

JUDICIAL DEPARTMENT, MALAYSIA

REGISTRAR'S CIRCULAR NO. 6 OF 1969

Conduct Money in Civil Matters

With effect from the 1st day of October, 1969 one of the following procedures, that is either "Procedure A" or "Procedure B" shall be followed in regard to conduct money to witnesses summoned to attend Court to give evidence in civil matters. These procedures have the authority of the Accountant-General and the approval of the Auditor-General.

"PROCEDURE A"

WHERE WITNESS IS AN EMPLOYEE OF GOVERNMENT

2. Where a witness is an employee of the Government (Federal or State and is summoned to give evidence on behalf of the Government of Malaysia and on behalf of the Government of any of the States of Malaysia, conduct money shall not be collected if the said Government of Malaysia or the said Government of any of the States of Malaysia is a party to the civil matter.

3. Where the said Government of Malaysia or the said Government of any of the States of Malaysia is a party to the civil matter but the employee of the Government (Federal or State) is summoned to give evidence not on behalf of the Government but on behalf of the opposing party, or where the Government of Malaysia or the said Government of any of the States of Malaysia is not a party at all to the civil matter and a government employee is summoned to give evidence, conduct money shall be collected and paid in cash. When paid, a receipt on Form Fin.38 shall be issued forthwith and the amount credited to revenue in compliance with

the provisions of Treasury Circular No. 7 of 1958. Whether the amount is to be credited to Federal or State revenue will depend on the department in which the government employee is serving.

4. The following endorsement shall also be made on every subpoena issued under paragraph 2 or paragraph 3:-

"You are to claim travelling and subsistence allowance in respect of your attendance in Court as if on Government duty from the appropriate vote of your Department."

"PROCEDURE B"

WHERE WITNESS IS NOT AN EMPLOYEE OF GOVERNMENT

5. Where witness is not an employee of Government, payment of conduct money shall be by way of a Malayan Money Order. The Money Order must be purchased and produced to the Registry of the Court by the party or Solicitor requiring sealing of the subpoena. The Money Order at the time of purchase shall be made payable to the witness at the Post Office of the place where the witness is to be served and to the value previously fixed by the Court as conduct money. The Money Order, together with the subpoena, is then to be passed by the Court on to the process server for service. When effecting service of the subpoena the process server shall at the same time tender to the witness the Money Order. The witness will acknowledge service both of the subpoena according to the present practice. Should, however, the witness refuse to append his signature in acknowledgment, the process server should leave only the service copy of the subpoena with the witness without tendering the Money Order. Such

~~A Malayan Money Order No: for the sum of \$ towards your subsistence allowance and travelling expenses is tendered with this subpoena. You are the payee of this Money Order, the remitter is (name of party or Solicitor) and the Post Office of payment is~~"

7. Under "Procedure B" every Court shall maintain a register to be known as "REGISTER OF MONEY ORDERS RECEIVED AS CONDUCT MONEY" in the form set out on Annexure 1. This register should, in Courts which have a Chief Clerk, be maintained by such Chief Clerk and, in the case of other Courts, by the most senior Clerk-of-Courts.
8. Where a subpoena issued under "Procedure B" has to be despatched to an outstation Court for service, the Malayan Money Order shall accompany the subpoena under registered cover to the Court concerned.
9. On receipt of a subpoena and Money Order under "Procedure B" from an outstation Court, the Chief Clerk or Clerk-of-Courts shall acknowledge receipt of them in the usual manner and proceed forthwith to enter the particulars of the subpoena and Money Order in a record book to be known as "RECORD OF SUBPOENAS (WITH MONEY ORDERS) RECEIVED FROM OUTSTATION COURTS FOR SERVICE" to be kept by each Court in the form set out on Annexure 2. This Record Book should be maintained, as under paragraph 7 of this Circular, by the Chief Clerk or the most senior Clerk-of-Courts. After the process server has effected service, particulars of service should be entered in the Record Book and the sealed copy of the subpoena returned to the outstation Court with the usual endorsement of service.
10. This Register mentioned in paragraph 7 and the Record Book mentioned in paragraph 9 of this Circular shall be subject to audit.
11. A subpoena issued under "Procedure A" must not be entered in the Record Book mentioned in paragraph 9 of this Circular.
12. The contents of this Circular should be brought to the attention of all members of your staff, particularly all process servers of your Court.
13. Registrar's Circular No. 16 of 1950 is cancelled with effect from the coming into force of this Circular.

A. W. Wah
(AU AH WAH)
REGISTRAR

c.c.

High Court Registry,
The Law Courts,
KUALA LUMPUR.

22nd. September, 1969.

Ref: No. (73) in RSC.221/50
No. (80) in RSC.39/54

Distribution:

Deputy Registrar, High Court, Malaya, Kuala Lumpur.
All Senior Assistant Registrars, High Court, Malaya.
All Assistant Registrars, High Court, Malaya.
All Presidents, Sessions Courts

REGISTER OF MONEY ORDERS RECEIVED AS CONDUCT MONEY

1 Date	2 Case No. & enclosure No. of Subpoena	3 Name of witness	4 Money Order No. & amount	5 Name of remitter of money Order	6 Money Order tendered by Local Court		7 Money Order despatched to Outstation Court			
					If tendered date of tender to witness	If not tendered date of return of Money Order to Remitter and his Signature	Date Money Order despatched & to which Court	If tendered date of return of Subpoena	If not tendered date of return of Money Order to Remitter & his Signature	

NOTE: Only Column 6 or 7 need be filled for each Subpoena issued under Procedure B.

RECORD OF SUPOENAS (WITH MONEY ORDERS) RECEIVED FROM OUTSTATION COURTS FOR SERVICE

1	2	3	4	5	6	7
Date received	From which Court	Case No. & enclosure No. of subpoena	Name of witness	Money Order No. and amount	Date returned after service	Whether Money Order returned