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Ruj. Tuan:

Ruj. Kami: [ 55(a) ] dlm. JUD/134/Jld. 3

Tarikh: 11 Ogos, 2010

All Sessions Court Judge,  
Sessions Court Sabah dan Sarawak,

All Magistrate,  
Magistrate Court Sabah dan Sarawak,

Tuan/Puan,

**ARAHAN AMALAN BIL. 1/2010**

**CIVIL CLAIMS FOR ROAD ACCIDENT CASES IN THE MAGISTRATES  
COURT AND SESSIONS COURT FOR SABAH AND SARAWAK**

The above matter is referred.

2. The Right Honorable Chief Judge of Sabah and Sarawak has directed after having considered the interest of the public concerning civil claims for road accident cases, that the following procedures must be adhered to:-

(a) Lawyers are to ensure that payments for claim allowances made by Police witnesses are to be paid in accordance with the following rates:-

(i) **Witness allowance** of RM150.00 per day (food allowance included)

(ii) **Claims for payment of Hotel/Lodging**

Claims are to be made based on the entitlement of the Public Service Officer concerned by attaching a receipt (for the payment of the Hotel/lodging claims)

(iii) **Milleage allowance**

Claims are to be made based on the rates as prescribed in the "*Pekeliling Perbendaharaan Bil. 3/2003.*"

- (b) Judges/Magistrates are responsible to ensure that the plaintiff/victim in this type of cases in making their claims are doing so on their own free will, in accordance to the correct procedures, are being represented by counsel legally, and are not forced by any other parties. This is to avoid situations where the victims of road accident cases are being taken advantage by irresponsible parties ("touting"). An examination must be conducted at the initial stage of the trial and the answers given by the Plaintiff/victim are to be recorded as evidence.
- (c) Civil claims for road accident cases are to be disposed within 6-9 months after the date of registration. Adjournments are to be allowed in exceptional circumstances only (example: Awaiting for the preparation of an expert report concerning serious injuries)
- (d) In making assesment of damages for personal injuries, Judges/Magistrates are to take into consideration the current state of affairs in Sabah and Sarawak.

3. This directive is to take immediate effect.

Thank You.

"BERKHIDMAT UNTUK NEGARA"

Saya yang menurut perintah,



**(AZHAHARI KAMAL BIN RAMLI)**  
Registrar,  
High Court in Sabah and Sarawak,  
Kuching.

c.c. The Right Honourable Chief Judge of Sabah dan Sarawak.

The President,  
Sabah Law Association,  
2<sup>nd</sup> Floor, No. 58, Jalan Pantai,  
Hainan Association Building,  
W.D.T. 414, 88904 Kota Kinabalu,  
SABAH.

The President,  
Sarawak Advocates Association,  
BAR Room,  
Kompleks Mahkamah Kuching,  
Jalan Gersik, Petra Jaya,  
93050 KUCHING.