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12 July 2019
P.U. (A) 190

WARTA KERAJAAN PERSEKUTUAN

*FEDERAL GOVERNMENT
GAZETTE*

KAEDAH-KAEDAH MAHKAMAH (PINDAAN) 2019

RULES OF COURT (AMENDMENT) 2019

DISIARKAN OLEH/
PUBLISHED BY
JABATAN PEGUAM NEGARA/
ATTORNEY GENERAL'S CHAMBERS

AKTA MAHKAMAH KEHAKIMAN 1964

AKTA KAEDAH-KAEDAH MAHKAMAH RENDAH 1955

KAEDAH-KAEDAH MAHKAMAH (PINDAAN) 2019

PADA menjalankan kuasa yang diberikan oleh seksyen 17 Akta Mahkamah Kehakiman 1964 [*Akta 91*] dan seksyen 4 Akta Kaedah-Kaedah Mahkamah Rendah 1955 [*Akta 55*], dan dengan persetujuan Hakim Besar Mahkamah Tinggi di Malaya dan Hakim Besar Mahkamah Tinggi di Sabah dan Sarawak, Jawatankuasa Kaedah-Kaedah dan Jawatankuasa Kaedah-Kaedah Mahkamah Rendah membuat kaedah-kaedah yang berikut:

Nama dan permulaan kuat kuasa

1. (1) Kaedah-kaedah ini bolehlah dinamakan **Kaedah-Kaedah Mahkamah (Pindaan) 2019**.

(2) Kaedah-Kaedah ini mula berkuat kuasa pada 15 Julai 2019.

Pindaan Aturan 34

2. Kaedah-Kaedah Mahkamah 2012 [*P.U. (A) 205/2012*], yang disebut “Kaedah-Kaedah ibu” dalam Kaedah-Kaedah ini, dipinda dalam Aturan 34 dengan menggantikan kaedah 10(2) dengan kaedah yang berikut:

“(2) Jika subperenggan (1)(b) terpakai bagi lebih daripada satu pihak, laporan itu hendaklah dizahirkan dengan pertukaran bersaling dalam masa yang diarahkan oleh Mahkamah.”.

Pindaan Aturan 55

3. Aturan 55 Kaedah-Kaedah ibu dipinda—

(a) dalam kaedah 4(1), dengan memasukkan selepas perkataan “bilangan salinan rekod rayuan yang diperlukan” perkataan “di Mahkamah Tinggi”; dan

- (b) dalam kaedah 5(3), dengan memasukkan selepas perkataan “di Mahkamah Tinggi” perkataan “dan menyampaikan kepada setiap responden suatu salinan rekod rayuan itu”.

Pindaan Aturan 55A

4. Aturan 55A Kaedah-Kaedah ibu dipinda dalam kaedah 1(4), dengan memasukkan selepas perkataan “saman pemula itu hendaklah disampaikan” perkataan “dalam masa yang dihadkan untuk memfailkan rayuan”.

Pindaan Aturan 90

5. Aturan 90 Kaedah-Kaedah ibu dipinda—

- (a) dalam kaedah 6—

- (i) dalam nota bahu, dengan menggantikan perkataan “**Bunga ke atas wang yang diserahkan ke dalam Mahkamah**” dengan perkataan “**Wang yang didepositkan ke dalam Mahkamah**”;

- (ii) dengan menggantikan perenggan (1) dengan perenggan yang berikut:

“(1) Apa-apa wang yang didepositkan ke dalam Mahkamah hendaklah dipegang tanpa mengakru apa-apa bunga.”;

- (iii) dengan memotong perenggan (2); dan

- (iv) dengan menomborkan semula perenggan (3) sedia ada sebagai perenggan (2); dan

- (b) dengan memotong kaedah 7.

Pindaan Lampiran A

6. Lampiran A Kaedah-Kaedah ibu dipinda, dalam Borang 38, dengan menggantikan perkataan “Aturan 24, kaedah 2 (atau perintah dalam tindakan ini yang bertarikh hari bulan 20.....)” dengan perkataan “perintah dalam tindakan ini yang bertarikh hari bulan 20.....”.

Dibuat 22 Mac 2019

[PKPMP.BD/100-1/4/1; PN(PU2)153/XVIII]

Jawatankuasa Kaedah-Kaedah:

TAN SRI DATUK SERI PANGLIMA RICHARD MALANJUM
Ketua Hakim Negara, Malaysia

TAN SRI DATO' SRI AHMAD BIN HJ. MAAROP
Presiden Mahkamah Rayuan, Malaysia

TAN SRI ZAHARAH BINTI IBRAHIM
Hakim Besar Mahkamah Tinggi di Malaya

DATUK SERI PANGLIMA DAVID WONG DAK WAH
Hakim Besar Mahkamah Tinggi di Sabah dan Sarawak

DATO' AMARJEET SINGH A/L SERJIT SINGH
Bagi pihak Peguam Negara, Malaysia

DATO' SETIA HAJI MOHD ZAWAWI BIN SALLEH
Hakim Mahkamah Persekutuan

DATUK HASNAH BINTI DATO' MOHAMMED HASHIM
Hakim Mahkamah Rayuan

DATUK HAJAH AZIZAH BINTI HJ. NAWAWI
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TUAN RAVINTHRAN N. PARAMAGURU
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TUAN AHMAD KAMAR BIN JAMALUDIN
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ENCIK BRENNON KEITH SOH
Peguam bela, Sabah

ENCIK RANBIR SINGH SANGHA
Peguam bela, Sarawak

Jawatankuasa Kaedah-Kaedah Mahkamah Rendah:

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Ketua Hakim Negara, Malaysia

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Peguam bela, Sabah

ENCIK RANBIR SINGH SANGHA
Peguam bela, Sarawak

[Akan dibentangkan di Dewan Rakyat menurut subseksyen 17(5) Akta Mahkamah Kehakiman 1964 dan seksyen 8 Akta Kaedah-Kaedah Mahkamah Rendah 1955]

COURTS OF JUDICATURE ACT 1964
SUBORDINATE COURTS RULES ACT 1955
RULES OF COURT (AMENDMENT) 2019

IN exercise of the powers conferred by section 17 of the Courts of Judicature Act 1964 [Act 91] and section 4 of the Subordinate Courts Rules Act 1955 [Act 55], and with the consent of the Chief Judge of the High Court in Malaya and the Chief Judge of the High Court in Sabah and Sarawak, the Rules Committee and the Subordinate Courts Rules Committee make the following rules:

Citation and commencement

1. (1) These rules may be cited as the **Rules of Court (Amendment) 2019**.
- (2) These Rules come into operation on 15 July 2019.

Amendment of Order 34

2. The Rules of Court 2012 [*P.U. (A) 205/2012*], which are referred to as the “principal Rules” in these Rules, are amended in Order 34 by substituting for rule 10(2) the following rule:

“(2) Where subparagraph (1)(b) applies to more than one party, the reports shall be disclosed by mutual exchange within the time directed by the Court.”.

Amendment of Order 55

3. Order 55 of the principal Rules are amended—
 - (a) in rule 4(1), by inserting after the words “the requisite number of copies of the record of appeal” the words “in the High Court”; and
 - (b) in rule 5(3), by inserting after the words “in the High Court” the words “and serve each respondent with a copy of such record of appeal”.

Amendment of Order 55A

4. Order 55A of the principal Rules is amended in rule 1(4), by inserting after the words “the originating summons shall be served” the words “within the time limited for the filing of the appeal”.

Amendment of Order 90

5. Order 90 of the principal Rules are amended—

(a) in rule 6—

(i) in the shoulder note, by substituting for the words “**Interest on money lodged in court**” the words “**Money deposited in court**”;

(ii) by substituting for paragraph (1) the following paragraph:

“(1) Any money deposited in Court shall be held without accruing any interest.”;

(iii) by deleting paragraph (2); and

(iv) by renumbering the existing paragraph (3) as paragraph (2); and

(b) by deleting rule 7.

Amendment of Appendix A

6. Appendix A of the principal Rules is amended, in Form 38, by substituting for the words “Order 24, rule 2 (or the order herein dated the day of 20)” the words “the order herein dated the day of 20”.

Made 22 March 2019

[PKPMP.BD/100-1/4/1; PN(PU2)153/XVIII]

Rules Committee:

TAN SRI DATUK SERI PANGLIMA RICHARD MALANJUM
Chief Justice, Malaysia

TAN SRI DATO' SRI AHMAD BIN HJ. MAAROP
President of the Court of Appeal, Malaysia

TAN SRI ZAHARAH BINTI IBRAHIM
Chief Judge of the High Court in Malaya

DATUK SERI PANGLIMA DAVID WONG DAK WAH
Chief Judge of the High Court in Sabah and Sarawak

DATO' AMARJEET SINGH A/L SERJIT SINGH
On behalf of the Attorney General, Malaysia

DATO' SETIA HAJI MOHD ZAWAWI BIN SALLEH
Judge of the Federal Court

DATUK HASNAH BINTI DATO' MOHAMMED HASHIM
Judge of the Court of Appeal

DATUK HAJAH AZIZAH BINTI HJ. NAWAWI
Judge of the High Court in Malaya

TUAN RAVINTHRAN N. PARAMAGURU
Judge of the High Court in Sabah and Sarawak

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Advocate, Sabah

ENCIK RANBIR SINGH SANGHA
Advocate, Sarawak

Subordinate Courts Rules Committee:

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Chief Justice, Malaysia

TAN SRI DATO' SRI AHMAD BIN HJ. MAAROP
President of the Court of Appeal, Malaysia

TAN SRI ZAHARAH BINTI IBRAHIM
Chief Judge of the High Court in Malaya

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Advocate, Sabah

ENCIK RANBIR SINGH SANGHA
Advocate, Sarawak

[To be laid before the Dewan Rakyat pursuant to subsection 17(5) of the Courts of Judicature Act 1964 and section 8 of the Subordinate Courts Rules Act 1955]