



1 Ogos 2012  
1 August 2012  
P.U. (A) 234

WARTA KERAJAAN PERSEKUTUAN

*FEDERAL GOVERNMENT  
GAZETTE*

KAEDAH-KAEDAH MAHKAMAH RAYUAN  
(PINDAAN) 2012

*RULES OF THE COURT OF APPEAL  
(AMENDMENT) 2012*



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

AKTA MAHKAMAH KEHAKIMAN 1964

KAEDAH-KAEDAH MAHKAMAH RAYUAN (PINDAAN) 2012

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 Rayuan (Pindaan) 2012**.

(2) Kaedah-Kaedah ini mula berkuat kuasa pada 1 Ogos 2012.

**Penggantian kaedah 4**

2. Kaedah-Kaedah Mahkamah Rayuan 1994 [*P.U. (A) 524/1994*], yang disebut "Kaedah-Kaedah ibu" dalam Kaedah-Kaedah ini, dipinda dengan menggantikan kaedah 4 dengan kaedah yang berikut:

"Pemakaian  
Kaedah-Kaedah  
Mahkamah 2012.  
*P.U. (A) 205/2012.*

4. Jika tiada peruntukan lain dibuat oleh mana-mana undang-undang bertulis atau oleh Kaedah-Kaedah ini, prosedur dan amalan dalam Kaedah-Kaedah Mahkamah 2012 hendaklah terpakai *mutatis mutandis*."

**Pindaan kaedah 18**

3. Kaedah 18 Kaedah-Kaedah ibu dipinda

(a) dalam subkaedah (7), dengan memotong perkataan "atau dalam apa-apa masa lanjutan yang dibenarkan oleh Mahkamah"; dan

(b) dengan memasukkan selepas subkaedah (7) subkaedah yang berikut:

" (7A) Walau apa pun subkaedah (7), sekiranya mana-mana salinan dokumen yang dinyatakan dalam perenggan (4)(b), (d) atau (e) tidak boleh didapati dalam lapan minggu selepas kemasukan rayuan, perayu hendaklah memfailkan salinan dokumen itu bersama dengan memorandum rayuan sebagai rekod rayuan tambahan dalam tiga minggu selepas diberitahu tentang adanya dokumen itu."

### **Pindaan kaedah 27**

4. Kaedah 27 Kaedah-Kaedah ibu dipinda

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

" (2) Suatu notis usul hendaklah pada keseluruhan isinya dalam Borang 4 dalam Jadual Pertama dan mestilah disokong dengan suatu affidavit."; dan

(b) dalam subkaedah (4), dengan menggantikan perkataan "dalam suatu usul dalam Mahkamah Tinggi" perkataan "yang diperuntukkan dalam Kaedah-Kaedah Mahkamah 2012".

### **Penggantian kaedah 30**

5. Kaedah-Kaedah ibu dipinda dengan menggantikan kaedah 30 dengan kaedah yang berikut:

"Kaedah-  
Kaedah  
Mahkamah  
2012.

30. Peruntukan Kaedah-Kaedah Mahkamah 2012 tentang alamat bagi penyampaian dan penyampaian hendaklah terpakai *mutatis mutandis* bagi apa-apa rayuan atau rayuan yang dicadangkan kepada Mahkamah Rayuan."

### **Pindaan kaedah 32**

6. Kaedah 32 Kaedah-Kaedah ibu dipinda dengan memasukkan selepas subkaedah (1) subkaedah yang berikut:

“ (1A) Suatu petisyen hendaklah pada keseluruhan isinya dalam Borang 4A dalam Jadual Pertama.”.

### **Penggantian kaedah 55**

7. Kaedah-Kaedah ibu dipinda dengan menggantikan kaedah 55 dengan kaedah yang berikut:

“Pemakaian peruntukan Kaedah-Kaedah Mahkamah 2012 tentang kos.	55. Peruntukan dalam Kaedah-Kaedah Mahkamah 2012 tentang kos hendaklah terpakai <i>mutatis mutandis</i> bagi apa-apa rayuan kepada Mahkamah Rayuan.”.
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### **Penggantian kaedah 89**

8. Kaedah-Kaedah ibu dipinda dengan menggantikan kaedah 89 dengan kaedah yang berikut:

“Waktu pejabat.	89. Kecuali sebagaimana yang diperuntukkan kemudian daripada ini, waktu pejabat bagi Pejabat Pendaftaran hendaklah dari pukul 8:00 pagi hingga pukul 5:00 petang, kecuali pada hari Jumaat waktu pejabat hendaklah dari pukul 8:00 pagi hingga pukul 12:15 tengah hari dan dari pukul 2:45 petang hingga pukul 5:00 petang.
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Dengan syarat bahawa Pendaftar tidak boleh menerima apa-apa dokumen yang dikemukakan untuk pemfailan kecuali seperti yang berikut:

(a) pada hari Isnin hingga Khamis antara pukul 8:30 pagi hingga pukul 4:00 petang; dan

(b) pada hari Jumaat antara pukul 8:30 pagi hingga pukul 12:15 tengah hari dan dari pukul 2:45 petang hingga pukul 4:00 petang”.

**Pindaan Jadual Pertama**

9. Kaedah-Kaedah ibu dipinda dengan memasukkan selepas Borang 4 borang yang berikut:

**"BORANG 4A**

(Kaedah 32)

**DALAM MAHKAMAH RAYUAN**

(Bidang kuasa Rayuan)

No. Petisyen ..... 20.....)

Antara

A. B. .... Pempetisyen

dan

C. D. .... Responden

(Dalam perkara ..... No. .... 20.....  
dalam Mahkamah Tinggi ..... di .....

Antara

.....

dan

.....)

Petisyen

Kepada Presiden Mahkamah Rayuan dan Hakim Mahkamah Rayuan

PETISYEN A. B.

Menunjukkan:

- 1.
2. (yang berkenaan)
3. dll.

Pempetisyen dengan demikian memohon:

(nyatakan relief yang dipohon)

Bertarikh pada ..... haribulan ....., 20.....

Pempetisyen/Peguam Cara bagi Pempetisyen

Alamat bagi penyampaian Pempetisyen ialah ....."

Dibuat 31 Julai 2012  
[JK/MP 322 Jld. 11, PN(PU2)698]

TUN ARIFIN BIN ZAKARIA  
*Ketua Hakim Negara, Malaysia*

TAN SRI ABDUL GANI PATAIL  
*Peguam Negara, Malaysia*

TAN SRI MD. RAUS BIN SHARIF  
*Presiden Mahkamah Rayuan, Malaysia*

TAN SRI DATO' ZULKEFLI BIN AHMAD MAKINUDIN  
*Hakim Besar Mahkamah Tinggi di Malaya*

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

DATO' AHMAD BIN HJ. MAAROP  
*Hakim Mahkamah Persekutuan*

DATUK ZAHARAH BINTI IBRAHIM  
*Hakim Mahkamah Rayuan*

DATUK DR. HAJI HAMID SULTAN BIN ABU BACKER  
*Hakim Mahkamah Tinggi di Malaya*

DATUK DAVID WONG DAK WAH  
*Hakim Mahkamah Tinggi di Sabah dan Sarawak*

PUAN AL-BAISHAH BINTI HJ. ABD. MANAN  
*Hakim Kanan Mahkamah Sesyen, Kuala Lumpur*

ENCIK LIM CHEE WEE  
*Peguam bela, Semenanjung Malaysia*

ENCIK G.B.B. NANDY @ GAANESH  
*Peguam bela, Sabah*

ENCIK KHAIRIL AZMI BIN MOHD HASBIE  
*Peguam bela, Sarawak*

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

COURTS OF JUDICATURE ACT 1964

RULES OF THE COURT OF APPEAL (AMENDMENT) 2012

IN exercise of the powers conferred by section 17 of the Courts of Judicature Act 1964 [Act 91] and with the 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 Court of Appeal (Amendment) 2012**.

(2) These Rules come into operation on 1 August 2012.

**Substitution of rule 4**

2. The Rules of the Court of Appeal 1994 [*P.U. (A) 524/1994*], which are referred to as the "principal Rules" in these Rules, are amended by substituting for rule 4 the following rule:

"Application of  
Rules of Court  
2012.  
*P.U. (A) 205/2012*."

4. Where no other provision is made by any written law or by these Rules, the procedure and practice in the Rules of Court 2012 shall apply *mutatis mutandis*."

**Amendment of rule 18**

3. Rule 18 of the principal Rules is amended

(a) in subrule (7), by deleting the words "or within such further time as the Court may allow"; and

(b) by inserting after subrule (7) the following subrule:

" (7A) Notwithstanding subrule (7), if any copy of the documents specified in paragraph (4)(b), (d) or (e) is not available within eight weeks after the entry of the appeal, the appellant shall file the copy of the

documents together with the memorandum of appeal as supplementary records of appeal within three weeks of being notified of its availability.”.

**Amendment of rule 27**

4. Rule 27 of the principal Rules are amended

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

“ (2) A notice of motion shall be substantially in Form 4 in the First Schedule and must be supported by an affidavit.”; and

(b) in subrule (4), by substituting for the words “upon a motion in the High Court” the words “provided in the Rules of Court 2012”.

**Substitution of rule 30**

5. The principal Rules are amended by substituting for rule 30 the following rule:

“Rules of Court 2012. 30. The provisions of the Rules of Court 2012 as to address for service and service shall apply *mutatis mutandis* to any appeal or proposed appeal to the Court of Appeal.”.

**Amendment of rule 32**

6. Rule 32 of the principal Rules is amended by inserting after subrule (1) the following subrule:

“ (1A) A petition shall be substantially in Form 4A in the First Schedule”.

**Substitution of rule 55**

7. The principal Rules are amended by substituting for rule 55 the following rule:

“Application of the provisions of the Rules of Court 2012 as to costs. 55. The provisions of the Rules of Court 2012 as to costs shall apply *mutatis mutandis* to any appeal to the Court of Appeal.”.

**Substitution of rule 89**

8. The principal Rules are amended by substituting for rule 89 the following rule:

“Office hours. 89. Save as hereinafter provided, the office hours for the Registry shall be from 8:00 a.m. to 5:00 p.m. except on Friday the office hours shall be from 8:00 a.m. to 12:15 p.m. and from 2:45 p.m. to 5:00 p.m..

Provided that the Registrar shall not receive any document presented for filing except as follows:

(a) on Monday until Thursday between the hours of 8:30 a.m. to 4:00 p.m.; and

(b) on Friday between the hours of 8:30 a.m. to 12:15 p.m. and from 2:45 p.m. to 4:00 p.m..”.

**Amendment of the First Schedule**

9. The principal Rules are amended by inserting after Form 4 the following form:

**“FORM 4A**

(Rule 32)

**IN THE COURT OF APPEAL**

(Appellate Jurisdiction)

Petition No. .... of 20.....

Between

A. B. .... Petitioner

and

C. D. .... Respondent

(In the matter of ..... No. .... of 20.....  
in the High Court in ..... at .....

Between

.....

and

.....)

Petition

To the President of Court of Appeal and the Judges of the Court of Appeal  
THE PETITION OF A. B.

Shows:

- 1.
2. (as appropriate)
3. etc.

The petitioner therefore prays:  
(set out the relief asked for)

Dated this ..... day of ....., 20.....

Petitioner/Solicitor for the Petitioner

The address for service on the Petitioner is ....."

Made 31 July 2012  
[JK/MP 322 Jld. 11, PN(PU2) 698]

TUN ARIFIN BIN ZAKARIA  
*Chief Justice, Malaysia*

TAN SRI ABDUL GANI PATAIL  
*Attorney General, Malaysia*

TAN SRI MD. RAUS BIN SHARIF  
*President of the Court of Appeal, Malaysia*

TAN SRI DATO' SERI ZULKEFLI BIN AHMAD MAKINUDIN  
*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*

DATO' AHMAD BIN HAJI MAAROP  
*Judge of the Federal Court*

DATUK ZAHARAH BINTI IBRAHIM  
*Judge of the Court of Appeal*

DATUK DR. HAJI HAMID SULTAN BIN ABU BACKER  
*Judge of the High Court in Malaya*

DATUK DAVID WONG DAK WAH  
*Judge of the High Court in Sabah and Sarawak*

PUAN AL BAISHAH BINTI HAJI ABD. MANAN  
*Senior Sessions Court Judge, Kuala Lumpur*

ENCIK LIM CHEE WEE  
*Advocate, Peninsular Malaysia*

ENCIK G.B.B. NANDY @ GAANESH  
*Advocate, Sabah*

ENCIK KHAIRIL AZMI BIN MOHD HASBI  
*Advocate, Sarawak*

*[To be laid before the Dewan Rakyat pursuant to subsection 17(5) of the Courts of  
Judicature Act 1964]*