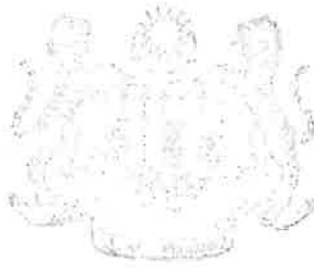


UNDANG-UNDANG
MALAYSIA

Akta A530

**AKTA MAHKAMAH KEHAKIMAN
(PINDAAN) 1982**



Tarikh Persetujuan Diraja 19hb Februari 1982

Tarikh diterbitkan dalam
Warta ... 22hb Februari 1982

AKIA 812A

AKIA MAHKAMAH KERAJAAN
(UNDANG) 1982

B.

UNDANG-UNDANG MALAYSIA

Akta A530

**AKTA MAHKAMAH KEHAKIMAN
(PINDAAN) 1982**

Suatu Akta untuk meminda Akta Mahkamah
Kehakiman 1964.

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 dari-
padanya, seperti berikut:

1. Akta ini bolehlah dinamakan Akta Mahkamah
Kehakiman (Pindaan) 1982.

Tajuk
ringkas.

2. Seksyen 28 Akta Mahkamah Kehakiman 1964, yang
disebut "Akta ibu" dalam Akta ini, adalah dipinda
dengan menggantikan perkataan "hundred" dalam
seksyen kecil (1) dengan perkataan "thousand".

Pindaan
seksyen 28.
Akta 91.

3. Seksyen 50 Akta ibu adalah dipinda dengan meng-
gantikan seksyen kecil (1) dengan yang berikut:

Pindaan
seksyen 50.

"(1) The Federal Court shall have jurisdiction
to hear and determine any appeal against any
decision made by the High Court in the exercise
of its original criminal jurisdiction subject to this
or any other written law regulating the terms and
conditions upon which criminal appeals may be
brought."

4. Seksyen 66 Akta ibu adalah dipinda dengan meng-
gantikannya dengan yang berikut:

Pindaan
seksyen 66.

"Reference to Federal Court on appeal from subordinate court. 66. (1) When an appeal from a decision of a subordinate court in a criminal matter has been determined by the High Court, the Federal Court may on the application of any party and shall on the application of the

Public Prosecutor grant leave for the determination by itself of any question of law of public interest which has arisen in the course of the appeal and the determination of which by the High Court has affected the event of the appeal.

(2) An application for leave under this section shall be made within one month or such longer time as the Federal Court may permit of the determination of the appeal to which it relates and in the case of an application by the Public Prosecutor shall be made by or with the consent in writing of that officer only.

(3) When leave has been granted by the Federal Court under this section the High Court may make such orders as it may see fit for the arrest, custody or release on bail of any party to the appeal and the Registrar of the High Court shall forward the record of the proceedings in the High Court to the Chief Registrar who shall thereupon appoint and notify to the parties to the appeal the time and place for the hearing of the matter.

(4) When leave has been granted by the Federal Court it shall hear and determine the question allowed to be referred for its determination and make such orders as the High Court might have made as it may consider just for the disposal of the appeal.

(5) For the purposes of this section but without prejudice to the generality of its provisions—

- (a) any question of law regarding which there is a conflict of judicial authority shall be deemed to be a question of public interest; and
- (b) the reservation of a question of law for the consideration of the High Court under any law relating to criminal procedure or the exercise by the High Court of any power of revision under any such law shall be

deemed to be an appeal from a decision of a subordinate court in a criminal matter.”.

5. Seksyen 68 Akta ibu adalah dipinda—

Pindaan
seksyen 68.

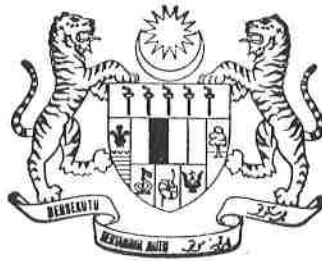
- (a) dengan menggantikan perkataan-perkataan “two thousand five hundred” dalam perenggan (a) seksyen kecil (1) dengan perkataan-perkataan “ten thousand”; dan
- (b) dengan memotong perkataan “interlocutory” dalam seksyen kecil (2).

6. Seksyen kecil (1) seksyen 74 Akta ibu adalah dipinda—

Pindaan
seksyen 74.

- (a) dengan menggantikan perkataan “twenty-five” dalam perenggan kecil (i) perenggan (a) dengan perkataan-perkataan “one hundred”;
- (b) dengan menggantikan koma bertitik dan perkataan “or” di hujung perenggan kecil (ii) perenggan (a) dengan noktah bertindih; dan
- (c) dengan memasukkan selepas sahaja perenggan kecil (ii) perenggan (a) proviso baru yang berikut:

“Provided that the Federal Court may refuse leave under subparagraphs (i) and (ii) of this paragraph if it appears that the intended appeal substantially or in essence involves factual grounds; or”.



LAWS OF MALAYSIA

Act A530

**COURTS OF JUDICATURE (AMENDMENT)
ACT 1982**



Date of Royal Assent ... 19th February 1982

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LAWS OF MALAYSIA

Act A530

COURTS OF JUDICATURE (AMENDMENT)
ACT 1982

An Act to amend the Courts of Judicature Act 1964.

[]

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. This Act may be cited as the Courts of Judicature (Amendment) Act 1982. Short title.
2. Section 28 of the Courts of Judicature Act 1964, which in this Act is referred to as "the principal Act", is amended by substituting for the word "hundred" in subsection (1) the word "thousand". Amendment of section 28. Act 91.
3. Section 50 of the principal Act is amended by substituting for subsection (1) the following: Amendment of section 50.

"(1) The Federal Court shall have jurisdiction to hear and determine any appeal against any decision made by the High Court in the exercise of its original criminal jurisdiction subject to this or any other written law regulating the terms and conditions upon which criminal appeals may be brought."
4. Section 66 of the principal Act is amended by substituting the following therefor: Amendment of section 66.

66. (1) When an appeal from a decision of a subordinate court in a criminal matter has been determined by the High Court, the Federal Court may on the application of any party and shall on the application of the Public Prosecutor grant leave for the determination by itself of any question of law of

"Reference to Federal Court on appeal from subordinate court."

public interest which has arisen in the course of the appeal and the determination of which by the High Court has affected the event of the appeal.

(2) An application for leave under this section shall be made within one month or such longer time as the Federal Court may permit of the determination of the appeal to which it relates and in the case of an application by the Public Prosecutor shall be made by or with the consent in writing of that officer only.

(3) When leave has been granted by the Federal Court under this section the High Court may make such orders as it may see fit for the arrest, custody or release on bail of any party to the appeal and the Registrar of the High Court shall forward the record of the proceedings in the High Court to the Chief Registrar who shall thereupon appoint and notify to the parties to the appeal the time and place for the hearing of the matter.

(4) When leave has been granted by the Federal Court it shall hear and determine the question allowed to be referred for its determination and make such orders as the High Court might have made as it may consider just for the disposal of the appeal.

(5) For the purposes of this section but without prejudice to the generality of its provisions—

(a) any question of law regarding which there is a conflict of judicial authority shall be deemed to be a question of public interest; and

(b) the reservation of a question of law for the consideration of the High Court under any law relating to criminal procedure or the exercise by the High Court of any power of revision under any such law shall be deemed to be an appeal from a decision of a subordinate court in a criminal matter.”.

5. Section 68 of the principal Act is amended—

Amendment
of
section 68.

- (a) by substituting for the words “two thousand five hundred” in paragraph (a) of subsection (1) the words “ten thousand”; and
- (b) by deleting the word “interlocutory” in subsection (2).

6. Subsection (1) of section 74 of the principal Act is amended—

Amendment
of
section 74.

- (a) by substituting for the word “twenty-five” in subparagraph (i) of paragraph (a) the words “one hundred”;
- (b) by substituting for the semicolon and the word “or” at the end of subparagraph (ii) of paragraph (a) a colon; and
- (c) by inserting immediately after subparagraph (ii) of paragraph (a) the following new proviso:
“Provided that the Federal Court may refuse leave under subparagraphs (i) and (ii) of this paragraph if it appears that the intended appeal substantially or in essence involves factual grounds; or”.