

# Legal Updates

## Legislation

1. Capital Markets and Services (Amendment) Act 2011 [Act A1406] cif 3 October 2011, except for para 25(a)

[www.federalgazette.agc.gov.my/outputp/pub\\_20111003\\_penetapan%20tarikh%20permulaan%20kuat%20kuasa-akta%20pasaran%20modal%20dan%20perkhidmatan.pdf](http://www.federalgazette.agc.gov.my/outputp/pub_20111003_penetapan%20tarikh%20permulaan%20kuat%20kuasa-akta%20pasaran%20modal%20dan%20perkhidmatan.pdf)

For the Act, see

[www.federalgazette.agc.gov.my/outputaktap/20110915\\_A1406\\_BI\\_A1406%20%28BI%29.pdf](http://www.federalgazette.agc.gov.my/outputaktap/20110915_A1406_BI_A1406%20%28BI%29.pdf)

2. Securities Commission (Amendment) Act 2011 [Act A1403] cif 3 October 2011

[www.federalgazette.agc.gov.my/outputp/pub\\_20111003\\_penetapan%20tarikh%20permulaan%20kuat%20kuasa-akta%20suruhanjaya%20sekuriti.pdf](http://www.federalgazette.agc.gov.my/outputp/pub_20111003_penetapan%20tarikh%20permulaan%20kuat%20kuasa-akta%20suruhanjaya%20sekuriti.pdf)

For the Act, see

[www.federalgazette.agc.gov.my/outputp/pub\\_20111003\\_penetapan%20tarikh%20permulaan%20kuat%20kuasa-akta%20suruhanjaya%20sekuriti.pdf](http://www.federalgazette.agc.gov.my/outputp/pub_20111003_penetapan%20tarikh%20permulaan%20kuat%20kuasa-akta%20suruhanjaya%20sekuriti.pdf)

3. Domestic Violence (Amendment) Bill 2011

- Domestic violence now encompasses mental, emotional and psychological abuse

[www.malaysianlaw.my/news/parliament-domestic-violence-amendment-bill-passed-20268.html](http://www.malaysianlaw.my/news/parliament-domestic-violence-amendment-bill-passed-20268.html)

For the Bill, see

[www.parlimen.gov.my/files/billindex/pdf/2011/DR242011E.pdf](http://www.parlimen.gov.my/files/billindex/pdf/2011/DR242011E.pdf)

4. Trade Descriptions Act 2011 [Act 730] cif 1 November 2011

- Promoting good trade practices by prohibiting false trade descriptions and false or misleading statements, conduct and practices in relation to goods and services

[www.federalgazette.agc.gov.my/outputp/pub\\_20111025\\_penetapan\\_kuat\\_kuasa\\_Akta\\_Perihal\\_Dagangan\\_2011\\_-\\_7\\_Oct\\_20111.pdf](http://www.federalgazette.agc.gov.my/outputp/pub_20111025_penetapan_kuat_kuasa_Akta_Perihal_Dagangan_2011_-_7_Oct_20111.pdf)

For the Act, see

[www.federalgazette.agc.gov.my/outputaktap/20110818\\_730\\_BI\\_A730%20BI.pdf](http://www.federalgazette.agc.gov.my/outputaktap/20110818_730_BI_A730%20BI.pdf)

## Cases

### Banking

***Globelink Container Line (M) Sdn Bhd v Bumiputra Commerce Bank Berhad [2011] 5 AMR 555; [2011] 1 LNS\* 414; [2011] MLJU^ 400 (HC)***

- No mandate for bank to make payment against 389 cheques containing forged signature

### Civil Procedure

***Amalan Tepat Sdn Bhd v Panflex Sdn Bhd [2011] 5 MLJ 512; [2011] 7 CLJ 121 (FC)***

- Impugned judgment has not met entrenched rule of practice applicable for the granting of declaratory relief

The judgment may also be viewed here:

[www.kehakiman.gov.my/directory/judgment/file/02%28\\_%29202010%28J%29J%5B1%5D%5B1%5D.pdf](http://www.kehakiman.gov.my/directory/judgment/file/02%28_%29202010%28J%29J%5B1%5D%5B1%5D.pdf)

and here:

[http://malaysianlaw.my/attachments/FC-Suit%20No-02%28\\_%29-20-2010%28J%29-Amalan\\_96476.pdf](http://malaysianlaw.my/attachments/FC-Suit%20No-02%28_%29-20-2010%28J%29-Amalan_96476.pdf)

### **Intellectual Property**

#### ***Yong Teng Hing (t/a Hong Kong Trading Co) & Anor v Walton International Ltd [2011] 5 MLJ 629; [2011] 7 CLJ 401; [2011] 5 AMR 597 (FC)***

- High Court exercises original, and not appellate, jurisdiction when it hears an appeal from the decision of the Registrar of Trade Marks under s 28(5) Trade Marks Act 1976 [Act 175]

The Federal Court decision may also be viewed here:

[www.kehakiman.gov.my/directory/judgment/file/08%28f%29\\_%E2%80%93\\_158\\_%E2%80%93\\_2010\\_%28W%29\\_laterst.pdf](http://www.kehakiman.gov.my/directory/judgment/file/08%28f%29_%E2%80%93_158_%E2%80%93_2010_%28W%29_laterst.pdf)

For the Court of Appeal decision, see [2010] 6 AMR 810; [2010] 8 CLJ 802 (See also *Legal Updates*, February 2011)

### **Land**

#### ***Ismail bin Bakar & Ors v Director of Lands and Mines, Kedah Darul Aman [2011] 5 MLJ 197; [2010] 9 CLJ 810 (CA)***

- Nine-year delay in paying compensation to landowners grossly unreasonable and in contravention of s 29 Land Acquisition Act 1960 [Act 486] and art 13(1) Federal Constitution

### **Revenue**

#### ***Galaxy Energy Technologies Sdn Bhd v Deputy Collector of Stamp Duty, Malaysia & Anor [2011] 5 MLJ 145; [2011] 5 CLJ 829 (CA)***

- Purchaser entitled to refund of stamp duty paid on the memorandum of transfer

### **Tort**

#### ***Hj Salleh Hj Janan v Financial Information Services Sdn Bhd [2011] 7 CLJ 287 (CA)***

- Defamatory to allege someone is a bankrupt when he is not; credit agency's defence of justification rejected

For the High Court decision, see [2005] 1 CLJ 241; [2004] MLJU<sup>^</sup> 574

\* Legal Network Series — cases available on the Current Law Journal website but which have not been published in *CLJ*

<sup>^</sup> Malayan Law Journal Unreported — cases available on the LexisNexis website but which have not been published in *MLJ*

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