



MALAYSIA

Warta Kerajaan
SERI PADUKA BAGINDA
DI-TERBITKAN DENGAN KUASA

HIS MAJESTY'S GOVERNMENT GAZETTE

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TAMBAHAN No. 49
PERUNDANGAN (A)

P.U. (A) 300.

MALAYSIA ACT

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

1. This order may be cited as the **Rule Committee Ordinance (Extension) Order, 1971**, and shall come into force on the 1st day of November, 1971. Citation and commencement.
2. (1) The Rule Committee Ordinance, 1955, shall have effect with the modifications set out in the First Schedule to this Order. Modification and extension of Ord. 28/55.
(2) The said Ordinance as so modified, but not the subsidiary legislation made thereunder, is hereby extended to Sabah and Sarawak.
3. The Subordinate Courts Ordinance and the Debtors Ordinance, 1957, of Sabah, and the Subordinate Courts Ordinance and the Debtors Ordinance, 1960, of Sarawak, are hereby modified in the manner set out in the Second Schedule to this Order. Modification of Sabah Cap. 29 and 12/57. Swk. Cap. 42 and 4/60.

FIRST SCHEDULE

(Article 2 (1))

MODIFICATIONS TO RULE COMMITTEE ORDINANCE, 1955

<i>Section</i>	<i>Modification</i>
Long title	... Substitute— “An Ordinance to establish a committee for the purpose of regulating and prescribing practice and procedure in proceedings in the Subordinate Courts in Malaysia.”
1	... For “Rule Committee Ordinance” substitute “Rule Committee (Subordinate Courts) Ordinance”.
2	... Insert the following new definitions: “‘Committee’ means the Subordinate Courts Rule Committee established by section 3;” “‘written law’ in relation to any part of Malaysia means written law as defined in the law relating to interpretation in that part of Malaysia;”

<i>Section</i>	<i>Modification</i>
2, definition of "proceeding" ...	Substitute— <p>" 'proceeding' means any proceeding whatsoever of a civil or criminal nature before a Subordinate Court and includes an application at any stage of a proceeding;".</p>
2, definition of "Subordinate Court" ...	Substitute— <p>" 'Subordinate Court' means any inferior court from the decisions of which by reason of any written law there is a right of appeal to any High Court and includes any Court of a Magistrate of the Third Class established under the Subordinate Courts Ordinances of Sabah and Sarawak; and means, in relation to any High Court, any such Court as by any written law has jurisdiction within the local jurisdiction of that High Court."</p>
	<i>Sabah Cap. 29. Swk. Cap 42.</i>
3 (1) ...	For "Rule Committee" substitute "Subordinate Courts Rule Committee".
3 (2) to (4) ...	Substitute— <p>"(2) The Committee shall consist of the following persons:</p> <p>(a) the Lord President, who shall be the Chairman of the Committee;</p> <p>(b) the Chief Justices of the High Courts;</p> <p>(c) the Judges of the Federal Court and of the High Courts;</p> <p> Provided that only such Judge or Judges as the Lord President may call upon to attend any particular meeting shall attend that meeting;</p> <p>(d) the Attorney General or his nominee (including, where in his opinion the agenda for any meeting so requires, nominees up to a total of three to represent him for the purposes of West Malaysia, Sabah and Sarawak);</p> <p>(e) the Presidents of the Sessions Courts in West Malaysia and Magistrates of the First Class in East Malaysia:</p> <p> Provided that only such President or Presidents and such Magistrate or Magistrates as the Lord President may call upon to attend any particular meeting shall attend that meeting;</p> <p>(f) six advocates and solicitors practising in the States of Malaya nominated by the Bar Council and appointed by the Chief Justice of the High Court in Malaya for such period as he may specify in writing;</p> <p>(g) four advocates, two practising in Sabah and two in Sarawak, appointed by the Chief Justice of the High Court in Borneo for such period as he may specify in writing.</p> <p>(3) In the absence of the Lord President, the senior Chief Justice present shall be Chairman of the Committee.</p> <p>(4) At any meeting of the Committee five members shall be a quorum, of whom the Lord President or a Chief Justice shall be one."</p>
3 (6) ...	Substitute— <p>"(6) If any advocate and solicitor or advocate aforesaid shall cease to officiate as a member of the Committee by reason of death, resignation, absence from the States of Malaya, Sabah or Sarawak, as the case may be, or from any other cause, another advocate and solicitor or advocate shall be appointed in his stead in accordance with the procedure set out in subsection (2)."</p>
4 ...	In line one and the marginal note for "Rule Committee" substitute "Committee".

<i>Section</i>	<i>Modification</i>
4 (a)	Substitute— “(a) for regulating and prescribing the procedure (including the method of pleading) and the practice to be followed in Subordinate Courts in all proceedings in or with respect to which those Courts have for the time being jurisdiction (including the procedure and practice to be followed in the Registries or offices of the said Courts) and any matter incidental to or relating to the procedure or practice including (but without prejudice to the generality of the foregoing provision) the manner in which, and the time within which, any application which under any written law is to be made to any such Court shall be made;”.
4 (b)	For “from any Court or persons to the Court of Appeal or the High Court” substitute “from a Subordinate Court to the High Court”.
4 (c)	Substitute— “(c) for regulating and prescribing the procedure in proceedings by way of appeal from any court or person to a Subordinate Court (including appeals from a Subordinate Court of inferior jurisdiction to one of superior jurisdiction), the time within which any such appeal may be brought, and the procedure in connection with the transfer of proceedings from one court to another;”.
4 (d)	Omit “the Court of Appeal, the High Court or”.
4 (e)	Omit.
4 (f) to (n)	Substitute— “(f) for regulating the joinder of parties and for prescribing in what cases persons absent, but having an interest in a civil matter or proceeding in a Subordinate Court, shall be bound by any order made therein, and in what cases orders may be made for the representation of absent persons by one or more parties to such a proceeding; (g) for regulating the rate of interest recoverable on debts, including judgment debts, or on the sums found due on taking accounts between parties: Provided that in no case shall any rate of interest exceed eight per centum per annum, unless it has been otherwise agreed between parties; (h) for regulating the modes in which judgments or orders of a Subordinate Court in civil matters and proceedings may be executed; (i) for regulating the discovery of a judgment debtor's property in aid of the execution of any judgment or order of a Subordinate Court; (j) for regulating the taking of evidence before an examiner or on commission or by letters of request, and for prescribing the circumstances in which evidence so taken may be read in a civil matter or proceeding in a Subordinate Court; (k) for prescribing in what cases a Subordinate Court may act upon the certificate of accountants, actuaries or scientific persons; (l) for regulating the receipt, disposal and payment out of moneys and securities by, or in the custody of, Subordinate Courts, and the investment thereof and the rate of interest to be charged thereon, and the manner in which unclaimed funds may be dealt with; (m) for prescribing the powers and duties of officers of Subordinate Courts; (n) for any purpose for which the Committee is directed or empowered to make rules under any written law.”.

<i>Section</i>			<i>Modification</i>
5	...	Substitute— "Applica- tion.	5. All Rules made under this Ordinance may be made to apply to the whole of Malaysia or any part thereof."
7	...	Substitute— "Powers vested in Committee.	7. Where by any written law passed before the commencement of this Ordinance, power is given to any authority to regulate or prescribe any procedure or practice in a proceeding in a Subordinate Court, such power shall be deemed to be vested in and exercisable by the Committee."
8	...	For "Rule Committee" substitute "Committee".	
9 (1)	...	Substitute— "F.M. 35/48. Cap. 29. Cap. 42.	(1) The Rule Committee Ordinance, 1948, section 18 of the Subordinate Courts Ordinance of Sabah and section 17 of the Subordinate Courts Ordinance of Sarawak, are hereby repealed."
9 (2)	...	For "Rule Committee Ordinance, 1948," substitute "the written laws hereby repealed".	
9 (3)	...	For "shall be construed as references to the Rule Committee constituted under this Ordinance" substituted "or to any other authority empowered to make rules of court shall be construed as references to the Committee established by this Ordinance".	

SECOND SCHEDULE

(Article 3)

MODIFICATIONS TO SABAH AND SARAWAK LAWS

<i>Ordinance No.</i>	<i>Short title</i>	<i>Section</i>	<i>Modification</i>
Sabah Cap. 29 ...	Subordinates Courts Ordinance	2	Substitute the following for the definition of "rules of court": " 'rules of court' means any rules of court for the time being in force."
Sabah Ordinance 12 of 1957	Debtors Ordi- nance, 1957	2	Substitute the following for the definition of "Rules of Court": " 'Rules of Court' means any rules of court for the time being in force."
Sarawak Cap. 42	Subordinate Courts Ordi- nance	2	Substitute the following for the definition of "rules of court": " 'rules of court' means any rules of court for the time being in force."
Sarawak Ordi- nance 4 of 1960	Debtors Ordi- nance, 1960	2	Substitute the following for the definition of "Rules of Court": " 'Rules of Court' means any rules of court for the time being in force."

Made this 1st day of June, 1971.
[P.N. 3375/179; PM. S. 10550/136.]

By Command,

DATO' ABU HASSAN BIN ABDULLAH.
*Deputy Secretary General,
Prime Minister's Department*

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