



LAWS OF MALAYSIA

Act 790

**COURTS (MODES OF COMMENCEMENT OF CIVIL
ACTIONS) ACT 2017**

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Act 790

COURTS (MODES OF COMMENCEMENT OF CIVIL ACTIONS) ACT 2017

An Act to provide for the treatment of modes of commencement in pending civil actions and standardisation of modes of commencement of civil actions, for the consequential revision and reprint of relevant written laws and for related matters.

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ENACTED by the Parliament of Malaysia as follows:

Short title and commencement

1. (1) This Act may be cited as the Courts (Modes of Commencement of Civil Actions) Act 2017.

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

Interpretation

2. In this Act, unless the context otherwise requires—

“Court” means High Court, Sessions Court or Magistrates’ Court, whichever is applicable;

“Commissioner of Law Revision” means the Commissioner of Law Revision appointed under section 3 of the Revision of Laws Act 1968 [*Act 1*];

“appointed date” means the date this Act comes into operation;

“civil action” includes any civil application made to the Court as provided for under any written law.

Treatment of pending civil actions

3. (1) Unless otherwise provided for in the applicable rules of Court, where under any written law—

- (a) any civil action may be commenced in or made to the Court; and
- (b) such an action is required to be commenced or made or was commenced or made otherwise than by way of originating summons or writ,

then, if any such action is pending before the Court before the appointed date the Court may, if the Court deems just and expedient, order that the action be deemed as having been commenced by way of originating summons or writ, as may be appropriate.

(2) Where pursuant to subsection (1), any pending civil action has been deemed as having been commenced by way of originating summons or writ—

- (a) the action shall be continued in accordance with the provisions of the relevant written law and the applicable rules of Court; and
- (b) the Court may give such directions as to the conduct of the action as the Court deems just and expedient in accordance with the applicable rules of Court.

Standardisation of the modes of commencement of civil action

4. Notwithstanding anything in any other written law, any civil action commenced in or made to the Court under any written law after the appointed date shall be commenced or made by way of originating summons or writ as may be appropriate unless otherwise provided for in the applicable rules of Court.

Power to substitute reference to mode of commencement in written law

5. Notwithstanding the powers conferred under the Revision of Laws Act 1968, the Commissioner of Law Revision shall have the power to substitute any reference to a specific mode of commencing a civil action or making an application in any written law, whether such written law is revised or not, with a mode provided under any applicable rules of Court by way of—

- (a) revising such written law; or
- (b) reprinting such written law.

