



UNDANG-UNDANG
MALAYSIA

Akta A909

**AKTA MAHKAMAH KEHAKIMAN
(PINDAAN) 1995**



Tarikh Persetujuan Diraja 7hb Februari 1995

Tarikh diterbitkan dalam
Warta 16hb Februari 1995

AKTA 1995

AKTA MAHKAMAH KEHAKIMAN
(PINDAAN) 1995

UNDANG-UNDANG MALAYSIA

Akta A909

AKTA MAHKAMAH KEHAKIMAN (PINDAAN) 1995

Sebuah Akta untuk meminda Akta Mahkamah Kehakiman 1964.

[24hb Jun 1994]
MAKA INILAH DIPERBUAT UNDANG-UNDANG
 oleh Seri Paduka Baginda Yang di-Pertuan Agong
 dengan nasihat dan persetujuan Dewan Negara dan
 Dewan Rakyat yang bersidang dalam Parlimen, dan
 dengan kuasa daripadanya, seperti berikut:

1. Akta ini bolehlah dinamakan Akta Mahkamah Kehakiman (Pindaan) 1995 dan hendaklah disifatkan telah mula berkuatkuasa pada 24hb Jun 1994.

Tajuk
ringkas
dan mula
berkuatkuasa.

2. Seksyen 50 Akta Mahkamah Kehakiman 1964, yang disebut "Akta ibu" dalam Akta ini, adalah dipinda—

Pindaan
seksyen 50.
Akta 91.

(a) dalam perenggan (1)(b), dengan memasukkan selepas perkataan "appellate" perkataan "or revisionary";

(b) dalam subseksyen (2)—

(i) dengan memasukkan selepas perkataan "appellate" perkataan "or revisionary"; dan

(ii) dengan memasukkan selepas perkataan "questions of law" perkataan "which have arisen in the course of the appeal or revision and the determination of which by the High Court has affected the event of the appeal or revision"; dan

(c) dengan memasukkan selepas subseksyen (2) subseksyen yang berikut:

“(2A) An application for leave under subsection (2) shall be made within fourteen days after the date of the decision of the High Court.”.

Pindaan
seksyen 51.

3. Subseksyen 51(2) Akta ibu adalah dipinda dengan menggantikan noktah dengan noktah bertindih dan memasukkan selepas subseksyen 51(2) proviso yang berikut:

“Provided that, in a case of an appeal under section 50(2), the computation of the aforesaid period of fourteen days shall commence from the date immediately after leave has been granted by the Court of Appeal.”.

Pindaan
seksyen 52.

4. Subseksyen 52(1) Akta ibu adalah dipinda—

(a) dengan menggantikan noktah bertindih yang terdapat selepas perkataan “proceedings” dengan noktah; dan

(b) dengan memotong proviso kepadanya.

Pindaan
seksyen 53.

5. Subseksyen 53(2) Akta ibu adalah dipinda dengan menggantikan perkataan “trial Court” dengan perkataan “High Court”.

Pindaan
seksyen 57.

6. Subseksyen 57(1) Akta ibu adalah dipinda dengan menggantikan perkataan “trial Court” dengan perkataan “High Court”.

Pindaan
seksyen 60.

7. Seksyen 60 Akta ibu adalah dipinda—

(a) dalam subseksyen (1) dengan menggantikan perkataan “trial court” yang terdapat selepas perkataan “decision of the” dengan perkataan “High Court”; dan

(b) dalam subseksyen (2) dengan menggantikan perkataan “by the trial court” dengan perkataan “, confirmed or varied by the High Court”.

8. Subseksyen 61(3) Akta ibu adalah dipinda dengan memotong perkataan “, but the evidence shall not be taken in the presence of a jury or assessors”.

Pindaan
seksyen 61.

9. Seksyen 63 Akta ibu adalah dipinda—

Pindaan
seksyen 63.

(a) dengan menggantikan nota birai dengan nota birai yang berikut:

“Certification of judgment.”;

(b) dalam subseksyen (1) dengan menggantikan perkataan “trial court” dengan perkataan “courts concerned”;

(c) dalam subseksyen (2) dengan menggantikan perkataan “trial court” dengan perkataan “courts concerned”; dan

(d) dalam subseksyen (3)—

(i) dengan menggantikan perkataan “trial court” yang terdapat selepas perkataan “shall notify the” dengan perkataan “courts concerned”; dan

(ii) dengan memasukkan selepas perkataan “trial court” yang terdapat selepas perkataan “order of the” perkataan “or as varied by the High Court in its appellate jurisdiction, as the case may be.”.

10. Seksyen 65 Akta ibu adalah dipotong.

Pemotongan
seksyen 65.

11. Seksyen 66 Akta ibu adalah dipotong.

Pemotongan
seksyen 66.

12. Subseksyen 67(1) Akta ibu adalah dipinda dengan memasukkan selepas perkataan “civil” perkataan “cause or”.

Pindaan
seksyen 67.

13. Seksyen 92 Akta ibu adalah dipinda—

Pindaan
seksyen 92.

(a) dalam subseksyen (1)—

(i) dengan menggantikan perkataan “trial court” yang terdapat selepas perkataan “decision of the” dengan perkataan “Court of Appeal”;

(ii) dengan menggantikan perkataan "trial court" yang terdapat selepas perkataan "thereon to the" dengan perkataan "High Court"; dan

(iii) dengan menggantikan perkataan "trial court" yang terdapat selepas perkataan "any power which the" dengan perkataan "Court of Appeal or the High Court"; dan

(b) dalam subseksyen (2) dengan menggantikan perkataan "by the trial court" dengan perkataan "confirmed or varied by the Court of Appeal".

Pindaan
seksyen 93.

14. Seksyen 93 Akta ibu adalah dipinda—

(a) dalam subseksyen (1) dan (2) dengan menggantikan perkataan "trial court" dengan perkataan "High Court";

(b) dalam subseksyen (3) dengan memotong perkataan "but the evidence shall not be taken in the presence of a jury or assessors"; dan

(c) dalam subseksyen (4) dengan menggantikan perkataan "trial court" dengan perkataan "High Court".

Pindaan
seksyen 95.

15. Seksyen 95 Akta ibu adalah dipinda—

(a) dengan menggantikan nota birai dengan nota birai yang berikut:

"Certification of judgment.";

(b) dalam subseksyen (1) dengan menggantikan perkataan "trial court" dengan perkataan "courts concerned";

(c) dalam subseksyen (2) dengan menggantikan perkataan "trial court" dengan perkataan "courts concerned"; dan

(d) dalam subseksyen (3)—

- (i) dengan menggantikan perkataan “trial court” yang terdapat selepas perkataan “shall notify the” dengan perkataan “courts concerned”; dan
- (ii) dengan menggantikan perkataan “trial court” yang terdapat selepas perkataan “order of the” dengan perkataan “High Court or as varied by the Court of Appeal”.

16. Seksyen 96 Akta ibu adalah dipinda—

Pindaan
seksyen 96.

- (a) dengan memotong perkataan “enactments or”; dan
- (b) dengan menggantikan perenggan (a) dan proviso kepadanya dengan perenggan yang berikut:

“(a) from any judgment or order of the Court of Appeal in respect of any civil cause or matter decided by the High Court in the exercise of its original jurisdiction; and”.

17. Apa-apa prosiding yang belum selesai di hadapan Mahkamah Agung pada 23hb Jun 1994 hendaklah disambung atau diteruskan, mengikut mana-mana yang berkenaan, di hadapan Mahkamah Persekutuan dan bagi maksud ini Mahkamah Persekutuan hendaklah mempunyai dan menjalankan semua kuasa Mahkamah Agung sebelum 24hb Jun 1994.

Kecualian
dan
peralihan.

5. (2) *Novosibirsk, 1964* (1965).

—*Chelonia mydas* Linnaeus.

provisi sebagai bagian penting yang akan meningkatkan prestasi (dan

and
the exercise of its original jurisdiction;
or matter decided by the High Court in
Appeal in respect of any civil cause
"and from any judgment or order of the Court

[illegible]



LAWS OF MALAYSIA

Act A909

**COURTS OF JUDICATURE (AMENDMENT)
ACT 1995**



Date of Royal Assent ... 7th February 1995

Date of publication in
Gazette ... 16th February 1995

ACT 1995

COURTS OF JUDICATURE (AMENDMENT)
ACT 1995

LAW OF MALAYSIA
Act A909

**COURTS OF JUDICATURE (AMENDMENT)
 ACT 1995**

An Act to amend the Courts of Judicature Act 1964.

BE IT ENACTED by the Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Rakyat in Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Courts of Judicature (Amendment) Act 1995 and shall be deemed to have come into force on the 24th June 1994. Short title and commencement.
2. Section 50 of the Courts of Judicature Act 1964, which in this Act is referred to as the "principal Act", is amended— Amendment of section 50. Act 91.
 - (a) in paragraph (1)(b), by inserting after the word "appellate" the words "or revisionary";
 - (b) in subsection (2)—
 - (i) by inserting after the word "appellate" the words "or revisionary"; and
 - (ii) by inserting after the words "questions of law" the words "which have arisen in the course of the appeal or revision and the determination of which by the High Court has affected the event of the appeal or revision"; and
 - (c) by inserting after subsection (2) the following subsection:
 - (2A) An application for leave under subsection (2) shall be made within fourteen days after the date of the decision of the High Court."

Amendment
of section 51.

3. Subsection 51(2) of the principal Act is amended by substituting for the full stop a colon and inserting thereafter the following proviso:

“Provided that, in a case of an appeal under section 50(2), the computation of the aforesaid period of fourteen days shall commence from the date immediately after leave has been granted by the Court of Appeal.”

Amendment
of section 52.

4. Subsection 52(1) of the principal Act is amended—

- (a) by substituting for the colon appearing after the word “proceedings” a full stop; and
- (b) by deleting the proviso thereto.

Amendment
of section 53.

5. Subsection 53(2) of the principal Act is amended by substituting for the words “trial Court” the words “High Court”.

Amendment
of section 57.

6. Subsection 57(1) of the principal Act is amended by substituting for the words “trial Court” the words “High Court”.

Amendment
of section 60.

7. Section 60 of the principal Act is amended—

- (a) in subsection (1) by substituting for the words “trial court” appearing after the words “decision of the” the words “High Court”; and
- (b) in subsection (2) by substituting for the words “by the trial court” the words “confirmed or varied by the High Court”.

Amendment
of section 61.

8. Subsection 61(3) of the principal Act is amended by deleting the words “, but the evidence shall not be taken in the presence of a jury or assessors”.

Amendment
of section 63.

9. Section 63 of the principal Act is amended—

- (a) by substituting for the marginal note the following marginal note:—
“Certification of judgment.”;

(b) in subsection (1) by substituting for the words "trial court" the words "courts concerned";

(c) in subsection (2) by substituting for the words "trial court" the words "courts concerned"; and

(d) in subsection (3)—

(i) by substituting for the words "trial court" appearing after the words "shall notify the" the words "courts concerned"; and

(ii) by inserting after the words "trial court" appearing after the words "order of the" the words "or as varied by the High Court in its appellate jurisdiction, as the case may be,".

10. Section 65 of the principal Act is deleted.

Deletion of section 65.

11. Section 66 of the principal Act is deleted.

Deletion of section 66.

12. Subsection 67(1) of the principal Act is amended by inserting after the word "civil" the words "cause or".

Amendment of section 67.

13. Section 92 of the principal Act is amended—

Amendment of section 92.

(a) in subsection (1)—

(i) by substituting for the words "trial court" appearing after the words "decision of the" the words "Court of Appeal";

(ii) by substituting for the words "trial court" appearing after the words "thereon to the" the words "High Court"; and

(iii) by substituting for the words "trial court" appearing after the words "any power which the" the words "Court of Appeal or the High Court"; and

(b) in subsection (2) by substituting for the words "by the trial court" the words "confirmed or varied by the Court of Appeal".

Amendment
of section 93.

14. Section 93 of the principal Act is amended—

- (a) in subsections (1) and (2) by substituting for the words “trial court” the words “High Court”;
- (b) in subsection (3) by deleting the words “, but the evidence shall not be taken in the presence of a jury or assessors”; and
- (c) in subsection (4) by substituting for the words “trial court” the words “High Court”.

Amendment
of section 95.

15. Section 95 of the principal Act is amended—

- (a) by substituting for the marginal note the following marginal note:

“Certification of judgment.”;

- (b) in subsection (1) by substituting for the words “trial court” the words “courts concerned”;
- (c) in subsection (2) by substituting for the words “trial court” the words “courts concerned”; and
- (d) in subsection (3)—

- (i) by substituting for the words “trial court” appearing after the words “shall notify the” the words “courts concerned”; and

- (ii) by substituting for the words “trial court” appearing after the words “order of the” the words “High Court or as varied by the Court of Appeal”.

Amendment
of section 96.

16. Section 96 of the principal Act is amended—

- (a) by deleting the words “enactments or”; and
- (b) by substituting for paragraph (a) and the proviso thereto the following paragraph:

“(a) from any judgment or order of the Court of Appeal in respect of any civil cause or matter decided by the High Court in the exercise of its original jurisdiction; and”.

17. Any proceeding which is pending before the Supreme Court on the 23rd June 1994 shall be continued or proceeded with, as the case may be, before the Federal Court and for this purpose the Federal Court shall have and exercise all the powers of the Supreme Court prior to the 24th June 1994. Saving and transitional.



DICETAK OLEH
PERCETAKAN NASIONAL MALAYSIA BERHAD, IBU PEJABAT, KUALA LUMPUR
BAGI PIHAK DAN DENGAN PERINTAH KERAJAAN MALAYSIA

Harga: RM1.00

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Continued from page 1

12. The proceeding which is pending before the
Federal Court on the 1st day of January 1964, or
or proceeded with as the case may be before the
Federal Court and for the purpose the Federal Court
shall have and exercise all the powers of the Federal
Court prior to the 1st day of 1964.

13. The proceeding which is pending before the
Federal Court on the 1st day of January 1964, or
or proceeded with as the case may be before the
Federal Court and for the purpose the Federal Court
shall have and exercise all the powers of the Federal
Court prior to the 1st day of 1964.