



**Majlis Peguam
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**Circular No 174/2012
Dated 9 Aug 2012**

To Members of the Malaysian Bar

Compliance with Rules of Court 2012

Reference is made to [Circular No 142/2012](#) dated 2 July 2012, [Circular No 146/2012](#) dated 3 July 2012, [Circular No 152/2012](#) dated 12 July 2012, [Circular No 165/2012](#) dated 31 July 2012 and [Circular No 167/2012](#) dated 2 Aug 2012.

We wish to remind Members that the Rules of Court 2012 [P.U. (A) 205/2012] came into force on 1 Aug 2012. On the same day, the Subordinate Courts Rules 1980 and the Rules of the High Court 1980 were repealed.

The Rules of Court 2012 are to be read together with the Corrigendum [P.U. (A) 226/2012] which was gazetted on 25 July 2012, and the Rules of Court (Amendment) 2012 [P.U. (A) 232/2012] which was gazetted on 1 Aug 2012.

The Bar Council and the respective State Bar Committees had organised briefing sessions in Kuala Lumpur, Kedah, Kuantan, Malacca, Pahang and Penang to help Members to familiarise themselves with the Rules of Court 2012.

Initially there were complaints with regard to filing fees. Members should note that Order 91 of the Rules of Court 2012 and Appendix B1 and Appendix B2 (ie the revised schedule of filing fees for the subordinate courts and the High Court) will only come into effect when the Subordinate Courts (Amendment) Act 2010 comes into effect. In the meantime, the schedule of filing fees that is applicable for the subordinate courts and the High Courts is as per Schedule B of the Subordinate Courts Rules 1980 and Appendix B of the Rules of the High Court 1980, respectively.

In so far as compliance with the Rules of Court 2012 is concerned, the Bar Council has received feedback from the subordinate courts that lawyers are continuing to file Summons instead of Writ/Statement of Claim in the subordinate courts. Members are hereby advised to give their full cooperation and strictly comply with the Rules of Court 2012 in respect of, *inter alia*, the mode of commencement of action. Members are advised not to take risks by filing documents that do not exist under the Rules of Court 2012 **(especially if the action has been time-barred)**, which may be rejected by the Registry or may not be sealed by the Registrar.

The Bar Council has also set up a dedicated email address, rules2012@malaysianbar.org.my, so that Members will have an avenue to provide feedback with regard to the manner in which



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the courts are implementing or misapplying the Rules of Court 2012. In this regard, the Bar Council has worked closely with the Judiciary and the Attorney General's Chambers in resolving problems that have surfaced prior to and since the implementation of the Rules of Court 2012. The Bar Council's efforts are ongoing as there are still some issues which have yet to be resolved.

We look forward to your full cooperation in terms of compliance with the Rules of Court 2012. Please do not hesitate to send your feedback to rules2012@malaysianbar.org.my.

Thank you.

Tony Woon Yeow Thong
Secretary
Malaysian Bar