



1 Ogos 2012
1 August 2012
P.U. (A) 233

WARTA KERAJAAN PERSEKUTUAN

*FEDERAL GOVERNMENT
GAZETTE*

KAEDAH-KAEDAH MAHKAMAH PERSEKUTUAN
(PINDAAN) 2012

*RULES OF THE FEDERAL COURT
(AMENDMENT) 2012*



DISIARKAN OLEH/
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AKTA MAHKAMAH KEHAKIMAN 1964

KAEDAH-KAEDAH MAHKAMAH PERSEKUTUAN (PINDAAN) 2012

PADA menjalankan kuasa yang diberikan oleh seksyen 17 Akta Mahkamah Kehakiman 1964 [*Akta 91*] dan dengan persetujuan Ketua Hakim Negara, Jawatankuasa Kaedah-Kaedah membuat kaedah-kaedah yang berikut:

Nama dan permulaan kuat kuasa

1. (1) Kaedah-kaedah ini bolehlah dinamakan **Kaedah-Kaedah Mahkamah Persekutuan (Pindaan) 2012**.

(2) Kaedah-Kaedah ini mula berkuat kuasa pada 1 Ogos 2012.

Pindaan kaedah 3

2. Kaedah-Kaedah Mahkamah Persekutuan 1995 [*P.U. (A) 376/1995*], yang disebut sebagai "Kaedah-Kaedah ibu" dalam Kaedah-Kaedah ini, dipinda dengan menggantikan kaedah 3 dengan kaedah yang berikut:

"Application of the Rules of Court 2012.
etc.
P.U. (A) 524/94.
P.U. (A) 205/2012.

3. Where no other provision is made by any written law or by these Rules, the procedure and practice in the Rules of Court of Appeal 1994 and the Rules of Court 2012 shall apply *mutatis mutandis*."

Penggantian kaedah 16

3. Kaedah-Kaedah ibu dipinda dengan menggantikan kaedah 16 dengan kaedah yang berikut:

"Mode of entering appearance.
P.U. (A) 205/2012

16. Appearance to a petition may be entered in accordance with the provisions of Order 12 of the Rules of Court 2012.

Penggantian kaedah 20

4. Kaedah-Kaedah ibu dipinda dengan menggantikan kaedah 20 dengan kaedah yang berikut:

“Filing of the summons for directions.

20. (1) The Petitioner, within fourteen days after the filling of the written statement of defence, takes out a summons in Form 2A (in these Rules referred to as a summons for directions) returnable in not less than fourteen days.

(2) If the petitioner does not take out a summons for directions in accordance with the foregoing provisions of this rule, the respondent or any respondent may do so or apply for an order to dismiss the action.

(3) On an application by a respondent to dismiss the action under paragraph (2) the Court may either dismiss the action on such terms as may be just or deal with the application as if it were a summons for directions.

(4) In the case of an action which is proceeding only as respects a counterclaim, references in this rule to the petitioner and respondent shall be construed respectively as references to the party making the counterclaim and the respondent to the counterclaim.”.

Kaedah baru 21A, 21B dan 21C

5. Kaedah-Kaedah ibu dipinda dengan memasukkan selepas kaedah 21 kaedah-kaedah yang berikut:

“Duty to consider all matters.

21A. (1) When the summons for directions first comes to be heard, the Court shall consider whether—

- (a)* it is possible to deal then with all the matters which, by the subsequent rules of this Order, are required to be considered on the hearing of the summons for directions; or
- (b)* it is expedient to adjourn the consideration of all or any of those matters until a later stage.

(2) If, when the summons for directions first comes to be heard, the Court considers that it is possible to deal then with all the said matters, it shall deal with them forthwith and shall endeavour to secure that all other matters which must or can be dealt with on interlocutory applications and have not already been dealt with are also then dealt with.

(3) If, when the summons for directions first comes to be heard, the Court considers that it is expedient to adjourn the consideration of all or any of the matters which, by the subsequent rules of this Order, are required to be considered on the hearing of the summons, the Court shall deal forthwith with such of those matters as it considers can conveniently be dealt with forthwith and adjourn the consideration of the remaining matters and shall endeavour to secure that all other matters which must or can be dealt with on interlocutory applications and have not already been dealt with are dealt with either then or at a resumed hearing of the summons for directions.

(4) If the hearing of the summons for directions is adjourned without a day being fixed for the resumed

hearing thereof, any party may restore it to the list on two days' notice to the other parties.

Duty to give all
information at
hearing.

21B. (1) Subject to paragraph (3), no affidavit shall be used on the hearing of the summons for directions except by the leave or direction of the Court, but, subject to paragraph (5), it shall be the duty of the parties to the action and their solicitors to give all such information and produce all such documents on any hearing of the summons as the Court may reasonably require for the purposes of enabling it properly to deal with the summons.

(2) The Court may, if it appears proper so to do in the circumstances, authorize any such information or documents to be given or produced to the Court without being disclosed to the other parties but, in the absence of such authority, any information or document given or produced under this paragraph shall be given or produced to all the parties present or represented on the hearing of the summons as well as to the Court.

(3) No leave shall be required by virtue of paragraph (1) for the use of an affidavit by any party on the hearing of the summons for directions in connection with any application thereat for any order if, under any of these rules, an application for such an order is required to be supported by an affidavit.

(4) If the Court on any hearing of the summons for directions requires a party to the action or his solicitor or counsel to give any information or produce any document and that information or document is not given or