

D.R. 14/2004

RANG UNDANG-UNDANG

bernama

Suatu Akta untuk meminda Akta Mahkamah Kehakiman 3964.

DIPERBUAT oleh Parlimen Malaysia seperti yang berikut:

Tajuk ringkas dan permulaan kuat kuasa

1. (1) Akta ini bolehlah dinamakan Akta Mahkamah Kehakiman (Pindaan) 2004.

(2) Akta ini mula berkuat kuasa pada tarikh yang ditetapkan oleh Menteri melalui pemberitahuan dalam *Warta*.

Pindaan seksyen 22

2. Akta Mahkamah Kehakiman 1964 [*Akta 91*], yang disebut "Akta ibu" dalam Akta ini, dipinda dalam perenggan 22(1)(b)—

- (a) dengan menggantikan perkataan "Chapter VI" dengan perkataan "Chapters VI and VIA";
- (b) dengan memotong perkataan "or" di hujung subperenggan (ii);
- (c) dengan menggantikan noktah di hujung subperenggan (iii) dengan koma bernoktah; dan

(d) dengan memasukkan selepas subperenggan (iii) subperenggan yang berikut:

- "(iv) by any person against a citizen of Malaysia;
- (v) by any person against property belonging to the Government of Malaysia or the Government of any State in Malaysia located outside Malaysia, including diplomatic or consular premises of Malaysia;
- (vi) by any person to compel the Government of Malaysia or the Government of any State in Malaysia to do or refrain from doing any act;
- (vii) by any stateless person who has his habitual residence in Malaysia;
- (viii) by any person against or on board a fixed platform while it is located on the continental shelf of Malaysia; or
- (ix) by any person who after the commission of the offence is present in Malaysia."

Pindaan seksyen 50

3. Subseksyen 50(3) Akta ibu dipinda dengan menggantikan perkataan "given by, or with the consent in writing of, that officer only" dengan perkataan "signed by the Public Prosecutor, the Solicitor General or any other officer authorized by the Public Prosecutor".

Pindaan seksyen 87

4. Seksyen 87 Akta ibu dipinda dengan menggantikan subseksyen (2) dengan subseksyen yang berikut:

"(2) Notice of any appeal by the Public Prosecutor shall be signed by the Public Prosecutor, the Solicitor General or any officer authorized by the Public Prosecutor."

HURAIAN

Rang Undang-Undang ini bertujuan untuk meminda Akta Mahkamah Kehakiman 1964 ("Akta 91").

2. *Fasal 1* mengandungi tajuk ringkas dan peruntukan tentang permulaan kuat kuasa Akta yang dicadangkan.
3. *Fasal 2* bertujuan untuk meminda subseksyen 22(1) Akta 91 untuk meluaskan bidang kuasa jenayah luar wilayah Mahkamah Tinggi kepada kesalahan di bawah Bab baru VIA Kanun Keseksan dan untuk menambah alasan tambahan yang berasaskannya bidang kuasa jenayah luar wilayah boleh dilaksanakan.
4. *Fasal 3* dan *4* masing-masing bertujuan untuk meminda seksyen 50 dan 87 Akta 91 untuk membolehkan Peguam Cara Negara dan mana-mana pegawai yang diberi kuasa oleh Pendakwa Raya untuk menandatangani notis rayuan kepada Mahkamah Rayuan, dalam hal pindaan kepada seksyen 50, dan Mahkamah Persekutuan, dalam hal pindaan kepada seksyen 87. Pindaan ini bertujuan untuk memudahkan pemberian notis rayuan.

IMPLIKASI KEWANGAN

Rang Undang-Undang ini tidak akan melibatkan Kerajaan dalam apa-apa perbelanjaan wang tambahan.

[PN(U²)2363]

A BILL

i n t i t u l e d

An Act to amend the Courts of Judicature Act 1964.

ENACTED by the Parliament of Malaysia as follows:

Short title and commencement

1. (1) This Act may be cited as the Courts of Judicature (Amendment) Act 2004.

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

Amendment of section 22

2. The Courts of Judicature Act 1964 [*Act 91*], which is referred to as the "principal Act" in this Act, is amended in paragraph 22(1)(b)—

- (a) by substituting for the words "Chapter VI" the words "Chapters VI and VIA";
- (b) by deleting the word "or" at the end of subparagraph (ii);
- (c) by substituting for the full stop at the end of subparagraph (iii) a semicolon; and
- (d) by inserting after subparagraph (iii) the following subparagraphs:
 - “(iv) by any person against a citizen of Malaysia;

- (v) by any person against property belonging to the Government of Malaysia or the Government of any State in Malaysia located outside Malaysia, including diplomatic or consular premises of Malaysia;
- (vi) by any person to compel the Government of Malaysia or the Government of any State in Malaysia to do or refrain from doing any act;
- (vii) by any stateless person who has his habitual residence in Malaysia;
- (viii) by any person against or on board a fixed platform while it is located on the continental shelf of Malaysia; or
- (ix) by any person who after the commission of the offence is present in Malaysia."

Amendment of section 50

3. Subsection 50(3) of the principal Act is amended by substituting for the words "given by, or with the consent in writing of, that officer only" the words "signed by the Public Prosecutor, the Solicitor General or any other officer authorized by the Public Prosecutor".

Amendment of section 87

4. Section 87 of the principal Act is amended by substituting for subsection (2) the following subsection:

"(2) Notice of any appeal by the Public Prosecutor shall be signed by the Public Prosecutor, the Solicitor General or any officer authorized by the Public Prosecutor."

EXPLANATORY STATEMENT

This Bill seeks to amend the Courts of Judicature Act 1964 ("Act 91").

2. *Clause I* contains the short title and provision on the commencement of the proposed Act.

3. *Clause 2* seeks to amend subsection 22(1) of Act 91 to extend the extra-territorial criminal jurisdiction of the High Court to offences under the new Chapter VTA of the Penal Code and to add additional grounds on which extra-territorial criminal jurisdiction may be exercised.

4. *Clauses 3 and 4* seek to amend sections 50 and 87 of Act 91 respectively, to enable the Solicitor General and any officer authorized by the Public Prosecutor to sign the notice of appeal to the Court of Appeal, in the case of the amendment to section 50, and the Federal Court, in the case of the amendment to section 87. These amendments seek to facilitate the giving of the notice of appeal.

FINANCIAL IMPLICATIONS

This Bill will not involve the Government in any extra financial expenditure.

[PN(U²)2363]