

**Bar Council: Defer Sub Court amendment**  
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The Malaysian Bar Council is concerned over the abruptness of proposed amendments to the Subordinate Courts Act 1948. They want closer collaboration with the Bar on such matters.

NONE In a press conference today, Bar Council vice-president Lim Chee Wee (left) said that the far-reaching amendments to the Act are being tabled without a detailed and thorough impact assessment exercise.

The amendments raise a myriad of issues, hence Lim wants the government to defer the Amendment Bill until a comprehensive study is undertaken.

The proposed amendments will increase the monetary jurisdiction of, among others, the Sessions Court from RM250,000 to RM1,000,000, and the Magistrates Court from RM25,000 to RM100,000.

The proposed amendments also contemplate conferring additional jurisdiction on the Sessions Court, allowing it to grant equitable remedies such as injunctions and declaratory relief, provided that the claim is within its monetary jurisdiction (that is, the value of the case that it can hear).

Monetary limit 'too large'

Lim is unhappy that they have only just received notice of the proposed amendments.

"We are not totally against the proposed amendments as it is the right time to make the changes after 16 years," said Lim.

"However, it is questionable why there is a four-fold increase in the (monetary) limits of the jurisdictions."

He called the monetary limit too large and questioned the Subordinate Courts' capacity to handle the corresponding increase in workload.

"Allocation of resources is also significant as the upsurge in workload will similarly require an increase in the number of judges and court infrastructure," he said.

Lim also questioned the logic behind granting additional jurisdiction to the Sessions Court as its judges' lack of experience could potentially result in poor judicial decisions.

NONE Brendan Navin Siva (left) questioned the government's justification that the amendments are based on inflation.

The Professional Standards and Development Committee co-chairperson asked, "What is the relevance of imposing higher monetary jurisdictions in smaller towns such as Alor Setar and Kuantan, as the living cost there is considered lower than Kuala Lumpur?"

Instead, he recommended a gradual increase in the monetary jurisdiction.

The lawyer also argued that granting more power to the Sessions Court will leave the High Court with fewer cases.

"The role of the Federal Court will also be minimised when the proposed amendments come into force," he added.

Memorandum to be submitted

Lim said the Bar Council will be submitting a memorandum by tomorrow, to the attorney-general's chambers, Chief Justice Zaki Azmi and de facto Law Minister Nazri Aziz.

"The Bar should be consulted and given a full opportunity to provide its view," he said.

Lim added that a more appropriate and realistic boundary between the Subordinate and High Courts should be based on the relative complexity of the matter, rather than the claim amount alone.

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