



29 Jun 2011  
29 June 2011  
P.U. (A) 210

WARTA KERAJAAN PERSEKUTUAN

*FEDERAL GOVERNMENT  
GAZETTE*

KAEDAH-KAEDAH MAHKAMAH TINGGI  
(PINDAAN) 2011

*RULES OF THE HIGH COURT (AMENDMENT) 2011*



DISIARKAN OLEH/  
*PUBLISHED BY*  
JABATAN PEGUAM NEGARA/  
*ATTORNEY GENERAL'S CHAMBERS*

AKTA MAHKAMAH KEHAKIMAN 1964

KAEDAH-KAEDAH MAHKAMAH TINGGI (PINDAAN) 2011

PADA menjalankan kuasa yang diberikan oleh seksyen 17 Akta Mahkamah Kehakiman 1964 [*Akta 91*] dan dengan persetujuan Hakim Besar Mahkamah Tinggi di Malaya dan Hakim Besar Mahkamah Tinggi di Sabah dan Sarawak, Jawatankuasa Kaedah-Kaedah membuat kaedah-kaedah yang berikut:

**Nama dan permulaan kuat kuasa**

1. (1) Kaedah-kaedah ini bolehlah dinamakan **Kaedah-Kaedah Mahkamah Tinggi (Pindaan) 2011**.

(2) Kaedah 4 disifatkan telah mula berkuat kuasa pada 1 Mac 2011.

**Pindaan am**

2. Kaedah-Kaedah Mahkamah Tinggi 1980 [*P.U. (A) 50/1980*], yang disebut “Kaedah-Kaedah ibu” dalam Kaedah-Kaedah ini, dipinda dengan menggantikan perkataan “8 *per centum*” di mana-mana jua terdapat dengan perkataan “4 *per centum*”.

**Pindaan Aturan 35A**

3. Aturan 35A Kaedah-Kaedah ibu dipinda –

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

“Evidence-in-chief by way of witness statement.	1. Unless otherwise ordered by the Court, any witness in an action commenced by writ shall give his evidence-in-chief by way of witness statement, in the form of question and answer, tendered and read at the hearing before the witness is cross-examined on his witness statement.”; dan
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(b) dengan menggantikan kaedah 2 dengan kaedah yang berikut:

“Copy of witness statement to be furnished to the other party. 2. Unless otherwise ordered by the Court, a copy of such witness statement shall be furnished to the other party not later than 7 days prior to it being tendered and read at the hearing.”.

## **Pindaan Aturan 92**

4. Aturan 92 Kaedah-Kaedah ibu dipinda -

(a) dalam kaedah 2, dengan memasukkan selepas perkataan “Court” perkataan “,and such seal shall include an electronic seal”; dan

(b) dengan memasukkan selepas kaedah 4 kaedah yang berikut:

“Electronic filing. 5. Any document required to be filed or issued under these Rules may be filed or issued electronically; and such filing or issue shall be deemed to comply with these Rules.”.

Dibuat 24 Jun 2011  
[JK/MP 322 ]ld.4; PN(PU2)153/XIV]

TUN DATO' SERI ZAKI BIN TUN AZMI  
*Ketua Hakim Negara, Malaysia*

TAN SRI ABDUL GANI PATAIL  
*Peguam Negara, Malaysia*

TAN SRI DATO' SERI ALAUDDIN BIN DATO' MOHD SHERIFF  
*Presiden Mahkamah Rayuan, Malaysia*

TAN SRI ARIFFIN BIN ZAKARIA  
*Hakim Besar Mahkamah Tinggi di Malaya*

TAN SRI DATUK SERI PANGLIMA RICHARD MALANJUM  
*Hakim Besar Mahkamah Tinggi di Sabah dan Sarawak*

TAN SRI JAMES FOONG CHENG YUEN  
*Hakim Mahkamah Persekutuan*

DATO' JEFFREY TAN KOK WHA  
*Hakim Mahkamah Rayuan*

DATUK DR. HAJI HAMID SULTAN BIN ABU BACKER  
*Hakim Mahkamah Tinggi di Malaya*

DATUK DAVID WONG DAK WAH  
*Hakim Mahkamah Tinggi di Sabah dan Sarawak*

PUAN AZIZAH BINTI MAHMUD  
*Hakim Kanan Mahkamah Sesyen, Kuala Lumpur*

ENCIK LIM CHEE WEE  
*Peguam bela, Semenanjung Malaysia*

DATUK JOHN SIKAYUN  
*Peguam bela, Sabah*

ENCIK KHAIRIL AZMI BIN MOHD HASBIE  
*Peguam bela, Sarawak*

[Akan dibentangkan di Dewan Rakyat menurut subseksyen 17(5) Akta Mahkamah  
Kehakiman 1964]

COURTS OF JUDICATURE ACT 1964

RULES OF THE HIGH COURT (AMENDMENT) 2011

IN exercise of the powers conferred by section 17 of the Courts of Judicature Act 1964 [Act 91] and with the consent of the Chief Judge of the High Court in Malaya and the Chief Judge of the High Court in Sabah and Sarawak, the Rules Committee makes the following rules:

**Citation and commencement**

1. (1) These rules may be cited as the **Rules of the High Court (Amendment) 2011**.

(2) Rule 4 is deemed to have come into operation on 1 March 2011.

**General amendment**

2. The Rules of the High Court 1980 [*P.U. (A) 50/1980*], which are referred to as the “principal Rules” in these Rules, are amended by substituting for the words “8 per centum” wherever they appear the words “4 per centum”.

**Amendment of Order 35A**

3. Order 35A of the principal Rules is amended –

(a) by substituting for rule 1 the following rule:

“Evidence-in-chief by way of witness statement.	1. Unless otherwise ordered by the Court, any witness in an action commenced by writ shall give his evidence-in-chief by way of witness statement, in the form of question and answer, tendered and read at the hearing before the witness is cross-examined on his witness statement.”; and
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(b) by substituting for rule 2 the following rule:

“Copy of witness statement to be furnished to the other party. 2. Unless otherwise ordered by the Court, a copy of such witness statement shall be furnished to the other party not later than 7 days prior to it being tendered and read at the hearing.”.

**Amendment of Order 92**

4. Order 92 of the principal Rules is amended –

(a) in rule 2, by inserting after the word “Court” the words “,and such seal shall include an electronic seal”; and

(b) by inserting after rule 4 the following rule:

“Electronic filing. 5. Any document required to be filed or issued under these Rules may be filed or issued electronically; and such filing or issue shall be deemed to comply with these Rules.”.

Made 24 June 2011  
[JK/MP 322 ]ld.4; PN(PU2)153/XIV]

TUN DATO' SERI ZAKI BIN TUN AZMI  
*Chief Justice, Malaysia*

TAN SRI ABDUL GANI PATAIL  
*Attorney General, Malaysia*

TAN SRI DATO' SERI ALAUDDIN BIN DATO' MOHD SHERIFF  
*President of the Court of Appeal, Malaysia*

TAN SRI ARIFFIN BIN ZAKARIA  
*Chief Judge of the High Court in Malaya*

TAN SRI DATUK SERI PANGLIMA RICHARD MALANJUM  
*Chief Judge of the High Court in Sabah and Sarawak*

TAN SRI JAMES FOONG CHENG YUEN  
*Judge of the Federal Court*

DATO' JEFFREY TAN KOK WHA  
*Judge of the Court of Appeal*

DATUK DR. HAJI HAMID SULTAN BIN ABU BACKER  
*Judge of the High Court in Malaya*

DATUK DAVID WONG DAK WAH  
*Judge of the High Court in Sabah and Sarawak*

PUAN AZIZAH BINTI MAHMUD  
*Senior Sessions Court Judge, Kuala Lumpur*

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DATUK JOHN SIKAYUN  
*Advocate, Sabah*

ENCIK KHAIRIL AZMI BIN MOHD HASBIE  
*Advocate, Sarawak*

*[To be laid before the Dewan Rakyat pursuant to subsection 17(5) of the Courts of  
Judicature Act 1964]*