



MALAYSIA

Warta Kerajaan
SERI PADUKA BAGINDA
DITERBITKAN DENGAN KUASA

HIS MAJESTY'S GOVERNMENT GAZETTE

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AKTA MALAYSIA

cej-1.6.81
(PU(B)264/81)

PERINTAH AKTA MAHKAMAH RENDAH (PERLUASAN) 1980

PADA menjalankan kuasa-kuasa yang diberi oleh seksyen 74 Akta 26/63. Malaysia, Yang di-Pertuan Agong membuat Perintah yang berikut:

1. Perintah ini bolehlah dinamakan **Perintah Akta Mahkamah Rendah (Perluasan) 1980**, dan hendaklah mula berkuatkuasa pada tarikh yang ditetapkan oleh Yang di-Pertuan Agong melalui pemberitahu dalam *Warta*.

Nama dan
mula ber-
kuatkuasa.

** 1.6.81*
(PU(B)264/81)

2. (1) Akta Mahkamah Rendah, 1948 adalah diubahsuai seperti dalam Jadual Pertama.

Ubahsuai
dan perluasan
bagi Akta 92.

(2) Kaedah-kaedah Mahkamah Rendah, 1950 dan Kaedah No. 2 Mahkamah Rendah (Fee Jenayah) tahun 1951 adalah diubahsuai seperti dalam Jadual Kedua.

L.N. 339/50.
L.N. 597/51.

(3) Akta dan Kaedah-kaedah tersebut sebagaimana diubahsuai oleh perenggan-perenggan kecil (1) dan (2) adalah dengan ini diperluaskan ke Sabah dan Sarawak.

3. Akta Kaedah-kaedah Mahkamah Rendah, 1955 adalah diubahsuai seperti dalam Jadual Ketiga.

Ubahsuai
bagi Akta 55.

4. (1) Tiada apa-apa jua dalam Perintah ini boleh menyentuh sahnya langkah pembicaraan yang dibawa sebelum mula berkuatkuasanya Perintah ini dalam mana-mana mahkamah rendah kepada Mahkamah Tinggi dan yang sedia ada sebelum sahaja mula berkuatkuasanya Perintah ini, dan langkah pembicaraan ini hendaklah dijalankan dan diteruskan hingga selesai seolah-olah Perintah ini telah tidak dibuat, dan mahkamah itu hendaklah terus menjalankan bidangkuasa dengan sewajarnya berkenaan dengan langkah pembicaraan itu, dan tatacara yang dipakai bagi langkah pembicaraan itu sebelum sahaja mula berkuatkuasanya Perintah ini hendaklah terus dipakai baginya.

Kecualian.

(2) Penjalanan apa-apa bidangkuasa rayuan atau kajian semula berkenaan dengan sesuatu langkah pembicaraan yang baginya perenggan-kecil (1) dipakai hendaklah dilaksanakan seolah-olah Perintah ini telah tidak dibuat, tidak kira sama ada rayuan itu dibuat atau kes itu diminta supaya dikaji semula sebelum atau selepas mula berkuatkuasanya Perintah ini, dan tidak kira sama ada bidangkuasanya itu dijalankan sebelum atau selepas mula berkuatkuasanya Perintah ini.

JADUAL PERTAMA

(Perintah 2 (1))

UBAHSUAIAN-UBAHSUAIAN KEPADA AKTA MAHKAMAH RENDAH, 1948

(Akta 92)

Seksyen	Ubahsuaian
Tajuk panjang ...	Tinggalkan "in West Malaysia".
1 (2)	Gantikan dengan— "(2) This Act shall apply throughout Malaysia except that— (a) Part VIII and other provisions relating to Penghulus and Penghulu's Courts shall have no application in Sabah and Sarawak; and (b) Part IX shall have no application in Sarawak."
2 (1)	1. Gantikan takrif "Chief Justice" dengan yang berikut: " 'Chief Justice' means the Chief Justice of the High Court in Malaya or of the High Court in Borneo, as the case may require;". 2. Gantikan takrif "High Court" dengan yang berikut: " 'High Court' means the High Court in Malaya and the High Court in Borneo or either of them, as the case may require;". 3. Dalam takrif "Judge" gantikan "the Chief Justice" dengan "a Chief Justice". 4. Masukkan takrif baru yang berikut selepas takrif "Judge": " 'local jurisdiction of the High Court' means— (a) in the case of the High Court in Malaya the territory comprised in the Federal Territory and the States of Malaya, namely, Johore, Kedah, Kelantan, Malacca, Negeri Sembilan, Pahang, Penang, Perak, Perlis, Selangor and Trengganu; and

Seksyen	Ubahsuaian
	(b) in the case of the High Court in Borneo, the territory comprised in the Borneo States, namely, Sabah and Sarawak.”
	5. Gantikan noktah di hujung takrif “trial court” dengan koma bertindih dan masukkan takrif baru yang berikut: “ ‘West Malaysia’ has the meaning assigned thereto in section 3 of the Interpretation Act, 1967, and includes the Federal Territory.”
3 (2) ...	1. Tinggalkan “in West Malaysia”. 2. Masukkan “and” di hujung perenggan “(b)” dan gantikan perenggan (c) dengan— “(c) in West Malaysia only, Penghulu’s Courts.”
5 (2), 61, 80 ...	Gantikan “West Malaysia” dengan “Malaysia”.
59 (2), 76 (2) ...	Gantikan “arising in any part of West Malaysia” dengan “arising in any part of the local jurisdiction of the respective High Court”.
61, 80 (1) ...	Masukkan “or of Sabah or Sarawak” selepas “Federation of Malaya”.
69 (j) ...	Masukkan yang berikut sebelum “Wherein”: “except as specifically provided in any written law for the time being in force.”
71A ...	Masukkan seksyen baru seperti berikut: <div style="display: flex; align-items: flex-start;"> <div style="font-size: small; margin-right: 10px;"> “Actions and suits concerning immovable property in Sarawak.” </div> <div> 71A. Sections 70 and 71 shall not apply to any action or suit concerning land in Sarawak to which there is no title issued by the Land Office in Sarawak and in which all the parties are subject to the same native system of personal law.” </div> </div>
76 (2) ...	Tinggalkan nota bidai “S.S. Cap. 21”. ?
77 ...	Masukkan “or Second Class Magistrates, as provided in that Schedule,” selepas perkataan “First Class Magistrates”.
86, 91 ...	Gantikan “A First Class Magistrate” dengan perkataan “In West Malaysia a First Class Magistrate”.
88 ...	Gantikan “twelve months’ imprisonment of either description” dengan “twelve months’ imprisonment”.

Seksyen	Ubahsuaian
89 	<p>1. Nomborkan semula seksyen 89 sebagai seksyen 89 (1) dan masukkan "in West Malaysia" selepas perkataan "Second Class Magistrate".</p> <p>(2) Tambah seksyen-kecil (2) seperti berikut: " (2) A Second Class Magistrate in Sabah and Sarawak may pass any sentence allowed by law not exceeding— (a) six months' imprisonment; (b) a fine of one thousand dollars; or (c) any sentence combining either of the sentences aforesaid."</p>
92 /	<p>Masukkan "in West Malaysia and five hundred dollars in Sabah and Sarawak" selepas perkataan "two hundred and fifty dollars".</p>
Part VIII ...	<p>Gantikan tajuk "PENGHULU'S COURTS" dengan "PENGHULU'S COURTS IN WEST MALAYSIA".</p>
99 	<p>1. Nomborkan semula seksyen 99 sebagai seksyen 99 (1), dan masukkan "in West Malaysia" selepas perkataan "Justice of the Peace".</p> <p>2. Tambah seksyen-seksyen kecil (2), (3), (4) dan (5) seperti berikut: " (2) Justices of the Peace in Sabah shall have and shall exercise and perform such powers and duties as may be conferred or imposed upon them by any written law. They shall also have such other powers and duties as the Minister may by regulations confer or impose upon them and the Minister may confer or impose the said powers and duties upon all or any of the Justices of the Peace. (3) Before exercising or performing any of the powers or duties conferred on him a Justice of the Peace shall take and subscribe in the presence of a Judge in Chambers an oath in the following form: "I....., having been appointed a Justice of the Peace within and for the State of Sabah do solemnly swear</p>

Seksyen

Ubahsuaian

(or affirm) that I will faithfully discharge my duties as such to the best of my ability and that I will bear true faith and allegiance to the State of Sabah and to Malaysia.”.

(4) (a) Nothing in this section shall be deemed to require a Justice of the Peace to be satisfied as to the contents of any document or that the proper stamp duty prescribed under any written law has been paid thereon except to ensure that one or more stamps have been affixed to the document and that they have been cancelled in the manner prescribed by law prior to signature and attestation.

(b) No fee shall be payable, other than as stamp duty, for any act done by a Justice of the Peace as such, and a Justice of the Peace shall give his services free of charge.

(5) A Justice of the Peace whilst exercising his powers or performing his duties as such shall be deemed to be a public servant within the meaning of the Penal Code; and the Public Authorities Protection Act, 1948, shall apply to any suit, action prosecution or proceeding arising therefrom.”.

*F.M.S.
Cap. 45.
Act 198.*

111 Masukkan seksyen baru yang berikut di bawah Bahagian X selepas seksyen 110:

“Amendment
of laws.

111. Where in any written law passed or made before the commencement of the extension of this Act to Sabah and Sarawak, there is, in relation to Sabah or Sarawak—

(a) a reference to the Court of a Magistrate of the First Class or a District Court there shall be substituted a reference to a Sessions Court;

Seksyen	Ubahsuaian
	(b) a reference to the Court of—
	(i) a Magistrate of the Second Class, a Police Court or a Court of Small Causes;
	(ii) a Magistrate of the Third Class or a Petty Court,
	there shall be substituted a reference to a Magistrates' Court;
	(c) a reference to a Stipendiary Magistrate or a Magistrate of the First Class there shall be substituted a reference to a President of the Sessions Court; and
	(d) a reference to a Magistrate of the Second Class or a Magistrate of the Third Class there shall be substituted a reference to a Second Class Magistrate.”.
Jadual Ketiga—	
Perenggan 4 ...	Gantikan “out of the jurisdiction in the Republic of Singapore, Sabah, Sarawak or Brunei” dengan “outside Malaysia in Singapore or Brunei”.
Perenggan 11 ...	Gantikan “West Malaysia” dengan “Malaysia”.
Perenggan 18 (b), (c) (5)	Masukkan “Sabah, Sarawak,” selepas sahaja “Perlis.”.
Jadual Keempat ...	<ol style="list-style-type: none"> 1. Tinggalkan “(in West Malaysia)” dan “in Malaya”. 2. Masukkan “Residents in Sarawak.” selepas “First Assistant Secretaries to State Secretaries.”. 3. Gantikan “District Officers.” dengan “District Officers in West Malaysia and Sarawak.”. 4. Masukkan “Administrative Officers Class I in Sabah and Sarawak.” selepas “District Administrative Officers.”. 5. Tambah— “EX OFFICIO SECOND CLASS MAGISTRATES <i>For their respective States</i> District Officers in Sabah. Assistant District Officers in Sabah.”.

Seksyen	Ubahsuaian		
Jadual Kelima ...	Tambah—		
	"Sabah Cap. 29.	The Subordinate Courts Ordinance and any rules of court made there- under	The whole
	Sarawak Cap. 42.	The Subordinate Courts Ordinance and any rules of court made there- under	The whole
	Sabah Ordinance No. 2 of 1961.	The Justices of the Peace Ordinance, 1961	The whole".

JADUAL KEDUA

(Perintah 2 (2))

(a) UBAHSUAIAN KEPADA KAEDAH-KAEDAH MAHKAMAH
RENDAH 1950
(L.N. 339/1950)

Perintah dan kaedah No.	Ubahsuaian
Perenggan tak ber- nombor sebelum sahaja Perintah I	Gantikan “; they shall come into force on such day as the Chief Justice may, by notification in the <i>Gazette</i> , appoint and shall apply throughout West Malaysia to all proceedings of a civil nature commenced in any Sessions or Magistrates’ Courts on or after the day so appointed,” dengan “and shall apply to all proceedings of a civil nature commenced in any Sessions or Magistrates’ Court on or after the coming into force of these Rules.”.
Perintah II—	
k. 1 (1) ...	1. Dalam takrif “certified translations” tinggalkan “in West Malaysia”. 2. Gantikan takrif “solicitor” dengan— “ “solicitor” has the meaning assigned to the word “advocate” by section 3 of the Interpretation Act, 1967;”.
k. 1 (2) ...	Selepas perkataan “Federal Counsel” masukkan “or any legally qualified member of the State Attorney’s Chambers in Sabah, or the State Attorney General’s Chambers in Sarawak.”.
Perintah III—	
k. 2 ...	Gantikan perkataan “English language” dengan “National Language or English”.

Perintah dan kaedah No.	Ubahsuaian
Perintah V—	
k. 7 (1)	Gantikan perkataan “West Malaysia” dengan “Malaysia”.
Perintah VIII—	
k. 1, 9 (5), 10 (1) (b), 11 (1)	Gantikan perkataan “West Malaysia” dengan “Malaysia”.
k. 5	Gantikan perkataan “Municipal or Town Board limits” dengan “local authority limits”.
k. 10 (2)	1. Gantikan perkataan “The Municipal Commissioners of any Municipality” dengan “Any local authority”. 2. Gantikan perkataan “President, Deputy President or Secretary” dengan “The principal officer (by whatever title known) or his deputy, or the Secretary thereof”.
Perintah IX—	
k. 1 (1)	Gantikan perkataan “West Malaysia” dengan “Malaysia”.
k. 3 (1)	Tinggalkan perkataan “, Sabah, Sarawak”.
Perintah XVII—	
k. 7 (2)	Gantikan perkataan “West Malaysia” dengan “Malaysia”.
Perintah XVIII—	
k. 2	Gantikan “21” dengan “18”.
k. 3	1. Gantikan perkataan “English” dengan “the National Language or English”. 2. Masukkan perkataan “accordance with one of the forms in” sebelum “Form 12”.
Perintah XIX—	
k. 2 (3)	Gantikan perkataan “West Malaysia” dengan “Malaysia”.
k. 7	Gantikan perkataan “English” dengan “the National Language or English, as the Chief Justice may direct.”.
Perintah XXI—	
k. 9 (2)	Gantikan dengan— “(2) Subject to the provisions of any written law, any registered interest in land may, except where the judgment debtor appears on the face of the register document of title to hold such interest as trustee or as representative or as guardian within the meaning of the relevant written law relating to registration of title to land, be seized and sold under an order for execution.”.

Perintah dan kaedah No.	Ubahsuaian
k. 10 (a) (iii) ...	<p>1. Gantikan perkataan "Federation, Government or Municipal" dengan "Federal Government, State Government or local authority".</p> <p>2. Gantikan perkataan "West Malaysia" dengan "Malaysia".</p> <p>3. Gantikan perkataan "Secretary to Municipal Commissioners" dengan "the local authority".</p>
k. 11 (2) (d) ...	Dalam proviso (i) gantikan perkataan "the Minister of Finance" dengan "the Treasury in the case of federal money or property or the Menteri Besar or Chief Minister of the State in the case of State money or property".
k. 30 ...	Tinggalkan kepala-kecil "(a) IN STATES OTHER THAN MALACCA AND PENANG" yang terdapat sebelum kaedah itu.
k. 30 (1), (8), 31 (1)	Tinggalkan perkataan "situate in any of the States other than Malacca and Penang".
k. 30 (8) proviso	Gantikan "sub-rule (5)" dengan "sub-rule (5) (b)".
k. 32, 33 ...	Tinggalkan kaedah-kaedah itu dan kepala-kecil "(b) in Malacca and Penang".
Perintah XXII—	
k. 5 (1) ...	Tinggalkan perkataan "charged with responsibility for the administration of justice".
Perintah XXIX—	
k. 2 (3), (9) ...	Masukkan perkataan ", or the corresponding written law in force in Sabah or Sarawak" selepas "1956".
k. 2 (5) ...	Gantikan perkataan "West Malaysia" dengan "Malaysia".
Perintah XXXIII—	
k. 8 ...	Gantikan perkataan "Municipal Officer" dengan "local authority officer".
Perintah XXXVI—	
k. 13 ...	Gantikan perkataan "West Malaysia" dengan "Malaysia".
Perintah XXXVII—	
k. 3 ...	Gantikan perkataan "West Malaysia" dengan "Malaysia".

Perintah dan kaedah No.	Ubahsuaian
k. 11 (2)	Gantikan dengan— <p style="text-align: center;">“(2) All such fees and percentages shall be collected— (a) in West Malaysia, by means of stamps on praecipe; and (b) in Sabah and Sarawak, by means of cash until such time as the Chief Justice of the High Court in Borneo directs that they shall be collected by means of stamps on praecipe:”.</p>

Jadual Pertama—

Borang 1	Gantikan perkataan “States of Malaya” dengan “Malaysia”.
Borang 12	1. Masukkan “(b)” sebelum “Jurat (Illiterate, English-speaking)”.
	2. Masukkan yang berikut sebelum sahaja kepala kepada borang yang sedia ada: <p style="text-align: center;">“(a) <i>Jurat (Illiterate, speaking the National Language)</i></p> <p style="text-align: center;"><u>Mengangkat Sumpah</u> di..... <i>Berikrar</i></p> <p style="text-align: center;">.....pada..... haribulan....., 19..... setelah saya terlebih dahulu dengan benar, nyata dan dengan suara yang boleh didengar membacakan kandungan affidavit di atas (<i>tambah, jika eksibit-eksibit ada disebutkan dalam affidavit itu, “dan menghuraikan tentang apakah sebenarnya eksibit-eksibit yang disebutkan dalamnya itu dan apakah natijahnya,”</i>) kepada saksisumpah tersebut yang nampaknya betul-betul faham akannya.</p>

Di hadapan saya,

(Nama dan nama-jawatan Pegawai
yang mentadbirkan sumpah)”.

Borang 20	Gantikan perkataan “West Malaysia” dengan “Malaysia”.
Borang 24	Tinggalkan “(States other than Penang and Malacca)”.
Borang 26	Tinggalkan.

Perintah dan kaedah No.	Ubahsuaian
Jadual Ketiga—	
Butiran 1	Masukkan perkataan “or the corresponding written law in force in Sabah and Sarawak” selepas “1950” dalam proviso (ii).

(b) KAEDAH No. 2 MAHKAMAH RENDAH (FEE HAL JENAYAH)
TAHUN 1951
(L.N. 597/1951)

Peruntukan	Ubahsuaian
k. 1	Tinggalkan.
k. 3	Gantikan dengan— “3. All such fees shall be collected— (a) in West Malaysia, by means of stamps on praecipe; and (b) in Sabah and Sarawak, by means of cash until such time as the Chief Justice of the High Court in Borneo directs that they shall be collected by means of stamps on praecipe.”.

JADUAL KETIGA
(Perintah 3)

UBAHSUAIAN KEPADA AKTA KAEDAH-KAEDAH MAHKAMAH
RENDAH 1955
(Akta 55)

Seksyen	Ubahsuaian
2	Gantikan takrif “Subordinate Court” dengan— “ “Subordinate Court” has the meaning assigned to “subordinate court” by section 3 of the Courts of Judicature Act, 1964;”.
3 (2) (e)	Tinggalkan perkataan “in West Malaysia and Magistrates of the First Class in East Malaysia” dan “and such Magistrate or Magistrates”.
4	Gantikan rujukan bidai “Act 7/64.” dengan “Act 91.”.

Dibuat pada 21hb November 1980.
[PN. (SU. 2) 113; PM. (R) 11880/A/4/1; PN. (PU²) 128 Pt. II.]

Dengan Titah Perintah,

TAN SRI DATO' ABDULLAH BIN AYUB,
Setiausaha Jumaah Menteri

(Akan dibentangkan dalam tiap-tiap satu Majlis Parlimen menurut seksyen 74 (9) Akta Malaysia.)

22.1 - 1.6.1981
 PU(B) 264/81

MALAYSIA ACT

SUBORDINATE COURTS ACT (EXTENSION) ORDER 1980

26/63. IN exercise of the powers conferred by section 74 of the Malaysia Act, the Yang di-Pertuan Agong makes the following Order:

Citation and commencement.

1. This Order may be cited as the **Subordinate Courts Act (Extension) Order 1980**, and shall come into force on such date as the Yang di-Pertuan Agong may, by notification in the Gazette, appoint.

1.6.1981
 (PU(A) 264/81)

Modification and extension of Act 92.

2. (1) The Subordinate Courts Act, 1948 is modified as in the First Schedule.

L.N. 339/50.
 L.N. 597/51.

(2) The Subordinate Courts Rules, 1950 and the 1951 Subordinate Courts (Criminal Fees) Rule No. 2 are modified as in the Second Schedule.

(3) The said Act and Rules as modified by subparagraphs (1) and (2) are hereby extended to Sabah and Sarawak.

Modification of Act 55.

3. The Subordinate Courts Rules Act, 1955 is modified as in the Third Schedule.

Saving.

4. (1) Nothing in this Order shall affect the validity of proceedings instituted before the commencement of this Order in any court subordinate to the High Court and in existence immediately before the commencement of this Order, and the same shall be carried on and continued to final conclusion as if this Order had not been made, and such court shall continue to exercise jurisdiction accordingly in respect of such proceedings, and the procedure applicable to such proceedings immediately before the commencement of this Order shall continue to apply thereto.

(2) The exercise of any appellate or revisionary jurisdiction in respect of a proceeding to which subparagraph (1) applies shall be effected as if this Order had not been made, regardless whether the appeal is lodged or the case is called for revision before or after the commencement of this Order, and regardless whether such jurisdiction is exercised before or after the commencement of this Order.

FIRST SCHEDULE

(Order 2 (1))

MODIFICATIONS TO SUBORDINATE COURTS ACT 1948

(Act 92)

Section	Modification
Long title	... Omit "in West Malaysia".
1 (2)	... Substitute— "(2) This Act shall apply throughout Malaysia except that— (a) Part VIII and other provisions relating to Penghulus and Penghulu's Courts shall have no application in Sabah and Sarawak; and (b) Part IX shall have no application in Sarawak."

Section	Modification
2 (1) 	<p>1. Substitute the following for the definition of "Chief Justice":</p> <p style="padding-left: 40px;">" 'Chief Justice' means the Chief Justice of the High Court in Malaya or of the High Court in Borneo, as the case may require;"</p> <p>2. Substitute the following for the definition of "High Court":</p> <p style="padding-left: 40px;">" 'High Court' means the High Court in Malaya and the High Court in Borneo or either of them, as the case may require;"</p> <p>3. In the definition of "Judge" for the words "the Chief Justice" substitute "a Chief Justice".</p> <p>4. Insert the following new definition after the definition of "Judge":</p> <p style="padding-left: 40px;">" 'local jurisdiction of the High Court' means—</p> <p style="padding-left: 80px;">(a) in the case of the High Court in Malaya the territory comprised in the Federal Territory and the States of Malaya, namely, Johore, Kedah, Kelantan, Malacca, Negeri Sembilan, Pahang, Penang, Perak, Perlis, Selangor and Trengganu; and</p> <p style="padding-left: 80px;">(b) in the case of the High Court in Borneo, the territory comprised in the Borneo States, namely, Sabah and Sarawak."</p> <p>5. Substitute a semi-colon for the full-stop at the end of the definition of "trial court" and insert the following new definition:</p> <p style="padding-left: 40px;">" 'West Malaysia' has the meaning assigned thereto in section 3 of the Interpretation Act, 1967, and includes the Federal Territory."</p>
3 (2) 	<p>1. Omit "in West Malaysia".</p> <p>2. At the end of paragraph "(b)" insert "and" and for paragraph (c) substitute—</p> <p style="padding-left: 40px;">"(c) in West Malaysia only, Penghulu's Courts."</p>
5 (2), 61, 80 ...	For "West Malaysia" substitute "Malaysia".
59 (2), 76 (2) ...	For "arising in any part of West Malaysia" substitute "arising in any part of the local jurisdiction of the respective High Court".

Section	Modification
61, 80 (1)	... After "Federation of Malaya" insert "or) of Sabah or Sarawak".
69 (j)	... Insert the following before "wherein": "except as specifically provided in any written law for the time being in force."
71A	... Insert a new section as follows: "Actions and suits concerning immovable property in Sarawak." 71A. Sections 70 and 71 shall not apply to any action or suit concerning land in Sarawak to which there is no title issued by the Land Office in Sarawak and in which all the parties are subject to the same native system of personal law."
76 (2)	... Omit the marginal reference "S.S. Cap. 21".
77	... Insert after "First Class Magistrates" the words "or Second Class Magistrates, as provided in that Schedule."
86, 91	... For "A First Class Magistrate" substitute "In West Malaysia a First Class Magistrate".
88	... For "twelve months' imprisonment of either description" substitute "twelve months' imprisonment".
89	... 1. Renumber section 89 as section 89 (1) and insert after "Second Class Magistrate" the words "in West Malaysia". 2. Add subsection (2) as follows: "(2) A Second Class Magistrate in Sabah and Sarawak may pass any sentence allowed by law not exceeding— (a) six months' imprisonment; (b) a fine of one thousand dollars; or (c) any sentence combining either of the sentences aforesaid."
92	... Insert after "two hundred and fifty dollars" the words "in West Malaysia and five hundred dollars in Sabah and Sarawak".
Part VIII	... For the heading "PENGHULU'S COURTS" substitute "PENGHULU'S COURTS IN WEST MALAYSIA".
99	... 1. Renumber section 99 as section 99 (1), and insert after "Justices of the Peace", the words "in West Malaysia".

Section

Modification

2. Add subsections (2), (3), (4) and (5) as follows :

“(2) Justices of the Peace in Sabah shall have and shall exercise and perform such powers and duties as may be conferred or imposed upon them by any written law. They shall also have such other powers and duties as the Minister may by regulations confer or impose upon them and the Minister may confer or impose the said powers and duties upon all or any of the Justices of the Peace.

(3) Before exercising or performing any of the powers or duties conferred on him a Justice of the Peace shall take and subscribe in the presence of a Judge in Chambers an oath in the following form :

“I....., having been appointed a Justice of the Peace within and for the State of Sabah do solemnly swear (or affirm) that I will faithfully discharge my duties as such to the best of my ability and that I will bear true faith and allegiance to the State of Sabah and to Malaysia.”.

(4) (a) Nothing in this section shall be deemed to require a Justice of the Peace to be satisfied as to the contents of any document or that the proper stamp duty prescribed under any written law has been paid thereon except to ensure that one or more stamps have been affixed to the document and that they have been cancelled in the manner prescribed by law prior to signature and attestation.

(b) No fee shall be payable, other than as stamp duty, for any act done by a Justice of the Peace as such, and a Justice of the Peace shall give his services free of charge.

Section	Modification
	(5) A Justice of the Peace whilst exercising his powers or performing his duties as such shall be deemed to be a public servant within the meaning of the Penal Code; and the Public Authorities Protection Act 1948, shall apply to any suit, action, prosecution or proceeding arising therefrom.”
	<i>F.M.S. Cap. 45. Act 198.</i>
111 	Insert the following new section under Part X after section 110: “Amendment of laws. 111. Where in any written law passed or made before the commencement of the extension of this Act to Sabah and Sarawak, there is, in relation to Sabah or Sarawak— (a) a reference to the Court of a Magistrate of the First Class or a District Court there shall be substituted a reference to a Sessions Court; (b) a reference to the Court of— (i) a Magistrate of the Second Class, a Police Court or a Court of Small Causes; (ii) a Magistrate of the Third Class or a Petty Court, there shall be substituted a reference to a Magistrates’ Court; (c) a reference to a Stipendiary Magistrate or a Magistrate of the First Class there shall be substituted a reference to a President of the Sessions Court; and (d) a reference to a Magistrate of the Second Class or a Magistrate of the Third Class there shall be substituted a reference to a Second Class Magistrate.”
Third Schedule— Paragraph 4 ...	For “out of the jurisdiction in the Republic of Singapore, Sabah, Sarawak or Brunei” substitute “outside Malaysia in Singapore or Brunei”.

Section	Modification									
Paragraph 11 ...	For "West Malaysia" substitute "Malaysia".									
Paragraph 18 (5) (b), (c)	Insert "Sabah, Sarawak," immediately after "Perlis,".									
Fourth Schedule ...	<ol style="list-style-type: none"> 1. Omit "(in West Malaysia)" and "in Malaya". 2. After "First Assistant Secretaries to State Secretaries." insert "Residents in Sarawak.". 3. For "District Officers." substitute "District officers in West Malaysia and Sarawak.". 4. After "District Administrative Officers." insert "Administrative Officers Class 1 in Sabah and Sarawak.". 5. Add— "EX OFFICIO SECOND CLASS MAGISTRATES <i>For their respective States</i> District Officers in Sabah. Assistant District Officers in Sabah.". 									
Fifth Schedule ...	Add— <table border="0" style="margin-left: 2em;"> <tr> <td style="vertical-align: top;">"Sabah Cap. 29.</td> <td style="vertical-align: top;">The Subordinate Courts Ordinance and any rules of court made there- under</td> <td style="vertical-align: top;">The whole</td> </tr> <tr> <td style="vertical-align: top;">Sarawak Cap. 42.</td> <td style="vertical-align: top;">The Subordinate Courts Ordinance and any rules of court made there- under</td> <td style="vertical-align: top;">The whole</td> </tr> <tr> <td style="vertical-align: top;">Sabah Ordinance No. 2 of 1961.</td> <td style="vertical-align: top;">The Justices of the Peace Ordinance, 1961</td> <td style="vertical-align: top;">The whole".</td> </tr> </table>	"Sabah Cap. 29.	The Subordinate Courts Ordinance and any rules of court made there- under	The whole	Sarawak Cap. 42.	The Subordinate Courts Ordinance and any rules of court made there- under	The whole	Sabah Ordinance No. 2 of 1961.	The Justices of the Peace Ordinance, 1961	The whole".
"Sabah Cap. 29.	The Subordinate Courts Ordinance and any rules of court made there- under	The whole								
Sarawak Cap. 42.	The Subordinate Courts Ordinance and any rules of court made there- under	The whole								
Sabah Ordinance No. 2 of 1961.	The Justices of the Peace Ordinance, 1961	The whole".								

SECOND SCHEDULE

(Order 2 (2))

(a) MODIFICATIONS TO SUBORDINATE COURTS
RULES, 1950

(L.N. 339/1950)

Order and rule No.	Modification
Unnumbered para- graph immediately preceding Order I	For "; they shall come into force on such day as the Chief Justice may, by notification in the <i>Gazette</i> , appoint and shall apply throughout West Malaysia to all proceedings of a civil nature commenced in any Sessions or Magistrates' Court on or after the day so appointed," substitute "and shall apply to all proceedings of a civil nature commenced in any Sessions or Magistrates' Court on or after the coming into force of these Rules,".

Order and rule No.	Modification
Order II—	
r. 1 (1)	1. In the definition of “certified translation” omit “in West Malaysia”. 2. For the definition of “solicitor” substitute— “ “solicitor” has the meaning assigned to the word “advocate” by section 3 of the Interpretation Act 1967;”.
r. 1 (2)	23/67. After “Federal Counsel” insert “or any legally qualified member of the State Attorney’s Chambers in Sabah, or the State Attorney General’s Chambers in Sarawak,”.
Order III—	
r. 2	For “English language” substitute “National Language or English”.
Order V—	
r. 7 (1)	For “West Malaysia” substitute “Malaysia”.
Order VII—	
r. 1, 9 (5), 10 (1) (b), 11 (1)	For “West Malaysia” substitute “Malaysia”.
r. 5	For “Municipal or Town Board limits” substitute “local authority limits”.
r. 10 (2)	1. For “The Municipal Commissioners of any Municipality” substitute “Any local authority”. 2. For “President, Deputy President or Secretary” substitute—“The principal officer (by whatever title known) or his deputy, or the Secretary thereof”.
Order IX—	
r. 1 (1)	For “West Malaysia” substitute “Malaysia”.
r. 3 (1)	Omit “, Sabah, Sarawak”.
Order XVII—	
r. 7 (2)	For “West Malaysia” substitute “Malaysia”.
Order XVIII—	
r. 2	For “21” substitute “18”.
r. 3	1. For “English” substitute “the National Language or English”. 2. Before “Form 12” insert “accordance with one of the forms in”.
Order XIX—	
r. 2 (3)	For “West Malaysia” substitute “Malaysia”.
r. 7	For “English” substitute “the National Language or English, as the Chief Justice may direct,”.

Order and rule No.	Modification
Order XXI—	
r. 9 (2)	Substitute— “(2) Subject to the provisions of any written law, any registered interest in land may, except where the judgment debtor appears on the face of the register document of title to hold such interest as trustee or as representative or as guardian within the meaning of the relevant written law relating to registration of title to land, be seized and sold under an order for execution.”.
r. 10 (a) (iii) ...	1. For “Federation, Government or Municipal” substitute “Federal Government, State Government or local authority”. 2. For “West Malaysia” substitute “Malaysia”. 3. For “Secretary to the Municipal Commissioners” substitute “the local authority”.
r. 11 (2) (d) ...	In proviso (i) for “the Minister of Finance” substitute “the Treasury in the case of federal money or property or the Menteri Besar or Chief Minister of the State in the case of State money or property”.
r. 30	Omit the sub-heading “(a) IN STATES OTHER THAN MALACCA AND PENANG” appearing before the rule.
r. 30 (1), (8), 31 (1)	Omit “situate in any of the States other than Malacca and Penang,”.
r. 30 (8) proviso ...	For “sub-rule (5)” substitute “sub-rule (5) (b)”.
r. 32, 33	Omit the rules and the sub-heading “(b) In Malacca and Penang”.
Order XXII—	
r. 5 (1)	Omit “charged with responsibility for the administration of justice”.
Order XXIX—	
r. 2 (3), (9) ...	After “1956” insert “, or the corresponding written law in force in Sabah or Sarawak”.
r. 2 (5)	For “West Malaysia” substitute “Malaysia”.
Order XXXIII—	
r. 8	For “Municipal Officer” substitute “local authority officer”.

Order and rule No.	Modification
Order XXXVI— r. 13	For “West Malaysia” substitute “Malaysia”.
Order XXXVII— r. 3	For “West Malaysia” substitute “Malaysia”.
r. 11 (2)	Substitute— “(2) All such fees and percentages shall be collected— (a) in West Malaysia, by means of stamps on praecipe; and (b) in Sabah and Sarawak, by means of cash until such time as the Chief Justice of the High Court in Borneo directs that they shall be collected by means of stamps on praecipe:”.
First Schedule—	
Form 1	For “States of Malaya” substitute “Malaysia”.
Form 12	1. Before “Jurat (Illiterate, English-speaking)” insert “(b)”. 2. Insert the following immediately before the heading to the existing form: “(a) <i>Jurat (Illiterate, speaking the National Language)</i> <u>Mengangkat Sumpah</u> di..... <u>Berikrar</u>pada..... haribulan.....19..... setelah saya terlebih dahulu dengan benar, nyata dan dengan suara yang boleh didengar membacakan kandungan affidavit di atas (<i>tambah, jika eksibit-eksibit ada disebutkan dalam affidavit itu, “dan menghuraikan tentang apakah sebenarnya eksibit-eksibit yang disebutkan dalamnya itu dan apakah natijahnya,”</i>) kepada saksisumpah tersebut yang nampaknya betul-betul faham akannya.
	Di hadapan saya, (Nama dan nama-jawatan Pegawai yang mentadbirkan sumpah)”.
Form 20	For “West Malaysia” substitute “Malaysia”.
Form 24	Omit “(States other than Penang and Malacca)”.
Form 26	Omit.

Order and rule No.	Modification
Third Schedule—	
Item 1	After “1950” in proviso (ii) insert “or the corresponding written law in force in Sabah and Sarawak”.
(b) 1951 SUBORDINATE COURTS (CRIMINAL FEES) RULE No. (2) (L.N. 597/1951)	
Provision	Modification
r. 1	Omit.
r. 3	Substitute— “3. All such fees shall be collected— (a) in West Malaysia, by means of stamps on praecipe; and (b) in Sabah and Sarawak, by means of cash until such time as the Chief Justice of the High Court in Borneo directs that they shall be collected by means of stamps on praecipe.”.

THIRD SCHEDULE
(Order 3)

MODIFICATIONS TO SUBORDINATE COURTS RULES ACT 1955
(Act 55)

Section	Modification
2	For the definition of “Subordinate Court” substitute— “ “Subordinate Court” has the meaning assigned to “subordinate court” by section 3 of the Courts of Judicature Act, 1964;”.
3 (2) (e)	Omit “in West Malaysia and Magistrates of the First Class in East Malaysia” and “and such Magistrate or Magistrates”.
4	For the marginal reference “Act 7/64” substitute “Act 91”.

Made the 21st November 1980.

[PN. (SU. 2) 113; (PMCR) 11880/A/4/1; PN. (PU²) 128 Pt. II.]

By Command,

TAN SRI DATO' ABDULLAH BIN AYUB,
Secretary to the Cabinet

(To be laid before each House of Parliament pursuant to section 74 (9) of Malaysia Act.)