



LAWS OF MALAYSIA

Act A1031

**COURTS OF JUDICATURE (AMENDMENT)
ACT 1998**

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LAWS OF MALAYSIA

Act A1031

COURTS OF JUDICATURE (AMENDMENT) ACT 1998

An Act to amend the Courts of Judicature Act 1964.

[1. 8. 1998]

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 1998. Short title.

2. The Courts of Judicature Act 1964, which in this Act is referred to as the "principal Act", is amended in section 3 by substituting for the definition of "decision" the following definition: Amendment of section 3, Act 91.

"decision" means judgment, sentence or order, but does not include any ruling made in the course of a trial or hearing of any cause or matter which does not finally dispose of the rights of the parties;".

3. Subsection 10(1) of the principal Act is amended by inserting after the words "the Yang di-Pertuan Agong" the words "on the recommendation of the Chief Justice". Amendment of section 10.

4. Section 42 of the principal Act is amended— Amendment of section 42.
 - (a) in subsection (1), by deleting the words " , if the parties consent, "; and
 - (b) by deleting subsection (3).

Amendment
of section 44.

5. Section 44 of the principal Act is amended by substituting for subsection (3) the following subsection:

“(3) Every order made under subsection (1) may, upon application by the aggrieved party made within ten days after the order is served, be affirmed, varied or discharged by the Court.”.

Amendment
of section 78.

6. Section 78 of the principal Act is amended—

(a) in subsection (1), by deleting the words “, if the parties consent,”; and

(b) by deleting subsection (3).

Amendment
of section 80.

7. Section 80 of the principal Act is amended by substituting for subsection (3) the following subsection:

“(3) Every order made under subsection (1) may, upon application by the aggrieved party made within ten days after the order is served, be affirmed, varied or discharged by the Court.”.

Amendment
of section 96.

8. (1) Section 96 of the principal Act is amended—

(a) by deleting the words “granted in accordance with section 97”; and

(b) in paragraph (a), by substituting for the words “; and” the words “involving a question of general principle decided for the first time or a question of importance upon which further argument and a decision of the Federal Court would be to public advantage; or”.

(2) The amendment in subsection (1) shall apply to any application for leave to appeal pending in the Federal Court.

(3) The amendment in subsection (1) shall not affect any order previously made by the Federal Court in respect of any application for leave to appeal and no such order shall be nullified.

9. Section 97 of the principal Act is amended by inserting after subsection (2) the following subsections: Amendment
of section 97.

“(3) Notwithstanding section 74, an application for leave to appeal to the Federal Court may be heard by a Judge of the Court, and any direction or order that could be given or made by the Court on such application may be given or made by such Judge.

(4) Any direction or order given or made under subsection (3) may, upon application by the aggrieved party made within ten days after the direction or order is given or made, be affirmed, varied or discharged by the Court.”.

