



7 Februari 2018
7 February 2018
P.U. (A) 25

WARTA KERAJAAN PERSEKUTUAN

FEDERAL GOVERNMENT GAZETTE

KAEDAH-KAEDAH MAHKAMAH PERSEKUTUAN (PINDAAN) 2018

RULES OF THE FEDERAL COURT (AMENDMENT) 2018

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

AKTA MAHKAMAH KEHAKIMAN 1964

KAEDAH-KAEDAH MAHKAMAH PERSEKUTUAN (PINDAAN) 2018

PADA menjalankan kuasa yang diberikan oleh seksyen 17 Akta Mahkamah Kehakiman 1964 [*Akta 91*] dan dengan persetujuan Ketua Hakim Negara, Jawatankuasa Kaedah-Kaedah membuat kaedah-kaedah yang berikut:

Nama dan permulaan kuat kuasa

1. (1) Kaedah-kaedah ini bolehlah dinamakan **Kaedah-Kaedah Mahkamah Persekutuan (Pindaan) 2018**.

(2) Kaedah-Kaedah ini mula berkuat kuasa pada 1 Mac 2018.

Pindaan am

2. Kaedah-Kaedah Mahkamah Persekutuan 1995 [*P.U. (A) 376/1995*], yang disebut “Kaedah-Kaedah ibu” dalam Kaedah-Kaedah ini, dipinda dengan menggantikan perkataan “Kuala Lumpur” di mana-mana jua terdapat dengan perkataan “Putrajaya”.

Pindaan kaedah 3

3. Kaedah 3 Kaedah-Kaedah ibu dipinda dengan memasukkan sebelum perkataan “Court of Appeal” perkataan “the”.

Pindaan kaedah 12

4. Kaedah 12 Kaedah-Kaedah ibu dipinda dengan menggantikan perkataan “affected” dengan perkataan “effected”.

Pindaan kaedah 20

5. Kaedah 20 Kaedah-Kaedah ibu dipinda—

(a) dengan menggantikan subkaedah (1) dengan subkaedah yang berikut:

“(1) The petitioner, shall within fourteen days after the filing of the written statement of defence, take out a summons in Form 2A (in these Rules referred to as a summons for directions) returnable in not less than fourteen days.”; dan

(b) dalam subkaedah (3), dengan menggantikan perkataan “paragraph” dengan perkataan “subrule”.

Pindaan kaedah 21A

6. Kaedah 21A Kaedah-Kaedah ibu dipinda dengan menggantikan perkataan “this Order” di mana-mana jua terdapat dengan perkataan “these Rules”.

Pindaan kaedah 21B

7. Kaedah 21B Kaedah-Kaedah ibu dipinda—

(a) dalam subkaedah (1)—

(i) dengan menggantikan perkataan “properly to” dengan perkataan “to properly”; dan

(ii) dengan menggantikan perkataan “paragraph” di mana-mana jua terdapat dengan perkataan “subrule”;

(b) dengan menggantikan subkaedah (2) dengan subkaedah yang berikut:

“(2) Where the Court has required any information to be given or documents to be produced under subrule (1), the Court may, if it appears proper so to do in the circumstances, authorize any such information or documents to be given or produced to the Court without being disclosed to the other parties but, in the absence of such authority, any information or document given or produced under subrule (1) shall

be given or produced to all the parties present or represented on the hearing of the summons as well as to the Court.”;

(c) dalam subkaedah (3)—

(i) dengan menggantikan perkataan “paragraph” dengan perkataan “subrule”; dan

(ii) dengan menggantikan perkataan “these rules” dengan perkataan “this Part”; dan

(d) dalam subkaedah (4), dengan menggantikan perenggan (b) dengan perenggan yang berikut:

“(b) if it appears to the Court to be just so to do, order the whole or any part of the pleadings of the party concerned to be struck out and, if the party is the petitioner or the claimant under a counterclaim, order the action or counterclaim to be dismissed on such terms as may be just.”.

Pindaan kaedah 31

8. Kaedah 31 Kaedah-Kaedah ibu dipinda dengan menggantikan subkaedah (1) dengan subkaedah yang berikut:

“(1) Where in any proceedings in any court subordinate to a High Court a question arises as to the effect of any provision of the Constitution the presiding officer of such Court shall forthwith stay the proceedings and shall send the record to the Registrar of the High Court.”.

Pindaan kaedah 33

9. Subkaedah 33(3) Kaedah-Kaedah ibu dipinda dengan menggantikan perkataan “the Rule” dengan perkataan “this rule”.

Pindaan kaedah 34

10. Subkaedah 34(1) Kaedah-Kaedah ibu dipinda dengan menggantikan perkataan “rule 34” dengan perkataan “rule 33”.

Pindaan kaedah 36

11. Subkaedah 36(1) Kaedah-Kaedah ibu dipinda dengan menggantikan perkataan “this rule” dengan perkataan “these Rules”.

Pindaan kaedah 39

12. Kaedah 39 Kaedah-Kaedah ibu dipinda dengan memotong perkataan “which shall not be subject to any stamp duty,”.

Pindaan kaedah 47

13. Kaedah 47 Kaedah-Kaedah ibu dipinda dengan menggantikan subkaedah (1) dengan subkaedah yang berikut:

“(1) An appeal to the Court shall be brought by giving notice of appeal which shall be filed—

(a) within thirty days from the date on which the decision appealed against was given in cases where leave to appeal is not required; or

(b) within fourteen days from the date leave to appeal was granted in cases where leave to appeal is required,

or within such further time as the Court may allow under rule 108.”.

Pindaan kaedah 49

14. Kaedah 49 Kaedah-Kaedah ibu dipinda dengan menggantikan subkaedah (1) dengan subkaedah yang berikut:

“(1) Notice of cross-appeal shall be substantially in Form 4 in the First Schedule to these Rules, and must be filed at the Registry within fourteen days from the date on which the notice of appeal was served on the respondent or within such further time as the Court may allow under rule 108.”.

Pindaan kaedah 56

15. Kaedah 56 Kaedah-Kaedah ibu dipinda—

(a) dengan menggantikan subkaedah (1) dengan subkaedah yang berikut:

“(1) Notice of appeal may be given by filing within the time limited for bringing the appeal six copies of the Notice of Appeal in the Registry of the Court of Appeal and a copy in the Registry, and by paying the prescribed fee.”;

(b) dengan memasukkan selepas subkaedah (1) subkaedah yang berikut:

“(1A) The Court may, on the application by the respondent, in any case where it thinks fit, order security for costs to be given, and may order security to be given for the payment of past costs relating to the matters in question in the appeal:

Provided that no order for the payment of security for costs shall be made if the appeal is brought by the Government of Malaysia or any State Government.”; dan

(c) dalam subkaedah (3), dengan memotong perkataan “and on the security required by paragraph (1) of this rule being lodged in Court”.

Pindaan kaedah 57

16. Kaedah 57 Kaedah-Kaedah ibu dipinda dengan menggantikan subkaedah (6) dengan subkaedah yang berikut:

“(6) The memorandum and copies referred to above, which, together shall be called the record of appeal, shall be filed at the Registry within ninety days—

(a) from the date on which the decision appealed against was given in cases where leave to appeal is not required; or

(b) from the date leave to appeal was granted in cases where leave to appeal is required,

or within such further time as the Court may allow.”.

Pindaan kaedah 66

17. Kaedah 66 Kaedah-Kaedah ibu dipinda dengan menggantikan subkaedah (2) dengan subkaedah yang berikut:

“(2) A notice of motion shall be substantially in Form 6 in the First Schedule to these Rules and must be supported by an affidavit.”.

Pindaan kaedah 75

18. Kaedah 75 Kaedah-Kaedah ibu dipinda dengan memotong koma selepas perkataan “appeal”.

Pindaan kaedah 76

19. Kaedah 76 Kaedah-Kaedah ibu dipinda—

(a) dengan memotong koma selepas perkataan “application”; dan

(b) dengan memasukkan koma selepas perkataan “summons”.

Pindaan kaedah 79

20. Kaedah 79 Kaedah-Kaedah ibu dipinda dengan menggantikan perkataan “thereby. But” dengan perkataan “thereby; but”.

Pindaan kaedah 80

21. Kaedah 80 Kaedah-Kaedah ibu dipinda dengan memasukkan sebelum perkataan “or” perkataan “adjourn”.

Pindaan kaedah 90

22. Kaedah 90 Kaedah-Kaedah ibu dipinda dengan menggantikan perkataan “to the Registrar of the Court” dengan perkataan “to the Registrar”.

Pindaan kaedah 91

23. Kaedah 91 Kaedah-Kaedah ibu dipinda—

(a) dalam subkaedah (1), dengan menggantikan perkataan “to the Registrar of the Court” dengan perkataan “to the Registrar”; dan

(b) dalam subkaedah (2), dengan menggantikan perkataan “by the Registrar of the Court” dengan perkataan “by the Registrar”.

Pindaan kaedah 96

24. Kaedah 96 Kaedah-Kaedah ibu dipinda dengan menggantikan perkataan “Registrar of the Court” dengan perkataan “Registrar”.

Pindaan kaedah 99

25. Subkaedah 99(2) Kaedah-Kaedah ibu dipinda dengan menggantikan perkataan “Registrar of the Court” di mana-mana jua terdapat dengan perkataan “Registrar”.

Pemotongan subkaedah 107(4)

26. Kaedah 107 Kaedah-Kaedah ibu dipinda dengan memotong subkaedah (4).

Penggantian Jadual Kedua

27. Kaedah-Kaedah ibu dipinda dengan menggantikan Jadual Kedua dengan Jadual yang berikut:

"SECOND SCHEDULE

Court Fees

(rule 86)

	RM
1. Notice of Appeal and Cross-Appeal	1,500.00
2. Any interlocutory application	200.00
3. Memorandum of Appeal	200.00
4. On application to prepare an Index	50.00
5. (a) Order on any interlocutory application	200.00
(b) Final order on appeal	300.00
6. Petition	500.00
7. Notice of Petition	200.00
8. Notice of Motion for leave to appeal	1,500.00
9. Notice of Motion other than for leave to appeal	200.00
10. Summons for Direction	100.00
11. Amended Petition or Notice of Motion	100.00
12. Search Fee	30.00
13. Photostat Copy (per pages)	4.00
14. Affidavit	20.00
15. Supplementary Appeal Record	50.00
16. Notice of Discontinuance	20.00
17. Certificate of Urgency	100.00
18. Certified true copy of order (one set)	4.00

RM

- | | | |
|-----|--|-------------|
| 19. | Motion for review application against an order refusing leave— | |
| | (a) First motion | 2,000.00 |
| | (b) Subsequent motion against the same decision | 4,000.00 |
| 20. | Motion for review against decision in full appeal— | |
| | (a) First motion | 3,000.00 |
| | (b) Subsequent motion against the same decision | 6,000.00 ”. |

Dibuat 7 Februari 2018
[PKPMP.BD/100-1/4/5; PN(PU2)323]

Jawatankuasa Kaedah-Kaedah:

TUN MD RAUS BIN SHARIF
Ketua Hakim Negara, Malaysia

TAN SRI DATO' SERI ZULKEFLI BIN AHMAD MAKINUDIN
Presiden Mahkamah Rayuan, Malaysia

TAN SRI DATUK WIRA AHMAD BIN HJ. MAAROP
Hakim Besar Mahkamah Tinggi di Malaya

TAN SRI DATUK SERI PANGLIMA RICHARD MALANJUM
Hakim Besar Mahkamah Tinggi di Sabah dan Sarawak

TAN SRI DATO' SRI HAJI MOHAMED APANDI BIN ALI
Peguam Negara, Malaysia

TAN SRI ZAHARAH BINTI IBRAHIM
Hakim Mahkamah Persekutuan

DATO' SETIA HAJI MOHD ZAWAWI BIN SALLEH
Hakim Mahkamah Rayuan

DATUK HAJAH AZIZAH BINTI HJ. NAWAWI
Hakim Mahkamah Tinggi di Malaya

TUAN RAVINTHRAN N. PARAMAGURU
Hakim Mahkamah Tinggi di Sabah dan Sarawak

TUAN AHMAD KAMAR BIN JAMALUDIN
Hakim Kanan Mahkamah Sesyen, Kuala Lumpur

ENCIK GEORGE VARUGHESE
Peguam bela, Semenanjung Malaysia

ENCIK BRENNON KEITH SOH
Peguam bela, Sabah

ENCIK RANBIR SINGH SANGHA
Peguam bela, Sarawak

*[Akan dibentangkan di Dewan Rakyat menurut subseksyen 17(5) Akta Mahkamah
Kehakiman 1964]*

COURTS OF JUDICATURE ACT 1964

RULES OF THE FEDERAL COURT (AMENDMENT) 2018

IN exercise of the powers conferred by section 17 of the Courts of Judicature Act 1964 [Act 91] and with consent of the Chief Justice, the Rules Committee makes the following rules:

Citation and commencement

1. (1) These rules may be cited as the **Rules of the Federal Court (Amendment) 2018**.

(2) These Rules come into operation on 1 March 2018.

General amendment

2. The Rules of the Federal Court 1995 [*P.U. (A) 376/1995*], which are referred to as the “principal Rules” in these Rules, are amended by substituting for the words “Kuala Lumpur” wherever appearing the word “Putrajaya”.

Amendment of rule 3

3. Rule 3 of the principal Rules is amended by inserting before the words “Court of Appeal” the word “the”.

Amendment of rule 12

4. Rule 12 of the principal Rules is amended by substituting for the word “affected” the word “effected”.

Amendment of rule 20

5. Rule 20 of the principal Rules is amended—

(a) by substituting for subrule (1) the following subrule:

“(1) The petitioner, shall within fourteen days after the filing of the written statement of defence, take out a summons in Form 2A (in these Rules referred to as a summons for directions) returnable in not less than fourteen days.”; and

(b) in subrule (3), by substituting for the word “paragraph” the word “subrule”.

Amendment of rule 21A

6. Rule 21A of the principal Rules is amended by substituting for the words “this Order” wherever appearing the words “these Rules”.

Amendment of rule 21B

7. Rule 21B of the principal Rules is amended—

(a) in subrule (1)—

(i) by substituting for the words “properly to” the words “to properly”; and

(ii) by substituting for the word “paragraph” wherever appearing the word “subrule”;

(b) by substituting for subrule (2) the following subrule:

“(2) Where the Court has required any information to be given or documents to be produced under subrule (1), the Court may, if it appears proper so to do in the circumstances, authorize any such information or documents to be given or produced to the Court without being disclosed to the other parties but, in the absence of such authority, any information or document given or produced under subrule (1) shall

be given or produced to all the parties present or represented on the hearing of the summons as well as to the Court.”;

(c) in subrule (3)—

(i) by substituting for the word “paragraph” the word “subrule”; and

(ii) by substituting for the words “these rules” the words “this Part”;
and

(d) in subrule (4), by substituting for paragraph (b) the following paragraph:

“(b) if it appears to the Court to be just so to do, order the whole or any part of the pleadings of the party concerned to be struck out and, if the party is the petitioner or the claimant under a counterclaim, order the action or counterclaim to be dismissed on such terms as may be just.”.

Amendment of rule 31

8. Rule 31 of the principal Rules is amended by substituting for subrule (1) the following subrule:

“(1) Where in any proceedings in any court subordinate to a High Court a question arises as to the effect of any provision of the Constitution the presiding officer of such Court shall forthwith stay the proceedings and shall send the record thereof to the Registrar of the High Court.”.

Amendment of rule 33

9. Subrule 33(3) of the principal Rules is amended by substituting for the words “the Rule” the words “this rule”.

Amendment of rule 34

10. Subrule 34(1) of the principal Rules is amended by substituting for the words “rule 34” the words “rule 33”.

Amendment of rule 36

11. Subrule 36(1) of the principal Rules is amended by substituting for the words “this rule” the words “these Rules”.

Amendment of rule 39

12. Rule 39 of the principal Rules is amended by deleting the words “which shall not be subject to any stamp duty,”.

Amendment of rule 47

13. Rule 47 of the principal Rules is amended by substituting for subrule (1) the following subrule:

“(1) An appeal to the Court shall be brought by giving notice of appeal which shall be filed—

(a) within thirty days from the date on which the decision appealed against was given in cases where leave to appeal is not required; or

(b) within fourteen days from the date leave to appeal was granted in cases where leave to appeal is required,

or within such further time as the Court may allow under rule 108.”.

Amendment of rule 49

14. Rule 49 of the principal Rules is amended by substituting for subrule (1) the following subrule:

“(1) Notice of cross-appeal shall be substantially in Form 4 in the First Schedule to these Rules, and must be filed at the Registry within fourteen days from the date on which the notice of appeal was served on the respondent or within such further time as the Court may allow under rule 108.”.

Amendment of rule 56

15. Rule 56 of the principal Rules is amended—

(a) by substituting for subrule (1) the following subrule:

“(1) Notice of appeal may be given by filing within the time limited for bringing the appeal six copies of the Notice of Appeal in the Registry of the Court of Appeal and a copy in the Registry, and by paying the prescribed fee.”;

(b) by inserting after subrule (1) the following subrule:

“(1A) The Court may, on the application by the respondent, in any case where it thinks fit, order security for costs to be given, and may order security to be given for the payment of past costs relating to the matters in question in the appeal:

Provided that no order for the payment of security for costs shall be made if the appeal is brought by the Government of Malaysia or any State Government.”; and

(c) in subrule (3), by deleting the words “and on the security required by paragraph (1) of this rule being lodged in Court”.

Amendment of rule 57

16. Rule 57 of the principal Rules is amended by substituting for subrule (6) the following subrule:

“(6) The memorandum and copies referred to above, which, together shall be called the record of appeal, shall be filed at the Registry within ninety days—

(a) from the date on which the decision appealed against was given in cases where leave to appeal is not required; or

(b) from the date leave to appeal was granted in cases where leave to appeal is required,

or within such further time as the Court may allow.”.

Amendment of rule 66

17. Rule 66 of the principal Rules is amended by substituting for subrule (2) the following subrule:

“(2) A notice of motion shall be substantially in Form 6 in the First Schedule to these Rules and must be supported by an affidavit.”.

Amendment of rule 75

18. Rule 75 of the principal Rules is amended by deleting a comma after the word “appeal”.

Amendment of rule 76

19. Rule 76 of the principal Rules is amended—

(a) by deleting a comma after the word “application”; and

(b) by inserting a comma after the word “summons”.

Amendment of rule 79

20. Rule 79 of the principal Rules is amended by substituting for the words “thereby. But” the words “thereby; but”.

Amendment of rule 80

21. Rule 80 of the principal Rules is amended by inserting before the word “or” the word “adjourn”.

Amendment of rule 90

22. Rule 90 of the principal Rules is amended by substituting for the words “to the Registrar of the Court” the words “to the Registrar”.

Amendment of rule 91

23. Rule 91 of the principal Rules is amended—

(a) in subrule (1), by substituting for the words “to the Registrar of the Court” the words “to the Registrar”; and

(b) in subrule (2), by substituting for the words “by the Registrar of the Court” the words “by the Registrar”.

Amendment of rule 96

24. Rule 96 of the principal Rules is amended by substituting for the words “Registrar of the Court” the word “Registrar”.

Amendment of rule 99

25. Subrule 99(2) of the principal Rules is amended by substituting for the words “Registrar of the Court” wherever appearing the word “Registrar”.

Deletion of subrule 107(4)

26. Rule 107 of the principal Rules is amended by deleting subrule (4).

Substitution of Second Schedule

27. The principal Rules are amended by substituting for the Second Schedule the following Schedule:

“SECOND SCHEDULE

Court Fees

(rule 86)

		RM
1.	Notice of Appeal and Cross-Appeal	1,500.00
2.	Any interlocutory application	200.00
3.	Memorandum of Appeal	200.00
4.	On application to prepare an Index	50.00
5.	(a) Order on any interlocutory application	200.00
	(b) Final order on appeal	300.00
6.	Petition	500.00
7.	Notice of Petition	200.00
8.	Notice of Motion for leave to appeal	1,500.00
9.	Notice of Motion other than leave to appeal	200.00
10.	Summons for Direction	100.00
11.	Amended Petition or Notice of Motion	100.00
12.	Search Fee	30.00
13.	Photostat Copy (per pages)	4.00
14.	Affidavit	20.00
15.	Supplementary Appeal Record	50.00
16.	Notice of Discontinuance	20.00
17.	Certificate of Urgency	100.00
18.	Certified true copy of order (one set)	4.00
19.	Motion for review application against an order refusing leave—	

RM

	<i>(a)</i> First motion	2,000.00
	<i>(b)</i> Subsequent motion against the same decision	4,000.00
20.	Motion for review against decision in full appeal—	
	<i>(a)</i> First motion	3,000.00
	<i>(b)</i> Subsequent motion against the same decision	6,000.00 ”.

Made 7 February 2018
 [PKPMP.BD/100-1/4/5; PN(PU2)323]

Rules Committee:

TUN MD RAUS BIN SHARIF
Chief Justice, Malaysia

TAN SRI DATO' SERI ZULKEFLI BIN AHMAD MAKINUDIN
President of the Court of Appeal, Malaysia

TAN SRI DATUK WIRA AHMAD BIN HJ. MAAROP
Chief Judge of the High Court in Malaya

TAN SRI DATUK SERI PANGLIMA RICHARD MALANJUM
Chief Judge of the High Court in Sabah and Sarawak

TAN SRI DATO' SRI HAJI MOHAMED APANDI BIN ALI
Attorney General, Malaysia

TAN SRI ZAHARAH BINTI IBRAHIM
Judge of the Federal Court

DATO' SETIA HAJI MOHD ZAWAWI BIN SALLEH
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

TUAN AHMAD KAMAR BIN JAMALUDIN
Senior Sessions Court Judge, Kuala Lumpur

ENCIK GEORGE VARUGHESE
Advocate, Peninsular Malaysia

ENCIK BRENNNDON KEITH SOH
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]*