

A BILL

*i n t i t u l e d*

An Act to amend the Courts of Judicature Act 1964.

[ ]

**ENACTED** by the Parliament of Malaysia as follows:

**Short title and commencement**

**1.** (1) This Act may be cited as the Courts of Judicature (Amendment) Act 2022.

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

**Amendment of section 28**

**2.** The Courts of Judicature Act 1964 [*Act 91*], which is referred to as the “principal Act” in this Act, is amended in section 28 by substituting for subsection (1) the following subsection:

“(1) No appeal shall lie to the High Court in any of the following cases:

- (a) subject to any other written law, from a decision of a subordinate court in any civil cause or matter where the amount in dispute or the value of the subject matter is ten thousand ringgit or less except on a question of law;

- (b) where a subordinate court dismissed any application for a summary judgment;
- (c) where a subordinate court dismissed any application to strike out any writ or pleading; and
- (d) where a subordinate court allowed any application to set aside a judgment in default.”.

### **Amendment of section 51**

3. Subsection 51(2) of the principal Act is amended by substituting for the words “an address” the words “a postal address or an electronic address”.

### **Amendment of section 52**

4. Subsection 52(2) of the principal Act is amended by substituting for the words “address for service” the words “postal address or electronic address”.

### **New section 52A**

5. The principal Act is amended by inserting after section 52 the following section:

#### **“Notice or document etc., sent by electronic means**

**52A.** Any notices or documents which are sent by electronic means referred to in sections 51 and 52 shall be deemed to have been served and delivered upon sending the notices or documents to the appellant’s or his advocate’s electronic address.”.

### **Amendment of section 53**

6. Subsection 53(1) of the principal Act is amended by substituting for the words “five copies” the words “a copy”.

**Amendment of section 55**

7. Subsection 55(1) of the principal Act is amended by substituting for the words “four copies” wherever appearing the words “a copy”.

**Amendment of section 68**

8. Subsection 68(1) of the principal Act is amended—

(a) in paragraph (c), by deleting the word “and” at the end of the paragraph;

(b) in paragraph (d), by substituting for the full stop at the end of the paragraph a semicolon; and

(c) by inserting after paragraph (d) the following paragraphs:

“(e) where a High Court dismissed any application for a summary judgment;

(f) where a High Court dismissed any application to strike out any writ or pleading; and

(g) where a High Court allowed any application to set aside a judgment in default.”.

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EXPLANATORY STATEMENT

This Bill seeks to amend the Courts of Judicature Act 1964 (“Act 91”).

2. *Clause 1* contains the short title of the proposed Act and seeks to empower the Minister to appoint the date for the commencement of the proposed Act.

3. *Clause 2* seeks to amend section 28 of Act 91 to limit the right to appeal from a subordinate court to the High Court in civil cases in the case where the subordinate court dismissed any application for a summary judgment or any application to strike out any writ or pleading, or allowed any application to set aside a judgment in default.

4. *Clause 3* seeks to amend subsection 51(2) of Act 91 to require for any notices or documents relating to an appeal to contain a postal address or an electronic address of the appellant or his advocate.

5. *Clause 4* seeks to amend subsection 52(2) of Act 91 to require the Registrar to cause a notice that a copy of the record of proceedings is available to be served to the appellant or his advocate at the postal address or electronic address of the appellant or his advocate.

6. *Clause 5* seeks to introduce a new section 52A into Act 91 to provide for any notices or documents relating to an appeal sent to electronic address of the appellant or his advocate is deemed to be served and delivered when the notices or documents are sent to the appellant's or his advocate's electronic address by any electronic means, for example via e-mail.

7. *Clauses 6* and *7* seek to amend subsections 53(1) and 55(1) of Act 91 to be consistent with the e-filing system which requires only one copy of any documents relating to an appeal to be filed.

8. *Clause 8* seeks to amend section 68 of Act 91 to limit the right to appeal from the High Court to the Court of Appeal in civil cases in the case where the High Court dismissed any application for a summary judgment or any application to strike out any writ or pleading, or allowed any application to set aside a judgment in default.

*FINANCIAL IMPLICATIONS*

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

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