



# **LAWS OF MALAYSIA**

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TEXT OF REPRINT

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**Act 55**

## **SUBORDINATE COURTS RULES ACT 1955**

*As at 1 December 2020*

## SUBORDINATE COURTS RULES ACT 1955

First enacted	...	...	...	...	...	1955 (Ordinance No. 28 of 1955)
Revised	...	...	...	...	...	1971 (Act 55 w.e.f. 1 November 1971)
Latest amendment made by Act A1623 which came into operation on			...	...	...	22 October 2020

### *PREVIOUS REPRINTS*

<i>First Reprint</i>	...	...	...	...	...	<i>1993</i>
<i>Second Reprint</i>	...	...	...	...	...	<i>1999</i>
<i>Third Reprint</i>	...	...	...	...	...	<i>2006</i>

**LAWS OF MALAYSIA****Act 55****SUBORDINATE COURTS RULES ACT 1955**

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**ARRANGEMENT OF SECTIONS**

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4. Duties of Committee
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**LAWS OF MALAYSIA****Act 55****SUBORDINATE COURTS RULES ACT 1955**

An Act for regulating and prescribing practice and procedure in proceedings in the Subordinate Courts in Malaysia.

*[Peninsular Malaysia—15 June 1955,  
Ord. No. 28 of 1955;  
Sabah and Sarawak—1 November 1971,  
P.U.(A) 300/1971]*

**Short title**

1. This Act may be cited as the Subordinate Courts Rules Act 1955.

**Interpretation**

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

“Committee” means the Subordinate Courts Rules Committee established by section 3;

“proceeding” means any proceeding whatsoever of a civil or criminal nature before a Subordinate Court and includes an application at any stage of a proceeding;

“remote communication technology” means a live video link, a live television link or any other electronic means of communication;

\*“Subordinate Court” means any inferior court from the decisions of which by reason of any written law, there is a right of appeal to the

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\*NOTE—This definition has been modified for Sabah and Sarawak *vide* P.U.(A) 357/1980.

High Court and includes any Court of a Magistrate of the Third Class established under the Subordinate Courts Ordinances of Sabah [*Sabah Cap. 29*] and Subordinate Courts Ordinance of Sarawak [*Swk. Cap. 42*]; and means, in relation to the High Court, any such Court as by any written law has jurisdiction within the local jurisdiction of that High Court;

“written law” in relation to any part of Malaysia means written law as defined in the law relating to interpretation in that part of Malaysia.

### **Establishment and constitution of Rules Committee**

**3.** (1) A Committee to be called the Subordinate Courts Rules Committee shall be established with the powers and duties specified in this Act.

(2) The Committee shall consist of the following persons:

- (a) the Chief Justice, who shall be the Chairman of the Committee;
- (b) the President;
- (c) the Chief Judges;
- (d) four Judges to be appointed by the Chief Justice for such period as he may specify in writing;
- (e) the Attorney General, or his nominee;
- (f) the Chief Registrar of the Federal Court;
- (g) three advocates, one practising in the States of Peninsular Malaysia, one practising in Sabah and one practising in Sarawak, appointed by the Chief Justice for such period as he may specify in writing; and

\*(h) the Secretary General of the Ministry of Law, or his nominee.

(3) In the absence of the Chief Justice, the President or the Chief Judge of the High Court in Malaya or the Chief Judge of the High Court in Sabah and Sarawak present shall be Chairman of the Committee.

(4) At any meeting of the Committee five members shall be a quorum, of whom the Chief Justice, President or a Chief Judge shall be one.

(5) All questions shall be decided by a majority of votes of the members present and voting. In the event of an equality of votes, the Chairman shall have a second or casting vote.

(6) If any advocate aforesaid shall cease to officiate as a member of the Committee by reason of death, resignation, absence from the States of Peninsular Malaysia, Sabah or Sarawak, as the case may be, or for any other cause, another advocate shall be appointed in his stead in accordance with the procedure set out in subsection (2).

### **Duties of Committee**

4. Subject to any rules of court made under the Courts of Judicature Act 1964, the Committee may make rules for the following purposes:

- (a) for regulating and prescribing the procedure (including the method of pleading) and the practice to be followed in Subordinate Courts in all proceedings in or with respect to which those Courts have for the time being jurisdiction (including the procedure and practice to be followed in the registries or offices of the said Courts) and any matter incidental to or relating to the procedure or practice including (but without prejudice to the generality of the foregoing provision) the manner in which, and the time within which, any application which under any written law is to be made to any such Court shall be made;

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\*NOTE—The Ministers of the Federal Government Order 1991 [*P.U.(A) 176/1991*] is revoked by the Ministers of the Federal Government Order 1995 [*P.U.(A) 203/1995*].

- (aa) for regulating and prescribing the procedure and the practice to be followed in Subordinate Courts in all causes and matters whatsoever in or with respect to the hearing of any matter or proceeding through a remote communication technology;
- (b) for regulating and prescribing the procedure in proceedings by way of appeal from a Subordinate Court to the High Court, the time within which any such appeal may be brought, and the procedure in connection with the transfer of proceedings from any Subordinate Court to the High Court or from the High Court to a Subordinate Court;
- (c) for regulating and prescribing the procedure in proceedings by way of appeal from any court or person to a Subordinate Court (including appeals from a Subordinate Court of inferior jurisdiction to one of superior jurisdiction), the time within which any such appeal may be brought, and the procedure in connection with the transfer of proceedings from one court to another;
- (d) for prescribing the fees and percentages to be taken in, and for regulating all matters relating to the costs of, proceedings in Subordinate Courts;
- (e) *\*(Deleted )*;
- (f) for regulating the joinder of parties and for prescribing in what cases persons absent, but having an interest in a civil matter or proceeding in a Subordinate Court, shall be bound by any order made therein, and in what cases orders may be made for the representation of absent persons by one or more parties to such a proceeding;
- (g) for regulating the rate of interest recoverable on debts, including judgment debts, or on the sums found due on taking accounts between parties:

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\* NOTE—This paragraph has been deleted when law was revised in 1971.



Provided that in no case shall any rate of interest exceed eight per centum per annum, unless it has been otherwise agreed between parties;

- (h) for regulating the modes in which judgments or orders of a Subordinate Court in civil matters and proceedings may be executed;
- (i) for regulating the discovery of a judgment debtor's property in aid of the execution of any judgment or order of a Subordinate Court;
- (j) for regulating the taking of evidence before an examiner or on commission or by letters of request, and for prescribing the circumstances in which evidence so taken may be read in a civil matter or proceeding in a Subordinate Court;
- (k) for prescribing in what cases a Subordinate Court may act upon the certificate of accountants, actuaries or scientific persons;
- (l) for regulating the receipt, disposal and payment out of moneys and securities by, or in the custody of, Subordinate Courts, and the investment thereof and the rate of interest to be charged thereon, and, until other provision is made in respect thereof, the manner in which unclaimed funds may be dealt with;
- (m) for prescribing the powers and duties of officers of Subordinate Courts;
- (n) for any purpose for which the Committee is directed or empowered to make rules under any written law.

### **Application**

5. All rules made under this Act may be made to apply to the whole of Malaysia or any part thereof.

**Rules applicable to Government suits**

6. Rules made under this Act shall, unless otherwise provided therein, apply to proceedings by or against the Federal Government or the Government of any State.

**Powers vested in Committee**

7. Where by any written law passed before the commencement of this Act, power is given to any authority to regulate or prescribe any procedure or practice in a proceeding in a Subordinate Court, such power shall be deemed to be vested in and exercisable by the Committee.

**Rules to be laid before Dewan Rakyat**

8. All rules made under this Act shall as soon as possible be laid before the Dewan Rakyat and if, at the next meeting of Dewan Rakyat after any such rules is laid before it, a resolution is passed annulling such rule or any part thereof the whole of such rules shall be void, but without prejudice to the validity of anything previously done thereunder, as from the date of notification in the *Gazette* of the passing of the resolution.

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**LAWS OF MALAYSIA****Act 55****SUBORDINATE COURTS RULES ACT 1955****LIST OF AMENDMENTS**

Amending law	Short title	In force from
L.N. 332/1958	Federal Constitution (Modification of Laws) (Ordinances and Proclamations) Order 1958	13-11-1958
Act 7/1964	Courts of Judicature Act 1964	16-03-1964; ss. 17(7)
P.U.(A) 300/1971	Rule Committee Ordinance (Extension) Order 1971	01-11-1971
P.U.(A) 357/1980	Subordinate Courts Act (Extension) Order 1980	01-06-1981
P.U.(B) 197/1994	National Language Act 1963/67	24-04-1994
Act A888	Subordinate Courts Rules (Amendment) Act 1994	24-06-1994
Act A1623	Subordinate Courts Rules (Amendment) Act 2020	22-10-2020

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**LAWS OF MALAYSIA****Act 55****SUBORDINATE COURTS RULES ACT 1955****LIST OF SECTIONS AMENDED**

Section	Amending authority	In force from
2	Act A1623	22-10-2020
3	Act A888 Act A1623	24-06-1994 22-10-2020
4	Act A1623	22-10-2020

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