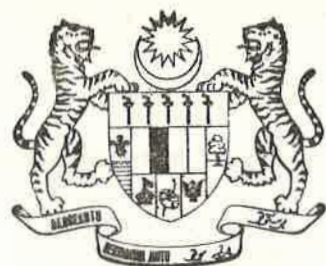


# **UNDANG-UNDANG MALAYSIA**

**Akta A434**

**AKTA MAHKAMAH RENDAH (PINDAAN) 1978**



# **UNDANG-UNDANG MALAYSIA**

**Akta A434**

**AKTA MAHKAMAH RENDAH (PINDAAN) 1978**



Tarikh Persetujuan Diraja ... 28hb Februari 1978

Tarikh diterbitkan dalam *Warta* ... 2hb Mac 1978

## UNDANG-UNDANG MALAYSIA

## Akta A434

## AKTA MAHKAMAH RENDAH (PINDAAN) 1978

Suatu Akta untuk meminda Akta Mahkamah Rendah 1948 dan lain-lain undang-undang bertulis yang bersampingan dengannya.

[ 1 hb. Julai, 1978 ] PU(b) 353/78

MAKA INILAH DIPERBUAT UNDANG-UNDANG oleh Duli Yang Maha Mulia 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. (1) Akta ini bolehlah dinamakan Akta Mahkamah Rendah (Pindaan) 1978.

Tajuk ringkas dan mula berkuatkuasa.

(2) Akta ini hendaklah mula berkuatkuasa pada tarikh yang ditetapkan oleh Menteri, melalui pemberitahu dalam *Warta*.

PU(b) 353/78

2. Seksyen 63 Akta Mahkamah Rendah 1948 (kemudian daripada ini disebut "Akta ibu") adalah dipinda dengan menggantikannya dengan yang berikut—

Pindaan bagi seksyen 63. Akta 92.

"Criminal jurisdiction.

63. A Sessions Court shall have jurisdiction to try all offences other than offences punishable with death."

3. Seksyen 64 Akta ibu adalah dipinda dengan menggantikannya dengan yang berikut—

Pindaan bagi seksyen 64.

"Sentences. 64. A Sessions Court may pass any sentence allowed by law other than the sentence of death."

Pindaan  
bagi  
seksyen 65.

4. Seksyen 65 Akta ibu adalah dipinda—

- (a) dengan menggantikan perkataan “five” yang terdapat dalam seksyen-kecil (1) dengan perkataan-perkataan “twenty five”; dan
- (b) dengan memotong keseluruhan seksyen-kecil (2).

Pindaan  
bagi  
seksyen 70.

5. Seksyen 70 (3) Akta ibu adalah dipinda—

- (a) dengan menggantikan perkataan “six” di mana sahaja ia terdapat dengan perkataan-perkataan “twenty four”; dan
- (b) dengan menggantikan perkataan-perkataan “five hundred” dengan perkataan-perkataan “two thousand”.

Pindaan  
bagi  
seksyen 72.

6. Seksyen 72 Akta ibu adalah dipinda dengan menggantikan perkataan “six” dengan perkataan-perkataan “twenty four”.

Pindaan  
bagi  
seksyen 73.

7. Perenggan (b) seksyen 73 Akta ibu adalah dipinda dengan menggantikan perkataan “five” dengan perkataan-perkataan “twenty five”.

Pindaan  
bagi  
seksyen 85.

8. Seksyen 85 Akta ibu adalah dipinda dengan menggantikannya dengan yang berikut—

“Criminal  
jurisdic-  
tion of  
First Class  
Magistrate.

85. Subject to limitations contained in this Act a First Class Magistrate shall have jurisdiction to try all offences for which the maximum term of imprisonment provided by law does not exceed ten years imprisonment or which are punishable with fine only.”.

Pindaan  
bagi  
seksyen 87.

9. Seksyen 87 (1) Akta ibu adalah dipinda—

- (a) dengan menggantikan perkataan “two” yang terdapat dalam perenggan (a) dengan perkataan “five”;
- (b) dengan menggantikan perkataan “five” yang terdapat dalam perenggan (b) dengan perkataan “ten”; dan
- (c) dengan menggantikan perkataan “six” yang terdapat dalam perenggan (c) dengan perkataan “twelve”.



10. Seksyen 90 Akta ibu adalah dipinda dengan menggantikan perkataan "two" dengan perkataan "ten".

Pindaan  
bagi  
seksyen 90.

11. Seksyen 93 Akta ibu adalah dipinda dengan menggantikannya dengan yang berikut—

Pindaan  
bagi  
seksyen 93.

"Provisions of Act relating to Sessions Courts applicable to Magistrates' Courts." 93. (1) The provisions of section 65 (3) and (4) and of sections 66 to 70 and 72 to 74 shall apply *mutatis mutandis* to Magistrates' Courts: Provided that, for the purpose of proceedings in Magistrates' Courts—

(a) section 70 (3) shall be read as if—

(i) the words "twelve thousand" were substituted for the words "twenty four thousand" wherever they occur; and

(ii) the words "one thousand" were substituted for the words "two thousand";

and

(b) section 72 shall be read as if the words "twelve thousand" were substituted for the words "twenty four thousand".

(2) Nothing in this section shall operate to extend the jurisdiction of Second Class Magistrates as otherwise limited by this Act."

12. Seksyen 102 Akta ibu adalah dipinda dengan menggantikan perkataan "the" yang terdapat di antara perkataan-perkataan "offences" dan "court" dengan perkataan-perkataan "a Magistrates'".

Pindaan  
bagi  
seksyen 102.

13. Perenggan-kecil (5) perenggan 18 dalam Jadual Ketiga Akta ibu adalah dipinda—

Pindaan  
bagi Jadual  
Ketiga.

(a) dengan menggantikan perkataan-perkataan "five hunderd" yang terdapat dalam perenggan-kecil (b) dengan perkataan-perkataan "five thousand"; dan

(b) dengan menggantikan perenggan-kecil (c) dengan yang berikut:

"(c) A Magistrates' Court presided over by a First Class Magistrate in the Federal Territory or the State of Johore, Kedah, Kelantan, Negeri Sembilan, Pahang, Perak, Perlis, Selangor or Trengganu may in the like manner execute any such judgment order, where the amount or value of the subject matter does not exceed five thousand ringgit."

Pindaan  
bagi  
lain-lain  
undang-  
undang  
bertulis.

14. Undang-undang bertulis yang disebut dalam Jadual adalah dipinda dengan sewajarnya setakat mana undang-undang itu dinyatakan dipinda.

JADUAL

(Seksyen 14)

Akta/ Ordinan No.	Tajuk	Pindaan yang berbangkit
Akta 53	Akta Cukai Pendapatan 1967	Dalam perenggan 48 Jadual 5 potong perkataan-perkataan "in relation to East Malaysia," yang terdapat dalam takrif "subordinate court".
Akta 90	Akta Mahkamah Budak-budak 1947	<p>(1) Dalam seksyen 2 (1)—</p> <p>(a) masukkan yang berikut selepas takrif "Juvenile Welfare Committee"—</p> <p>"Magistrates' Court" and "a Magistrate" mean respectively a Court of a Magistrate of the First Class and a Magistrate of the First Class;"; dan</p> <p>(b) potong takrif "Sessions Court" dan "President of a Session Court".</p> <p>(2) Dalam seksyen 4, maka hendaklah digantikan—</p> <p>(a) perkataan-perkataan "President of a Sessions Court" yang terdapat dalam seksyen-kecil (2) dengan perkataan-perkataan "Magistrate of the First Class"; dan</p> <p>(b) perkataan-perkataan "Sessions Courts" yang terdapat dalam seksyen-kecil (5) dengan perkataan-perkataan "Court of a Magistrate of the First Class".</p> <p>(3) Dalam seksyen 14 (1) maka hendaklah digantikan perkataan-perkataan "Sessions Court" dengan perkataan-perkataan "Court of a Magistrate of the First Class".</p> <p>(4) Dalam seksyen 40 maka hendaklah digantikan perkataan-perkataan "the High Court and a Sessions Court" yang terdapat selepas perkataan-perkataan "in addition," dengan perkataan-perkataan "the High Court, a Sessions Court and a Court of a Magistrate of the First Class".</p> <p>Maka hendaklah digantikan seksyen 41 (1) dengan yang berikut—</p> <p>"Jurisdiction.</p> <p>41. (1) A Sessions Court or a Magistrates' Court presided over by a Magistrate of the First Class shall have jurisdiction to try any offence under this Ordinance and power to impose the full punishment or penalty provided for any such offence</p>
P.T.M. No. 30 Tahun 1952	Ordinan Dadah Berbahaya 1952	

MAHKAMAH RENDAH (PINDAAN)

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*Akta/  
Ordinan No.*

*Tajuk*

*Pindaan yang berbangkit*

by this Ordinance or by any regulations made thereunder, other than the death penalty in the case of a Sessions Court and the death penalty and imprisonment exceeding five years in the case of a Magistrates' Court.”.

Akta 62 tahun  
1967

Akta  
1967

Kastam

Maka hendaklah dipotong dari seksyen 118 perkataan-perkataan “a Sessions Court in the States of Malaya or” dan perkataan-perkataan “in Sabah and Sarawak”.





# **LAWS OF MALAYSIA**

**Act A434**

**SUBORDINATE COURTS (AMENDMENT) ACT 1978**



Date of Royal Assent ... 28th February 1978

Date of publication in *Gazette* ... 2nd March 1978

ALLA DA

PROPRIETARY RIGHTS RESERVED BY THE

## LAWS OF MALAYSIA

## Act A434

## SUBORDINATE COURTS (AMENDMENT) ACT 1978

An Act to amend the Subordinate Courts Act 1948 and other written laws incidental thereto.

[ 18<sup>th</sup> July, 1978 ] Pu(10)353/78

BE IT ENACTED by the Duli Yang Maha Mulia 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. (1) This Act may be cited as the Subordinate Courts (Amendment) Act 1978.

Short  
title and  
commence-  
ment.

(2) This Act shall come into force on such date as the Minister may, by notification in the *Gazette*, appoint.

Pu(10)353/78

2. Section 63 of the Subordinate Courts Act 1948 (hereinafter referred to as "the principal Act") is amended by substituting therefor the following—

Amendment  
of section  
63.  
Act 92.

/// "Criminal jurisdiction. 63. A Sessions Court shall have jurisdiction to try all offences other than offences punishable with death." ///

3. Section 64 of the principal Act is amended by substituting therefor the following—

Amendment  
of section  
64.

/// "Sentences. 64. A Sessions Court may pass any sentence allowed by law other than the sentence of death." ///

4. Section 65 of the principal Act is amended—

Amendment  
of section  
65.

(a) by substituting for the word "five" appearing in subsection (1) the words "twenty five"; and

(b) by deleting the whole of subsection (2).

- Amendment of section 70. 5. Section 70 (3) of the principal Act is amended—
- (a) by substituting for the word “six” wherever appearing the words “twenty four”; and
  - (b) by substituting for the words “five hundred” the words “two thousand”.
- Amendment of section 72. 6. Section 72 of the principal Act is amended by substituting for the word “six” the words “twenty four”.
- Amendment of section 73. 7. Paragraph (b) of section 73 of the principal Act is amended by substituting for the word “five” the words “twenty five”.
- Amendment of section 85. 8. Section 85 of the principal Act is amended by substituting therefor the following—
- “Criminal jurisdiction of First Class Magistrate. 85. Subject to limitations contained in this Act a First Class Magistrate shall have jurisdiction to try all offences for which the maximum term of imprisonment provided by law does not exceed ten years imprisonment or which are punishable with fine only.”
- Amendment of section 87. 9. Section 87 (1) of the principal Act is amended—
- (a) by substituting for the word “two” appearing in paragraph (a) the word “five”;
  - (b) by substituting for the word “five” appearing in paragraph (b) the word “ten”; and
  - (c) by substituting for the word “six” appearing in paragraph (c) the word “twelve”.
- Amendment of section 90. 10. Section 90 of the principal Act is amended by substituting for the word “two” the word “ten”.
- Amendment of section 93. 11. Section 93 of the principal Act is amended by substituting therefor the following—
- “Provisions of Act relating to Sessions Courts applicable to Magistrates’ Courts. 93. (1) The provisions of section 65 (3) and (4) and of sections 66 to 70 and 72 to 74 shall apply *mutatis mutandis* to Magistrates’ Courts:
- Provided that, for the purpose of proceedings in Magistrates’ Courts—
- (a) section 70 (3) shall be read as if—
  - (i) the words “twelve thousand” were substituted for the words “twenty four thousand” wherever they occur; and



## SUBORDINATE COURTS (AMENDMENT)

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(ii) the words "one thousand" were substituted for the words "two thousand"; and

(b) section 72 shall be read as if the words "twelve thousand" were substituted for the words "twenty four thousand".

(2) Nothing in this section shall operate to extend the jurisdiction of Second Class Magistrates as otherwise limited by this Act." //

12. Section 102 of the principal Act is amended by substituting for the word "the" appearing between the words "offences" and "court" the words "a Magistrates".

Amendment  
of section  
102.

13. Sub-paragraph (5) of paragraph 18 of the Third Schedule to the principal Act is amended—

Amendment  
of Third  
Schedule.

(a) by substituting for the words "five hundred" appearing in sub-paragraph (b) the words "five thousand"; and

(b) by substituting therefor the following new sub-paragraph (c)—

/(c) A Magistrates' Court presided over by a First Class Magistrate in the Federal Territory or the State of Johore, Kedah, Kelantan, Negeri Sembilan, Pahang, Perak, Perlis, Selangor or Trengganu may in the like manner execute any such judgment order, where the amount or value of the subject matter does not exceed five thousand ringgit." //

14. The written laws mentioned in the Schedule to the extent to which they are expressed to be amended are amended accordingly.

Amendment  
of other  
written  
laws.

SCHEDULE  
(Section 14)

Act/ Ordinance No.	Title	Consequential Amendment
Act 53	Income Tax Act 1967	In paragraph 48 of Schedule 5 delete the words "in relation to East Malaysia." appearing in the definition of "subordinate court".

[Schedule]

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ACT A434

Act/ Ordinance No.	Title	Consequential Amendment
Act 90 ...	Juvenile Courts Act 1947	<p>(1) In section 2 (1)—</p> <p>(a) insert after the definition of "Juvenile Welfare Committee" the following—</p> <p>"Magistrates' Court" and "a Magistrate" mean respectively a Court of a Magistrate of the First Class and a Magistrate of the First Class;"; and</p> <p>(b) delete the definition of "Sessions Court" and "President of a Sessions Court".</p> <p>(2) In section 4 there shall be substituted for—</p> <p>(a) the words "President of a Sessions Court" appearing in subsection (2) the words "Magistrate of the First Class"; and</p> <p>(b) the words "Sessions Courts" appearing in subsection (5) the words "Court of a Magistrate of the First Class".</p> <p>(3) In section 14 (1) there shall be substituted for the words "Sessions Court" the words "Court of a Magistrate of the First Class".</p> <p>(4) In section 40 there shall be substituted for the words "the High Court and a Sessions Court" appearing after the words "in addition," the words "the High Court, a Sessions Court and a Court of a Magistrate of the First Class".</p>
F.M. No. 30 of 1952	Dangerous Drugs Ordinance 1952	<p>There shall be substituted for section 41 (1) the following—</p> <p>"Jurisdiction.</p> <p>41. (1) A Sessions Court or a Magistrates' Court presided over by a Magistrate of the First Class shall have jurisdiction to try any offence under this Ordinance and power to impose the full punishment or penalty provided for any such offence by this Ordinance or by any regulations made thereunder, other than the death penalty in the case of a Sessions Court and the death penalty and imprisonment exceeding five years in the case of a Magistrates' Court."</p>
Act 62 of 1967	Customs Act 1967	<p>There shall be deleted from section 118 the words "a Sessions Court in the States of Malaya or" and the words "in Sabah and Sarawak".</p>

KUALA LUMPUR

DICETAK OLEH KETUA PENGARAH PERCETAKAN DAN DITERBITKAN DENGAN PERINTAH PADA  
2HB MAC 1978

Harga: 50 sen