

MALAYSIA

Warta Kerajaan

SERI PADUKA BAGINDA

DITERBITKAN DENGAN KUASA

HIS MAJESTY'S GOVERNMENT GAZETTE

PUBLISHED BY AUTHORITY

Jil. 40
No. 3

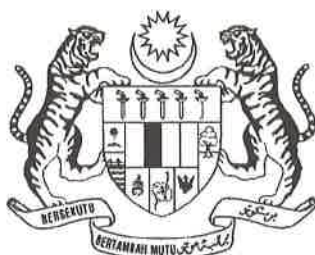
1hb Februari 1996

TAMBAHAN No. 4
AKTA

Akta Parlimen yang berikut, yang telah diluluskan oleh kedua-dua Dewan Parlimen dan dipersetujui oleh Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong, adalah diterbitkan menurut Fasal (5) Perkara 66 Perlembagaan:

The following Acts of Parliament, passed by both Houses of Parliament and assented to by His Majesty the Yang di-Pertuan Agong, are published pursuant to Clause (5) of Article 66 of the Constitution:

No.	Tajuk ringkas
Akta A940 ...	Akta Mahkamah Kehakiman (Pindaan) 1996 Courts of Judicature (Amendment) Act 1996
Akta A941 ...	Akta Kanun Tanah Negara (Pindaan) 1996 National Land Code (Amendment) Act 1996



UNDANG-UNDANG MALAYSIA

Akta A940

**AKTA MAHKAMAH KEHAKIMAN
(PINDAAN) 1996**

Tarikh Persetujuan Diraja 24 Januari 1996

Tarikh diterbitkan dalam
Warta 1 Februari 1996

UNDANG-UNDANG MALAYSIA

Akta A940

AKTA MAHKAMAH KEHAKIMAN (PINDAAN) 1996

Suatu Akta untuk meminda Akta Mahkamah Kehakiman 1964.

[]

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) 1996. Tajuk ringkas.
2. Akta Mahkamah Kehakiman 1964, yang disebut "Akta ibu" dalam Akta ini, adalah dipinda dalam seksyen 8— Pindaan seksyen 8. Akta 91.
 - (a) dengan menggantikan perenggan (b) dengan perenggan yang berikut:

“(b) the President;” dan
 - (b) dengan memasukkan selepas perenggan (b) perenggan yang berikut:

“(ba) the Chief Judge of the High Court in Malaya;

(bb) the Chief Judge of the High Court in Sabah and Sarawak;”.

Pindaan
seksyen 9.

3. Seksyen 9 Akta ibu adalah dipinda—

(a) dengan menggantikan subseksyen (1) dengan subseksyen yang berikut:

“(1) Whenever during any period, owing to illness or absence from Malaysia or any other cause, the Chief Justice is unable to exercise the powers or perform the duties of his office (including his functions under the Constitution), or in the event of a vacancy in the office, the powers shall be had and may be exercised and the duties shall be performed—

(a) by the President; or

(b) where the President is absent from Malaysia or unable to act, or in the event of a vacancy in the office, by the Chief Judge of the High Court in Malaya; or

(c) where the President and the Chief Judge of the High Court in Malaya are absent from Malaysia or unable to act, or in the event of a vacancy in the offices, by the Chief Judge of the High Court in Sabah and Sarawak; or

(d) where the President, the Chief Judge of the High Court in Malaya and the High Court in Sabah and Sarawak are absent from Malaysia or unable to act, or in the event of a vacancy in the offices, by the Judge of the Federal Court nominated for that purpose by the Yang di-Pertuan Agong.”;

(b) dalam subseksyen (1A), dengan menggantikan perkataan “or the President” dengan perkataan “after consulting the President”;

- (c) dalam subseksyen (1B), dengan menggantikan perkataan "or the Chief Judge of that High Court" dengan perkataan "after consulting the Chief Judge of that High Court";
- (d) dalam subseksyen (2), dengan menggantikan perkataan "that High Court designated for that purpose by the Chief Justice or the Chief Judge of that High Court" dengan perkataan "the Federal Court or of that High Court designated for that purpose by the Chief Justice after consulting the Chief Judge of that High Court"; dan
- (e) dengan memasukkan selepas subseksyen (2) subseksyen yang berikut:

"(3) Whenever the office of the President or any Chief Judge is vacant, the powers of the President or any such Chief Judge, as the case may be, shall be had and may be exercised and his duties shall be performed by—

- (a) a Judge of the Federal Court; or
- (b) in respect of a vacancy in the office of the Chief Judge of the High Court in Sabah and Sarawak, a Judge of the Federal Court or a Judge of that High Court,

designated for that purpose by the Chief Justice."

4. Seksyen 18 Akta ibu adalah dipinda—

Pindaan
seksyen 18.

- (a) dengan menomborkan semula peruntukan yang sedia ada sebagai subseksyen (1); dan
- (b) dengan memasukkan selepas subseksyen (1) subseksyen yang berikut:

"(2) Whenever any Judge, after having heard and recorded the whole or any part of the evidence in a proceeding, is unable

through death, illness or other cause to conclude the proceeding, another Judge may—

(a) continue with the proceeding from the stage at which the previous Judge left it and—

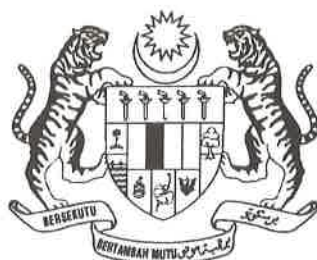
(i) act on the evidence already recorded by the previous Judge; or

(ii) act on the evidence partly recorded by the previous Judge and partly by himself; or

(b) resummon the witnesses and recommence the proceeding.

(3) Where the Judge acts under subsection 2(a) (i) he may, either on his volition or at the request of any party to the proceeding, recall any of the witnesses as in respect of any part of the evidence already recorded, or he may take their evidence afresh:

Provided that in respect of a criminal proceeding, the Court of Appeal and the Federal Court may, on appeal, set aside any conviction had on evidence not wholly recorded by the Judge before whom the conviction was had if such Court is of the opinion that the accused had been materially prejudiced thereby, and may order a new trial.”.



LAWS OF MALAYSIA

Act A940

**COURTS OF JUDICATURE (AMENDMENT)
ACT 1996**

Date of Royal Assent 24 January 1996

Date of Publication in
Gazette 1 February 1996

LAWS OF MALAYSIA**Act A940****COURTS OF JUDICATURE (AMENDMENT)
ACT 1996**

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 Short title.
(Amendment) Act 1996.

2. The Courts of Judicature Act 1964, which in this Act Amendment
of section 8.
Act 91.
is referred to as the "principal Act", is amended in section 8—

(a) by substituting for paragraph (b) the following paragraph:

"(b) the President;" and

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

"(ba) the Chief Judge of the High Court in Malaya;

(bb) the Chief Judge of the High Court in Sabah and Sarawak;"

Amendment
of section 9.

3. Section 9 of the principal Act is amended—

- (a) by substituting for subsection (1) the following subsection:

“(1) Whenever during any period, owing to illness or absence from Malaysia or any other cause, the Chief Justice is unable to exercise the powers or perform the duties of his office (including his functions under the Constitution), or in the event of a vacancy in the office, the powers shall be had and may be exercised and the duties shall be performed—

- (a) by the President; or
 - (b) where the President is absent from Malaysia or unable to act, or in the event of a vacancy in the office, by the Chief Judge of the High Court in Malaya; or
 - (c) where the President and the Chief Judge of the High Court in Malaya are absent from Malaysia or unable to act, or in the event of a vacancy in the offices, by the Chief Judge of the High Court in Sabah and Sarawak; or
 - (d) where the President, the Chief Judge of the High Court in Malaya and the High Court in Sabah and Sarawak are absent from Malaysia or unable to act, or in the event of a vacancy in the offices, by the Judge of the Federal Court nominated for that purpose by the Yang di-Pertuan Agong.”;
- (b) in subsection (1A), by substituting for the words “or the President” the words “after consulting the President”;
- (c) in subsection (1B), by substituting for the words “or the Chief Judge of that High Court” the words “after consulting the Chief Judge of that High Court”;

(d) in subsection (2), by substituting for the words "that High Court designated for that purpose by the Chief Justice or the Chief Judge of that High Court" the words "the Federal Court or of that High Court designated for that purpose by the Chief Justice after consulting the Chief Judge of that High Court"; and

(e) by inserting after subsection (2), the following subsection:

"(3) Whenever the office of the President or any Chief Judge is vacant, the powers of the President or any such Chief Judge, as the case may be, shall be had and may be exercised and his duties shall be performed by—

(a) a Judge of the Federal Court; or

(b) in respect of a vacancy in the office of the Chief Judge of the High Court in Sabah and Sarawak, a Judge of the Federal Court or a Judge of that High Court,

designated for that purpose by the Chief Justice."

4. Section 18 of the principal Act is amended—

Amendment
of section
18.

(a) by renumbering the existing provision as subsection (1); and

(b) by inserting after subsection (1) the following subsections:

"(2) Whenever any Judge, after having heard and recorded the whole or any part of the evidence in a proceeding, is unable through

death, illness or other cause to conclude the proceeding, another Judge may—

(a) continue with the proceeding from the stage at which the previous Judge left it and—

(i) act on the evidence already recorded by the previous Judge; or

(ii) act on the evidence partly recorded by the previous Judge and partly by himself; or

(b) resummon the witnesses and recommence the proceeding.

(3) Where the Judge acts under subsection 2(a) (i) he may, either on his volition or at the request of any party to the proceeding, recall any of the witnesses as in respect of any part of the evidence already recorded, or he may take their evidence afresh:

Provided that in respect of a criminal proceeding, the Court of Appeal and the Federal Court may, on appeal, set aside any conviction had on evidence not wholly recorded by the Judge before whom the conviction was had if such Court is of the opinion that the accused had been materially prejudiced thereby, and may order a new trial.”.

