

No. (104) in RSC. 39/54

Pejabat Pendaftaran,  
Mahkamah Tinggi,  
Mahkamah Ke'adilan,  
Kuala Lumpur.

29th May, 1970.

All Presidents/Registrars, Sessions Courts;  
All Magistrates, Magistrates Courts.

REGISTRAR'S CIRCULAR NO. 2 OF 1970

Amendment of Subordinate Courts Rules 1950

The jurisdiction of the Presidents Sessions Courts and Magistrates has now been increased w.e.f. 18.12.69 by Ordinance No. 14 of 1969. In view of this the Rule Committee established under the Rule Committee Ordinance 1955 has made amendments to the Subordinate Courts Rules 1950. These amendments will appear in the Government Gazette on 18.6.70. A copy of the amendments is attached herewith.

All Presidents/Registrars, Sessions Courts and Magistrates should immediately take steps to collect the proper filing fees which are now divided into 4 classes viz:

- (i) For cases filed in Sessions Court the fee is \$30/-,
- (ii) For cases filed in Magistrates Court where the amount of claim exceeds \$1,000/- the fee is \$20/-;
- (iii) For cases filed in Magistrates Court where the amount of claim exceeds \$250/- but not \$1,000/- the fee is \$10/-; and
- (iv) For cases filed in Magistrates Court where the amount of claim does not exceed \$250/- the fee is \$5/-.

Please note that no filing fees will be collected for maintenance cases. You will note that the new scales for solicitors costs apply only to cases where the amount claimed exceeds \$2,000/-. In all cases where the amount claimed does not exceed \$2,000/- the old scale of costs applies.

Please ensure that your office copies of the Subordinate Courts Rules of 1950 are duly amended, and that the amendments are brought to the attention of all your staff.



(HJ. MOHD AZMI BIN DATO HJ. KAMARUDDIN)  
PENDAFTAR

- 4 JUN 1970

By: \_\_\_\_\_

P.U.(A) .....

THE RULE COMMITTEE ORDINANCE, 1955  
(No. 28 of 1955)

Ord. 28 of  
1955.

In exercise of the powers conferred by section 4 of the Rule Committee Ordinance, 1955, we, the Rule Committee established under section 3 of the said Ordinance, hereby make the following rules:

Citation.

1. These rules may be cited as the Subordinate Courts (Amendment) Rules, 1970.

Amendment  
of Part 1  
of Second  
Schedule.

L.N.139/50.

2. Part 1 of the Second Schedule to the Subordinate Courts Rules, 1950 (hereinafter referred to as "the Rules") is hereby amended -

(a) by adding at the end of the scale of Solicitor's costs, the following:

"In relation to the value of claim or counter-claim, for every \$50/- or part thereof in excess of \$2,000/- there shall be an increase in costs of \$2/- for suing, \$2/- for defending, and \$8/- for advocacy.";

(b) by deleting paragraph (8) and substituting therefor the following:

"(8) Where the subject matter of the action does not exceed \$2,000/-, a refresher at the rate of one-half of the costs for advocacy may be allowed when the hearing has occupied more than five hours without being concluded.";

(c) by deleting the amount "\$3" appearing in paragraph (9) and substituting therefor the amount "\$10";

(d) by deleting the amount "\$50" appearing in the proviso to paragraph (9) and substituting therefor the amount "\$100";



- (c) by inserting between the word "notice" and the colon appearing in paragraph (10) the expression "where the amount of judgment debt does not exceed \$250/-";
- (f) by deleting the words "other special" appearing in the proviso to paragraph (10) and substituting therefor the word "sufficient";
- (g) by putting a full-stop after the word "damages" appearing in paragraph (14) and by deleting the words "but subject, as regards costs for suing or defending and advocacy, to a limit of \$100 in a Sessions Court or \$50 in a Magistrates' Court." appearing in the said paragraph;
- (h) by substituting a full-stop for the comma after the words "fixed by the Court" appearing in paragraph (14A) and deleting the words "but subject in all cases, as regards costs for suing or defending and advocacy, to a limit of \$100 in the Magistrates' Court or \$200 in the Sessions Court." appearing in the said paragraph; and
- (i) by deleting paragraph (15) and substituting therefor the following:

"(15) Whenever on the day fixed for the trial of any action or matter the same is adjourned on the application of any party owing to the non-attendance of that party or his solicitor or to his not being ready with his evidence or from any other cause, the Court may order the party at whose instance the application for adjournment is made to pay to the other party any costs, fees, disbursements and **expenses** thrownaway by the adjournment together with a reasonable sum for solicitor's costs."

Amendment  
of Part III  
of Second  
Schedule.

3. Part III of the Second Schedule to the Rules is amended -
  - (a) by deleting the amount "\$15.00" appearing in paragraph (a) and substituting therefor the amount "\$50.00";
  - (b) by deleting the figure "7.50" appearing in paragraph (b) and substituting therefor the figure "15.00"; and
  - (c) by deleting the figure "3.00" appearing in paragraph (c) and substituting therefor the figure "10.00".

Amendment  
of Third  
Schedule.

4. The Third Schedule to the Rules is amended as follows.
  - (a) in item 1 -
    - (i) by deleting the figure "20.00" appearing therein and substituting therefor the figure "30.00";
    - (ii) by deleting the figure "10.00" appearing therein and substituting therefor the figure "20.00"; and
    - (iii) by adding the following proviso thereto:

"Provided that -

      - (i) where the amount of the Claim, Counter-Claim, or Application for Distress exceeds \$250/- but not \$1,000/-, the fee payable shall be \$10/-; and
      - (ii) no fee shall be payable under this item in respect of any application for maintenance under the Married Women and Children (Maintenance) Ordinance, 1950.";
  - (b) by deleting the figure "1.00" appearing in item 3 under the column in respect of the Sessions Court and substituting therefor the figure "2.00";
  - (c) by deleting the figure "1.00" appearing in item 4 under the column in respect of the Sessions Court and substituting therefor the figure "2.00";

Fbd. 36 of  
1950.

(d) by deleting item 12 and substituting therefor the following:

"12. Judgment or Order:

(a) where the subject matter of the action does not exceed \$5,000/- the fee payable shall be \$5/-; and

(b) where the subject matter of the action exceeds \$5,000/- the fee payable shall be \$10/-; and

(e) by deleting the rate "1 per cent" appearing in item 19 and substituting therefor "2 per cent".

(f) by deleting the figure "10" wherever it appears in item 25(a); and substituting therefor the figure "20".

Dated at Kuala Lumpur this 29th day of May, 1970.

[RSC 56/55; A.G. 250/54-98]

.....  
(Tan Sri H. T. Ong)  
Chief Justice

.....  
(R. R. Cholliah)  
Member

.....  
(Shiv Charan Singh)  
for Attorney-General

.....  
(K. A. Menon)  
Member

.....  
(Mohd Eusoff bin Chin)  
President, Sessions Court