

**SYARIAH COURT CIVIL PROCEDURE ENACTMENT 2004
(No.10 of 2004)**

**SYARIAH COURT CIVIL PROCEDURE (SULH) RULES 2010
(G.N.S. 8 of 2010)**

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SYARIAH COURT CIVIL PROCEDURE ENACTMENT 2004

SYARIAH COURT CIVIL PROCEDURE (*SULH*) RULES 2010

IN exercise of the powers conferred by paragraph 247(1)(c) of the Syariah Court Civil Procedure Enactment 2004 [*Enactment No. 10 of 2004*], the Syariah Court Rules Committee makes the following rules:

Citation, commencement and non-application

1. (1) These rules may be cited as the Syariah Court Civil Procedure (*Sulh*) Rules 2010.
- (2) These Rules are deemed to have come into operation on 1 January 2010.
- (3) These Rules shall not apply to an application for divorce under the Islamic Family Law Enactment 2004 [*Enactment No. 8 of 2004*].

Interpretation

2. In these Rules, unless the context otherwise requires –
 - “Chairman” means the person appointed under subrule 5(2) to chair a *Majlis Sulh*;
 - “Enactment” means the Syariah Court Civil Procedure Enactment 2004;
 - “hearing” means any proceedings in open Court or in chambers;
 - “public officer” includes the Registrar, Syariah Officer and an officer appointed under subsection 3(2) of the Legal Aid Act 1971 [*Act 26*].

Fixing date of *sulh*

3. Where, after receiving a summons or an application for any cause of action, the Registrar is of the opinion that there is reasonable possibility of a settlement between the parties to the action, the Registrar-
 - (a) shall not fix a date for the trial of the action within a period of three months from the receipt of the summons or the application;
 - (b) shall fix a date, as soon as practicable, for the parties to hold *sulh*; and
 - (c) shall serve the notice of the date fixed for *sulh* on the parties.

Non-appearance is a contempt of court

4. Where any party to whom a notice under paragraph 3(c) has been served without reasonable cause, fails to appear on the date fixed for *sulh*, such non-appearance shall be treated as a contempt of court and the Court may commence proceedings for contempt of court in accordance with section 229 of the Enactment.

Procedure for *sulh*

5. (1) *Sulh* shall be conducted in a majlis (hereinafter referred to as “Majlis *Sulh*”) in the presence of the parties to the action.

(2) Majlis *Sulh* shall be chaired by a Registrar or any public officer appointed for such purpose by the Chief Syarie Judge.

(3) In a Majlis *Sulh*, every party shall appear in person and no Peguam Syarie may appear or act as such for any party and no party shall be represented by any person without the leave of the Chairman.

(4) The Chairman shall, where possible, assist the parties to resolve the dispute concernin he subject matter of the *sulh* and shall give each part an opportunity to be heard.

(5) In a Majlis *Sulh*, the Chairman may take evidence from the parties, accept any document submitted and may, if he thinks necessary, adjourn the Majlis *Sulh* from time to time.

Judgement by confession or consent

6. Where the parties have reached an agreement to settle action, wholly or partly, the Chairman shall prepare a draft agreement and submit it to the parties for their confirmation and signature and, thereafter, the Chairman shall transmit such draft agreement to the Court to be recorded as a judgement by confession or consent, as the case may be, under section 131 of the Enactment.

Report if there is no resolution

7. If the action is unable to be resolved in a Majlis *Sulh*, the Chairman shall report the matter in writing to the Court and may append to his report any note taken in the Majlis *Sulh* and may make such recommendations as he thinks fit.

Hearing

8. The Court which receives a report under rule 7 shall fix a date for hearing to continue the proceedings for the purpose of disposing the case.

No costs

9. No costs shall be allowed for *Majlis Sulh*.

Made 18 May 2010

Y.A.A. DATUK HAJI AIDI MOKTAR, J.P.
Chief Syarie Judge as Chairman