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P.U. (A) 211

WARTA KERAJAAN PERSEKUTUAN

*FEDERAL GOVERNMENT  
GAZETTE*

KAEDAH-KAEDAH MAHKAMAH RENDAH(PINDAAN)  
2011

*SUBORDINATE COURTS (AMENDMENT) RULES 2011*



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AKTA KAEDAH-KAEDAH MAHKAMAH RENDAH 1955

KAEDAH-KAEDAH MAHKAMAH RENDAH (PINDAAN) 2011

PADA menjalankan kuasa yang diberikan oleh seksyen 4 Akta Kaedah-Kaedah Mahkamah Rendah 1955 [*Akta 55*], 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 Rendah (Pindaan) 2011**.

(2) Kaedah 3, 5 dan 6 disifatkan telah mula berkuat kuasa pada 1 Mac 2011.

**Pindaan am**

2. Kaedah-Kaedah Mahkamah Rendah 1980 [*P.U. (A) 328/1980*], yang disebut “Kaedah-Kaedah ibu” dalam Kaedah-Kaedah ini, dipinda dengan menggantikan perkataan “8 per centum” di mana-mana jua terdapat dengan perkataan “4 per centum”.

**Pindaan Aturan 1**

3. Aturan 1 Kaedah-Kaedah ibu dipinda dalam kaedah 6 dengan memasukkan selepas takrif “Judge” takrif yang berikut:

‘ “mechanical means” includes any equipment, device, apparatus or medium operated digitally, electronically, magnetically or mechanically;’

**Pindaan Aturan 46**

4. Aturan 46 Kaedah-Kaedah ibu dipinda dalam kaedah 2 –

(a) dengan memotong perkataan “the proviso to section 6 (2),”; dan

(b) dengan memasukkan selepas perkataan “sections 11,” perkataan “16,”.

**Pindaan Aturan 49**

5. Aturan 49 Kaedah-Kaedah ibu dipinda dalam kaedah 3(1)(b) dan 3A(1)(b) dengan memasukkan selepas perkataan “notes of evidence” perkataan “in proceedings recorded wholly or partly by mechanical means”.

**Pindaan Aturan 53**

6. Aturan 53 Kaedah-Kaedah ibu dipinda –

(a) dalam kaedah 6, dengan memasukkan selepas perkataan “Court” perkataan “,and such seal shall include an electronic seal”; dan

(b) dengan memasukkan selepas kaedah 12 kaedah yang berikut:

“Electronic  
filing.

13. Any document required to be filed or issued under these Rules may be filed or issued electronically; and such filing or issue shall be deemed to comply with these Rules.”.

**Pindaan Jadual A**

7. Jadual A kepada Kaedah-Kaedah ibu dipinda dalam Borang 137 –

(a) dengan memotong perkataan “and” yang terdapat di hujung perenggan (g); dan

(b) dengan memasukkan selepas perenggan (g) perenggan yang berikut:  
“(ga) an order taking possession of the goods by the plaintiff; and”.

Dibuat 24 Jun 2011  
[JK/MP 63 Jld.1; PN(PU2)128/XIII]

TUN DATO' SERI ZAKI BIN TUN AZMI  
*Ketua Hakim Negara, Malaysia*

TAN SRI ABDUL GANI PATAIL  
*Peguam Negara, Malaysia*

TAN SRI DATO' SERI ALAUDDIN BIN DATO' MOHD SHERIFF  
*Presiden Mahkamah Rayuan, Malaysia*

TAN SRI ARIFFIN BIN ZAKARIA  
*Hakim Besar Mahkamah Tinggi di Malaya*

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

TAN SRI JAMES FOONG CHENG YUEN  
*Hakim Mahkamah Persekutuan*

DATO' JEFFREY TAN KOK WHA  
*Hakim Mahkamah Rayuan*

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

DATUK DAVID WONG DAK WAH  
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DATUK JOHN SIKAYUN  
*Peguam bela, Sabah*

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

*[Akan dibentangkan di Dewan Rakyat menurut seksyen 8 Akta Kaedah-Kaedah  
Mahkamah Rendah 1955]*

SUBORDINATE COURTS RULES ACT 1955

SUBORDINATE COURTS (AMENDMENT) RULES 2011

IN exercise of the powers conferred by section 4 of the Subordinate Courts Rules Act 1955 [*Act 55*], the Subordinate Courts Rules Committee makes the following rules:

**Citation and commencement**

1. (1) These rules may be cited as the **Subordinate Courts (Amendment) Rules 2011**.

(2) Rules 3, 5 and 6 are deemed to have come into operation on 1 March 2011.

**General amendment**

2. The Subordinate Courts Rules 1980 [*P.U. (A) 328/1980*], which are referred to as the “principal Rules” in these Rules, are amended by substituting for the words “8 per centum” wherever they appear the words “4 per centum”.

**Amendment of Order 1**

3. Order 1 of the principal Rules is amended in rule 6 by inserting after the definition of “Judge” the following definition:

‘ “mechanical means” includes any equipment, device, apparatus or medium operated digitally, electronically, magnetically or mechanically;’.

**Amendment of Order 46**

4. Order 46 of the principal Rules is amended in rule 2 –

(a) by deleting the words “the proviso to section 6 (2),”; and

(b) by inserting after the words “sections 11,” the words “16,”.

**Amendment of Order 49**

5. Order 49 of the principal Rules is amended in rule 3(1)(b) and 3A(1)(b) by inserting after the words “notes of evidence” the words “in proceedings recorded wholly or partly by mechanical means”.

**Amendment of Order 53**

6. Order 53 of the principal Rules is amended -

(a) in rule 6, by inserting after the word “Court” the words “,and such seal shall include an electronic seal”; and

(b) by inserting after rule 12 the following rule:

“Electronic filing. 13. Any document required to be filed or issued under these Rules may be filed or issued electronically; and such filing or issue shall be deemed to comply with these Rules.”.

**Amendment of Schedule A**

7. Schedule A to the principal Rules is amended in Form 137 -

(a) by deleting the word “and” appearing at the end of paragraph (g); and

(b) by inserting after paragraph (g) the following paragraph:

“(ga) an order taking possession of the goods by the plaintiff; and”.

Made 24 June 2011

[JK/MP 63 Jld.1; PN(PU2)128/XIII]

TUN DATO' SERI ZAKI BIN TUN AZMI  
*Chief Justice, Malaysia*

TAN SRI ABDUL GANI PATAIL  
*Attorney General, Malaysia*

TAN SRI DATO' SERI ALAUDDIN BIN DATO' MOHD SHERIFF  
*President of the Court of Appeal, Malaysia*

TAN SRI ARIFFIN BIN ZAKARIA  
*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 JAMES FOONG CHENG YUEN  
*Judge of the Federal Court*

DATO' JEFFREY TAN KOK WHA  
*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 AZIZAH BINTI MAHMUD  
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ENCIK KHAIRIL AZMI BIN MOHD HASBIE  
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*[To be laid before the Dewan Rakyat pursuant to section 8 of the Subordinate Courts Rules Act 1955]*