



**LEGAL PROFESSION QUALIFYING BOARD
MALAYSIA**

**THE EXAMINERS' REPORT
ON THE
CERTIFICATE IN LEGAL PRACTICE
MAIN EXAMINATION CONDUCTED IN AUGUST 2025**

Date: 6 January 2026
All rights reserved © 2025/2026

INTRODUCTION

1. The Certificate in Legal Practice (“CLP”) Examination is a professional examination that serves as one of the crucial entry points into the legal profession in Malaysia. It is designed to uphold high standards by ensuring that successful graduates are well-prepared and fully equipped to meet the demands of the legal profession with the utmost competence and professionalism.
2. The CLP Examination is open only to Malaysian citizens or permanent residents of Malaysia, as well as citizens of Brunei Darussalam who hold a law degree awarded by universities in Malaysia, the United Kingdom, Australia, and New Zealand that are recognized by the Legal Profession Qualifying Board Malaysia (“Board”).
3. The CLP Examination is held twice a year, usually in July or August for the Main Examination and in October or November for the Supplementary Examination. **This Examiners’ Report focuses only on the Main Examination held in August 2025.**
4. This Examiners’ Report consists of comments and observations made by the respective Examiners regarding the performance of the candidates for the five (5) subjects in the CLP Examination as follows:
 - (a) General Paper;
 - (b) Civil Procedure;
 - (c) Criminal Procedure;
 - (d) Evidence; and
 - (e) Professional Practice.

CANDIDATES' PERFORMANCE IN THE CLP MAIN EXAMINATION 2025

1. A total of 1,027 candidates were registered for the CLP Main Examination 2025. The summary of the number of candidates who sat for the CLP Main Examination 2025 and their performance based on the respective subjects is as follows:

NO.	DESCRIPTION	SUBJECTS				
		GP	CP	CPC	EVID	PP
(a)	Number of candidates who sat for the Main Examination	878	872	869	867	879
(b)	Number of passed candidates	584	409	348	442	413
	Passing rate	66.51%	46.90%	40.05%	50.98%	46.99%
(c)	Number of failed candidates	294	463	521	425	466
	Failure rate	33.49%	53.10%	59.95%	49.02%	53.01%

Notes:

ABBREVIATION	DESCRIPTION
GP	General Paper
CP	Civil Procedure
CPC	Criminal Procedure
EVID	Evidence
PP	Professional Practice

2. Candidates must obtain a minimum of **40 marks** in order to pass each subject.

GENERAL PAPER

(A) Overview of the subject

1. The General Paper comprises two (2) vital areas of legal practice: Tort and Contract.
2. Candidates are essentially required to –
 - (a) advise on evidence and procedure;
 - (b) advise on remedies; and
 - (c) draft the requisite pleadings.
3. For the subject of **Tort**, candidates are expected to have a good practical and working knowledge of the law of tort, particularly in respect of negligence, occupier's liability and strict liability. Emphasis is on the following areas:
 - (a) Liability including Professional Negligence;
 - (b) Damages for Personal Injuries and Causing Death;
 - (c) Property Damage and Safety and Health; and
 - (d) Vicarious Liability.
4. For the subject of **Contract**, candidates are expected to have a good practical and working knowledge of the law of contract. Emphasis is on the remedies resulting from a breach of contract which include –
 - (a) Damages as a remedy for breach;
 - (b) Specific performance;
 - (c) Injunction; and
 - (d) Rescission.

(B) Observations by Examiners

1. Candidates' performance in respect of each examination question:

NO.	EXAMINERS' COMMENTS
Q.1	<p data-bbox="395 342 614 376"><u>Law of Contract</u></p> <ul data-bbox="395 414 1476 929" style="list-style-type: none"><li data-bbox="395 414 1189 448">(a) Candidates did equally well in tort and contract this year.<li data-bbox="395 481 1476 548">(b) Most candidates still argued on the formation of a contract and did not understand the question.<li data-bbox="395 582 1476 683">(c) Candidates tended to regurgitate what they had learned in college without analysing or comprehending the question. It would have been more relevant to apply section 74 of the Contracts Act 1950.<li data-bbox="395 716 1476 817">(d) Most candidates could not answer Question 1(b). They did not address remoteness of damages, nor were they able to address the issue of tax as a factor in reducing damages.<li data-bbox="395 851 1476 929">(e) Drafting skills were lacking, and there remains considerable room for improvement. The overall structure was lacking.
Q.2	<p data-bbox="395 958 550 992"><u>Law of Tort</u></p> <ul data-bbox="395 1030 1476 1624" style="list-style-type: none"><li data-bbox="395 1030 1476 1097">(a) A number of candidates did not read the question, nor the decision in <i>Tenaga Nasional Berhad v Batu Kemas Industries Sdn Bhd</i>.<li data-bbox="395 1131 1476 1232">(b) Candidates failed to raise the duty of the various tortfeasors, nor identify the defences available, like contributory negligence and/or relate the facts to the defences and substantiate the defences without supporting cases.<li data-bbox="395 1265 1476 1332">(c) Candidates could not understand the concept of loss of future earnings, nor how to calculate the multiplier. Many candidates left out Mina's estate claim.<li data-bbox="395 1366 1476 1433">(d) Candidates generally failed to comprehend the pleading question and tended to copy or quote word-for-word from the question.<li data-bbox="395 1467 1125 1500">(e) Drafting skills remain poor due to a lack of practice.<li data-bbox="395 1534 1476 1624">(f) Many candidates did not deal with the particulars of negligence, particulars of injury, special damages and sections 7 & 8 of the Civil Law Act 1956 claims.

2. General observations

- 2.1 On the whole, candidates seem to lack understanding of the basic issues and analytical application of the law to the facts, as well as fail to make reference to statutory provisions and case authorities to substantiate their argument.
- 2.2 Generally, candidates' drafting skills were lacking. The command of the English language was poor. Time management was poor as a number of candidates did not answer both questions. Some of the candidates' writing was illegible and/or too small.
- 2.3 Some candidates did not know basic geography and could not distinguish a company from a sole proprietor. Multiplication was wanting, and candidates did not know the difference between local jurisdiction and monetary jurisdiction.

3. Recommendations for candidates

- 3.1 Candidates should read the questions carefully.
- 3.2 Candidates should allocate sufficient time for each question. Do not spend too much time on any question.
- 3.3 Organise and structure the answers. For example: a statement of claim, the heading, parties, cause of action with particulars, damages with particulars, relief or prayers, date, signature, and filing endorsement.
- 3.4 Write legibly.
- 3.5 Know the relevant authorities for each proposition of law.

CIVIL PROCEDURE

(A) Overview of the subject

1. Civil Procedure is the body of procedural law that sets out the rules and standards for the civil courts when adjudicating civil suits/actions.
2. The rules govern, amongst others, as follows:
 - (a) how a civil suit/action may be commenced;
 - (b) what kind of service of process (if any) is required;
 - (c) the types of pleadings or applications and orders allowed in civil cases;
 - (d) the timing and manner of discovery or disclosure;
 - (e) the conduct of trials;
 - (f) the process for judgment;
 - (g) the various available modes of enforcement of judgments; and
 - (h) how the courts must function.
3. Candidates are required to be familiar with the Rules of Court 2012 (“ROC”), which is the combined rules for the High Courts, the Sessions Courts and the Magistrates’ Courts. The ROC governs all proceedings in the High Courts and in the Subordinate Courts.
4. For this paper, candidates are expected to –
 - (a) have a thorough understanding of the ROC and other statutes as explicitly stated in the syllabus and the amendments made to the relevant Acts and statutes; and
 - (b) have sufficient knowledge of the Practice Directions, the Chief Judge’s Circulars, the Registrar’s Circulars and letters.

(B) Observations by Examiners:

1. Candidates' performance in respect of each examination question:

NO.	EXAMINERS' COMMENTS
Q.1	Many candidates had difficulty in identifying the issues that were required in the answers. Candidates either did not discuss or disclose the cause of action which was required in the answer.
Q.2	Judging from the answers, it is clear that many candidates did not read the questions carefully which led to incomplete and inadequate answers. Many candidates were also unaware that the mode of execution in Q.2(b) is "charging order".
Q.3	Many candidates failed to identify the relevant issues that were required in the answers. Further, many candidates failed to refer to decided cases in support of their answers. In respect of Q.3(c), many candidates were unaware that it involved "submission of no case to answer".
Q.4	For Q.4(a), many candidates did not correctly identify the issues that were involved. For the remaining sub-questions, candidates failed to support their answers with decided cases.
Q.5	For Q.5(a), candidates did not adequately set down the factors the court would take into consideration when setting aside a default judgment. For the remaining sub-questions, candidates did not refer to decided cases in their answers.
Q.6	Relevant authorities not cited. It was an easy question, yet there were failures.
Q.7	Candidates did not recognize the part of the question involving stay of execution, lacked practical knowledge of the issues, did not apply the law to the facts, and did not cite relevant authorities.

2. General observations

Candidates' failure to cite authorities in their answers, time wasted by repeating the questions in the answers, failure to be mindful of the marks awarded for questions resulting in either overly long or overly short answers. Private teaching institutes which offer the CLP course should ensure that candidates are taught to apply the law to the facts. It may be that memorised answers are provided to candidates or that the lecturers lack practical experience. Law colleges must buck up. Otherwise, the quality of the candidates will continue to deteriorate. Candidates reproducing verbatim the Rules of Court 2012 in their answers, and answering questions without elaboration.

3. Recommendations for candidates

- 3.1 Cite the relevant authorities in the answers.
- 3.2 Learn how to answer problem-solving questions.
- 3.3 Avoid spotting questions.
- 3.4 Familiarise with the procedure from the filing of the writ until trial.
- 3.5 Go straight to the point.
- 3.6 Improve the handwriting.
- 3.7 Practise proper time management.
- 3.8 Be mindful of the marks allotted to each question to avoid overly long or overly short answers.
- 3.9 Apply the law to the facts.
- 3.10 Be guided by the CLP course outline.

CRIMINAL PROCEDURE

(A) Overview of the subject

1. The subject of Criminal Procedure focuses on the process of administration of criminal justice in Malaysia.
2. The syllabus contains topical issues on criminal procedure and covers the following:
 - (a) the pre-trial stage of arrest of a suspect in a crime;
 - (b) the trial stage if a criminal prosecution is instituted against him as the accused person;
 - (c) the sentencing stage, which deals with the sentence to be meted out on him upon conviction by a court of law, and other incidental orders a court would be able to make according to law, such as disposal of exhibits, etc; and
 - (d) the appeal stage of a criminal proceeding is equally important as either party to a criminal proceeding may lodge an appeal to a superior court. The other avenue available to a party to a criminal proceeding is by way of criminal revision to the High Court, which is also emphasized.
3. For this paper, candidates are expected to –
 - (a) explore further by way of independent study to understand and familiarize themselves with the various issues of criminal procedures;
 - (b) understand the various provisions of the Criminal Procedure Code [Act 593] and the court's decisions on issues of criminal procedure; and
 - (c) have a comprehensive and practical understanding of the subject matter before pursuing the CLP Examination.
4. For the CLP Examination, candidates would essentially be tested on those practical issues of criminal procedure. This would entail, *inter alia*, drafting a charge, letter of representation and cause papers that are relevant for a criminal trial, appeal or revision.

(B) Observations by Examiners:

1. Candidates' performance in respect of each examination question:

NO.	EXAMINERS' COMMENTS
Q.1	<p>Q.1(a) – Candidates were generally able to grasp the law (section 28A of the Criminal Procedure Code (“CPC”). However, not many cited Article 5(3) of the Federal Constitution.</p> <p>Q.1(b) – Candidates were able to identify section 117 of the CPC; however, they failed to explain the importance of the investigation diary under section 119 of the CPC and its ensuing consequences.</p> <p>Q.1(c) – Candidates were able to discuss the difference between bailable/non-bailable offences and police powers to release on bail. Most were able to identify section 388 (<i>PP v Wee Swee Siang</i>). The question focuses on the Sessions Court Judge’s power to release an accused charged for Criminal Breach of Trust (“CBT”) (non-bailable), yet students did not discuss judicial discretion or bail bonds under section 390 of the CPC.</p> <p>Q.1(d) – Most candidates failed to identify sections 172C and 172D of the CPC and focused on section 173(b) instead. Upon seeing words surrounding ‘plead guilty’, they immediately and wrongly regurgitated ‘understand the nature and consequences of the plea’ instead.</p>
Q.2	<p>Q.2(a) – Most candidates successfully identified the law. However, most made no reference to section 172 (forms) of the CPC.</p> <p>Q.2(b) – Despite having successfully identified the ingredients of a charge in Q.2(a) earlier, most struggled to draft a decent charge because they did not know there was a sample in the Forms section of the CPC. Also, a number of candidates drafted two charges: (a) murder and (b) culpable homicide, despite the facts clearly stating that the charge was in the ‘High Court’.</p> <p>Q.2(c) – The question requires a discussion of the transfer of a case triable in the High Court (section 177A) of the CPC. Many students wrongly cited section 417 or 418 instead of section 177A. Hence, students misunderstood the question as they argued that the accused could transfer her own case to the High Court under section 417. Some, despite citing section 177A(1), failed to discuss the phrase ‘as soon as practicable’ in section 177A(2) and made no reference to <i>PP v Marwan Ismail’s</i> case.</p> <p>Q.2(d) – Many candidates wrongly cited sections 332, 333 and 340 of the CPC. Candidates who correctly cited section 399 failed to identify how the Deputy Public Prosecutor (“DPP”) could call the pathologist as a witness and the manner of tendering the post-mortem report at the trial. A number of candidates also gave a wrong answer centered on an inquiry of death.</p>
Q.3	<p>Q.3(a)(i) – Most candidates showed little understanding of the appeal process under the Courts of Judicature Act 1964 (“CJA 1964”). They made no reference to section 51(1) of the CJA 1964, Form 5, or Rule 58 of the Rules of the Court of Appeal 1994, and instead wrongly cited sections 307 and 310 of the CPC.</p> <p>Q.3(a)(ii) – Candidates had little, if any, knowledge of the procedure for filing a notice of appeal out of time by way of a notice of motion supported by a sworn affidavit explaining the reasons for delay, as required under section 56 of the CJA 1964 and Rule 68 of the Rules of the Court of Appeal 1994.</p>

NO.	EXAMINERS' COMMENTS
	<p>Q.3(b) – Candidates mostly had a good understanding of the power of the Court of Appeal to affirm, reverse, or order a retrial on hearing the appeal. They, however, failed to cite section 50(1) of the CJA 1964 or provide case law in support. A number of candidates cited sections 307, 323 and 316 of the CPC.</p> <p>Q.3(c) – Most did not know the process surrounding an appeal against the decision of the Court of Appeal to the Federal Court. Suggestions included filing a judicial review or revision under sections 323, 327, 311, 315, 316 and 317 of the CPC. Basically, when faced with anything beyond the CPC, they were at a loss and therefore just looked for any sections in the CPC that resembled the topic of discussion.</p>
Q.4	<p>Q.4(a) – Despite it being a straightforward question, candidates failed miserably to understand the statement. Most merely stated the power under Article 145(3) of the Federal Constitution and elaborated on the power with no discretion on whether that power is unfettered. Merely regurgitating the Public Prosecutor’s powers without answering the real question caused them to not obtain the marks awaiting them.</p> <p>Q.4(b) – Most candidates have a general understanding of the differences, but failed to understand and/or explain the application of sections 254 and 254A of the CPC. A number of candidates wrongly cited <i>Vigny Alfred Raj</i> as an authority.</p>
Q.5	<p>Q.5(a)(i) – Most candidates failed to refer to sections 31, 35, 36 and 37 of the CJA 1964, which are provisions on revision by the High Court. The majority merely copied section 323(1) of the CPC and offered no case law nor referenced the above-mentioned CJA 1964 provisions.</p> <p>Q.5(a)(ii) – Most candidates, if not all, failed to understand the meaning of ‘miscarriage of justice’, let alone detect the miscarriage of justice. Most simply said no miscarriage occurred. Those who cited cases wrongly cited <i>Dato’ Mokhtar Hashim, Bachik Abdul Rahman</i> and <i>Santanasamy</i>.</p> <p>Q.5(b) – Most candidates completely failed to answer this correctly. A number of candidates cited section 294 of the CPC and gave a discussion on the type of sentence a Magistrate may impose. A larger number of candidates merely launched into the ‘one transaction’ and ‘totality’ principle in <i>Amrita Lal Hazra</i>.</p>
Q.6	<p>Q.6(a) – Candidates either failed to cite section 114(g) of the Evidence Act 1950 and/or said there was absolutely no detrimental effect in not calling Cynthia as a witness.</p> <p>Q.6(b) – Candidates were asked about the effect of the failure of a trial judge to indicate to an accused whether his defence was called on ‘direct trafficking’ or ‘presumed trafficking’. Hardly any candidate made any reference to section 180 of the CPC. Most dived into a general discussion on what they thought was the meaning of prima facie.</p> <p>Q.6(c) – Most candidates were able to answer this broadly. They, however, made little, if any, mention of the locus classicus case of <i>Dato’ Seri Anwar Ibrahim</i>.</p>
Q.7	<p>Q.7(a) – Most candidates were able to understand and answer vis-à-vis the law surrounding the meaning of impeachment and the various types of contradictions. They, however, did not elaborate on the steps for the impeachment of a witness.</p> <p>Q.7(b)(i) – Candidates generally fared badly on this question as it required a thorough knowledge of the Child Act 2001, sections 12, 15 and 90.</p>

NO.	EXAMINERS' COMMENTS
	Q.7(b)(ii) – Candidates failed because the question requires them to have a thorough knowledge of the provisions of sections 8 and 89 of the Child Act 2001. So many candidates decided to merely guess that it ought to have legal representatives, perhaps a psychiatrist, and an adult who is a relative.

2. General observation

- 2.1 Examiners consistently noted that while many candidates knew the provision, they failed to demonstrate how they applied it in the practical scenario given.
- 2.2 Examiners cited issues with illegible handwriting, a poor command of English, and an inability to organize thoughts logically.
- 2.3 Many candidates either failed to complete all questions or provided very brief, superficial answers to later questions due to a lack of time.
- 2.4 Weaknesses were specifically noted in topics covered within the Child Act 2001 and the Courts of Judicature Act 1964.

3. Recommendations for candidates

- 3.1 Do not rely on rote memorization. Practise answering past-year questions under timed conditions to improve a candidate's ability to apply the law and manage time.
- 3.2 Attend court proceedings or seek internships to gain a better understanding of how the law works in a real-world context. This practical knowledge can significantly enhance a candidate's ability to answer questions.
- 3.3 Work on improving the clarity of handwriting. A well-organized, legible answer is easier for the examiner to understand and mark. Start each new question on a fresh page to improve the organization of a candidate's paper.

EVIDENCE

(A) Overview of the subject

1. The subject of Evidence is primarily based on the Evidence Act 1950 [Act 56]. Essentially, it deals with the object of legal proceedings which is the determination of rights and liabilities depending on the facts presented by law. The study, amongst others, includes the following:
 - (a) fact in issue;
 - (b) facts relevant to the issue;
 - (c) relevancy and admissibility of evidence in a court of law;
 - (d) oral and documentary evidence;
 - (e) examination of witnesses;
 - (f) probative value of evidence; and
 - (g) manner of proof.

2. Candidates were required to have a practical and working knowledge and understanding of the law of evidence. As such, the examination is a test of the candidates' ability to correctly identify evidential issues and to apply the relevant evidential principles to prepare them for legal practice. Upon successful completion of the examination, candidates will be sensitized to the mechanics of the law of evidence as applicable in legal practice.

(B) Observations by Examiners:

1. Candidates' performance in respect of each examination question:

NO.	EXAMINERS' COMMENTS
Q.1	This was the compulsory question. There were two parts to the question. The facts in issue are premised on a charge of murder by the accused against his fiancée. Candidates were obliged to consider the relevancy of some of the facts, hearsay evidence, application of section 32(1)(a) of the Evidence Act 1950, <i>res gestae</i> and sections 8 and 11 of the Evidence Act 1950. The second part of the question dealt with burden and standard of proof with reference to circumstantial evidence.
Q.2	In this question, candidates were required to advise on the admissibility of documents, namely, a scanned agreement, a statement of account when the maker is not in the country, a facsimile copy of a letter of demand and a certificate from the Minister of Finance. Candidates were required to discuss: (a) primary and secondary evidence by reference to sections 63, 64 and 65 of the Evidence Act 1950; (b) in respect of the statement of account, whether it can be admitted under the exception provided in section 32(1)(b) and section 34 of the Evidence Act 1950; (c) whether the scanned copy of the letter is admissible under section 90A and related case laws; and (d) whether the Certificate can be construed as a public document and admitted under section 74 read together with sections 76, 77 and 78 of the Evidence Act 1950.
Q.3	The question centred on a murder charge proffered against the husband over the murder of his current wife. The accused had been associated with two prior similar causes of death of his previous spouses. The candidates were called upon to discuss the application of similar fact evidence and discussion pursuant to sections 11(b), 14 and 15 of the Evidence Act 1950.
Q.4	The question was primarily based on <i>PP v Yong Choe Kiong</i> , namely on the admissibility of a victim's Statutory Declaration ("SD"). Through the SD, the victim alleged that she gave false evidence of her allegation of rape, which she testified to at the trial. The SD was made after the prosecution had established a prima facie case. The candidates were required to advise on the admissibility of the SD at the defence stage, as the victim was no longer in the country. Candidates were required to provide answers by reference to sections 33, 32(1)(c) and 35 of the Evidence Act 1950.
Q.5	The question was on a civil dispute arising from a claim for specific performance of a sale of shares agreement, where the findings of the lower court's rejection of expert evidence, spouse evidence, and the refusal to grant a party's application to recall a witness after the close of his case. The candidates were required to discuss the application of sections 45, 47, 122 and 138 of the Evidence Act 1950.
Q.6	The question deals with the dispute arising from the propounding of a Will. The issues consist of the admissibility of: (a) a deed executed by the testator prior to his execution of the Will expressing his desire to transfer his properties to his mistress and illegitimate son;

NO.	EXAMINERS' COMMENTS
	<p>(b) a video of the testator stating that he had no intention of leaving any of his properties to his estranged spouse; and</p> <p>(c) the evidence of the lawyer who is facing charges of fraud.</p> <p>The candidates were required to consider the application of sections 32(1)(e) and (f) of the Evidence Act 1950, real evidence, and sections 118 and 114(g) of the Evidence Act 1950.</p>
Q.7	<p>There were two parts to the question.</p> <p>Part (a) was a question of the legitimacy and paternity of a child and called upon candidates to discuss section 112 of the Evidence Act 1950 and the recent Federal Court case <i>MPPL v CAS</i>.</p> <p>Part (b) of the question was on the reception and application of the law on judicial notice. Candidates were required to make reference to sections 56 and 57 of the Evidence Act 1950 in their answers.</p>

2. General observations

2.1 In short, the failures and bare minimum passes are associated with, *inter alia*, the following factors:

- (a) incomplete answers. Candidates doing well in the first two or three questions and subsequently, perhaps due to insufficient time, are unable to complete the remaining question(s);
- (b) failure to keep up with recent developments in case law;
- (c) at times, although the law is understood, there is no analysis;
- (d) failing to address the questions adequately; and
- (e) time wastage in regurgitating the entire sections in the answer script. Candidates already have direct access to the Evidence Act 1950.

2.2 Although the syllabus outline mentions that candidates will be assessed on recent cases as at the end of the preceding year, it would appear that many candidates have paid scant regard to it and did not make reference to recent cases in their answer scripts.

2.3 The questions are prepared on the reality that these candidates are preparing themselves to go into their formative years of legal practice. Hence, a good foundation and grounding are of foremost importance. Without this, it would be irresponsible on the part of the examiner to let them go with feeble answers.

3. Recommendations for candidates

3.1 Candidates should not spot questions and instead have a better command of all the provisions of the Evidence Act 1950.

3.2 Candidates may highlight the relevant sections and case law with a coloured highlighter.

3.3 An analysis of the answer scripts suggests that candidates do not spend enough time to understand the question. To expound their analytical skills and broaden their knowledge could be aided by the following:

- (a) candidates participating in tutorials and discussion groups will help with analytical thinking;
- (b) sharing information and knowledge and undertaking discussions helps with a better understanding and evaluation of the principles of law;
- (c) having more interactive sessions will help develop the ability to argue in the alternative where multiple interpretations are possible;
- (d) candidates will be better prepared for the exams if they obtain instructions from places of higher learning and attend classes. Participation in extra activities such as moots or internships could assist with analytical skills;
- (e) tertiary educational centres that provide degrees from foreign universities should consider providing a syllabus on the overview of Malaysian law prior to the CLP course. This may assist candidates to assimilate with the local laws; and
- (f) candidates need to update and keep abreast of recent developments in the law.

PROFESSIONAL PRACTICE

(A) Overview of the subject

1. The subject of Professional Practice, which is the mainstay for a legal practitioner, covers a wide spectrum of the areas of substantive law.
2. For this paper, candidates are expected to –
 - (a) have a good practical and working knowledge and understanding of the duties, responsibilities and liabilities of an advocate and solicitor with reference to his profession, the courts and the public;
 - (b) have a thorough understanding and practical knowledge of land dealings and conveyance, which can be the crux of legal practice;
 - (c) have a good working and practical understanding of the subject matter since there has been contentious litigation in the field of probate, insolvency and winding-up;
 - (d) familiarize themselves with the statutory provisions and the relevant case authorities applicable; and
 - (e) “think out of the box” and make a conscious effort to understand, analyze and rationalize the issues of legal practice before bringing forth their conclusions.

(B) Observations by Examiners:

1. Candidates' performance in respect of each examination question:

NO.	EXAMINERS' COMMENTS
Q.1	<p>Candidates were expected to discuss the importance of Etiquette and the duty of an Advocate and Solicitor towards:</p> <ul style="list-style-type: none">(a) the Legal Profession;(b) the Court;(c) opposing Counsel; and(d) the Clients. <p>These matters are comprehensively contained in the Legal Profession (Practice and Etiquette) Rules 1978 ("Etiquette Rules"). Candidates were requested to explain the importance of Ethical Rules in guiding the behaviour, duties, and responsibilities of an Advocate and Solicitor. The aim was to test their understanding of how ethics shape the way lawyers are expected to behave in their work and profession.</p> <p>Candidates struggled to argue some of the provisions in the Etiquette Rules to address the question. Some candidates merely reproduced verbatim the statutory provisions and were not directed to the question asked. Candidates who failed to identify the relevant rules proceeded to provide superficial responses based on their own assumptions.</p> <p>Many candidates did not answer the question properly. Instead of focusing on ethics, some candidates wrote mostly about the qualifications and steps needed to become an Advocate and Solicitor. This shows that these candidates misunderstood the question and did not pay enough attention to what was being asked.</p> <p>Although this was a relatively popular question among candidates, they were generally able to identify the issues. However, some candidates did not organise the structure of their answers, i.e. to discuss the duties of Advocates and Solicitors systematically, but mixed the duties of Advocates and Solicitors.</p>
Q.2	<p>Candidates were required to discuss the roles of the Legal Profession Qualifying Board (LPQB), the Bar Council, and the Disciplinary Board in jointly upholding and maintaining the quality and standards of the legal profession in Malaysia.</p> <p>Candidates failed to direct their minds to the key questions, i.e. in what ways the combination of these Bodies, when considered in conjunction with their respective statutory roles, could jointly perform the important function of ensuring and maintaining the quality and standards of the legal profession in Malaysia.</p> <p>Many answers demonstrated a lack of understanding of the subject matter. Instead of providing analysis or explanation, candidates merely reproduced provisions from the Legal Profession Act 1976 ("LPA 1976") without offering any meaningful elaboration or insight into how these Bodies function in practice.</p> <p>Many candidates just copied the provisions without further elaboration or applying them to the question. For the Legal Profession Qualifying Board, most of the candidates did not discuss the membership of the Board. For the Bar Council, most of the candidates did not discuss the requirements for the admission of a person to the Bar and the provisions regulating the pupil-in-chambers or the Advocate and Solicitor. For the Disciplinary Board, the candidates did not elaborate on section 94 of the LPA 1976 clearly. The answers of the candidates should include the above issues.</p>

NO.	EXAMINERS' COMMENTS
<p>Q.3</p>	<p>This question required the candidates to give advice to a lawyer who had been disbarred and wanted to be reinstated to the Roll. Candidates were expected to explain the important role of the Bar Council in this process, refer to the correct Legal provisions and case law, and highlight the key factors that Courts consider when deciding whether to allow reinstatement. Candidates also needed to apply these laws to the specific facts and problems faced by the lawyer in question.</p> <p>Most candidates merely regurgitated the laws and statutory provisions without relating them to the facts in question, and hence digressed in answering the question. Many candidates did not fully understand the topic or how to apply legal principles to real-life scenarios.</p> <p>Candidates were not able to explain the process by which a person who has been struck off the Roll as an Advocate and Solicitor can restore his name to the Roll. The candidates also did not describe the application process and the mode of the Court process. The important role of the Bar Council in the process was also not described. The test and the factors, such as circumstances, subsequent conduct, sentence served, remorse, lapse of time, testimonies and restitution, all of which the Court would consider in respect of the application, were not stated by the candidates.</p> <p>Candidates were required to advise Manu on how he could be reinstated as an Advocate and Solicitor. Instead, some candidates answered on section 88 of the LPA 1976 as well as the appeal procedure of disciplinary proceedings.</p>
<p>Q.4</p>	<p>Candidates were required to advise Aboo as per the facts stated in the question.</p> <p>Part (a) of the question asked candidates to advise a Pupil-in-Chambers on several issues related to his pupillage. These included whether his pupillage could be shortened, if part-time pupillage is allowed, his right to appear in Court, whether he can wear a robe, and whether a complaint can be made against him to the Disciplinary Board. Candidates were also expected to consider his past unprofessional conduct as a Police Officer and assess whether it could lead to a misconduct complaint.</p> <p>Candidates were not able to identify and explain the issues, such as the shortening of pupillage, part-time pupillage, right of audience, wearing a robe, previous conduct as a Police Officer and that a complaint may be made against a Pupil.</p> <p>Candidates failed to identify the correct legal issues and did not apply the relevant laws to the facts provided. Some just stated the law but failed to explain how it fits the situation. Consequently, there was a lack of proper analysis and therefore did not meet the expected standard.</p> <p>Part (b) was a straightforward question. Candidates were asked to explain the meaning of a client's account, client's money, trust money, and who can be signatories to the client's account. These are basic concepts that every aspiring Legal Practitioner should understand and must know.</p> <p>Candidates were not able to explain what was a client's account, client's money, trust money and the basis upon which money could be withdrawn from a client's account. Candidates were at a loss as to who could be signatories to the client's account.</p> <p>Some candidates even wrote that the clients themselves could be signatories to the clients' account's cheques. It shows that the candidates did not understand the matter despite referring to the Solicitors' Account Rules 1990. Most of the candidates were confused between "clients' account" and "clients' money". Candidates should refer to the provisions in the Solicitors' Account Rules 1990 and explain the answers accordingly, such as Rule 2, Rule 7, or Rule 7A.</p>

NO.	EXAMINERS' COMMENTS
<p>Q.5</p>	<p>This was a problem-based question where candidates needed to decide on two issues: (a) whether the party in question had an indefeasible title to the land; and (b) whether the legal charge created in favour of the Bank was also indefeasible.</p> <p>For Question 5(a), instead of discussing whether Maju Company had an indefeasible title to the land, the majority of the candidates focused only on the issue of bare trust and omitted the legal concept of indefeasibility of title.</p> <p>Candidates had to carefully analyse the facts given and apply the relevant sections of the National Land Code, along with case law. However, many candidates were unable to do this. They did not apply the law properly to the scenario, which led to incorrect advice being given. Several candidates discussed the concept of bare trust, which was not relevant to the question at all. This shows a lack of understanding of the key legal issues involved.</p> <p>For Question 5(b), although generally the candidates were able to conclude that section 340(3) of the National Land Code would be applicable to Grand Bank and that the first-party legal charge created by Maju Company would be indefeasible, the candidates should also have explained whether Grand Bank was an immediate Purchaser or a subsequent Purchaser.</p>
<p>Q.6</p>	<p>In Question 6(a), candidates were required to identify the issues as to why the Land Office rejected Form 14A and to advise the Parties on how to resolve the issues. However, instead of focusing on the real problem, many candidates answered about unrelated topics such as land alienation and changes in the land use category. Some candidates managed to identify the correct issues but did not give proper advice and instead simply repeated the legal provisions without explaining how those laws applied to the situation.</p> <p>For Question 6(a), many candidates were able to identify the issues to be discussed. Unfortunately, most of the candidates did not cite case laws to support their answers. When required by the question, candidates should cite case laws to support the answers.</p> <p>In Question 6(b), candidates were requested to assess the issues and advise whether the Party could lodge a private caveat on the house title to protect its interest. Based on the facts, candidates were expected to explain that the Party did not have a caveatable interest since there was no valid contract between the Parties.</p> <p>Many candidates missed the key issues. Instead of focusing on whether the caveat was legally allowed, candidates discussed the procedure for lodging a private caveat, which was not the main issue in the question.</p>
<p>Q.7</p>	<p>This question required candidates to carefully assess the facts and provide proper legal advice based on the issues presented. In Question 7(a), candidates were expected to evaluate the situation and advise whether a private caveat or a lien holder's caveat should be lodged.</p> <p>Many Candidates failed to identify the key issues and gave incorrect advice. This shows a lack of understanding of the differences between the two types of caveats and when each is applicable.</p> <p>In Question 7(b), candidates were required to advise on how the Party could recover a loan amount. The correct approach was to explain that since a lien holder's caveat had already been lodged, the Party could proceed with a civil action, prove the debt, obtain a judgment, and then apply for an Order for Sale. At the auction, the Party could recover the amount owed from the proceeds.</p>

NO.	EXAMINERS' COMMENTS
	<p>Unfortunately, many candidates did not provide the correct sequence. Some even wrongly suggested transferring the property to the lender, which is not legally appropriate in this context.</p> <p>In question 7(c), candidates were required to advise that the Party cannot deposit the Issue Document of Title to create a lien in favour of another Party because he is not the registered proprietor of the land.</p> <p>The majority of candidates gave incorrect answers, showing a failure to fully understand the legal requirements or the facts provided.</p> <p>Overall, many candidates struggled to evaluate the facts properly and apply the correct legal principles. Their answers lacked depth, and several showed confusion about basic concepts under the National Land Code.</p>
<p>Q.8</p>	<p>This was the most unpopular question, and only a limited number of candidates answered this question.</p> <p>The question was direct and required candidates to explain the effects of a Bankruptcy Order, what steps follow after a Bankruptcy Order is made, how a bankrupt person can be discharged and the different types of discharge, and inability to pay debts under section 466(1) of the Companies Act 2016.</p> <p>Unfortunately, many answers fell short of expectations. Even though candidates were allowed to refer to the Insolvency Act 1967, many did not give proper explanations. Instead, some candidates just copied the law word-for-word without explaining what it means or how it applies to the situations. Candidates need to understand that simply copying legal provisions is not enough.</p> <p>For Question 8(b), most of the candidates did not understand the proceedings that take place consequent upon a Bankruptcy Order. Candidates should have discussed the obligations of the creditors to file Proof of Debts with the Director General of Insolvency ("DGI"), the filing of a Statement of Affairs by the Debtors, the need for a creditor's meeting and the Public Examination upon an application by the DGI.</p> <p>For Question 8(c), generally, candidates were able to identify the types of discharge; i.e. automatic discharge, discharge by Certificate of the DGI and discharge by Court Order. Unfortunately, candidates did not further explain the types of discharge clearly. Instead of merely citing the provisions in the Insolvency Act 1967, candidates should have explained and applied them clearly.</p> <p>Candidates were taken by surprise by Question 8(d), which was in relation to section 466(1) of the Companies Act 2016.</p> <p>For Question 8(d), the candidates did not understand the meaning of "inability to pay debts" under section 466(1) of the Companies Act 2016. Some candidates even cited provisions in the Insolvency Act 1967.</p>
<p>Q.9</p>	<p>This was another unpopular question.</p> <p>The question was fairly standard as it dealt with matters relating to "Small Estate". The solution to the problem could readily be traced to the Small Estate (Distribution) Act 1955. This was a fact-based and direct question. Candidates were required to explain the concept of Small Estates, the process and procedures for applying for a Grant of Letter of Administration in relation to a Small Estate, the handling of collateral disputes by the Estate Distribution Officer, and whether the Officer has the authority to order the sale of any property to settle outstanding debts.</p>

NO.	EXAMINERS' COMMENTS
	<p>Candidates were required to provide answers relating to Small Estate. Instead, candidates provided answers on how to apply for Letters of Administration in the High Court pursuant to Order 71 of the Rules of Court 2012.</p> <p>For Question 9(a), many candidates did not refer to section 3 of the Small Estates (Distribution) Act 1955 to explain the definition of a Small Estate. Some candidates even stated that a Small Estate refers to any property situated in any State and not exceeding RM2 million in total value. This shows that the candidates lacked understanding of the topic.</p> <p>For Question 9(b), the majority of the candidates failed to refer to section 8(1) of the Small Estates (Distribution) Act 1955 and failed to explain the Petition in Form A and the roles of the Estate Distribution Officer. The majority of candidates mentioned provisions in the Rules of Court 2012 and stated that the application for the grant of a Letter of Administration should be handled by the High Court. Candidates should have referred to section 8(1) of the Small Estates (Distribution) Act 1955 and explained the Petition in Form A and the roles of the Estate Distribution Officer.</p> <p>For Question 9(c), the majority of candidates were confused about the meaning of a collateral dispute. Candidates failed to refer to section 14(2) of the Small Estates (Distribution) Act 1955 and explain that in the case of any collateral dispute, the Estate Distribution Officer shall issue notice to all Parties.</p> <p>For Question 9(d), although most candidates mentioned that the Estate Distribution Officer can make any Order for the sale of any of the properties for the purpose of settling the debts of the estate, many candidates failed to provide the proper legal authority/provision in the Small Estates (Distribution) Act 1955 to support the answer.</p> <p>Unfortunately, the overall performance of candidates answering this Question was disappointing.</p>

2. General observations

- 2.1 Most candidates still failed to read the questions and answer what was required on specific issues.
- 2.2 Generally, candidates could identify issues but failed to apply the relevant law to the facts.
- 2.3 A significant minority of candidates could not answer all the questions within the prescribed time.
- 2.4 Regretfully, almost 50% of the candidates did not study or prepare for the examination.

3. Recommendations for candidates

- 3.1 Candidates need to study all areas of law for knowledge and to understand that it will be very useful in their actual professional practice later in their legal practice. The candidates' mindset that these are just subjects that they need to study to PASS the CLP exam has to change. Candidates need to study these subjects for actual practical knowledge and future reference in their professional practice.
- 3.2 Candidates should read, understand and answer the questions accordingly. Candidates should not answer the question by regurgitating everything on the said area without applying it to the question.
- 3.3 To improve overall performance, candidates should focus on developing stronger analytical and application skills. This means learning how to identify the key legal issues in a question and thinking critically about how to approach them. Rather than simply memorising legal rules, candidates should practice applying those rules to different factual scenarios. Using structured methods like IRAC (Issue, Rule, Application, Conclusion) can help organise their thoughts and present clear, logical answers.
- 3.4 Candidates should also work on understanding the law, not just quoting it. Copying statutory provisions without explaining their meaning or relevance does not demonstrate comprehension. Instead, candidates should aim to interpret the law in their own words and explain how it applies to the facts given. Similarly, when using case law, candidates should choose relevant cases and explain why those cases matter, comparing the facts and outcomes to the question at hand.

ooOoo