

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

**SYARIAH COURT CIVIL PROCEDURE RULES
(COSTS AND ALLOWANCES) 2021
(G.N.S. 21 of 2021)**

ARRANGEMENT OF RULES

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SYARIAH COURT CIVIL PROCEDURE ENACTMENT 2004

SYARIAH COURT CIVIL PROCEDURE RULES (COSTS AND ALLOWANCES) 2021

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

Citation and commencement

1. (1) These rules may be cited as the Syariah Court Civil Procedure Rules (Costs and Allowances) 2021.

(2) These rules come into operation on the date of its publication in the *Gazette*. [26.08.2021].

Scale of costs

2. The scale of costs shall be as prescribed in the First Schedule.

Scale of allowances

3. The scale of allowances shall be as prescribed in the Second Schedule.

Fixed costs

4. The fixed costs shall be as prescribed in the Third Schedule.

FIRST SCHEDULE
(Rule 2)
Scale of costs

No.	Item	Syariah Subordinate Court (RM)	Syariah High Court (RM)	Syariah Appeal Court (RM)	Remarks
	PART I INSTITUTION, ETC., OF PROCEEDING				
1.	Preparing, issuing, filing and service of summons or application on one party	30.00	40.00	40.00	
2.	Issuing and service of summons on one party or concurrent application	4.00	6.00	6.00	
3.	Renewing summons, including preparing and filing application and affidavit, attending hearing of application for renewal and obtaining order	25.00	30.00	30.00	
4.	Preparing, filing and service of defence or other pleadings on one party	30.00	40.00	40.00	
5.	Preparing, filing and service of particulars of pleadings on one party and preparing and service of request for such particulars on one party	15.00	15.00	15.00	
6.	Preparing amendment of document referred to in item 1 or 4, filing and service of amended document on one party	10.00	15.00	15.00	
7.	Preparing, issuing and filing any document, attending on any application and doing any other work necessary to obtain – (a) order for substituted service of any document; (b) order giving leave to serve any document out of jurisdiction	25.00	30.00	30.00	
	PART II PROCEEDING IN CHAMBER				
8.	Preparing, issuing, filing and service on one party of notice – (a) to proceed under a judgement or order (b) to extend time	10.00 10.00	20.00 20.00	20.00 20.00	

FIRST SCHEDULE
(Rule 2)
Scale of costs

No.	Item	Syariah Subordinate Court (RM)	Syariah High Court (RM)	Syariah Appeal Court (RM)	Remarks
9.	Preparing, issuing, filing and service of notice to attend in Chambers on one party (other than notice referred to in item 8)	4.00	6.00	6.00	
10.	Attending to obtain appointment for hearing before Judge or Registrar	4.00	6.00	6.00	
11.	Attending to deliver papers required for use of Judge or Registrar in Chambers	4.00	6.00	6.00	
12.	Attending hearing of application in Chambers –	10.00	20.00	20.00	
	(a) in case of <i>ex parte</i> or by consent on an adjournment without hearing;	20.00	40.00	40.00	
	(b) in any other case				
13.	Attending to settle draft or minutes of any judgement or order	10.00	20.00	20.00	
14.	Attending to prepare and enter any order, where item 13 does not apply	4.00	6.00	6.00	
	PART III DISCOVERY AND INSPECTION				
15.	Preparing, filing and service of –				
	(a) affidavit of documents or list of documents;	10.00	20.00	20.00	
	(b) interrogatories for examination of a party; and	10.00	20.00	20.00	
	(c) affidavit in reply to interrogatories including when appropriate, attending deponent to be sworn and copy for service	10.00	20.00	20.00	
16.	Attending to inspect, or produce for inspection documents, of which production for inspection is required by order of the Court or by virtue of any provisions of Part XI of Syariah Court Civil Procedure Enactment 2004 –				

**FIRST SCHEDULE
(Rule 2)
Scale of costs**

No.	Item	Syariah Subordinate Court (RM)	Syariah High Court (RM)	Syariah Appeal Court (RM)	Remarks
	(a) for the first hour or part of an hour; and	10.00	15.00	15.00	
	(b) for every subsequent half hour or part thereof	5.00	10.00	10.00	
	PART IV PREPARATION FOR TRIAL OR HEARING, WHETHER IN OPEN COURT OR OTHERWISE				
17.	Preparing and issue of subpoena– (a) to attend court, for each witness; (b) to produce documents, for each witness;and (c) to produce documents and give evidence, including filing of request, attending to obtain subpoena and copy for service	4.00 4.00 4.00	5.00 5.00 5.00	5.00 5.00 5.00	
18.	Preparing and service of notice – (a) to produce for inspection document referred to in pleading or affidavit; (b) to produce document at trial or hearing;and (c) to certify any document or fact	4.00 4.00 4.00	5.00 5.00 5.00	5.00 5.00 5.00	
19.	Instructions for trial or hearing of any cause or matter, whatever the mode of trial or hearing Note – This item is intended to cover the doing of any work, not otherwise provided for, necessarily or properly done in preparing for a trial or hearing, or before a settlement of the matters in dispute, including –	Discretionary	Discretionary	Discretionary	

FIRST SCHEDULE
(Rule 2)
Scale of costs

No.	Item	Syariah Subordinate Court (RM)	Syariah High Court (RM)	Syariah Appeal Court (RM)	Remarks
	<p>(a) taking instruction to sue, defend, counterclaim or appeal, or for any pleading, particulars of pleading, affidavit;</p> <p>(b) considering the facts and law;</p> <p>(c) attending on and corresponding with client;</p> <p>(d) interviewing and corresponding with witnesses and potential witnesses and taking proofs of their evidence;</p> <p>(e) arranging to obtain reports or advice from experts and plans, photographs and models;</p> <p>(f) making search in a Government office and elsewhere for relevant documents;</p> <p>(g) inspecting any property or place material to the proceedings;</p> <p>(h) perusing pleadings, affidavits and other relevant documents;</p> <p>(i) where the cause or matter does not proceed to trial or hearing, work done in connection with the negotiation of a settlement; and</p> <p>(j) the general care and conduct of the proceedings</p>				
20.	Attending to obtain appointment to examine witness and on examination of witness	20.00 per person	20.00 per person	20.00 per person	

**FIRST SCHEDULE
(Rule 2)
Scale of costs**

No.	<i>Item</i>	<i>Syariah Subordinate Court (RM)</i>	<i>Syariah High Court (RM)</i>	<i>Syariah Appeal Court (RM)</i>	<i>Remarks</i>
	PART V TRIAL OR HEARING				
21.	Attending in open Court for the purpose of – (a) any application relating to or consequent of trial or hearing of a cause or matter; (b) trial or hearing of a cause or matter for each day; and (c) hearing deferred judgement	50.00 per day 100.00 per day 25.00 per day	75.00 per day 150.00 per day 30.00 per day	75.00 per day 150.00 per day 30.00 per day	
22.	Attending to obtain certificate of Registrar and attending to enter or obtain judgement	10.00	15.00	15.00	
	PART VI TAXATION OF COSTS				
23.	Preparing bill of costs and notice of taxation (including copy for Judge or Registrar) per folio	2.00	3.00	3.00	
24.	Obtaining appointment for taxation	4.00	5.00	5.00	
25.	Attending taxation, completing bill of costs, producing vouchers for disbursements and attending to obtain Judge's or Registrar's Certificate or order	25.00	30.00	30.00	
26.	Preparing objections to decision of Judge or Registrar on taxation, or answers to objections, including copies for service and filing, delivery to one party of such objections or answers and attending hearing of review by Judge or Registrar	25.00	30.00	30.00	

FIRST SCHEDULE
(Rule 2)
Scale of costs

No.	<i>Item</i>	<i>Syariah Subordinate Court (RM)</i>	<i>Syariah High Court (RM)</i>	<i>Syariah Appeal Court (RM)</i>	<i>Remarks</i>
	PART VII EXECUTION				
27.	Preparing and attending to obtain issue of execution order or other order to enforce any judgement or order Necessary copies of any such order shall be allowed	5.00	7.00	7.00	
28.	Renewing execution order including preparing and filing application and affidavit, attending on application for renewal and obtaining order	25.00	30.00	30.00	
	PART VIII GENERAL AND MISCELLANEOUS				
29.	To obtain – (a) consent of person to act as guardian <i>ad litem</i> and consent or approval of any other interested party; (b) any other consent Note – This item includes preparing the form of consent or approval	10.00 4.00	15.00 5.00	15.00 5.00	
30.	To give consent	4.00	5.00	5.00	
31.	To file and serve notice of appearance If for more than one person, for each additional person	5.00 2.00	7.00 3.00	7.00 3.00	
32.	To file any necessary document at the Registry	4.00	5.00	5.00	

FIRST SCHEDULE
(Rule 2)
Scale of costs

No.	Item	Syariah Subordinate Court (RM)	Syariah High Court (RM)	Syariah Appeal Court (RM)	Remarks
33.	To search for affidavit at the Registry	4.00	5.00	5.00	
34.	To enter order amending record by striking out or adding a party or consolidating causes or matters	4.00	5.00	5.00	
35.	On a deponent swearing any affidavit before Judge or Registrar	4.00	5.00	5.00	
36.	To obtain certificates of birth, death, marriage, divorce or ruju' or any other official documents from other departments Note – For two or more certificates which have been obtained at the same place or at the same time, the costs must be only one charge	4.00	5.00	5.00	
37.	Other proper and necessary attendances not provided for or allowed under any other item Attendance, etc. at the Accountant General's Office or Registrar's Office	4.00	5.00	5.00	
38.	To prepare and lodge documents required to authorize payment out of money lodged in Court and to receive payment	10.00	15.00	15.00	
39.	To lodge securities in Court or procure transfer of securities into or out of Court Note – This item includes all attendances required in connection with the lodgement or transfer and the preparation of any document so required	Discretionary	Discretionary	Discretionary	

FIRST SCHEDULE
(Rule 2)
Scale of costs

No.	Item	Syariah Subordinate Court (RM)	Syariah High Court (RM)	Syariah Appeal Court (RM)	Remarks
40.	To procure certificate or re-dating of certificates of funds in Court or where more than one certificate is procured or re-dated at the same time	5.00 Discretionary	7.00 Discretionary	7.00 Discretionary	
41.	To procure transcript of account Preparing Documents	5.00	7.00	7.00	
42.	Affidavit of service Note – This item includes engrossing affidavit, attending to have it sworn and filed	5.00	10.00	10.00	
43.	Affidavit other than affidavit of service or affidavit under item 15 per folio.	2.00	3.00	3.00	
44.	Preparation for marking of exhibit to affidavit, for each exhibit.	1.00	1.00	1.00	
45.	Advertisement to be signed by Registrar, for first folio and thereafter per folio Note- This item includes attending in Chambers to obtain signature	5.00 2.00	7.00 4.00	7.00 4.00	
46.	Preparing Documents Minutes of order, accounts, statements and other documents required for use in Court or Chambers, per folio. Notice, etc.	1.00	2.00	2.00	

FIRST SCHEDULE
(Rule 2)
Scale of costs

No.	Item	Syariah Subordinate Court (RM)	Syariah High Court (RM)	Syariah Appeal Court (RM)	Remarks
47.	Any notice not otherwise provided for service or request Copies, etc.	1.00	2.00	2.00	
48.	Copy of document not otherwise provided for – (a) typed copy other than carbon copy or written copy, per folio; (b) printed copy or carbon copy, per folio; (c) photographic copy	1.00 1.00 Discretionary	2.00 2.00 Discretionary	2.00 2.00 Discretionary	
49.	Examining proof print, per folio Letters, etc.	1.00	2.00	2.00	
50.	Letter not included under any other item	2.00	4.00	4.00	
51.	Letters, messages and telephone calls not provided for or allowed under any other item	Discretionary	Discretionary	Discretionary	
52.	Perusal Perusing any document not provided for or allowed under any other item, per folio Service	1.00	2.00	2.00	

FIRST SCHEDULE
(Rule 2)
Scale of costs

No.	Item	Syariah Subordinate Court (RM)	Syariah High Court (RM)	Syariah Appeal Court (RM)	Remarks
53.	Where more than one attendance is necessary to effect service on or delivery to one party of document referred to in Part I of this Schedule or in item 8, 9 or 26 thereof, or where service is effected within the jurisdiction otherwise than by personal attendance or by post or is effected out of the jurisdiction.	Discretionary	Discretionary	Discretionary	
54.	Where document referred to in Part 1 of this Schedule or in item 8, 9 or 26 thereof is required to be served on or delivered to more than one person, or service on or delivery to each additional person – (a) if required to be served personally or delivered; (b) if service by post authorized	5.00 2.00	7.00 3.00	7.00 3.00	
55.	Service or delivery of any document not provided for or allowed under any other item – (a) if required to be served personally or delivered; (b) if service by post authorized	5.00 2.00	7.00 3.00	7.00 3.00	

PART IX
GENERAL

Discretionary Costs

1. (1) Where in the foregoing provisions of this Schedule there is the word “Discretionary”, the amount of costs to be allowed in respect of that item shall (subject to any order of the Court fixing the costs to be allowed) be in the discretion of the Judge or Registrar.

(2) In exercising his discretion under this paragraph, the Judge or Registrar shall have regard to all relevant circumstances, and in particular to—

- (a) the complexity of the item or of the cause or matter in which it arises and the difficulty or novelty of the issues involved;
- (b) the skill, specialised knowledge and responsibility required of, and the time and labour expended by, the *Syar'ie* Lawyer;
- (c) the number and importance of the documents (however brief) prepared or perused;
- (d) the place and circumstances in which the business involved is transacted;
- (e) the importance of the cause or matter to the client;
- (f) where money or property is involved, its amount or value; and
- (g) any other fees and allowances payable to the *Syar'ie* Lawyer in respect of other items in the same cause or matter, but only where work done in relation to those items has reduced the work which would otherwise have been necessary in relation to the item in question.

Attendances in Chambers

2. (1) The following provisions of this paragraph apply in relation to every hearing in Chambers.

(2) On a taxation of costs, only costs which have been allowed by the Court to be fixed at the hearing and in fixing the costs, the Court shall have regard to the matters mentioned in subparagraph 1(2) of this Part.

(3) Where on any such hearing as aforesaid, the Court certifies that the speedy and satisfactory disposal of the proceedings required and received from the *Syar'ie* Lawyer engaged in them exceptional skill and labour in the preparation for the hearing, the Judge or Registrar in taxing the costs shall take the certificate into account.

Attendances before the Registrar

3. On any attendance before the Judge or Registrar for the purpose of settling the terms of and passing any judgement or order, if it appears to the Judge or Registrar that the attendance is of a special nature or of unusual length or difficulty, the Judge or Registrar may, if requested to do so by any party, issue a certificate to that effect, and the Judge or Registrar in fixing the costs to be allowed for the attendance shall take the certificate into account.

Copies of documents

4. (1) There shall be allowed for printing copies of any document the amount properly paid to the printer, and where any part of a document is properly printed in a foreign language or as a facsimile or in any unusual or special manner, or where any alteration becomes necessary after the first proof of the document, there shall be allowed such an amount as the Judge or Registrar thinks reasonable, such amount to include any attendance before the printer.

(2) The *Syar'ie* Lawyer for a party entitled to take printed copies of any documents shall be allowed the amount he pays for such number of copies as he

necessarily or properly takes.

(3) The allowance for printed copies of documents under item 48 of this Schedule shall be made in addition to the allowances under the foregoing provisions of this paragraph, and shall, subject to subparagraph (4), be made for such printed copies as may be necessary or proper –

- (a) of any pleading, for service on the opposite party;
- (b) of any special case, for filing;
- (c) of any pleading or special case, for the use of the Court;
- (d) of any affidavit, for attestation in print;
- (e) of any pleading or special case or evidence, for use in Court; or
- (f) of any other document necessarily and properly copied and not otherwise provided for.

(4) The allowance under item 48 of this Schedule shall not be made in relation to printed copies of documents for the use of the Court or *Syar'ie* Lawyer where written copies have been made before printing, and shall not be made more than once in the same cause or matter.

(5) The allowances under this Schedule for preparing of any pleading, summons, affidavit or other document shall be taken to include an allowance for preparing any necessary copies made for the use of the *Syar'ie* Lawyer and his client or, in the case of a pleading or summon, for service.

SECOND SCHEDULE

[Rule 3]

Scale of allowances

No.	Category of Witnesses	Total of Allowance Per day (RM)
1.	Expert	500.00
2.	Professionals, public officers, directors and managers of statutory bodies and person whose salary or income is more than RM3,000.00 per month	300.00
3.	Person whose salary or income is more than RM1,000.00 but less than RM3,000.00 per month	200.00
4.	Other than no 1, 2 and 3.	100.00

THIRD SCHEDULE

[Rule 4]
FIXED COSTS

<i>Value of Claim or Counter Claim</i>	<i>Claim (RM)</i>	<i>Defence (RM)</i>	<i>Advocacy (RM)</i>
Not more than RM1,000.00	25.00	25.00	150.00
More than RM1,000.00 but not exceed RM2,000.00	50.00	50.00	200.00
More than RM2,000.00 but not exceed RM3,000.00	75.00	75.00	250.00
More than RM3,000.00 but not exceed RM4,000.00	100.00	100.00	350.00
More than RM4,000.00 but not exceed RM5,000.00	125.00	125.00	450.00
More than RM5,000.00 but not exceed RM6,000.00	150.00	150.00	550.00
More than RM6,000.00 but not exceed RM7,000.00	175.00	175.00	650.00
More than RM7,000.00 but not exceed RM8,000.00	200.00	200.00	750.00
More than RM8,000.00 but not exceed RM9,000.00	225.00	225.00	850.00
More than RM9,000.00 but not exceed RM10,000.00	250.00	250.00	950.00
More than RM10,000.00 but not exceed RM11,000.00	275.00	275.00	1,050.00
More than RM11,000.00 but not exceed RM12,000.00	300.00	300.00	1,150.00
More than RM12,000.00 but not exceed RM13,000.00	325.00	325.00	1,125.00
More than RM13,000.00 but not exceed RM14,000.00	350.00	350.00	1,350.00
More than RM14,000.00 but not exceed RM15,000.00	375.00	375.00	1,450.00
More than RM15,000.00 but not exceed RM16,000.00	400.00	400.00	1,550.00
More than RM16,000.00 but not exceed RM17,000.00	425.00	425.00	1,650.00
More than RM17,000.00 but not exceed RM18,000.00	450.00	450.00	1,750.00
More than RM18,000.00 but not exceed RM19,000.00	475.00	475.00	1,850.00

THIRD SCHEDULE

[Rule 4]
FIXED COSTS

<i>Value of Claim or Counter Claim</i>	<i>Claim (RM)</i>	<i>Defence (RM)</i>	<i>Advocacy (RM)</i>
More than RM19,000.00 but not exceed RM20,000.00	500.00	500.00	1,950.00
More than RM20,000.00 but not exceed RM21,000.00	525.00	525.00	2,050.00
More than RM21,000.00 but not exceed RM22,000.00	550.00	550.00	2,150.00
More than RM22,000.00 but not exceed RM23,000.00	575.00	575.00	2,250.00
More than RM24,000.00 but not exceed RM25,000.00	625.00	625.00	2,450.00
More than RM25,000.00 but not exceed RM27,000.00	650.00	650.00	2,250.00
More than RM27,000.00 but not exceed RM30,000.00	675.00	675.00	2,650.00
More than RM30,000.00 but not exceed RM32,500.00	700.00	700.00	2,750.00
More than RM32,000.00 but not exceed RM35,000.00	725.00	725.00	2,850.00
More than RM35,000.00 but not exceed RM37,500.00	750.00	750.00	2,950.00
More than RM37,000.00 but not exceed RM40,000.00	775.00	775.00	3,050.00
More than RM40,000.00 but not exceed RM42,500.00	800.00	800.00	3,150.00
More than RM42,500.00 but not exceed RM45,000.00	825.00	825.00	3,250.00
More than RM45,000.00 but not exceed RM47,000.00	850.00	850.00	3,350.00
More than RM47,000.00 but not exceed RM50,000.00	875.00	875.00	3,450.00
More than RM50,000.00 but not exceed RM52,000.00	900.00	900.00	3,550.00

THIRD SCHEDULE

[Rule 4]
FIXED COSTS

<i>Value of Claim or Counter Claim</i>	<i>Claim (RM)</i>	<i>Defence (RM)</i>	<i>Advocacy (RM)</i>
More than RM52,000.00 but not exceed RM55,000.00	925.00	925.00	3,650.00
More than RM55,000.00 but not exceed RM57,000.00	950.00	950.00	3,750.00
More than RM57,000.00 but not exceed RM60,000.00	975.00	975.00	3,850.00
More than RM60,000.00 but not exceed RM62,000.00	1,000.00	1,000.00	4,350.00
More than RM62,000.00 but not exceed RM65,000.00	1,025.00	1,025.00	4,050.00
More than RM65,000.00 but not exceed RM67,000.00	1,050.00	1,050.00	4,150.00
More than RM67,000.00 but not exceed RM70,000.00	1,075.00	1,075.00	4,250.00
More than RM70,000.00 but not exceed RM72,500.00	1,100.00	1,100.00	4,350.00
More than RM72,000.00 but not exceed RM75,000.00	1,125.00	1,125.00	4,450.00
More than RM75,000.00 but not exceed RM77,500.00	1,150.00	1,150.00	4,550.00
More than RM77,000.00 but not exceed RM80,000.00	1,175.00	1,175.00	4,650.00
More than RM80,000.00 but not exceed RM82,500.00	1,200.00	1,200.00	4,750.00
More than RM82,500.00 but not exceed RM85,000.00	1,225.00	1,225.00	4,850.00
More than RM85,000.00 but not exceed RM87,500.00	1,250.00	1,250.00	4,950.00
More than RM87,000.00 but not exceed RM90,000.00	1,275.00	1,275.00	5,050.00
More than RM90,000.00 but not exceed RM92,000.00	1,300.00	1,300.00	5,150.00
More than RM92,000.00 but not exceed RM95,000.00	1,325.00	1,325.00	5,250.00
More than RM95,000.00 but not exceed RM97,500.00	1,350.00	1,350.00	5,350.00
More than RM97,000.00 but not exceed RM100,000.00	1,375.00	1,375.00	5,450.00

Made on.....2021

Y.A.A. ALIDIN @ AHMAD DIN BIN OKK OTHMAN
State Chief Syarie Judge as the Chairman

Sabah LawNet