

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

**SYARIAH COURT CIVIL PROCEDURE RULES (FEES) 2021
(G.N.S. 20 OF 2021)**

ARRANGEMENT OF RULES

Rule

1. Citation and commencement
2. Court fees
3. Exemption

SCHEDULE

SYARIAH COURT CIVIL PROCEDURE ENACTMENT 2004

SYARIAH COURT CIVIL PROCEDURE RULES (FEES) 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 (Fees) 2021.

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

Court Fees

2. The fees fixed in the Schedule shall be paid for all transactions prescribed therein.

Exemption

3. Notwithstanding rule 2, the Court fee shall not be chargeable in respect of –
 - (a) Any proceedings by the State Government, Legal Aid Department and it's panel lawyers, Family Support Division, or Majlis Ugama Islam Negeri Sabah;
 - (b) Any proceedings taken as the Court's order; and
 - (c) Any actions or proceedings taken by any person authorized by the Court to sue or defend as a poor person as provided under Chapter 3 Part 4 of the Enactment.

SCHEDULE

Court Fees

No.	Item	Syariah Subordinate Court (RM)	Syariah High Court (RM)	Syariah Appeal Court (RM)	Remarks
	SUMMONS, APPLICATIONS, ETC.				
1.	On sealing a summons or an application for the commencement of an action	25.00	50.00		
2.	On filing a defence or affidavit in opposition	10.00	20.00		
3.	On filing a reply to defence, affidavit in reply to opposition or subsequent legal documents	10.00	20.00		
4.	On filing counter claim or cross-action	20.00	40.00		
5.	On filing a summons or an application to a defendant or respondent more than one person or to the address more than one	5.00	10.00		
6.	On sealing a renewed summons or renewed application	5.00	10.00		
7.	On sealing an amended summons or an amended application	5.00	10.00		
8.	On signing any amended summons, application or pleadings	5.00	10.00		
9.	On filing <i>wakalah</i> for each person	10.00	10.00	10.00	
10.	On filing a certification of urgency	5.00	10.00	15.00	
11.	On sealing a notice of interlocutory application	10.00	30.00	50.00	
12.	On filing an application for the substituted service or service out of the jurisdiction	10.00	10.00	20.00	
13.	On filing a notice of withdrawal on claims, applications, appeals, etc.	5.00	10.00	15.00	
14.	On filing a notice of change of syar'ie lawyer, notice of discharge of syar'ie lawyer or notice of withdrawal of syar'ie lawyer	5.00	10.00	15.00	

FOR REFERENCE ONLY (SEPTEMBER 2021)

SCHEDULE - (cont.)

Court Fees - (cont.)

No.	Item	Syariah Subordinate Court (RM)	Syariah High Court (RM)	Syariah Appeal Court (RM)	Remarks
	ORDERS, ETC.				
15.	On sealing a subpoena for each witness	2.00	2.00		
16.	On sealing a subpoena issued less than three days before trial of an action for each witness	5.00	5.00		
17.	On sealing an order of execution, committal, arrest, notice of <i>hiwalah</i> or attachment of property	5.00	10.00		
18.	On entering or sealing any order made in Chambers	5.00	10.00		
19.	On entering or sealing a judgement or order given, directed or made in trial, hearing or further consideration of a cause or matter in court	13.00	25.00	25.00	
20.	On entering or sealing any other judgement or order where no other fee is specifically provided for	5.00	10.00	10.00	
21.	On filing a notice of appeal against any judgement, order or decision of the registrar to a Judge in Chambers	10.00	10.00		
	APPEALS, ETC.				
22.	On filing a notice of appeal – (a) from Syariah Subordinate Court to Syariah High Court; or (b) from Syariah High Court to Syariah Appeal Court	50.00	100.00		
23.	On filing a notice of counter appeal – (a) from Syariah Subordinate Court to Syariah High Court; or (b) from Syariah High Court to Syariah Appeal Court	50.00	100.00		

FOR REFERENCE ONLY (SEPTEMBER 2021)

SCHEDULE - (cont.)

Court Fees - (cont.)

No.	Item	Syariah Subordinate Court (RM)	Syariah High Court (RM)	Syariah Appeal Court (RM)	Remarks
24.	On filing an application for leave to appeal or leave for extension of time to appeal from Syariah Subordinate Court to Syariah High Court		50.00		
25.	On filing an application for leave to appeal or leave for extension of time to appeal from Syariah High Court to Syariah Appeal Court			100.00	
26.	Any interlocutory application pending appeal in – (a) Syariah High Court; and (b) Syariah Appeal Court		10.00	20.00	
27.	Preparation of notes of evidence and grounds of judgement	200.00	300.00		
28.	On filing grounds of appeal	25.00	50.00		
29.	On filing an appeal record		50.00	100.00	
30.	On filing submissions	20.00	40.00	50.00	
31.	On filing a review	50.00	100.00		
	COPIES OF DOCUMENTS				
32.	On making a copy of document and marking it as certified copy for each folio	2.00	2.00	2.00	
33.	On making every second or subsequent copy or by duplicating process, for each folio	1.00	1.00	1.00	
34.	For examining plain copy and marking the same as certified copy – (a) in the case of a photographic or copy for each sheet; or (b) in any other case for each folio	1.00 1.00	1.00 1.00	1.00 1.00	

SCHEDULE - (cont.)

Court Fees - (cont.)

No.	Item	Syariah Subordinate Court (RM)	Syariah High Court (RM)	Syariah Appeal Court (RM)	Remarks
35.	On an application to be allowed to copy any document filed or lodged in Court, for each page	1.00	1.00	1.00	
36.	On typing of notes of proceedings	50.00	100.00		
37.	On typing of grounds of judgement	50.00	100.00		
	TRANSLATION				
38.	Checking, correcting and certifying a translation not made by an Interpreter of the Court	3.00 plus 1.00 for each folio	3.00 plus 1.00 for each folio	3.00 plus 1.00 for each folio	
	TAXATION OF COSTS				
39.	On taxing a bill of costs where –				
	(a) the amount allowed does not exceed RM1,000.00; and	4.00	4.00	4.00	
	(b) the amount allowed exceeds RM1,000.00, for every additional RM1,000.00 allowed or fraction thereof	2.00	2.00	2.00	
40.	On certificate or allocator of the result of the taxation	4.00	4.00	4.00	
	MISCELLANEOUS				
41.	On filing any document not provided for in this Schedule	5.00	10.00	15.00	
42.	On applying for any search, including inspection, for each half an hour or part thereof	2.00	2.00	2.00	
43.	Upon an application for the production of records or documents to be given in evidence –				
	(a) where the records or documents are left in Court; and	2.00	2.00	5.00	
	(b) where an officer is required to produce the records or documents in Court	10.00	20.00	50.00	

FOR REFERENCE ONLY (SEPTEMBER 2021)

SCHEDULE - (cont.)

Court Fees - (cont.)

No.	Item	Syariah Subordinate Court (RM)	Syariah High Court (RM)	Syariah Appeal Court (RM)	Remarks
44.	Upon an application for the attendance of an officer of the Court as a witness for day or part thereof	20.00	40.00	50.00	
45.	On filing an affidavit or supplementary affidavit, for each person making the same	2.00	2.00	2.00	
46.	On filing for each exhibit referred to therein or supplementary affidavit required to be marked	1.00	1.00	1.00	
47.	On each document sworn before any officer of the court	4.00	4.00	4.00	
48.	Signing the exhibit	2.00	2.00	2.00	
49.	On sealing extract of any document, not being a judgement or order, where no other fee is prescribed in this schedule	1.00	1.00	1.00	
50.	On a certificate of the amount or the transcript of the account of any moneys, funds or securities including the request thereof	2.00	2.00		
51.	On paying, lodging, transferring or depositing funds or securities in Court	2.00	2.00		
52.	On a request to the Accountant General for information in writing in respect of any moneys, funds or securities in Court or any transaction in his office	2.00	2.00		
	SERVICE AND EXECUTION				
53.	For each attempt to serve on each person of any process or proceeding required to be served by the Court	1.00	1.00		
	and if more than 3 kilometres from the Court, for every additional kilometre	1.00	1.00		

SCHEDULE - (cont.)

Court Fees - (cont.)

No.	Item	Syariah Subordinate Court (RM)	Syariah High Court (RM)	Syariah Appeal Court (RM)	Remarks
54.	For executing every order of execution, committal, arrest or attachment of property	5.00	5.00		
55.	For releasing property seized by instruction of party issuing the order of execution, attachment, arrest or attachment of property	3.00	3.00		
56.	Service charge of 5 percent (%) to be charged on the first RM1,000.00 and 3 percent (%) upon all above that sum when levied by seizure and sale, such sum to include auctioneer's service charges				To be deducted by the Registrar
57.	Service charge of 2 percent (%) to be charged on all money received by the Registrar on a garnishee notice				To be deducted by the Registrar
58.	Service charge of 1 percent (%) to be charged on all money received by the Registrar in satisfaction of an order of seizure and sale and where an execution is withdrawn, satisfied or stopped				To be deducted by the Registrar
59.	Service charge of 1 percent (%) to be charged on the estimated value of the property seized or the amount stated in the order, whichever is the lesser, where the execution is withdrawn, satisfied or stopped				To be deducted by the Registrar
60.	For each person necessarily employed in taking charge of any property under seizure.	Actual Cost	Actual Cost		To be paid in cash to the Registrar or direct payment on vouchers certified by the Registrar

SCHEDULE - (cont.)

Court Fees - (cont.)

No.	Item	Syariah Subordinate Court (RM)	Syariah High Court (RM)	Syariah Appeal Court (RM)	Remarks
61.	For removal of goods or animals to a place of safe keeping and foods given	Actual Cost	Actual Cost		To be paid in cash to the Registrar or direct payment on vouchers certified by the Registrar
62.	For advertising and giving publicity to the sale by auction Note – In every case where the execution is withdrawn, satisfied or stopped, the fees shall be paid by the person at whose instance the sale is stopped, and the amount of any costs or charges payable under this Schedule shall be taxed by the Judge, in case where the Registrar and the party liable to pay such costs and charges differ as to the amount thereof	Actual Cost	Actual Cost		To be paid in cash to the Registrar or direct payment on vouchers certified by the Registrar
63.	Request for payment out of monies paid into Court pursuant to order for instalment if the sum exceeds RM1,000.00, except for payment of maintenance of children and wife	2 percent of sum to be paid out	2 percent of sum to be paid out		on request

Made on 2021

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