



*Malaysia's Leading Law Publisher*

20 September 2012

**Dear Sir/Madam**

**Re: RULES OF COURT 2012 [P.U.(A) 205/2012]  
P.U.(A) 286/2012 AMENDMENTS**

Thank you for your kind support to our publication and for purchasing a copy (copies) of our Rules of Court 2012.

In view of the recent amendments made to the Rules of Court 2012 *vide* P.U.(A) 286/2012, we are pleased to enclose herewith a complimentary copy of the amendments to be inserted wherever necessary in your copy of the Rules of Court 2012.

Thank you

**The Management  
Malaysian Current Law Journal**

**THE MALAYSIAN CURRENT LAW JOURNAL SDN BHD**

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## Order 1

**Definitions (O. 1 r. 4) (page 6)**

In rule 4, by inserting after the definition of “cause book” the following definition:

✂ -----  
 | “mechanical means” includes by means of any equipment, device, apparatus |  
or medium operated digitally, electronically, magnetically or mechanically;

**Applicability of certain Orders (O. 1 r. 8) (page 8)**

In rule 8, by renumbering the rule as paragraph (1):

-----  
 | **8.** (1) Orders 30, 31, 43, 44, 50, 51, 51A, 53, 56, 66, 67, 69, 70, 71, 72, 80, 82, 83, 86, |  
87, 88 and 89 are applicable only to the High Court.

In rule 8, by inserting after paragraph (1) the following paragraph:

-----  
(2) Orders 85A, 86A and 93 are applicable only to the Subordinate Courts.

## Order 6

**Form of writ (O. 6 r. 1) (page 12)**

Order 6, rule 1 of the principal Rules is amended by inserting after the words “Form 2” the words “for the High Court and in Form 2A for the Subordinate Courts”.

-----  
 | **1.** Every writ shall be in Form 2 for the High Court and in Form 2A for the |  
Subordinate Courts.

## Order 12

**Dispute as to jurisdiction (O. 12 r. 10) (page 27)**

Order 12, rule 10(7) of the principal Rules is amended by substituting for the words “rule 1” the words “paragraph (1) or (2)”.

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 | (7) Order 18, rule 2(1) does not apply to any defendant making an application |  
 | under paragraph (1) or (2), unless the application is dismissed and, in which case, the |  
 | defendant shall serve his defence within fourteen days after the dismissal of the |  
application or within such other period as the Court may order.

## Order 45

**Forms of writs (O. 45 r. 12) (page 151)**

Order 45, rule 12 of the principal Rules is amended -

- (a) in paragraph (1), by inserting after the words “Form 84 (for movable property)” the words “for the High Court and in Form 84A(for movable property) for the Subordinate Courts”;
- (b) in paragraph (2), by inserting after the words “Form 86” the words “for the High Court and in Form 86A for the Subordinate Courts”; and
- (c) in paragraph (3), by inserting after the words “Form 87” the words “for the High Court and in Form 87A for the Subordinate Courts”.

12. (1) A writ of seizure and sale shall be in Form 84 (for movable property) for the High Court and in Form 84A (for movable property) for the Subordinate Courts or Form 85 (for immovable property).

(2) A writ of delivery shall be in Form 86 for the High Court and in Form 86A for the Subordinate Courts.

(3) A writ of possession shall be in Form 87 for the High Court and in Form 87A for the Subordinate Courts.

## Order 55

**Record of appeal (O. 55 r. 4) (page 184)**

Order 55, rule 4(1)(b) of the principal Rules is amended by inserting after the words “if available” the words “, recorded wholly or partly by mechanical means”.

- (b) the notes of evidence, including witness statements, if available, recorded wholly or partly by mechanical means;

## Order 55A

**Appeals to the High Court under written law (O. 55A r. 1) (page 188)**

Order 55A, rule 1(2)(a) of the principal Rules is amended by inserting after the words “if available” the words “, recorded wholly or partly by mechanical means”.

- (a) the notes of evidence, if available, recorded wholly or partly by mechanical means;

## Order 59

**Powers of Registrar to determine costs (O. 59 r. 12) (page 197)**

Order 59, rule 12 of the principal Rules is amended -

- (a) by renumbering rule 12 as rule 12(1); and

**12.** (1) Subject to Order 59, rule 7, the Registrar shall have power to determine -

- (b) by inserting after rule 12 the following paragraph:

(2) An application under this rule shall be in Form 117A.

## Order 71

Order 71 of the principal Rules is amended -

- (a) by substituting for the word “Collector” wherever it appears the words “Land Administrator”

**Interpretation (O. 71 r. 2) (page 274)**

- (b) by substituting for the definition of “Collector” the following definition:

“Land Administrator” has the same meaning assigned to it as in the Small Estates (Distribution) Act 1955 [Act98];

- (c) by inserting after the definition of “Registrar of the Principal Registry” the following definition:

“Registry” means the Registry of the High Court;

**Duty of Registrar on receiving application for grant (O. 71 r. 4) (page 275)**

- (d) in rule 4(2), by substituting for the words “in the originating summons” the words “in the affidavit in support of the originating summons”;

(2) The Registrar may require proof of the identity of the deceased or of the applicant for the grant beyond that contained in the affidavit in support of the originating summons.

**Application for grant (O. 71 r. 5) (page 276)**

In rule 5 -

- (i) in paragraph (2), by inserting after the words “administration the” the words “affidavit in support of the”;

(2) On an application for a grant of administration the affidavit in support of the originating summons shall state whether, and if so, in what manner all persons having a prior right to a grant have been cleared off, and whether any minority or life interest arises under the will or intestacy.

- (ii) in paragraph (3), by inserting after the words “Malaysia, the” the words “affidavit in support of the”;

(3) Where the deceased died domiciled outside Malaysia, the affidavit in support of the originating summons shall state where the deceased died domiciled.

- (iii) in paragraph (4), by inserting after the words “If the” the words “affidavit in support of the”;

(4) If the affidavit in support of the originating summons states where the deceased died domiciled (whether in or outside Malaysia) a statement as to the country in which he died domiciled may be included in the grant.

- (iv) in paragraph (5), by inserting after the words “In every” the words “affidavit in support of the”; and

(5) In every affidavit in support of the originating summons -

- (v) in paragraph (6), by substituting for the words “in the originating summons” the words “in the affidavit in support of the originating summons”

(6) Where an application for a grant is, for the first time, made after the lapse of three years from the death of the deceased, the reason for the delay in making the application shall be set out in the affidavit in support of the originating summons.

**Grant in additional name (O. 71 r. 6) (page 276)**

In rule 6, by inserting after the words “state in the” the words “affidavit in support of the”

6. Where it is necessary to describe the deceased in a grant by some name in addition to his true name, the applicant shall state in the affidavit in support of the originating summons the true name of the deceased and shall depose that some part of the estate, specifying it, was held in the other name, or as to any other reason that there may be for the inclusion of the other name in the grant.

**Marking of wills (O. 71 r. 7) (page 277)**

By substituting for rule 7(1) the following paragraph:

7. (1) Every will in respect of which an application for a grant is made shall be handed over to the Registrar on the hearing date and a certified true copy of the will shall be annexed to the affidavit in support of the originating summons.

**Grants to attorneys (O. 71 r. 26) (page 281)**

In the first proviso to rule 26 -

- (i) by substituting for the word “file” the word “annex” and
- (ii) by substituting for the words “with the originating summons” the words “to the affidavit in support of the originating summons”

Provided that the attorney shall annex a certified true copy of the power of attorney to the affidavit in support of the originating summons or prove that he has deposited it or a certified copy of it in the Registry of the High Court in the manner provided by section 4 of the Powers of Attorney Act 1949:

**Grants on behalf of infants (O. 71 r. 27) (page 282)**

In rule 27(5), by substituting for the words “twenty one years” the word “majority”

- (5) Where an infant who is sole executor has no interest in the residuary estate of the deceased, administration for the use and benefit of the infant until he attains the age of majority shall, unless the Registrar otherwise directs, be granted to the person entitled to the residuary estate.

**Grants to trust corporations and other corporate bodies (O. 71 r. 30) (page 283)**

In rule 30 -

(i) in paragraph (1) -

(a) by substituting for the word “file” the word “annex” and

(b) by inserting after the word “in” the words “the affidavit in support of”

**30.** (1) Where a trust corporation applies for a grant through one of its officers, such officer shall annex a certified copy of the resolution authorizing him to make the application and shall depose in the affidavit in support of the originating summons that the corporation is a trust corporation, and that it has power to accept a grant:

(ii) in the proviso to paragraph (1), by substituting for the word “file” the word “annex”

Provided that it shall not be necessary to annex a certified copy of the resolution where the officer through whom the application is made is included in a list of persons authorized to make such applications kept by the Registrar.

(iii) in paragraph (2), by substituting for the words “filed with” the words “annexed to the affidavit in support of”

(2) Where a trust corporation applies for a grant of administration otherwise than as attorney for some person, there shall be annexed to the affidavit in support of the originating summons the consents of all persons entitled to a grant and all persons interested in the residuary estate of the deceased, unless the Registrar directs that such consents be dispensed with on such terms, if any, as he may think fit.

(iv) in paragraph (3), by substituting for the words “filed with the originating summons for the grant, and the originating summons” the words “annexed to the affidavit in support of the originating summons for the grant, and the affidavit in support of the originating summons” (page 284)

(3) Where a corporation (not being a trust corporation) would, if an individual, be entitled to a grant, administration for its use and benefit, limited until further representation is granted, may be granted to its nominee or, if the corporation has its principal place of business outside Malaysia, its nominee or lawfully constituted attorney, and a copy of the resolution appointing the nominee or the power of attorney, as the case may be, sealed by the corporation or otherwise authenticated to the Registrar’s satisfaction shall be annexed to the affidavit in support of the originating summons for the grant, and the affidavit in support of the originating summons shall state that the corporation is not a trust corporation.

**Administration bonds (O. 71 r. 34)** (*page 285*)

In rule 34(3) -

- (i) in subparagraph (b) in the English language text, by deleting the word “or”

(b) by a servant of the Government acting in his official capacity;

- (ii) by substituting for subparagraph (c) the following subparagraph:

“(c) where the gross value of the estate of the deceased does not exceed fifty thousand ringgit; or” and

- (iii) by inserting after subparagraph (c) the following subparagraph:

“(d) where the deceased left no estate.”

(c) where the gross value of the estate of the deceased does not exceed fifty thousand ringgit; or

(d) where the deceased left no estate.

**Caveats (O. 71 r. 37)** (*page 286*)

- (i) in paragraph (3) in the English language text, by substituting for the word “which” the word “who”

(3) Any person who wishes to enter a caveat (who is referred to as “the caveator” in this rule) may do so by filing the caveat in Form 164 in the Registry and obtaining an acknowledgement of entry from the proper officer, or by sending through the post at his own risk the caveat to the Registry.

- (ii) by substituting for the word “Collector” the words “Land Administrator”

(6) The Registrar of the Principal Registry shall maintain an index of caveats entered in all Registries and on receiving a notice of an application for a grant made in any Registry or to a Land Administrator he shall cause the index to be searched and shall notify the appropriate Registrar or Land Administrator in the event of a caveat having been entered against the sealing of a grant for which application has been made in the Registry or to the Land Administrator.



- (iii) in paragraph (8) in the English language text, by substituting for the words “which shall” the words “who shall” and

(8) A caveat may be warned by the issue from Registry of a warning in Form 165 at the instance of any person interested (who is referred to as “the person warning” in this rule) who shall state his interest and, if he claims under a will, the date of the will, and shall require the caveator to give particulars of any contrary interest which he may have in the estate of the deceased; and every warning or a copy thereof shall be served on the caveator and the Registrar of the Principal Registry.

- (iii) in paragraphs (11) and (12), by substituting for the word “summons” the words “notice of application” (*page 287*)

(11) A caveator having no interest contrary to that of the person warning but wishing to show cause against the making of a grant to that person may, within eight days of service of the warning upon him inclusive of the day of such service, or at any time thereafter if no affidavit has been filed under paragraph (12), issue and serve a notice of application for directions, which shall be returnable before the Registrar.

(12) If the time limited for appearance in Form 166 has expired and the caveator has not entered an appearance, the person warning may file in the Registry an affidavit showing that the warning was duly served and that he has not received a notice of application for directions under paragraph (11), and thereupon the caveat shall cease to have effect.

**Applications in respect of nuncupative wills and of copies of wills (O. 71 r. 46) (*page 290*)**

In rule 46, by substituting for the words “notice of application” the words “originating summons”

**46.** (1) An application for an order admitting to proof a nuncupative will, or a will contained in a copy, a completed draft, a reconstruction or other evidence or its contents where the original will is not available, may be made to the court by originating summons:

**Small estates (O. 71 r. 50) (page 291)**

In rule 50(1)(a) -

- (a) by substituting for the word “Collector” the words “Land Administrator”
- (b) by inserting after the word “if” the words “the affidavit in support of”.

(a) if the affidavit in support of the originating summons discloses that the assets of the estate include immovable property in any State, the Registrar shall before fixing a date for the hearing of the originating summons require the applicant to satisfy him that the estate is not a small estate as defined under the Small Estates (Distribution) Act 1955, and may make such further and other inquiries regarding the value of the estate as he deems proper and unless so satisfied he shall transfer the originating summons to a Land Administrator having jurisdiction under the Small Estates (Distribution) Act 1955;

In rule 50(1)(b)(i), (ii), rule 50(2) and rule 50(3) by substituting for the word “Collector” the words “Land Administrator” (page 291 & 292)

- (b) if it appears to the Registrar that proceedings are already pending before a Land Administrator then -
  - (i) if the Registrar is satisfied that the estate is a small estate, he shall transfer the originating summons to the Land Administrator; but
  - (ii) if the Registrar is satisfied that the estate is not a small estate, he shall so inform the Land Administrator and shall not proceed to hear the originating summons until the Land Administrator has had an opportunity of referring to him the proceedings before the Land Administrator.

(2) When any originating summons for probate or letters of administration with will annexed is filed in the High Court and it appears to the Registrar that proceedings relating to the same estate are pending before a Land Administrator, the Registrar shall request the Land Administrator not to take any further step in the proceedings before him until the validity or otherwise of the alleged will is established and shall furnish to the Land Administrator all necessary particulars regarding the proceedings in the High Court.

(3) In any case in which a caveat has been entered before any originating summons for probate or letters of administration has been filed in the High Court and the Registrar is satisfied that an application to a Land Administrator is pending relating to the same estate, he shall inform the caveator of the application to the Land Administrator and the Land Administrator of the caveat.

## Order 74

**Where judgment or order against a firm (O. 74 r. 11C) (page 306)**

Order 74, rule 11C(2) of the principal Rules is amended in the English language text by substituting for the words “by *ex parte* summons” the words “*ex parte*”.

(2) Where the person entitled to enforce such judgment or order desires to issue a judgment debtor summons against any other person, he shall apply for leave of the Court *ex parte* in Form 175 supported by affidavit in Form 176.

## Order 85A

**Mode of application under Hire-Purchase Act 1967 (O. 85A r. 2) (page 336)**

Order 85A, rule 2 of the principal Rules is amended by inserting after the word “11,” the word “16,”.

2. An application under the proviso to section 11, 16, 33, 41 or 42 of the Hire-Purchase Act 1967 [Act 212] shall be made by originating summons in Form 191A supported by an affidavit setting out the facts and the grounds on which the application is made.

## Order 86

**Disposal of application in Chambers (O. 86 r. 4) (page 337)**

Order 86, rule 4 of the principal Rules is amended by inserting after the word “fit” the word “and”.

4. Any application under the Act in which it appears to the Court that the interests of an infant or other person under disability are affected may, if the Court thinks fit and so direct, be disposed of in Chambers, but any order under section 3 or 6 of the Act shall be made by the Judge in person.

## Order 92

**Seal of the Court (O. 92 r. 2) (page 356)**

Order 92, rule 2 of the principal Rules is amended by inserting after the word “Court” the words “, and such seal shall include an electronic seal”.

2. Every document issued by the Registry for which a form marked with the word “seal” as prescribed in Appendix A shall bear the seal of the Court, and such seal shall include an electronic seal.

**APPENDIX A**

Appendix A of the principal Rules is amended - (page 369)

In Form 2 -

- (i) by inserting the word “HIGH” before the words “COURT OF MALAYA/SABAH & SARAWAK AT ..... ”;

<p>No. 2</p> <p>WRIT (O. 6 r. 1)</p> <p>IN THE HIGH COURT OF MALAYA/SABAH &amp; SARAWAK AT .....</p> <p>Suit No ..... of 20 .....</p>
---

- (ii) by inserting the word “(Seal)” above the words “Memorandum to be Subscribed on the Writ”. (page 370)

<p>WITNESS ..... Registrar of the Court ..... in ..... the ..... day of ....., 20 .....</p> <p>..... <i>Plaintiff's Solicitors</i></p> <p>..... <i>Registrar, Court</i></p> <p>(Seal)</p> <p><i>Memorandum to be Subscribed on the Writ</i></p>
---

- (b) by inserting after Form 2 the following form: (page 369)

<p>No. 2A</p> <p>WRIT (O. 6 r. 1)</p> <p>(SUBORDINATE COURTS)</p> <p>IN THE SESSIONS/MAGISTRATES' COURT AT .....</p> <p>Suit No ..... of 20 .....</p> <p>Between</p> <p>..... Plaintiff</p> <p>and</p> <p>..... Defendant</p> <p>To .....</p>
---

*(continuation of Form 2A)*

We command you that within fourteen days after the service of this writ on you, inclusive of the day of such service, you do cause an appearance to be entered for you in a cause at the suit of ..... and take notice, that in default of your so doing the plaintiff may proceed therein to judgment and execution.

WITNESS ..... Registrar of the Court in ..... the ..... day of ....., 20 .....

.....  
*Plaintiff's Solicitors*

.....  
*Registrar, Court*

(Seal)

*Memorandum to be Subscribed on the Writ*

This writ may not be served more than six calendar months after the above date unless renewed by order of court.

The defendant (or defendants) may appear hereto by entering an appearance (or appearances) either personally or by a solicitor at the Registry of the Court.

A defendant appearing personally may, if he desires, enter his appearance by post, and the appropriate forms may be obtained by sending a Postal Order for RM ..... with an addressed envelope to the Registrar, Court at .....

*Endorsements to be made on writ before issue*

*Endorsement of claim*

The plaintiff's claim is for ..... (if the plaintiff's claim is for a debt or liquidated demand only, the following endorsement must be added at the foot of that claim:)

And RM ..... (or such sum as may be allowed on taxation) for costs, and also, if the plaintiff obtains an order for substituted service, the further sum of RM ..... (or such sum as may be allowed on taxation). If the amount claimed and costs be paid to the plaintiff or his solicitor within 8 days after service hereof (inclusive of the day of service), further proceedings will be stayed, but if it appears from the endorsement on the writ that the plaintiff is resident outside the scheduled territories, as defined by the Exchange Control Act 1953, or is acting by order or on behalf of a person so resident, proceedings will only be stayed if the amount claimed and costs is paid into court within the said time and notice of such payment in is given to the plaintiff or his solicitor.

(If the plaintiff sues, or the defendant is sued, in a representative capacity, this must be stated in the endorsement of claim).

*Endorsement as to solicitor and address*

This writ is issued by ..... of ..... solicitor for the said plaintiff whose address is ..... (or where the plaintiff sues in person). This writ is issued by the said plaintiff who resides at ..... and is (state occupation) and (if the plaintiff does not reside within the jurisdiction) whose address for service is .....

*(continuation of Form 2A)**Endorsement as to service*

This Writ was served by ..... by way of personal service (or as may) (state manner of service or in accordance with the terms of an order for substituted service) on the defendant (who is known to me) (or who was pointed out to me by ..... ) (or who admitted to me that he was ..... ) at (place) on ..... the ..... day of ..... , 20 .....

Endorsed the ..... day of, ..... 20 .....

.....  
*Process Server*

In Forms 3 (*p. 371*), 5 (*p. 371*), 6 (*p. 372*), 12 (*p. 377*), 27 (*p. 385*), 110 (*p. 453*), 115 (*p. 457*), 116 (*p. 457*), 122 (*p. 461*), 129 (*p. 467*) and 158 (*p. 486*), by inserting the word “(Seal)” before the word “Registrar”;

No. 3

## NOTICE OF RENEWAL OF WRIT (O. 6 r. 7) (O. 46 r. 6)

Renewed for ..... months from the ..... day of ..... 20 ..... by an order of Court dated the ..... day of ..... 20 .....

Dated the ..... day of ..... , 20 .....

(Seal)

.....  
*Registrar*

Form 5 (*p. 371*)

(Seal)

.....  
*Registrar*

Form 6 (*p. 372*)

(Seal)

.....  
*Registrar*

This summons is taken out by ..... of ..... solicitor for the applicant whose address is .....

Form 12 (p. 377)

<p style="text-align: center;">No. 12</p> <p style="text-align: center;">CERTIFICATE OF NON-APPEARANCE (O. 13 r. 7)</p> <p style="text-align: center;">(Title as in action)</p> <p>An affidavit of service of (describe document) on the (name of person served) at ..... on ..... the ..... day of....., 20 ....., having been filed this ..... day of ....., 20 .....</p> <p>IT IS HEREBY CERTIFIED that no appearance has been entered for the said (name of person served)</p> <p>Dated the ..... day of ....., 20 .....</p> <p style="text-align: center;">(Seal)</p> <p style="text-align: right;">..... Registrar</p>
--

Form 27 (p. 386)

<p>Interpleader to issue returnable the day of ....., 20 ..... at ..... a.m/p.m..</p> <p>Dated the ..... day of ....., 20 .....</p> <p style="text-align: center;">(Seal)</p> <p style="text-align: right;">..... Registrar</p>
---

Form 110 (p. 453)

<p>Dated the ..... day of ....., 20 .....</p> <p style="text-align: center;">(Seal)</p> <p style="text-align: right;">..... Registrar</p>
---

Form 115 (p. 457)

<p>Dated the ..... day of ....., 20 .....</p> <p style="text-align: center;">(Seal)</p> <p style="text-align: right;">..... Registrar</p> <p>To the Registrar, Court .....</p>
--

Form 116 (p. 457)

<p>Dated the ..... day of ....., 20 .....</p> <p>(Seal)</p> <p>To:</p>	<p>.....</p> <p><i>Registrar</i></p>
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Form 122 (p. 461)

<p>No. 122</p> <p>JUDGMENT BOOK (O. 60 r. 2) (At foot of Judgment add)</p> <p>Entered the ..... day of ....., 20 ..... in Volume ..... Page.</p> <p>(Seal)</p> <p>.....</p> <p><i>Registrar</i></p>
---

Form 129 (p. 467)

<p>Dated the ..... day of ....., 20 .....</p> <p>(Seal)</p> <p>.....</p> <p><i>Registrar</i></p>
--

Form 158 (p. 486)

Dated the ..... day of ....., 20 .....

(Seal)

.....

*Registrar, High Court*

Registrar,  
Subordinate Courts.

Letters of Administration has been granted the ..... day of ....., 20 .....

Dated the ..... day of ....., 20 .....

(Seal)





Form 18 (p. 380)

No. 18

THIRD PARTY NOTICE CLAIMING CONTRIBUTION OR  
INDEMNITY OR OTHER RELIEF OR REMEDY (O. 16 r. 1)

IN THE HIGH COURT OF MALAYA/SABAH & SARAWAK AT ..... /  
SESSIONS/MAGISTRATES' COURT AT .....

Form 97 (p. 442)

No. 97

GARNISHEE ORDER TO SHOW CAUSE (O. 49 r. 1)

IN THE HIGH COURT OF MALAYA/SABAH & SARAWAK AT ..... /  
SESSIONS/MAGISTRATES' COURT AT .....

In Form 57, by inserting after the words "in Chambers" the words "/Open Court" (p. 403)

No. 57

NOTICE OF APPLICATION (O. 32 r. 1)

(Title as in action)

Let all parties concerned attend before the Judge (or Registrar) in Chambers/Open Court  
on ....., the ..... day of ....., 20 ..... at ..... a.m/p.m. on the hearing  
of an application on the part of (state nature of the application).

In Form 63 (p. 409) -

- (i) in the English language text, by substituting for the words "THE  
HONOURABLE" the words "THE RIGHT HONOURABLE"

No. 63

SUBPOENA TO TESTIFY (O. 38 r. 14)

(Title as in action)

THE RIGHT HONOURABLE CHIEF JUDGE OF ....., IN THE NAME OF THE  
YANG DI-PERTUAN AGONG

By inserting after Form 84 the following form (page 434):

No. 84A

WRIT OF SEIZURE AND SALE (MOVABLE PROPERTY) (O. 45 r. 12)

(FOR SUBORDINATE COURT)

(Title as in action)

To the Bailiff,

We command you that you cause to be levied and made out of the property liable to be seized under a writ of seizure and sale which shall be identified by or on behalf of (name of execution creditor) as belonging to (name of execution debtor) now or late of (address of execution debtor) by seizure and if it be necessary by sale thereof RM ..... which the said (name of execution creditor) lately in Our Court recovered against the said (name of execution debtor) by a judgment (or order or as may be) bearing the ..... day of ..... , 20 ..... and in what manner you shall have executed this Our writ make appear to us in our said Court immediately after the execution thereof. And have there then this writ.

Dated the ..... day of ....., 20 .....

Entered No ..... of 20 .....

Clerk

(Seal)

.....  
Registrar

*Memorandum to be subscribed on the Writ*

This writ may not be served more than twelve months after the above date unless renewed by order of Court.

*Endorsements to be made on Writ before issue*

RM            Cent

THIS WRIT is issued ..... of .....

Solicitor for the execution creditor .....

who resides at .....

The execution debtor resides at .....

Amount of judgment and costs

Subsequent costs (if any)

Paid to account of judgment

Remaining due

Costs of this writ

Interest on RM ..... at ..... % p.a.

from ..... to .....

*(continuation of Form 84A)*

Property seized on .....

Amount of levy paid on .....

Property sold on ..... by ..... for .....

Expenses of Execution

Lotting and advertising

Auctioneers commission

Court commission

Other Court fees

Watchmen's wages

Other legal expenses (specify them)

Paid into Court

Paid to credit of landlord under

Paid to credit of Writ of Distress

Paid to credit of execution creditor

Paid to credit of execution debtor

Dated the ..... day of ....., 20 .....

.....  
*Bailiff*

In Form 86 - (page 435):

- (i) in the English language text by substituting for the words "THE HONOURABLE" the words "THE RIGHT HONOURABLE"

No. 86

WRIT OF DELIVERY (O. 45 r. 12)

*(Title as in action)*

THE RIGHT HONOURABLE  
CHIEF JUDGE OF MALAYA/ SABAH & SARAWAK, IN THE NAME OF THE  
YANG DI-PERTUAN AGONG

- (i) by inserting after Form 86 the following form: (page 436)

No. 86A

WRIT OF DELIVERY (O. 45 r. 12)

(FOR SUBORDINATE COURT)

(Title as in action)

To the Bailiff,

We command you that, without delay, you do seize and deliver, to the abovenamed (name of execution creditor) the following movable property, that is to say (describe the property delivery of which has been adjudged or ordered) (and RM ..... damages and RM ..... costs) which the said (name of execution creditor) lately in our Court recovered against the said (name of execution debtor) by a judgment (or order or as may be) bearing the ..... day of ..... , 20 .....

(And we further command you that if the said movable property cannot be found within Malaya/Sabah & Sarawak you cause to be levied and made out of the property liable to be seized under a writ of seizure and sale belonging to the said (name of execution debtor) and if necessary by sale thereof RM ..... being the assessed value of the said property).

And in what manner you have executed this our writ make appear to us in our said Court immediately after the execution thereof. And have there then this writ.

Dated the ..... day of ....., 20 .....

Entered No ..... of 20 .....

Clerk

(Seal)

.....  
Registrar

Memorandum on Writ (as in Form 85).

Endorsements on Writ (as in Form 85 or as required).

In Form 87 - (page 436)

- (i) in the English language text, by substituting for the words "THE HONOURABLE" the words "THE RIGHT HONOURABLE"

No. 87

WRIT OF POSSESSION (O. 45 r. 12)

(Title as in action)

THE RIGHT HONOURABLE  
CHIEF JUDGE OF MALAYA/ SABAH & SARAWAK,  
IN THE NAME OF THE YANG DI-PERTUAN AGONG

By inserting after Form 87 the following form: (page 437)

No. 87A

WRIT OF POSSESSION (O. 45, r. 12)

(FOR SUBORDINATE COURT)

(Title as in action)

To the Bailiff,

Whereas lately, by a judgment of our said Court bearing the ..... day of ....., 20 ....., it was adjudged (or ordered) that the defendant (name of defendant) do give the plaintiff (name of plaintiff) possession of (describe the immovable property delivery of which has been adjudged or ordered) and do pay him RM ..... and RM ..... costs.

We command that you enter the said immovable property and cause (name of plaintiff) to have possession of it.

And we further command that you cause to be levied and made out of the property liable to be seized under a writ of seizure and sale belonging to the said (name of defendant) and if necessary by sale thereof RM ..... And in what manner you have executed this our writ make appear to us in our said Court immediately after the execution thereof. And have there then this writ.

Dated the ..... day of ....., 20 .....

Entered No ..... of 20 .....

Clerk

(Seal)

.....  
Registrar

Memorandum on Writ (as in Form 85).

Endorsements on Writ (as in Form 85 or as required).

In Form 98, by substituting for the words “IN THE COURT OF MALAYA/SABAH & SARAWAK AT ..... ” the words “IN THE HIGH COURT OF MALAYA/SABAH & SARAWAK AT ..... /SESSIONS/MAGISTRATES’ COURT AT ..... ”  
(page 443)

No. 98

AFFIDAVIT IN SUPPORT OF GARNISHEE ORDER (O. 49 r. 2)

IN THE HIGH COURT OF MALAYA/SABAH & SARAWAK AT ..... /SESSIONS/  
MAGISTRATES’ COURT AT .....

Suit No ..... of 20 .....

In Form 113 by substituting for the words “IN THE COURT OF MALAYA/SABAH & SARAWAK AT ..... ” the words “IN THE HIGH COURT OF MALAYA/SABAH & SARAWAK AT ..... ” (page 456)

No. 113

NOTICE OF CROSS APPEAL (O. 55 r. 8)

IN THE HIGH COURT OF MALAYA/SABAH & SARAWAK AT .....

Civil Appeal No ..... of 20 .....

By inserting after Form 117 the following form: (page 459)

No. 117A

NOTICE OF TAXATION BY REGISTRAR (O. 59, r. 12)

(Title as in action)

To:

M/s ..... , solicitors for the [Plaintiff/Defendant (or as may be)]

TAKE NOTICE that the Registrar has appointed ..... , the ..... day of ..... , 20  
..... at ..... am/pm to tax the bill of cost.

Dated the ..... day of ..... , 20 .....

(Seal)

.....  
Solicitors for Plaintiff/Defendant

.....  
Registrar

(or as may be)

On Form 143 by substituting for the words “IN THE COURT OF MALAYA/SABAH & SARAWAK AT ..... ” the words “IN THE HIGH COURT OF MALAYA/SABAH & SARAWAK AT ..... ” (page 477)

No. 143

ORDER FOR REGISTRATION OF FOREIGN JUDGMENT (O. 67 r. 5)

IN THE HIGH COURT OF MALAYA/SABAH & SARAWAK AT .....

O.S. No ..... of 20 .....

In Form 146 -

- (i) in the English language text, by substituting for the words “THE HONOURABLE” the words “THE RIGHT HONOURABLE” (page 479)

No. 146

WRIT IN ACTION *IN REM* (O. 70 r. 2)

THE HIGH COURT OF MALAYA/SABAH & SARAWAK AT .....

Admiralty in rem No ..... of 20 .....

Admiralty action in rem against:

(The ship ..... or as may be describing the res)

Between

(The owners of the ship ..... or as may be)

..... Plaintiffs

and

(The owners of the ship ..... or as may be)

..... Defendants

THE RIGHT HONOURABLE  
CHIEF JUDGE OF MALAYA/SABAH & SARAWAK,  
IN THE NAME OF THE YANG DI-PERTUAN AGONG



In Form 147 - (page 480)

- (i) in the English language text, by substituting for the words “THE HONOURABLE” the words “THE RIGHT HONOURABLE”

No. 147

WARRANT OF ARREST (O. 70 r. 4)

(Title as in Form 146)

THE RIGHT HONOURABLE  
CHIEF JUDGE OF MALAYA/SABAH & SARAWAK, IN THE NAME  
OF THE YANG DI-PERTUAN AGONG

In Form 151 - (page 483)

- (i) in the English language text, by substituting for the words “THE HONOURABLE” the words “THE RIGHT HONOURABLE”

No. 151

RELEASE (O. 70 r. 12)

(Title as in Form 146)

THE RIGHT HONOURABLE  
CHIEF JUDGE OF MALAYA/SABAH & SARAWAK IN THE NAME OF THE  
YANG DI-PERTUAN AGONG

In Form 157 - (page 485)

- (i) in the English language text, by substituting for the words “THE HONOURABLE” the words “THE RIGHT HONOURABLE”

No. 157

COMMISSION FOR APPRAISEMENT AND SALE (O. 70 r. 22)

(Title as in Form 146)

THE RIGHT HONOURABLE  
CHIEF JUDGE OF MALAYA/SABAH & SARAWAK, IN THE NAME OF THE  
YANG DI-PERTUAN AGONG

In Form 198 - (page 521)

- (i) in the English language text, by substituting for the words “Signature/Right thumb print of Defendant” the words “Signature/Right thumb print of Plaintiff”
- (ii) by inserting the word “(Seal)” above the words “ORDER TO DEFENDANT:”

..... <i>Date</i>	..... <i>Signature/Right thumb print of Plaintiff</i>
..... <i>Date of Filing</i>	..... <i>Magistrate</i>
(Seal)	
ORDER TO DEFENDANT:	

In Form 199 - (page 523)

- (i) by inserting the word “(Seal)” above the words “INSTRUCTIONS TO THE DEFENDANT:”

..... <i>Date</i>	..... <i>Signature/Right thumb print of Defendant</i>
..... <i>Date of Filing</i>	..... <i>Magistrate</i>
(Seal)	
INSTRUCTIONS TO THE DEFENDANT:	

In Form 200 - (page 524)

- (i) by substituting for the words “Signature/Right thumb print of Defendant” the words “Signature/Right thumb print of Plaintiff”; and
- (ii) by inserting the word “(Seal)” above the words “INSTRUCTIONS TO THE PLAINTIFF:”

..... <i>Date</i>	..... <i>Signature/Right thumb print of Plaintiff</i>
..... <i>Date of Filing</i>	..... <i>Magistrate</i>
(Seal)	
INSTRUCTIONS TO THE PLAINTIFF:	

In Form 208 by inserting the word “(Seal)” above the words “INSTRUCTIONS TO THE JUDGMENT DEBTOR”: (*page 530*)

.....  
*Date*

.....  
*Signature/Right thumb print of Judgment Creditor*

.....  
*Date of Filing*

.....  
*Magistrate*

(Seal)

INSTRUCTIONS TO THE JUDGMENT DEBTOR:

**APPENDIX B1**  
**HIGH COURT FEES**

<i>No</i>	<i>Items</i>	<i>Fees</i>		<i>Document on which the stamp is to be affixed and remarks</i>
		<i>ringgit</i>	<i>sen</i>	
<b>GENERAL</b>				
<b>COMMENCEMENT OF A CAUSE OR MATTER</b>				
1	On sealing a writ for the commencement of an action	200	00	<i>Praeipie</i>
2	On sealing an originating summons	80	00	<i>Praeipie</i>
3	On sealing a concurrent or renewed writ or a concurrent or renewed originating summons	10	00	<i>Praeipie</i>
4	On sealing an amended writ or an amended originating summons	10	00	<i>Praeipie</i>
5	On sealing any other form of commencement of a cause or matter where no fee is specifically provided	80	00	<i>Praeipie</i>
6	On sealing any amended mode of commencement of a cause or matter	10	00	<i>Praeipie</i>
7	On marking the renewal of any writ or originating summons or other mode of commencement of a cause or matter	10	00	<i>Praeipie</i>
<b>APPEARANCE</b>				
8	On entering an appearance for each person	10	00	<i>Praeipie</i>
9	On filing a certificate of non appearance for each person	20	00	
10	On amending the same	10	00	<i>Praeipie</i>
<b>IN INTERLOCUTORY APPLICATIONS</b>				
11	On sealing any notice of application	20	00	<i>Praeipie</i>
12	On sealing any notice or certificate	10	00	<i>Praeipie</i>
13	On filing a notice under Order 16 rule 1, 8 or 9	150	00	<i>Praeipie</i>

<i>No</i>	<i>Items</i>	<i>Fees</i>		<i>Document on which the stamp is to be affixed and remarks</i>
		<i>ringgit</i>	<i>sen</i>	
14	On bespeaking a request for the service of process or notice thereof out of the jurisdiction	40	00	<i>Praeipie</i>
15	On sealing a commission or letter of request for the examination of witnesses abroad	40	00	<i>Praeipie</i>
16	On every appointment for the examination of a witness by an officer of the Court	20	00	<i>Praeipie</i>
17	On every witness sworn and examined by an officer of the Court, for each hour or part of an hour	40	00	<i>Praeipie</i>
ENTERING OR SETTING DOWN FOR TRIAL OR HEARING IN COURT				
18	On setting down a cause or matter including an application for hearing or judgment or on a point of law	100	00	<i>Praeipie</i>
19	On entering or setting down any cause or matter for further consideration	60	00	<i>Praeipie</i>
SUBPOENA				
20	On sealing a subpoena to testify and/or to produce documents, for each witness	4	00	<i>Praeipie</i>
21	On sealing an instanter subpoena to testify and/or to produce documents for each witness Note: An instanter subpoena is one issued less than 3 days before the trial of an action.	12	00	<i>Praeipie</i>
WRITS				
22	On sealing every writ of execution, distress	80	00	<i>Praeipie</i>
23	On sealing an originating summons for the issue of a writ of distress	200	00	<i>Praeipie</i>

No	Items	Fees		Document on which the stamp is to be affixed and remarks
		ringgit	sen	
JUDGMENT AND ORDERS				
24	On entering or sealing any order, judgment or certificate made in Chambers	40	00	<i>Praeipie</i>
25	On entering or sealing a judgment or order given, directed or made in the trial, hearing or further consideration of a cause or matter in Court	150	00	<i>Praeipie</i>
26	On sealing every order of committal, arrest or attachment of property	80	00	<i>Praeipie</i>
MISCELLANEOUS				
27	On adjourning from Chambers into Court - an originating summons	80	00	<i>Praeipie</i>
28	On taking an account of moneys received by a receiver, committee or guardian, consignee, bailee, manager, provisional official or voluntary liquidator, or of an executor, administrator or trustee, agent, solicitor, mortgagee, co-tenant, co-partner, execution creditor, or other person liable to account, when the amount found to have been received without deducting any payment shall not exceed RM1,000	20	00	<i>Praeipie</i>
29	Where such amount shall exceed RM1,000 for every RM500 or fraction of RM500  Note: In the case of any such receiver, committee, guardian, consignee, bailee, manager, liquidator, or execution creditor, the fees shall upon payment be allowed in the account, unless the Court shall otherwise direct, and in the case of taking the accounts of such other accounting parties the fees shall be paid by the party having the conduct of the order under which such account is taken as part of his costs in the cause or matter, unless the Court shall otherwise direct and in such case shall be taken upon the certificate of the result of any such account, but the fees	2	00	<i>Praeipie</i>

No	Items	Fees		Document on which the stamp is to be affixed and remarks
		ringgit	sen	
	shall be due and payable although no certificate is required on the account taken or such part thereof as may be taken, and the solicitor or party suing in person shall in such case cause the proper stamps, the amount thereof to be fixed by the Registrar, to be impressed on the account.			
30	On signing, settling or approving an advertisement	20	00	<i>Praeipie</i>
31	On settling a lodgment schedule for payment into court of purchase or other money	10	00	<i>Praeipie</i>
32	On settling- (a) a deed or other instrument or (b) particulars and conditions of sale, whether together or separately	40	00	<i>Praeipie</i>
33	On fixing the reserve on a sale out of Court	40	00	<i>Praeipie</i>
34	On every reference to an officer of the Court	60	00	<i>Praeipie</i>
35	On sealing a notice of appeal from a Registrar to a Judge in Chambers	20	00	<i>Praeipie</i>
36	Request for judgment debtor summons	8	00	<i>Praeipie</i>
37	On sealing a judgment debtor summons	20	00	<i>Praeipie</i>
PROBATE				
38	On filing an originating summons for Probate or Letters of Administration, or for resealing the same, including the fees for taking and filing the affidavit, verifying the summons and on answering and setting down the summons for hearing in Court	80	00	<i>Praeipie</i>
39	On extracting Grant of Probate or Letters of Administration or for resealing the same	200	00	<i>Praeipie</i>
40	On engrossing copy of a will or codicil or of any translation thereof or other document to annex to grant or for exemplification	2 1	00 plus 00 per folio	<i>Praeipie</i>

No	Items	Fees		Document on which the stamp is to be affixed and remarks
		ringgit	sen	
41	If in any other language per folio of the English translation	1	00	<i>Praecipe</i>
42	On every exemplification of a Probate or Letters of Administration, with or without the will annexed in addition to the fees for engrossing	20	00	<i>Praecipe</i>
43	On entry of every caveat including notice to the other Registries and notice to the petitioner	10	00	<i>Praecipe</i>
44	On withdrawing a caveat including notice	10	00	<i>Praecipe</i>
45	On settling or sealing a citation (where the estate exceeds RM1,000)	20	00	<i>Praecipe</i>
46	Memorandum for resealing	10	00	<i>Praecipe</i>
ADMIRALTY				
47	On filing -			
	(a) a consent to release	20	00	<i>Praecipe</i>
	(b) a <i>praecipe</i> under Order 70, rules 4(3), 5(1), 7(3), 12(5)(b), 13(1), 22(1)	20	00	<i>Praecipe</i>
	(c) a notice under Order 70, rule 12(2)	20	00	<i>Praecipe</i>
	(d) an agreement under Order 70, rule 33	20	00	<i>Praecipe</i>
	(e) an admission of liability	20	00	<i>Praecipe</i>
	(f) a request for the attendance of assessors	20	00	<i>Praecipe</i>
	(g) any other document	10	00	<i>Praecipe</i>
48	(a) On entering a reference for hearing by the Registrar	120	00	<i>Praecipe</i>
	(b) Such further fee for any assessor as the Registrar may consider reasonable	-		
49	On a certificate by the Registrar as to a judgment or order	20	00	<i>Praecipe</i>
50	On lodging with the Sheriff a warrant, release, decree, order, Commission or other instrument	80	00	<i>Praecipe</i>
51	On the appointment and swearing of appraisers including the drawing of the affidavit for the appraiser	60	00	<i>Praecipe</i>



No	Items	Fees		Document on which the stamp is to be affixed and remarks
		ringgit	sen	
52	On the delivery of a ship or goods to a purchaser	80	00	To be deducted by Sheriff
53	On the sale of a ship commission of 5 per cent to be charged on the first RM1,000 and 2 1/2 per cent upon all above that sum, such sum to include the auctioneer's commission  Note: Where the sale is made by private contract, only half the commission will be payable	-		To be deducted by Sheriff
54	For attending the discharge of a cargo or the removal of a ship or goods for each day of attendance	100	00	To be deducted by Sheriff
	Note: Day means from 9 am to 4pm. For each hour or part thereof before 9 am or after 4pm	30	00	To be deducted by Sheriff
APPEAL FROM HIGH COURT				
55	On filing a notice of appeal or cross appeal to Court of Appeal	300	00	Praeipie
56	Any interlocutory application	40	00	Praeipie
APPEAL FROM SUBORDINATE COURT				
57	Appeal from Subordinate Courts-			
	(a) On presentation of memorandum of appeal from-			
	(i) Sessions Court	40	00	Praeipie
	(ii) Magistrates' Court	20	00	Praeipie
	(b) On entering or sealing an order	40	00	Praeipie
FILING				
58	On filing any document in the Registry (not provided) in this Appendix	8	00	Praeipie

No	Items	Fees		Document on which the stamp is to be affixed and remarks
		ringgit	sen	
59	On amending each pleading	8	00	<i>Praeipie</i>
60	On amending or filing any other amended document	8	00	<i>Praeipie</i>
61	On an application to search for appearance, for each defendant in respect of whom search is made including certificate of the result of such search	8	00	<i>Praeipie</i>
62	On any other search, including inspection, for each half hour or part thereof occupied	6	00	<i>Praeipie</i>
63	On every certificate or report by the Registrar not otherwise provided for	20	00	<i>Praeipie</i>
64	On filing of a certificate of Urgency	40	00	<i>Praeipie</i>
65	On filing any affidavit in the Registry	8	00	<i>Praeipie</i>
66	On filing any notice or certificate in the Registry	8	00	<i>Praeipie</i>
67	On filing a consent of litigation representative of person under disability	8	00	<i>Praeipie</i>
68	On filing any <i>praeipie</i>	8	00	<i>Praeipie</i>
COPIES OF DOCUMENTS				
69	On making a copy (or a certified copy) for each folio. For every second or subsequent copy by duplicating process for each folio  <i>Note:</i> Where a certified copy of a Judges note or judgment is by his leave made and supplied by his secretary or Court stenographer, the above fee shall be paid to and retained by such secretary or Court stenographer for his personal benefit, (provided that this fee shall be payable only if such secretary or stenographer does not claim overtime allowance from the Government for preparing such certified copy)	4	00	<i>Praeipie</i>

No	Items	Fees		Document on which the stamp is to be affixed and remarks
		ringgit	sen	
70	For examining a plain copy and marking the same as an office copy -			
	(a) in the case of a photographic or xerox copy for each sheet	1	00	<i>Praeipie</i>
	(b) in any other case for each folio	2	00	<i>Praeipie</i>
71	On an application to be allowed to copy any document filed or lodged in Court, for each document	2	00	<i>Praeipie</i>
TRANSLATIONS				
72	On a certified translation by an Interpreter of the Court	4 2	00 plus 00 per folio	<i>Praeipie</i>
73	On checking, correcting and certifying a translation not made by an Interpreter of the Court  <i>Note:</i> On presentation of the <i>praeipie</i> which must be signed and dated, it must bear a stamp for at least the first folio of translation. The folios will be reckoned on the English translation when ready and the fee must be made up to the full amount before the translation can be delivered.	4 2	00 plus 00 per folio	<i>Praeipie</i>
ACCOUNTANT - GENERALS OFFICE				
74	On a certificate of the amount and description of any moneys, funds, or securities, including the request therefor	8	00	Request
75	On a transcript of an account for each opening, including the request thereof	8	00	Request
76	(a) On paying, lodging, transferring or depositing funds in Court	8	00	Direction
	(b) On paying out of Court any money lodged or deposited in Court	8	00	Direction

No	Items	Fees		Document on which the stamp is to be affixed and remarks
		ringgit	sen	
77	On a request to the Accountant-General for information in writing respecting any moneys, funds or securities in Court or any transaction in his office	8	00	Request
TAXATION OF COSTS				
78	On taxing a bill of costs - (a) where the amount allowed does not exceed RM50 (b) where the amount allowed exceeds RM50 for every additional RM50 allowed or fraction thereof  Provided that the Registrar may in any case require the bill of costs to be stamped before taxation with the whole or part of the amount of fees which would be payable if the bill was allowed by him at the full amount thereof  <i>Note:</i> This item is only applicable to action or application that has been decided before 1 August 2012 and order for taxation of bill of costs has not been made.	10 4	00 00	<i>Praeipie</i> <i>Praeipie</i>
79	On certificate or allocatur of the result of the taxation  <i>Note:</i> Where a plaintiff is entitled to a lump sum for costs under Appendix 2 the same fees shall be payable as if a bill of costs had been taxed for the amount of such lump sum, and a certificate or allocatur, had been signed.	8	00	<i>Praeipie</i>
80	On the withdrawal of a bill of costs which has been lodged for taxation such fee (not exceeding the amount which would have been payable under Fee No. 78 if the bill had been allowed in full) as shall appear to the Registrar to be fair and reasonable.			
COMPANIES				
81	On presenting any petition or originating summons under the Companies Act 1965 other than winding up application.	150	00	<i>Praeipie</i>
82	On a certificate as to debts under section 7 or 59	200	00	<i>Praeipie</i>

No	Items	Fees		Document on which the stamp is to be affixed and remarks
		ringgit	sen	
COMMISSIONS				
83	On sealing or issuing a Commission to take oaths or affidavits or acknowledgments in the High Court	200	00	<i>Praeipie</i>
84	Upon an application for the production of records or documents to be given in evidence -			
	(a) where the records or documents are left in Court	8	00	<i>Praeipie</i>
	(b) where an officer is required to produce the records or documents in Court	60	00	<i>Praeipie</i>
85	For the attendance of an officer of the Court as a witness for every half day or part thereof that he is necessarily absent from his office	60	00	<i>Praeipie</i>
86	On taking or re-taking an affidavit or a declaration <i>in lieu</i> of an affidavit, or a declaration or an acknowledgment for each person making the same	4	00	<i>Praeipie</i>
	And in addition for each exhibit referred to therein and required to be marked	3	00	<i>Praeipie</i>
87	On each document referred to in a deposition and required to be marked	3	00	<i>Praeipie</i>
88	(a) On approving-			
	(i) a guarantee	20	00	<i>Praeipie</i>
	(ii) an undertaking <i>in lieu</i> of a guarantee	5	00	<i>Praeipie</i>
	(b) (i) On vacating a guarantee	20	00	<i>Praeipie</i>
	(ii) on discharging an undertaking <i>in lieu</i> of a guarantee:	10	00	<i>Praeipie</i>
	Provided that, when the vacating or discharge is unconditional, Fee No 88(b) shall be impressed after the order has been made but before it is perfected			
89	On taking a recognisance or bond, whether one or more than one recognizer or obliger, and whether entered into by all at one time or not	40	00	<i>Praeipie</i>

No	Items	Fees		Document on which the stamp is to be affixed and remarks
		ringgit	sen	
90	On assignment of a bond	20	00	<i>Praeipie</i>
91	On vacating a recognizance	16	00	<i>Praeipie</i>
92	On re-registering the same	8	00	<i>Praeipie</i>
93	On sealing or issuing any document, not being a judgment or order, where no other fee is prescribed by this Appendix:  Provided that this fee is not payable on a writ of <i>habeas corpus</i>	10	00	<i>Praeipie</i>
SHERIFF'S OFFICE				
94	For each attempt at service on each person of any process or proceeding required to be served by the Court or Sheriff	4	00	<i>Praeipie</i>
95	And if more than 2 kilometers from the High Court, for every additional kilometer	2	00	<i>Praeipie</i>
96	For executing every writ of execution, distress, order of committal, arrest or attachment of property	20	00	<i>Praeipie</i>
97	On marking a writ of execution for renewal	10	00	<i>Praeipie</i>
98	For releasing property seized by instruction of party issuing the writ of execution or distress, order of attachment arrest or attachment of property	16	00	<i>Praeipie</i>
99	Commission as follows to be charged on the gross amount realised upon any sale of property in execution or otherwise under the direction of the Court:  (a) for the first RM1,000 realised 5% (b) on subsequent amounts ..... 2 1/2 %  <i>Note:</i> Where the sale is made by private contract, only half the commission will be payable			To be deducted by the the Sheriff

No	Items	Fees		Document on which the stamp is to be affixed and remarks
		ringgit	sen	
100	Commission of 4 per cent to be charged on all money received by the Sheriff under garnishee summons			To be deducted by the Sheriff
101	Commission of 4 per cent to be charged on all money received by the Sheriff under an Order for the attachment before judgment of money belonging to the debtor in the hands of a third party			To be deducted by the Sheriff
102	Commission of 2 per cent to be charged on all money received by the Sheriff in satisfaction of a writ of seizure and sale or distress where an execution is withdrawn, satisfied or stopped			To be deducted by the Sheriff
103	Commission of 2 per cent to be charged on the estimated value of the property seized or the amount stated in the writ whichever is the lesser where the execution is withdrawn, satisfied or stopped			To be paid in cash to the Sheriff by the Execution Creditor
104	For each man in possession necessarily employed in taking charge of any property under seizure	Actual Cost		Paid in cash to the Sheriff or direct payment on vouchers certified by the Sheriff
105	For removal of goods or animals to a place of safe keeping, when necessary	Actual Cost		Paid in cash to the Sheriff
106	Where goods or animals are removed for warehousing and taking charge of the same, including feeding of animals, 6 per cent on the value of the goods or	6%		Paid in cash to the Sheriff

No	Items	Fees		Document on which the stamp is to be affixed and remarks
		ringgit	sen	
	animals removed or the sum endorsed on the writ of execution, whichever is the less. No fees for keeping possession of the goods or animals shall be charged after the goods or animals have been removed			
107	<p>For advertising and giving publicity to the sale by auction</p> <p><i>Note:</i></p> <p>(a) In every case where the execution is withdrawn, satisfied or stopped the fees shall be paid by the person at whose instance the sale is stopped, and the amount of any costs of charges payable under this Appendix shall be taxed by the Judge, in case the Sheriff and the party liable to pay such costs and charges differ as to the amount thereof.</p> <p>(b) The charges laid down under items 103, 104, 105 and 106 shall be collected in cash and deposited in Court and the amounts actually incurred for the services specified in the said items shall be paid out of such deposit by the Sheriff to the persons employed to render such services, any balance to be paid out to the person making the deposit.</p>	Actual Cost		Paid in cash to the Sheriff
108	For the return of any writ or process and filing same, exclusive of the fee paid on filing	8	00	<i>Praecipe</i>



**APPENDIX B2**  
**SUBORDINATE COURT FEES**

No.	Items	Fees		Documents on which the stamp is to be affixed and remarks
		ringgit	sen	
<b>GENERAL COMMENCEMENT OF A CAUSE OR MATTER</b>				
1	On sealing a writ or originating summons for the commencement of an action or filing a counterclaim -			
	*(a) where the claim is for a liquidated sum under Order 93	20	00	<i>Praecipe</i>
	(b) where the proceedings are in a Magistrates' Court	50	00	<i>Praecipe</i>
	(c) where the proceedings are in a Sessions Court	100	00	<i>Praecipe</i>
2	On sealing a concurrent or renewed writ or a concurrent or renewed originating summons	6	00	<i>Praecipe</i>
3	On sealing an amended writ or an amended originating summons	6	00	<i>Praecipe</i>
4	On sealing any other form of commencement of a cause or matter where no fee is specifically provided	40	00	<i>Praecipe</i>
5	On marking the renewal of any writ or originating summons	6	00	<i>Praecipe</i>
<b>APPEARANCE</b>				
6	On entering an appearance for each person	4	00	<i>Praecipe</i>
7	On filing a certificate of non appearance for each person	10	00	<i>Praecipe</i>
<b>IN INTERLOCUTORY APPLICATION</b>				
8	On sealing any notice of application	10	00	<i>Praecipe</i>
9	On sealing any notice or certificate	10	00	<i>Praecipe</i>
10	On filing a third party notice under Order 16 rule 1, 8 or 9-			
	*(a) where the claim is for a liquidated sum under Order 93	20	00	<i>Praecipe</i>
	(b) where the proceedings are in a Magistrates' Court	40	00	<i>Praecipe</i>
	(c) where the proceedings are in a Sessions Court	100	00	<i>Praecipe</i>
11	On bespeaking a request for the service of process or notice thereof out of the jurisdiction	20	00	<i>Praecipe</i>

No	Items	Fees		Document on which the stamp is to be affixed and remarks
		ringgit	sen	
12	On every appointment for the examination of a witness by an officer of the Court	10	00	<i>Praeipie</i>
13	On every witness sworn and examined by an officer of the Court, for each hour or part of an hour	20	00	<i>Praeipie</i>
SUBPOENA				
14	On sealing a subpoena to testify and/or to produce documents, for each witness	4	00	<i>Praeipie</i>
15	On sealing an instanter subpoena to testify and/or to produce documents for each witness <i>Note: An instanter subpoena is one issued less than 3 days before the trial of an action.</i>	12	00	<i>Praeipie</i>
WRITS				
16	On sealing every writ of execution, distress, order of committal, arrest or attachment of property -			
	*(a) where the claim is for a liquidated sum under Order 93	10	00	<i>Praeipie</i>
	(b) where the proceedings are in a Magistrates' Court	20	00	<i>Praeipie</i>
	(c) where the proceedings are in a Sessions Court	40	00	<i>Praeipie</i>
17	On sealing of an originating summons for leave to issue a writ of distress -			
	(a) where the proceedings are in a Magistrates' Court	50	00	<i>Praeipie</i>
	(b) where the proceedings are in a Sessions Court	100	00	<i>Praeipie</i>
JUDGMENTS AND ORDERS				
18	On entering or sealing any order made in Chambers	20	00	<i>Praeipie</i>
19	On entering or sealing a judgment or order given, directed or made in the trial, hearing or further consideration of a cause or matter in Court -			
	(a) where the claim is for a liquidated sum under Order 93	20	00	<i>Praeipie</i>

No	Items	Fees		Document on which the stamp is to be affixed and remarks
		ringgit	sen	
	(b) where the proceedings are in a Magistrates' Court	40	00	<i>Praeipie</i>
	(c) where the proceedings are in a Sessions Court	100	00	<i>Praeipie</i>
20	On entering or sealing any other judgment or order where no other fee is specifically provided for	20	00	<i>Praeipie</i>
APPEALS				
21	On filing a notice of appeal or cross appeal to High Court	100	00	<i>Praeipie</i>
22	Any interlocutory application pending appeal	20	00	<i>Praeipie</i>
FILING				
23	On filing any document in the Registry not provided for in this Schedule	4	00	<i>Praeipie</i>
24	On filing any notice or certificate	4	00	<i>Praeipie</i>
25	On amending or filing an amended pleading	4	00	<i>Praeipie</i>
26	On amending or filing any other amended document	4	00	<i>Praeipie</i>
27	On filing of any affidavit in the Registry	4	00	<i>Praeipie</i>
28	On an application to search for appearance, for each defendant in respect of whom search is made including certificate of the result of such search	4	00	<i>Praeipie</i>
29	On any other search, including inspection, for each half hour or part thereof occupied	4	00	<i>Praeipie</i>
30	On every certificate or report by the Registrar not otherwise provided for	10	00	<i>Praeipie</i>
31	On filing of a Certificate of Urgency	20	00	<i>Praeipie</i>
32	On filing any <i>praecipie</i>	4	00	<i>Praeipie</i>

No	Items	Fees		Document on which the stamp is to be affixed and remarks
		ringgit	sen	
COPIES OF DOCUMENTS				
33	On making a copy or a certified copy for each folio  For every second or subsequent copy by duplicating process for each folio  <i>Note:</i>  (1) Where a certified copy of a Judge's or Magistrate's notes or grounds of judgment is by his leave made and supplied by his stenographer or typist, the above fee shall be paid to and be retained by such stenographer or typist for his personal benefit. This fee is payable only if such stenographer or typist does not claim overtime allowance from the Government for preparing such certified copy.  (2) This fee is not claimable by the stenographer or typist where the notes or judgment is supplied to the Attorney General or State Legal Advisers.	1  0	00  50	<i>Praeipie</i>  <i>Praeipie</i>
34	For examining a plain copy and marking the same as a certified copy -  (a) in the case of a photographic or xerox copy for each sheet  (b) in any other case for each folio	1  2	00  00	<i>Praeipie</i>  <i>Praeipie</i>
35	On an application to be allowed to copy any document filed or lodged in Court, for each document	2	00	<i>Praeipie</i>
TRANSLATIONS				
36	On a certified translation by an Interpreter of the Court	4  2	00 plus 00 per folio	<i>Praeipie</i>

No	Items	Fees		Document on which the stamp is to be affixed and remarks
		ringgit	sen	
37	On checking, correcting and certifying a translation not made by an Interpreter of the Court <i>Note:</i> On presentation of the <i>praecipe</i> which must be signed and dated, it must bear a stamp for at least the first folio of translation. The folios will be reckoned on the English translation when ready and the fee must be made up to the full amount before the translation can be delivered.	4  2	00 plus 00 per folio	<i>Praecipe</i>
ACCOUNTANT GENERAL'S OFFICE				
38	On a certificate of the amount and description of any moneys, funds or securities, including the request therefore	4	00	<i>Praecipe</i>
39	On a transcript of an account for each opening, including the request therefore	4	00	<i>Praecipe</i>
40	(a) On paying, lodging, transferring or depositing funds in Court	4	00	<i>Praecipe</i>
	(b) On paying out of Court any money lodged or deposited in Court	4	00	<i>Praecipe</i>
41	On a request to the Accountant General for information in writing respecting any moneys, funds or securities in Court or any transaction in his office	4	00	<i>Praecipe</i>
TAXATION OF COSTS				
42	On taxing a bill of costs -			
	(a) where the amount allowed does not exceed RM50	4	00	<i>Praecipe</i>
	(b) where the amount allowed exceeds RM50 for every additional RM50 allowed or fraction thereof	2	00	<i>Praecipe</i>
	Provided that the Judge may in any case require the bill of costs to be stamped before taxation with the whole or part of the amount of fees which would be payable if the bill was allowed by him at the full amount thereof			

No	Items	Fees		Document on which the stamp is to be affixed and remarks
		ringgit	sen	
	<i>Note:</i> This item is only applicable to action or application that has been decided before 1 August 2012 and order for taxation of bill of costs has not been made.			
43	On certificate or allocatur of the result of the taxation <i>Note:</i> Where a plaintiff is entitled to a lump sum for costs under Order 48 the same fees shall be payable as if a bill of costs had been taxed for the amount of such lump sum, and a certificate or allocatur, had been signed.	4	00	<i>Praeipie</i>
44	On the withdrawal of a bill of costs which has been lodged for taxation such fee (not exceeding the amount which would have been payable under Fee No 42 if the bill had been allowed in full) as shall appear to the Judge to be fair and reasonable.			
MISCELLANEOUS				
45	On taking an account of moneys received by a committee or guardian, consignee, bailee, manager, provisional official or voluntary liquidator, or of an executor, administrator or trustee, agent, solicitor, mortgagee, co-tenant, co-partner, execution creditor, or other person liable to account, when the amount found to have been received without deducting any payment shall not exceed RM1,000	20	00	<i>Praeipie</i>
46	Where such amount shall exceed RM1,000 for every RM500 or fraction of RM500 <i>Note:</i> In the case of any such committee, guardian, consignee, bailee, manager, liquidator, or execution creditor, the fees shall upon payment be allowed in the account unless the Court shall otherwise direct, and in the case of taking the accounts of such other accounting parties the fees shall be paid by the party having the conduct of the order under which such account is taken as part of his costs in the cause or matter, unless the Court shall otherwise direct and in such case shall be taken upon the certificate of the result of any such account, but the fees shall be	2	00	<i>Praeipie</i>

No	Items	Fees		Document on which the stamp is to be affixed and remarks
		ringgit	sen	
	due and payable although no certificate is required on the account taken or such part thereof as may be taken and the solicitor or party suing in person shall in such case cause the proper stamps, the amount thereof to be fixed by the Registrar, to be impressed on the account			
47	On every reference to an officer of the Court	20	00	<i>Praeipie</i>
48	Upon an application for the production of records or documents to be given in evidence -			
	(a) where the records or documents are left in Court	4	00	<i>Praeipie</i>
	(b) where an officer is required to produce the records or documents in Court	40	00	<i>Praeipie</i>
49	For the attendance of an officer of the Court as a witness for every half day or part thereof that he is necessarily absent from his office	40	00	<i>Praeipie</i>
50	On taking or re-taking an affidavit or a declaration <i>in lieu</i> of an affidavit, or a declaration or an acknowledgment for each person making the same	4	00	<i>Praeipie</i>
	And in addition for each exhibit referred to therein and required to be marked	3	00	<i>Praeipie</i>
51	On sealing or issuing any document, not being a judgment or order, where no other fee is prescribed by this Schedule	10	00	<i>Praeipie</i>
52	Interrogatories	4	00	<i>Praeipie</i>
SERVICE AND EXECUTION				
53	For each attempt at service on each person of any process or proceeding required to be served by the Court	2	00	<i>Praeipie</i>
54	And if more than 2 kilometers from the Subordinate Courts for every additional kilometer	2	00	<i>Praeipie</i>
55	For executing every writ of execution, distress, order of committal, arrest or attachment of property	10	00	<i>Praeipie</i>

No	Items	Fees		Document on which the stamp is to be affixed and remarks
		ringgit	sen	
56	On marking a writ of execution for renewal	6	00	<i>Praeipie</i>
57	For releasing property seized by instruction of party issuing the writ of execution or distress, order of attachment arrest or attachment of property	8	00	<i>Praeipie</i>
58	Commission of 5 per cent to be charged on the first RM1,000 and 2 1/2 per cent upon all above that sum when levied by seizure and sale or distress, such sum to include the auctioneer's commission  <i>Note:</i> Where the sale is made by private contract, only half the commission will be payable			To be deducted by the Registrar
59	Commission of 4 per cent to be charged on all money received by the Registrar on a garnishee summons			To be deducted by the Registrar
60	Commission of 4 per cent to be charged on all money received by the Registrar under an order for the attachment before judgment of money belonging to the debtor in the hands of a third party			To be deducted by the Registrar
61	Commission of 2 per cent to be charged on all money received by the Registrar in satisfaction of a writ of seizure and sale or distress where an execution is withdrawn, satisfied or stopped			To be deducted by the Registrar
62	Commission of 2 per cent to be charged on the estimated value of the property seized or the amount stated in the writ whichever is the lesser where the execution is withdrawn, satisfied or stopped			To be paid to the Registrar by the Execution Creditor



<i>No</i>	<i>Items</i>	<i>Fees</i>		<i>Document on which the stamp is to be affixed and remarks</i>
		<i>ringgit</i>	<i>sen</i>	
63	For each man necessarily employed in taking charge of any property under seizure	Actual Cost		To be paid to the Registrar or direct on vouchers certified by the Registrar
64	For removal of goods or animals to a place of safe keeping, where necessary	Actual Cost		Actual Cost To be paid to the Registrar or direct on vouchers certified by the Registrar
65	Where goods are warehoused or animals are kept and fed	Actual Cost		Actual Cost To be paid to the Registrar or direct on vouchers certified by the Registrar

<i>No</i>	<i>Items</i>	<i>Fees</i>		<i>Document on which the stamp is to be affixed and remarks</i>
		<i>ringgit</i>	<i>sen</i>	
66	<p>For advertising and giving publicity to the sale by auction</p> <p><i>Note:</i> In every case where the execution is withdrawn, satisfied or stopped the fees shall be paid by the person at whose instance the sale is stopped, and the amount of any costs or charges payable under this Schedule shall be taxed by the Judge, in case the Registrar and the party liable to pay such costs and charges differ as to the amount thereof</p>	Actual Cost		To be paid to the Registrar or direct on vouchers certified by the Registrar
67	<p>Request for payment out of monies paid into Court under installment order</p> <p><i>Note:</i> The fee under this item shall be paid by the person requesting payment out</p>	5 per cent of sum to be paid out		Request