

No. S 34

SYARIAH COURTS CIVIL PROCEDURE ORDER, 2005
(S 26/2005)

SYARIAH COURTS CIVIL PROCEDURE (*SULH*) RULES, 2013

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In exercise of the power conferred by section 236(1)(c) of the Syariah Courts Civil Procedure Order, 2005, the Chief Syar'ie Judge hereby makes the following Rules —

Citation and commencement.

1. These Rules may be cited as the Syariah Courts Civil Procedure (*Sulh*) Rules, 2013 and shall commence on such date as the Chief Syar'ie Judge may appoint by notification published in the *Gazette*.

Interpretation.

2. In these Rules, unless the context otherwise requires —

“chairman” means the chairman of *Majlis Sulh* appointed under rule 7(2);

“hearing” means any proceeding in an open court or in chambers;

“*Majlis Sulh*” means an administrative proceeding conducted in accordance with the provision of these Rules and *Hukum Syara'* for the attainment of *sulh*.

Application.

3. These Rules shall apply to any proceeding except for an application for dissolution of marriage under Part V of the Islamic Family Law Act (Chapter 217).

Fixing date of *sulh*.

4. Where, upon receiving a summon or an application for any cause of action, the Registrar is of the opinion that there is a reasonable possibility of settlement between the parties to the action, the Registrar shall, —

(a) fix a date, as soon as practicable, for the parties to hold *sulh*; and

(b) serve a notice of the date fixed for *sulh* on the parties.

Period of *sulh*.

5. (1) Subject to subsection (2), *sulh* shall be settled within 3 months from the date fixed under rule 4.

(2) Upon expiry of such period of 3 months, the Registrar may extend the period for a further period not exceeding 3 months.

Non-appearance of parties.

6. Where any party to whom a notice under rule 4(b) has been served, fails to appear without reasonable cause on the date fixed for *sulh*, the Registrar shall fix a date for trial.

Procedure for *sulh*.

7. (1) *Sulh* shall be conducted in a *Majlis Sulh* where parties to the action are present.

(2) A *Majlis Sulh* shall be chaired by the Registrar or any person appointed by the Chief Syar'ie Judge for that purpose.

(3) In a *Majlis Sulh*, every party shall appear in person and no Syar'ie lawyer may appear or act as such for any party and no party shall be represented by any other person without the leave of the chairman.

(4) The chairman shall, where possible, render his assistance to the parties to resolve the disputes concerning the subject matter of the *sulh* and shall give each of them an opportunity of being heard.

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

Judgment by confession or consent.

8. Where the parties have reached an agreement to settle the action either wholly or in part, the chairman shall prepare a draft agreement and submit it to the parties for their confirmation and signature and, thereafter, the chairman shall submit such draft agreement to the court to be recorded as a judgment by confession or consent, as the case may be, under section 134 of the Syariah Courts Civil Procedure Order, 2005 [S 26/2005].

Report where there is no resolution.

9. If the *Majlis Sulh* is unable to resolve the dispute concerning the subject matter of the *sulh* to the satisfaction of the parties, the chairman shall prepare a report of the matter to the court in writing and may append to this report any note and may make such recommendations as he thinks fit.

Hearing.

10. The court which has received the report under rule 9 shall fix a date for hearing of the case.

No cost.

11. No cost shall be allowed for a *Majlis Sulh*.

Made this 3rd. day of Rejab, 1434 Hijriah corresponding to the 13th. day of May, 2013.

PEHIN SIRAJA KHATIB DATO PADUKA SERI SETIA
USTAZ AWANG HAJI YAHYA BIN HAJI IBRAHIM
Chief Syar'ie Judge.