

A BILL

i n t i t u l e d

An Act to provide for the treatment of modes of commencement in pending civil actions and standardisation of modes of commencement of civil actions, for the consequential revision and reprint of relevant written laws and for related matters.

[]

ENACTED by the Parliament of Malaysia as follows:

Short title and commencement

1. (1) This Act may be cited as the Courts (Modes of Commencement of Civil Actions) Act 2016.

(2) This Act comes into operation on a date to be appointed by the Minister by notification in the *Gazette*.

Interpretation

2. In this Act, unless the context otherwise requires—

“Court” means High Court, Sessions Court or Magistrate’s Court, whichever is applicable;

“Commissioner of Law Revision” means the Commissioner of Law Revision appointed under section 3 of the Revision of Laws Act 1968 [*Act 1*];

“appointed date” means the date this Act comes into operation;

“civil action” includes any civil application made to the Court provided under any written law.

Treatment of pending civil actions

3. (1) Unless otherwise provided in the applicable rules of Court, where under any written law—

- (a) any civil action may be commenced in or made to the Court; and
- (b) such an action is required to be commenced or made or was commenced or made otherwise than by way of an originating summons or writ,

then, if any such action is pending before the Court before the appointed date the Court may, if the Court deems just and expedient, order that the action be deemed as having been commenced by way of an originating summons or writ, as may be appropriate.

(2) Where pursuant to subsection (1), any pending civil action has been deemed as having been commenced by way of an originating summons or writ—

- (a) the action shall be continued in accordance with the provisions of the relevant written law and the applicable rules of Court; and
- (b) the Court may give such directions as to the conduct of the action as the Court deems just and expedient in accordance with the applicable rules of Court.

Standardisation of the modes of commencement of civil action

4. Notwithstanding anything in any written law, any civil action commenced in or made to the Court under any written law after the appointed date, shall be commenced or made by way of an originating summons or writ as may be appropriate unless otherwise provided in the applicable rules of Court.

Power to substitute reference to mode of commencement in written law

5. Notwithstanding the powers conferred under the Revision of Laws Act 1968, the Commissioner of Law Revision shall have the power to substitute any reference to a specific mode of commencing a civil action or making an application in any written law, whether such written law is revised or not, with a mode provided under any applicable rules of Court by way of—

- (a) revising any written law; or
- (b) reprinting any written law.

EXPLANATORY STATEMENT

This Bill seeks to provide for the treatment of the modes of commencement of pending civil actions and the standardisation of the modes of commencement of civil actions, for the consequential revision and reprint of relevant written laws and for related matters.

- 2. *Clause 1* contains the short title and seeks to empower the Minister to appoint the date of commencement of the proposed Act.
- 3. *Clause 2* contains the definitions of certain terms used in the proposed Act.
- 4. *Clause 3* seeks to provide for the treatment of the modes of commencement of pending civil actions consequential to the review of the modes of commencement in civil proceedings under the Rules of Court 2012 which came into operation on 1 August 2012.
- 5. *Clause 4* seeks to provide for the standardisation of the modes of commencement of civil actions consequential to the review of the modes of commencement in civil proceedings under the Rules of Court 2012 which came into operation on 1 August 2012.
- 6. *Clause 5* seeks to empower the Commissioner of Law Revision to substitute for any reference to a specific mode of commencement of proceedings in any written law with a mode of commencement provided under the applicable rules of Court, by way of revision or reprint of any written law.

FINANCIAL IMPLICATIONS

This Bill will not involve the Government in any extra financial expenditure.