entitled to attend such meeting of the Bar Council when such revocation, variation, amendment or new Rules are considered but not for the purpose of voting thereat save for such members of the LawCare Committee as are members of Bar Council.

**AMENDED VERSION AS AT 2 FEB 2013**