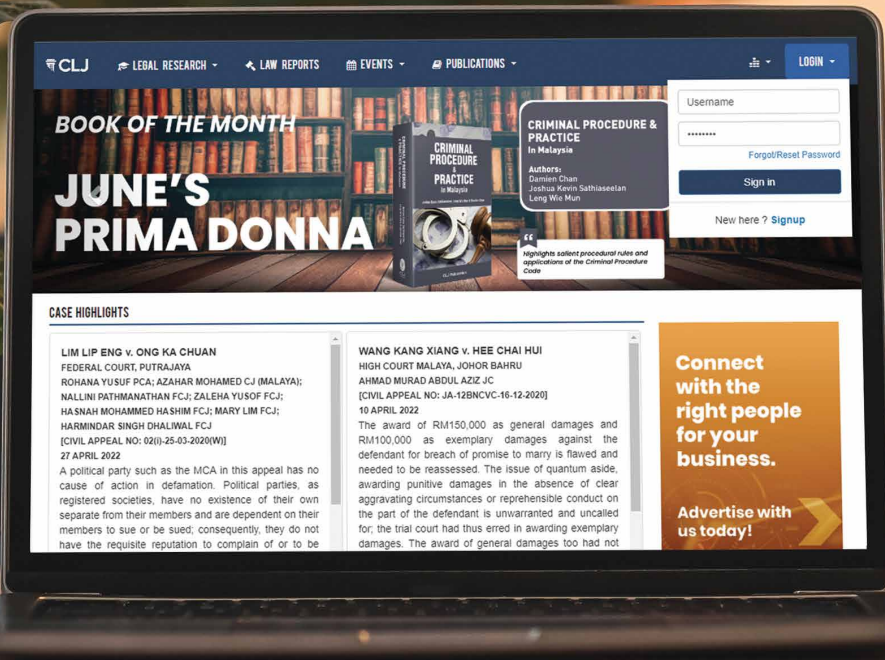


# CLJLAW User Guide



The laptop screen displays the CLJLAW website interface. The top navigation bar includes links for LEGAL RESEARCH, LAW REPORTS, EVENTS, PUBLICATIONS, and a LOGIN button. The main banner features the 'BOOK OF THE MONTH' for June, 'PRIMA DONNA', which is 'CRIMINAL PROCEDURE & PRACTICE In Malaysia' by Damien Chan, Jethva Keen Sethaseetan, and Long Wei Mun. A sidebar on the right contains a login form with fields for Username and Password, a 'Forgot/Reset Password' link, and a 'Sign in' button. Below the banner, the 'CASE HIGHLIGHTS' section lists two cases: 'LIM LIP ENG v. ONG KA CHUAN' and 'WANG KANG XIANG v. HEE CHAI HUI'. A sidebar on the right contains a call to action: 'Connect with the right people for your business. Advertise with us today!'.

**CLJ** LEGAL RESEARCH LAW REPORTS EVENTS PUBLICATIONS LOGIN

## BOOK OF THE MONTH

# JUNE'S PRIMA DONNA

### CRIMINAL PROCEDURE & PRACTICE In Malaysia

Authors:  
Damien Chan  
Jethva Keen Sethaseetan  
Long Wei Mun

Sign in

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#### CASE HIGHLIGHTS

**LIM LIP ENG v. ONG KA CHUAN**  
FEDERAL COURT, PUTRAJAYA  
ROHANA YUSUF PCA; AZAHAR MOHAMED CJ (MALAYA);  
NALLINI PATHMANATHAN FCJ; ZALEHA YUSOF FCJ;  
HA SNAN MOHAMMED HASHIM FCJ; MARY LIM FCJ;  
HARMINDAR SINGH DHALIWAL FCJ  
[CIVIL APPEAL NO: 02(i)-25-03-2020(W)]  
27 APRIL 2022

A political party such as the MCA in this appeal has no cause of action in defamation. Political parties, as registered societies, have no existence of their own separate from their members and are dependent on their members to sue or be sued; consequently, they do not have the requisite reputation to complain of or to be

**WANG KANG XIANG v. HEE CHAI HUI**  
HIGH COURT MALAYA, JOHOR BAHRU  
AHMAD MURAD ABDUL AZIZ JC  
[CIVIL APPEAL NO: JA-12BNCVC-16-12-2020]  
10 APRIL 2022

The award of RM150,000 as general damages and RM100,000 as exemplary damages against the defendant for breach of promise to marry is flawed and needed to be reassessed. The issue of quantum aside, awarding punitive damages in the absence of clear aggravating circumstances or reprehensible conduct on the part of the defendant is unwarranted and uncalled for; the trial court had thus erred in awarding exemplary damages. The award of general damages too had not

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## A. CASE SEARCH

1. Select search criteria from 4 categories provided.
    - Caselaw, Legislation, Article or Catchword
  2. Enter Search Term. Refer to 5B for search term combination.
  3. Select database to search in.
    - All or one or more from: Reported/Unreported/Industrial/Syaria
  4. Select **Search in** option.
    - Full Text, Head Notes, Case Name, Counsel, Annotation
  5. Select **Proximity Search** options.
    - Anywhere, Exact Phrase, Within Sentence, Within Para and within [ x number of ] words
- 5A. **Acts in Cases:** Get list of case(s) citing or referring to specific acts.
- 5B. **Words / phrases search combinations:**
- An **AND** combination – a space indicates **AND**  
Eg. witness creditors petition sarawak
  - An **OR** combination – with no exact phrase – a slash / indicates **OR**  
**eg. <phrase1><space>/<space><phrase2>**  
Eg. : contract / aggravated damages / breach  
Eg. Case Name - "Rahima Muhamad" / "Rahima Muhamed" – get results on either case names.
  - Combination of several exact phrases. Double quote “ ” indicates exact phrase.  
Eg: "Preliminary objection" "appeal to the court of appeal"
  - An **OR** combination on two exact phrases by specifying <space><slash><space> as a separator between words.  
Eg: "beyond reasonable doubt" / "circumstantial evidence"
  - Combination of exact phrase and any other words/phrases  
Eg. "Preliminary objection" commission secret speculation

- Combination of several sets of exact phrases and any other words/phrases.  
Eg: "Res ipsa" carriage "Application of doctrine" wharf / Evidence "loss occurred"
- None of the words – exclude specific search words or phrases from the search.  
Eg: not(drugs dadah) - get results without the words “drugs and dadah”

#### 5C. Search cases only on:

- Judge name – search cases based on specified judge.
- Judgment Date - select judgment of within specific range of dates.
- Only cases – ( *All, Overruled, Followed, Not Followed, Distinguished, Referred, Cited* )

### 6. Advanced Search

Search can be further restricted by:

- Country - select judgment from specific country (if applicable).
- Language - choose to view judgment in English or Malay or All
- Case /Award No. - enter a case or award number and view specific case/award.
- Award year – in combination with award number, select to view awards within specific year.
- Citation Converter : Convert citation of other law publishers into CLJ's
- Jurisdiction – get cases from a specific court or in combination of several courts.
- Subject – get cases on a subject or a combination of several subjects

### 7. Display of search results.

- **View Catchwords** - mouse over case title and view catchwords.
- **Search Within Results** - enter new search term into column and narrow search.
- **Filter** – further restrict search results by jurisdiction and/or subject.

- **Saved Searches** - save the selected results set by ticking check boxes and click “save” – enter a name and save. Retrieve saved cases under Search Directory “Saved Searches”. “Saved Searches” cases are auto updated.
- **Assign Keywords** - tick selected cases and assign keyword to selected cases. Retrieve under Search Directory “Saved Keywords”.
- List judgment(s) on specific judge from search results. Click on a specific judge name to get a list of judgment(s) by the selected judge.
- View relevancy of cases based on annotating term – (ovrd), (foll), (not foll), (dist), (cit) and (refd). The higher the number the higher is it's merits.
- Sort the results based on Date, Title, Court, Citation, Referred or Relevance either in descending or ascending order.
  - **Referred** – the number of times the cases is being referred or used by other judgments.
  - **Relevance** - the number of times the searched words or phrases being used in the judgments.

## Displaying of Search Results

Search Directory Browse Forms Precedents Glossary References Settings Help Account Info

Search Criteria ☒ Caselaw ☐ Legislation ☐ Article ☐ Catchword Previous Searches Classic Search PopUp Search In Proximity

Search Term  Search  ☐ Head Notes ☐ Exact Phrase

Act in Cases  Sections

Cases From ☐ All ☒ Reported ☒ UnReported ☒ Industrial ☒ Syaria Only Cases All

Citation Journal  Year  Volume  Page

Judge  Judgment Date From  To

Practice Areas ☐ ROADTRAFFIC

Sort By  Sort Order  Go Search Within Results  Search

Page 1 of 8 Go Save Assign Keyword Search Term: **counterfeit genuine** Matched: 152 Filter

	TITLE / COURT / JUDGMENT DATE / CASE NO / CONTEXT	CITATION	JUDGE
<input type="checkbox"/>	GUANGZHOU LIGHT INDUSTRY & TRADE GROUP LTD & ORS v. LINTAS SUPERSTORE SDN BHD FEDERAL COURT PUTRAJAYA 03-06-2022 [CIVIL APPEAL NO. 02(F)-62-10/2020(S)] ...try Parallel imports are not <b>counterfeit</b> products as they originated from the same brand owner or I...	[2022] 1 LNS 1112	- ABANG ISKANDAR ABANG HASHIM CISS - MOHD ZAWAWI SALLEH FCJ - ZABARIAH MOHD YUSOF FCJ
<input type="checkbox"/>	GHANDI RAJAN ARIJUNAN & ANOR v. YOW MAN KONG @ SENTHIL KUMAR HIGH COURT MALAYA, SHAH ALAM 04-04-2022 [CIVIL SUIT NO.: BA-22NCVC-275-06/2018] ...fabrication to camouflage and <b>counterfeit</b> the real transaction, which if allowed would contravene th...	[2022] 1 LNS 666	- TEE GEOK HOCK JC
<input type="checkbox"/>	FRESENIUS KABI AG & ORS v. TEOH WEI MING HIGH COURT MALAYA, KUALA LUMPUR 28-12-2021 [CIVIL ACTION NO.: WA-22IP-30-05/2020] ...ingement;(ii) use and sale of <b>counterfeit</b> trademarks pursuant to subsection 6(5) of the TMA 2019;(i)...	[2021] 1 LNS 2288	- MOHD RADZI HARUN J
<input type="checkbox"/>	TAN TONG MAN @ TAN KEE MAN v. SHIM VUI GEH HIGH COURT OF SABAH & SARAWAK, SANDAKAN 12-11-2021 [SUIT NO: SDK-22NCVC-3/1-2019] ...fabrication to camouflage and <b>counterfeit</b> the real transaction, which if allowed would contravene th...	[2021] 1 LNS 1993	- CELESTINA STUEL GALID J
<input type="checkbox"/>	PARK IN KEUN v. PP HIGH COURT MALAYA, KUALA LUMPUR 27-07-2021 [CRIMINAL APPEAL NO: WA - 415 - 41 - 08/2020]	[2021] 1 LNS 1092	- AHMAD SHAHRIR MOHD SALLEH J

## Save and Assign Keyword

Search Directory Browse Forms Precedents Glossary References Settings Help Account Info

Search Criteria ☒ Caselaw ☐ Legislation ☐ Article ☐ Catchword Previous Searches Classic Search PopUp

Search Term  Search ?

Act in Cases  Sections

Cases From ☐ All ☒ Reported ☒ UnReported ☒ Industrial ☒ Syariah Only Cases

Citation Journal  Year  Volume  Page

Judge  Judgment Date From  To

Practice Areas ☐ ROADTRAFFIC

Sort By  Sort Order  Go

Search Within Results  Search

Page 1 of 8 Go Save Assign Keyword Search Term: counterfeit genuine Matched: 152 Filter

Enter a Name for this Search

Save Cancel

Enter a Keyword for these Case(s)

Or Choose one from the List

Save Cancel

Save

Assign Keyword

## Catchwords

Search Directory Browse Forms Precedents Glossary References Settings Help Account Info

Search Criteria ☒ Caselaw ☐ Legislation ☐ Article ☐ Catchword Previous Searches Classic Search PopUp

Search Term  Search ?

Act in Cases  Sections

Cases From ☐ All ☒ Reported ☒ UnReported ☒ Industrial ☒ Syariah Only Cases

Citation Journal  Year  Volume  Page

Judge  Judgment Date From  To

Practice Areas ☐ ROADTRAFFIC

Sort By  Sort Order  Go

Search Within Results  Search

Page 1 of 1 Go Save Assign Keyword Search Term: Matched: 2 Filter

	TITLE / COURT / JUDGMENT DATE / CASE NO / CONTEXT	CITATION	JUDGE
<input type="checkbox"/>	<p>KETUA PENGARAH PERKHIDMATAN AWAM &amp; ANOR v. ALAGAN MAYALAGAN</p> <p>ADMINISTRATIVE LAW: Judicial review - Appeal against - Appeal by Director-General of Public Services Department ('PSD') - Applicant joined general public service as crane driver - Applicant declined to join service of Port Klang Authority as crane driver (portal) - Applicant compulsorily retired as post abolished - Pension calculated based on last drawn monthly salary in general public service as crane driver (portal) - Coming into force of Pensions Adjustment Act 1980 provides for pensions to be increased by 2% annually - Applicant's last drawn salary adjusted based on salary grade of D38 in Government service - Whether pension should be adjusted based on position of crane driver (high portal), grade D38 - Applicant's appeals to PSD rejected - Applicant appealed to High Court against decision of PSD - High Court allowed re-determination of pension payable - Whether decision valid, rational or proper - Rules of Court 2012, O. 53</p>	<p>[2022] 1 ILR 271</p> <p>[2022] 1 CLJ 106</p>	<p>- YAACOB MD SAM JCA</p> <p>- RAVINTHRAN PARAMAGURU JCA</p> <p>- DARRYL GOON SIEW CHYE JCA</p>
<input type="checkbox"/>	COURT OF APPEAL, PUTRAJAYA 30-09-2021 [CIVIL APPEAL NO: W-01(A)-6-01-2019]		

1. Move cursor over the case title

2. Catchword will automatically display

## Filter Search

Search Directory Browse Forms Precedents Glossary References Settings Help Account Info

Search Criteria ☒ Caselaw ☐ Legislation ☐ Article ☐ Catchword Previous Searches Classic Search Popup

Search Term  Search ?

Act in Cases  Sections

Cases From ☐ All ☒ Reported ☒ UnReported ☒ Industrial ☒ Syariah Only Cases

Citation Journal  Year  Volume  Page

Judge  Judgment Date From  To

Sort By: Date Sort Order: Descend Go

Search Within Results  Search

Page 1 of 55 Go Save Assign Keyword Search Term: **overt act** Matched: 1630 **Filter**

To narrow your search results, click on 'Filter'

## Filter Option Screen

Search Directory Browse Forms Precedents Glossary References Settings Help Account Info

Search Criteria ☒ Caselaw ☐ Legislation ☐ Article ☐ Catchword Previous Searches Classic Search Popup

Search Term  Search ?

Act in Cases  Sections

Cases From ☐ All ☒ Reported ☒ UnReported ☒ Industrial ☒ Syariah Only Cases

Citation Journal  Year  Volume  Page

Judge  Judgment Date From  To

Sort By: Date Sort Order: Descend Go

Search Within Results  Search

Page 1 of 55 Go Save Assign Keyword Search Term: **overt act** Matched: 1630 **Filter**

**More Filters**

**Jurisdiction**

- ☐ ALL
- ☐ FEDERAL COURT OF MALAYSIA (32)
- ☐ COURT OF APPEAL OF MALAYSIA (235)
- ☐ HIGH COURT, KUALA LUMPUR (166)
- ☐ HIGH COURT, SHAH ALAM (98)
- ☐ HIGH COURT, SEREMBAN (1)
- ☐ HIGH COURT, MALACCA (9)
- ☐ HIGH COURT, JOHOR BAHRU (46)
- ☐ HIGH COURT, MUAR (4)
- ☐ HIGH COURT, Kuantan (3)

**Subject**

- ☐ ALL
- ☐ ADMINISTRATIVE LAW (10)
- ☐ AGENCY (2)
- ☐ ANIMALS (1)
- ☐ ARBITRATION (1)
- ☐ ARMED FORCES (1)
- ☐ BANKING (3)
- ☐ BANKRUPTCY (3)
- ☐ CIVIL PROCEDURE (63)
- ☐ COMPANY LAW (15)

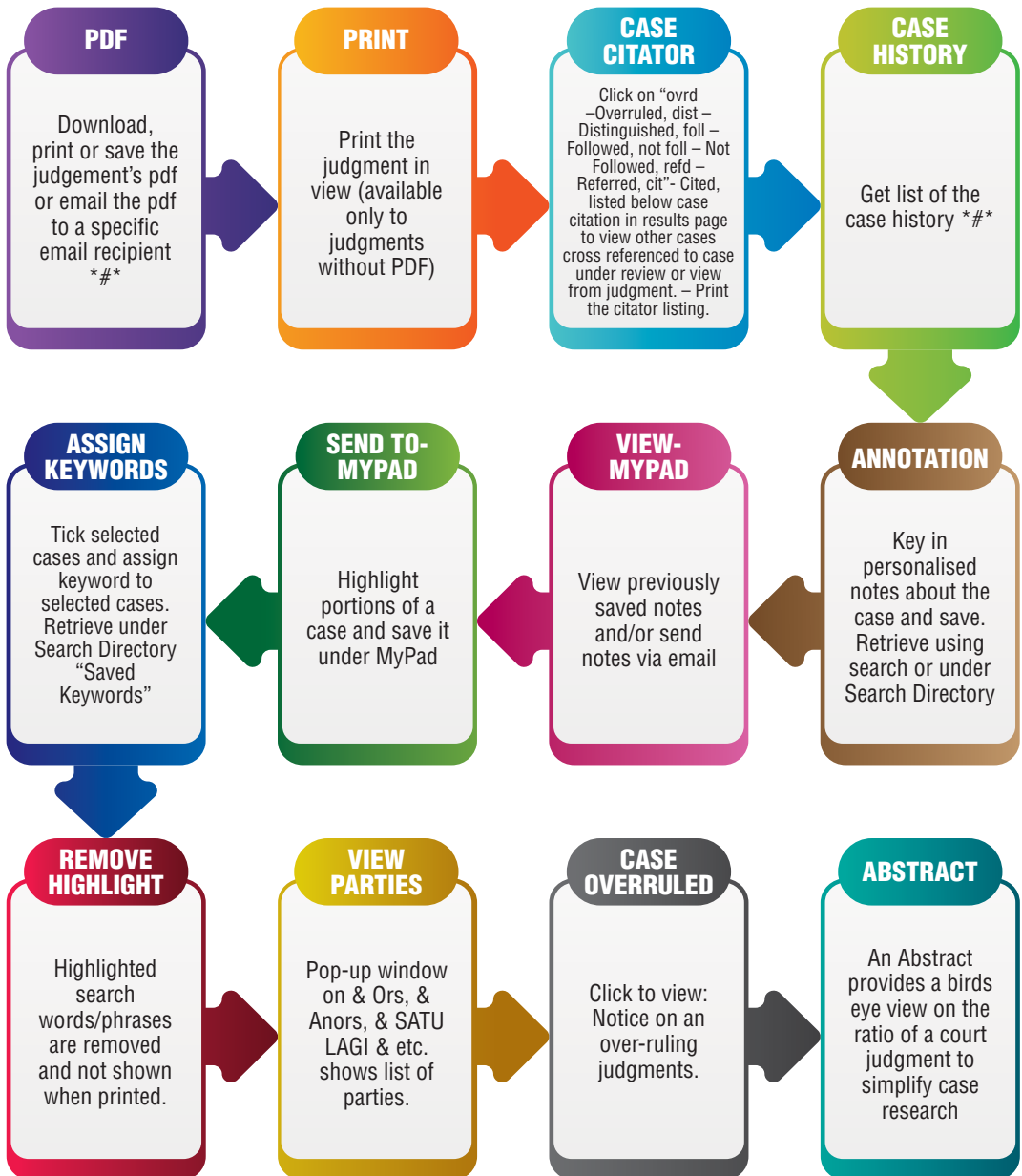
Filter by Jurisdiction

Filter by Subject

Filtering


- User can further restrict the search results by filtering either by Jurisdiction or by Subject.
- Under Jurisdiction the number of judgments found will correspond with the total number of records match.
- Under Subject, the total number of records found might be more as there are judgments that could be listed under 1 or more subjects.
- Select any combination and click Filter. A reduced set of results will be displayed.

8. Display specific case.  
Read the entire text of the selected cases.




\*#\* - New features

## Displaying Case



[2021] 6 CLJ 623  
[2021] 1 LNS 591




Case CitorCase HistoryAnnotationView-MyPadSendTo-MyPadAssign Keyword


CHAN WEI LOON v. PP & ANOTHER APPEAL  
FEDERAL COURT, PUTRAJAYA  
TENGKU MAIMUN TUAN MAT CJ; ZALEHA YUSOF FCJ; HASNAH MOHAMMED HASHIM FCJ  
[CRIMINAL APPEAL NOS: 05(M)-145-06-2018(N) & 05(M)-146-06-2018(N)]  
6 MAY 2021

Abstract: It is the duty of the prosecution to show, upon preferring a charge of manufacturing of dangerous drugs on an accused, that at the time of the police raid the accused was engaged in the acts of 'manufacture' of the drugs as defined in s. 2 of the Dangerous Drugs Act 1952. In other words, it ought to be shown that the accused was arrested while carrying out the act of producing, making or refining the impugned drugs.

## Case History



[2021] 6 CLJ 623  
[2021] 1 LNS 591



Case CitorCase HistoryAnnotationView-MyPadSendTo-MyPadAssign Keyword

Case History

Citation	Title	Court	Date	Status
[2018] 1 LNS 709	CHAN WEI LOON & ANOR v. PP	COURT OF APPEAL OF MALAYSIA	01-06-2018	overruled

CHAN WEI LOON v. PP & ANOTHER APPEAL  
FEDERAL COURT, PUTRAJAYA  
TENGKU MAIMUN TUAN MAT CJ; ZALEHA YUSOF FCJ; HASNAH MOHAMMED HASHIM FCJ  
[CRIMINAL APPEAL NOS: 05(M)-145-06-2018(N) & 05(M)-146-06-2018(N)]  
6 MAY 2021

Get list of the case history

## Abstract



[2021] 6 CLJ 623  
[2021] 1 LNS 591



Case CitorCase HistoryAnnotationView-MyPadSendTo-MyPadAssign Keyword

Case History

Citation	Title	Court	Date	Status
[2018] 1 LNS 709	CHAN WEI LOON & ANOR v. PP	COURT OF APPEAL OF MALAYSIA	01-06-2018	overruled

CHAN WEI LOON v. PP & ANOTHER APPEAL  
FEDERAL COURT, PUTRAJAYA  
TENGKU MAIMUN TUAN MAT CJ; ZALEHA YUSOF FCJ; HASNAH MOHAMMED HASHIM FCJ  
[CRIMINAL APPEAL NOS: 05(M)-145-06-2018(N) & 05(M)-146-06-2018(N)]  
6 MAY 2021

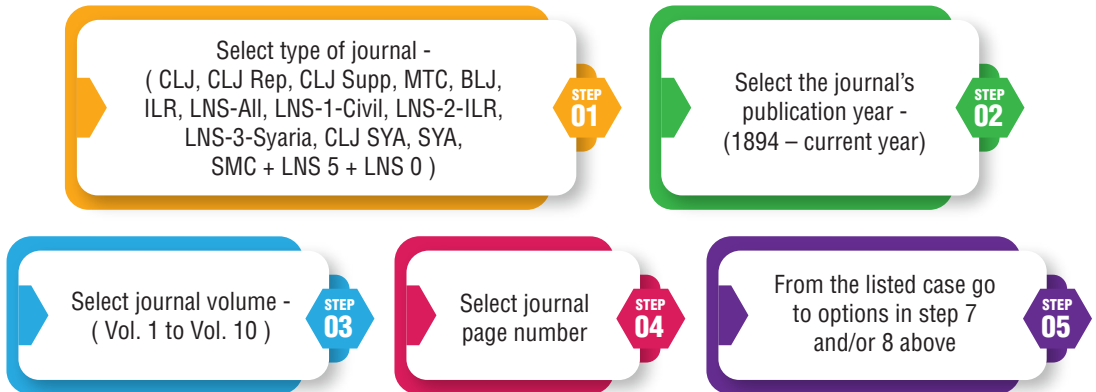
Abstract: It is the duty of the prosecution to show, upon preferring a charge of manufacturing of dangerous drugs on an accused, that at the time of the police raid the accused was engaged in the acts of 'manufacture' of the drugs as defined in s. 2 of the Dangerous Drugs Act 1952. In other words, it ought to be shown that the accused was arrested while carrying out the act of producing, making or refining the impugned drugs.

## B. CITATION SEARCH

Citation      Journal       Year       Volume       Page

### Find case by citation

This is the most basic search for cases. By using this option users can retrieve specific cases.



## C. LEGISLATION SEARCH

1. Key in search word/phrase.
2. Select Legislation **Search in** option.
  - Full Text, Act Title, Section Title, Act Number or Annotation
3. Select **Proximity Search** options.
  - Anywhere, Exact Phrase, Within Sentence, Within Para and Within [ *x number of* ] words and/or
4. Combine with listed **Statute** and/or **Statute section number**.
5. List of specific legislation is displayed. User can
  - Sort - Ascending or descending order, Save, Assign keyword, Filter or Search Within Results or toggle between results pages.

6. Display of selected legislation in a By-Column format. Available options:

- **Annotation** – key in personalised notes about the legislation and save. Retrieve using search or under Search Directory.
- **View-MyPad** - view previously saved notes and/or sends notes via email.
- **Send To-MyPad** - highlight portion of the legislation section and save it under MyPad.
- **Assign Keyword** - tick selected legislation and assign keyword. Retrieve under Search Directory “Saved Keywords”.
- **Download PDF** - download for free or at a fee selected acts.
- **Definitions** – view a list of statutory definitions of word/phrase of the selected principal act. Also view the same definitions linked to other acts.
- **Back** – go back to all sections previously clicked and viewed.
- **Close** – close the opened window session.
- **Remove Highlight icon** – highlighted search words/phrases are removed and not shown when printed.

View Options Available are:

- **List of Amendments** - A complete listing of amendments for the particular Act.
- **Amending Acts** – Amending acts that amend the principal Act being viewed.
- **Subsidiary Acts** - List of rules, orders, regulations related to the particular Act.
- **Version:** Where applicable, see legislative amendment according to the versions of amendment. Version 0 being the earliest.
- **xxx Case(s) Referred** - a list of case(s) referring to a particular section of an Act. **xxx** denotes the number of cases available.
- **Previous** – View the section before the section in view.
- **Next** – View the section after the section in view.
- **View** – View the section in Full screen.
- **Print** – Print the section in view.

# Searching Legislation

Search Directory Browse Forms Precedents Glossary References Settings Help Account Info

Search Criteria ☐ Caselaw ☒ Legislation ☐ Article ☐ Catchword Previous Searches Classic Search PopUp

Search Term

Statute

Act Type  Sec.Title ☐ Within Sentence ☐ Act Number ☐ Within Para ☐ Annotation ☐ Within Words

Search Term: **overt act** Matched: 32 Filter

CONTEXT	CITATION	JUDGE
[M]-145-06-2018(N) & 05(M)-	[2021] 6 CLJ 623	- TENGKU MAIMUN MAT CJ

## Legislation Results page

Search Directory Browse Forms Precedents Glossary References Settings Help Account Info

Search Criteria ☐ Latest FC/CA cases ☐ Latest HC cases ☐ Federal Acts ☐ State Enactments ☐ Legislation Alert ☐ Articles ☐ Catchword Subjects

Search Term

Statute

Act Type

Matched: 1 Filter

TITLE / CONTEXT	ACT / SECTION NO	ACT TYPE
STREET, DRAINAGE AND BUILDING ACT 1974 An Act to amend and consolidate the laws relating to street, drainage and building in local authority areas in Peninsular Malaysia, and for purposes connected therewith.		PRINCIPAL

## Legislation Section Display

CLJ STREET, DRAINAGE AND BUILDING ACT 1974 ACT 133

Annotation View MyPad SendTo-MyPad Assign Keyword English | Malay Definitions Back Close

Royal Assent: 5 June 1974 In Force from: Dates Appointed by respective State Authorities Gazetted Date: 13 June 1974

List of Amendments Amending Acts Subsidiary Legislation

Section Index Version 1

Preamble

An Act to amend and consolidate the laws relating to street, drainage and building in local authority areas in Peninsular Malaysia, and for purposes connected therewith.

[See Appendix]

## D. ARTICLE SEARCH

1. Enter Search Term.
2. Select Search In option.
  - Full Text, Title, Author, Annotation
3. Select Proximity options.
  - Anywhere, Exact Phrase, Within Sentence, Within Para and Within *[ x number of ]* words.
4. Display of search results.
  - **Search Within Results** – enter new search term into column and search further.
  - **Saved Searches** - save the selected results set by ticking check boxes and click “save” – enter a name and save. Retrieve saved articles under Search Directory “Saved Searches”.
  - **Assign Keywords** - tick selected articles and assign keyword. Retrieve under Search Directory “Saved Keywords”.
  - **Filter** – restrict search results by jurisdiction and/or subject.

### 5. Display specific article.

Available options:

- **Annotation** – key in personalised notes about the article and save. Retrieve using search or under Search Directory.
- **Send To-MyPad** - highlight portion of the article section and save it under MyPad.
- **View-MyPad** - view previously saved notes and/or sends notes via email.
- **Assign Keyword** - tick selected article and assign keyword. Retrieve under Search Directory “Saved Keywords”.
- **PDF** – view article in PDF format (where available).

## Searching Article

Search Directory Browse Forms Precedents Glossary References Settings Help Account Info

Search Criteria ☐ Caselaw ☐ Legislation ☒ Article ☐ Catchword Classic Search Popup

Search Term

Search In ☒ Full Text ☐ Title ☐ Author ☐ Annotation

Proximity ☒ Anywhere ☐ Exact Phrase ☐ Within Sentence ☐ Within Para ☐ Within Words 10

## Article Search Result

Search Directory Browse Forms Precedents Glossary References Settings Help Account Info

Search Criteria ☐ Caselaw ☐ Legislation ☒ Article ☐ Catchword Previous Searches

Search Term

Search In ☒ Full Text ☐ Title ☐ Author ☐ Annotation

Proximity ☒ Anywhere ☐ Exact Phrase ☐ Within Sentence ☐ Within Para ☐ Within Words 10

Sort By Date Sort Order Descend Go Search Within Results

Page 1 of 5 Go   Search Term: **Material defect** Matched: 42

	TITLE	AUTHOR
<input type="checkbox"/>	YOU PRACTICALLY COMPLETE ME: PRACTICAL COMPLETION UNDER UNDEFINED CIRCUMSTANCES* distinct area shall be deemed <b>material</b> ), layout or appearance of the property; and(b) If practical c...	Sua Shiang - Nian**
<input type="checkbox"/>	ENFORCEMENT OF OCCUPATIONAL SAFETY IN THE WORKPLACE: A MALAYSIAN PERSPECTIVE any article, paper, plant, or <b>material</b> is likely to be removed or destroyed based on information obt...	Nor Hasliza Mat Hasan <sup>[i]</sup> Tengku Noor Azira Tengku Zainudin <sup>[ii]</sup>

## Displaying Article

[2022] 1 LNS(A) i

ARTIFICIAL INTELLIGENCE AS EXPERT IN THE FUTURE:  
ISSUES AND CHALLENGES UNDER SECTION 45 OF THE MALAYSIAN EVIDENCE ACT 1950  
by  
Mazlina Mahali<sup>[i]</sup>  
Ain Nursyahirah Mohd Fadzir<sup>[iii]</sup>  
Nadiah Eilin Nor Azilan<sup>[iii]</sup>  
Noor Maisyarah Aziz<sup>[iv]</sup>  
Nur Aina Aliah Mohd Hamdan<sup>[v]</sup>  
Nurhayati Abdul Latif<sup>[vi]</sup>

MALAYSIA

ABSTRACT

The background of the law of evidence generally establishes that the opinions of third parties are irrelevant and inadmissible. The principle where oral evidence given by witnesses in the court must be directly perceived by them is adopted by the Malaysian legal system in accordance with common law. However, opinions of third parties, either from experts or non-experts, are exempted and admissible under [sections 45 to 51 of the Evidence Act 1950](#). This evidence is treated as direct evidence under [section 60\(1\)\(d\) of the same Act](#). The rule of admitting opinions of third parties is based on the necessity to assist the judge in matters beyond their expertise. Countries such as the United Kingdom and the United States have taken a step forward in this age of technology by using Artificial Intelligence ('AI') to give expert testimony. The main concern of this

## E. CATCHWORD \*\*

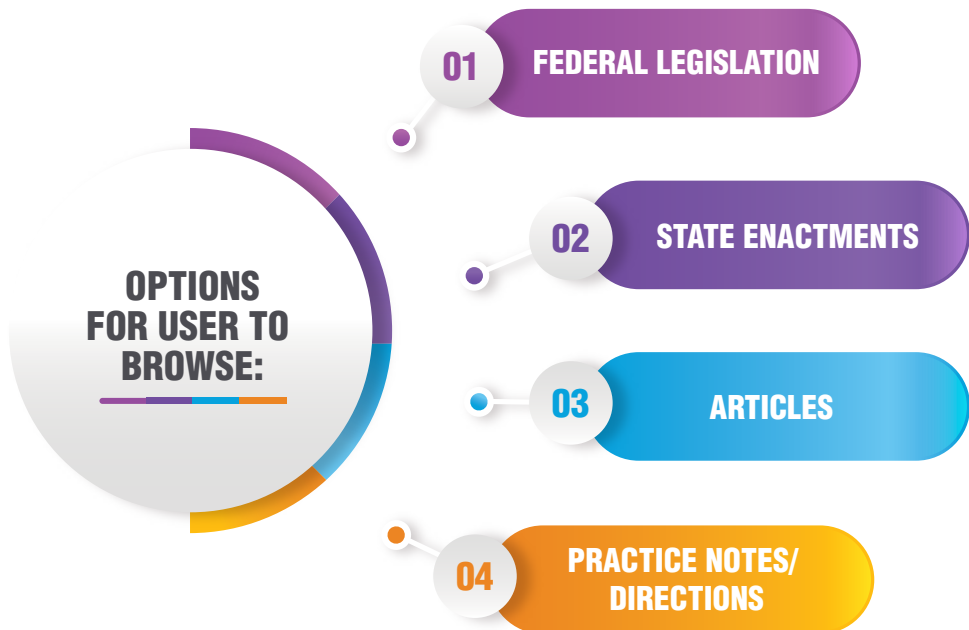
- A direct access to the different levels of catchwords in locating your desired case(s) after a quick review.
- All cases are linked to the full judgments
- Filter to restrict the listing by keying in relevant phrases
- Or select only English or only Malay cases.

Step 1 - Select one main subject from the listing provided e.g. Administrative Law.

Step 2 – Review cases by catchwords levels – default is the 1st level but you may opt to view the next level or all the levels. Use Filter to restrict the list if required.


Step 3 – Retrieve the full case by clicking on the linked phrase or using the check boxes to select your desired case(s) and click “Get results”.

## F. BROWSE



\*\* - New features

## Browse Legislation




[Principal Acts](#) | [Court Rules](#) | [Subsidiary](#) | [Bills](#)

Principal Acts:-	
Title	A B C D E F G H I J K L M N O P Q R S T U V W X Y Z
Number	1-100 101-200 201-300 301-400 401-500 501-600 601-700 701+ 801+
Subject	Acts by Subject
Amending Acts:-	
Number	1-99 100-199 200-299 300-399 400-499 500-599 600-699 700-799 800-899 900-999 1000-1099 1100-1199 1200-1299 1300-1399 1400+ 1500+ 1600+
Constitution :-	Federal Constitution
Codes :-	National Land Code (Revised 2020)   National Land Code (Act 56 of 1965)   Penal Code   Code-Sexual Harassment   Judges Code Of Ethics 2009   Malaysian Code On Take-Overs and Mergers 2010 - <b>REVOKED</b>   Malaysian Code on Take-Overs and Mergers 2010 - Practice Notes   Malaysian Code On Take-Overs and Mergers 2016   Guidelines on Contents of Applications Relating to Take-Overs and Mergers
Ordinance :-	Merchant Shipping Ordinance 1952 (Ord. 70/1952)
Federated Malay States :-	Malay Reservations Enactment - [AS APPLICABLE TO THE FEDERAL TERRITORY OF KUALA LUMPUR (FMS Cap. 142) Auction Sales Enactment - (FMS CAP. 81) (No. 2 of 1929)

Court Rules - Direct Links	
PU(A) 525/1994	Rules of the Special Court 1994
PU(A) 376/1995	Rules of the Federal Court 1995
PU(A) 524/1994	Rules of the Court of Appeal 1994
PU(A) 205/2012	Rules of Court 2012 - English Malay
PU(A) 50/1980	Rules of the High Court 1980 ( Repealed by Rules of Court 2012 - PU(A) 205/2012 )
PU(A) 328/1980	Subordinate Court Rules 1980 ( Repealed by Rules of Court 2012 - PU(A) 205/2012 )

## Browse State Enactments



Browse State Enactments

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Select the State:  Type:  Language:  Syaria Only:

Year:  Act Number:  Alphabet:

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Type	Act Number	Act Title	In Force From	Principal Act	Amendments
AM	ENACTMENT A35	ADMINISTRATION OF THE RELIGION OF ISLAM (STATE OF MALACCA) (AMENDMENT) ENACTMENT 2022	21 April 2022	EN. 7/2002	
AM	EN. 9/1991	ADMINISTRATION OF THE SYARIAH COURT (AMENDMENT) ENACTMENT 1991	1 January 1992 [M. P.U. 10/1992]	EN. 6/1985	
AM	EN. 8/1992	ADMINISTRATION OF THE SYARIAH COURT (AMENDMENT) ENACTMENT 1992	18 February 1993	EN. 6/1985	
AM	EN. 2/1993	APPOINTMENT AND REMUNERATION OF POLITICAL SECRETARY (AMENDMENT) ENACTMENT 1993		EN. 5/1981	
AM	EN. 9/1988	APPOINTMENT AND REMUNERATION OF POLITICAL SECRETARY ENACTMENT (AMENDMENT) 1988		EN. 5/1981	
AM	ENACTMENT A22	APPOINTMENT AND REMUNERATION OF POLITICAL SECRETARY ENACTMENT 1981 (AMENDMENT) 2016	1 January 2016	EN. 5/1981	
AM	ENACTMENT A10	CIVIL LIST (MALACCA) (AMENDMENT) ENACTMENT 2012		ENACTMENT 7	
AM	EN. 8/1993	CONSTITUTION OF THE STATE OF MALACCA (AMENDMENT) (AMENDMENT) ENACTMENT 1993		F.G.N. (N.S) 887/1957	
AM	EN. 13/1983	CONSTITUTION OF THE STATE OF MALACCA (AMENDMENT) (NO. 2) ENACTMENT 1983		F.G.N. (N.S) 887/1957	

## Browse Articles



### Browse Articles

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Enter Author:  [Go](#)

Enter Title:  [Go](#)

Select Year:

2022	2021	2020	2019	2018	2017	2016	2015	2014	2013
2012	2011	2010	2009	2008	2007	2006	2005	2004	2003
2002	2001	2000	1999	1998	1997	1996	1995	1994	1993
1992	1991	1990	1989	1988	1987	1986	1985	1984	1983
1982	1981								

Click on the Header to Sort on respective columns

No	Citation	Title	Author
1	[1981] 1 CLJ 25	SHOULD THE DEATH PENALTY BE ABOLISHED?	Mr. Mah Weng Kwai
2	[1982] CLJ 225	CRIMINAL LIABILITY OF CORPORATIONS IN MALAYSIA	Yashwant Rai Vyas1
3	[1982] CLJ 283	SHOULD DEATH PENALTY BE ABOLISHED?	Dominic Puthucherry
4	[1982] CLJ 338	PUNISHMENT FOR RAPE - FINE OR IMPRISONMENT?	V.T. Singam

## Browse Practice Notes/Directions



[Search Directory](#)
[Browse](#)
[Forms](#)
[Precedents](#)
[Glossary](#)
[References](#)
[Settings](#)
[Help](#)
[Account Info](#)

### Practice Notes

2022	2021	2020	2019	2018	2017	2016	2015	2014	2013	2012	2011	2010	2009	2008	2007	2006	2005	2004	2003	2002	2001	2000	
1999	1998	1997	1996	1995	1994	1993	1992	1991	1990	1989	1988	1987	1986	1985	1984	1983	1982	1981	1980	1979	1978	1977	1976

## Display of Practice Notes/Directions of selected year

2021	
Arahan / Nota Amalan Ketua Hakim Negara	
ARAHAN AMALAN KETUA HAKIM NEGARA BILANGAN 1 TAHUN 2021	PENGENDALIAN PROSIDING KES SIVIL MELALUI TEKNOLOGI KOMUNIKASI JARAK JAUH BAGI MAHKAMAH DI SELURUH MALAYSIA
ARAHAN AMALAN KETUA HAKIM NEGARA BILANGAN 2 TAHUN 2021	PENETAPAN HAD MASA BERHUKAJ 20 MINIT BAGI PERMOHONAN KEBENARAN UNTUK MERAYU DI BAWAH SEKSYEN 96(a) AKTA MAHKAMAH KEHAKIMAN 1964 [AKTA 91]
ARAHAN AMALAN KETUA HAKIM NEGARA BILANGAN 3 TAHUN 2021	PENYELESAIAN KES SAMAN TRAFIK MELALUI TEKNOLOGI KOMUNIKASI JARAK JAUH
ARAHAN KETUA HAKIM NEGARA BILANGAN 4 TAHUN 2021	PENERIMAAN DOKUMEN PEMBUKTIAN BAHAWA PEMPETISYEN ADALAH ORANG YANG BERKELAYAKAN UNTUK DITERIMA MASUK SEBAGAI PEGUAM BELA DAN PEGUAM CARA
ARAHAN KETUA HAKIM NEGARA BILANGAN 5 TAHUN 2021	MENGENAI PENGENDALIAN PROSIDING KES SIVIL DI MAHKAMAH SEMASA TEMPOH PERINTAH KAWALAN PERGERAKAN (PKP)
ARAHAN KETUA HAKIM NEGARA BILANGAN 6 TAHUN 2021	PENGENDALIAN PROSIDING PENDENGARAN RAYUAN JENAYAH MELALUI TEKNOLOGI KOMUNIKASI JARAK JAUH SEMASA TEMPOH PANDEMIK

**G. FORMS** – view list of statutory forms.

**H. PRECEDENTS** – view sample of agreements, letters etc.

**I. DICTIONARY** – view meaning of words listed alphabetically.

## **J. REFERENCES (with search function)**

- Statutory Definitions – List of words/phrases defined in all acts.
- Translator – List of translated words/phrases to English or to Bahasa Malaysia.
- Words & Phrases – List of words/phrases link to judgments.
- Medico Legal Terms – List of medical terms related to law
- Judicial Quotes – Selection of quotes from the SMC cases
- Practice Notes – search of words/phrases in the practice note.
- E-Judgment – Highlights of Judgments of public interest.
- Treaties – search of words/phrases in treaties database.

## **Statutory Definitions**

The screenshot shows a web application interface with a top navigation bar containing links: Search Directory, Browse, Forms, Precedents, Glossary, References, Settings, Help, and Account Info. Below the navigation bar is a search criteria section with radio buttons for Caselaw, Legislation, Article, and Catchword. A search term input field is present. Under 'Act in Cases', there are checkboxes for All, Reported, UnReported, Industrial, and System. Citation fields for Journal, Year, and Volume are also visible. A dropdown menu is open under the 'References' link, showing options: Dictionary, Legislative Terms, Medico Legal Terms, **Statutory Definitions** (highlighted with a red box), Translator, and Words & Phrases. To the right of the dropdown is a 'Search' button and a 'Search In' section with radio buttons for Full Text, Head Notes, Case Name, Counsel, and Annotation. A 'Proximity' section has radio buttons for Anywhere, Exact Phrase, Within Sentence, Within Para, and Within Words, with a value of 10. At the bottom right are 'Clear all' and 'Advanced Search' buttons.

The screenshot shows the 'Statutory Definitions' page. At the top is a header 'Statutory Definitions'. Below it is a horizontal navigation bar with letters A through Z. On the left side, there is a vertical list of terms: office account, office bearer, office copy, office experience, office hours, office in the public service, office machines, office of director rules, Office of origin, office of profit, office-bearer, office-bearers, officer, Officer and Servant of the Corporation, Officer in Charge, Officer in Charge of a Police District, officer in charge of a police station, Officer in Charge of Police District, officer of a private body, officer of a public body, officer of a trade union, and officer of customs. On the right side, the definition for 'officer of a public body' is displayed. It states: 'means any person who is a member, an officer, an employee or a servant of a public body, and includes a member of the administration, a member of Parliament, a member of a State Legislative Assembly, a judge of the High Court, Court of Appeal or Federal Court, and any person receiving any remuneration from public funds, and, where the public body is a corporation sole, includes the person who is incorporated as such;'. Below this definition, it mentions 'ACT 575 - ANTI-CORRUPTION ACT 1997 (REPEALED BY THE MALAYSIAN ANTI-CORRUPTION COMMISSION ACT 2009 [ACT 694])' and '2 - Interpretation'.

# Translator

Search Directory	Browse	Forms	Precedents	Glossary	References	Settings	Help	Account Info
<b>Search Criteria</b> <input checked="" type="radio"/> Caselaw <input type="radio"/> Legislation <input type="radio"/> Article <input type="radio"/> Catchword Search Term: <input type="text"/> Act in Cases: <input type="text"/> Cases From: <input type="checkbox"/> All <input checked="" type="checkbox"/> Reported <input checked="" type="checkbox"/> UnReported <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> System Citation: Journal <input type="text"/> Year <input type="text"/> Volume <input type="text"/> Judge: <input type="text"/>	<b>Dictionary</b> Legislative Terms Medico Legal Terms Statutory Definitions <b>Translator</b> Words & Phrases			Search <input type="button"/> ? Search In: <input checked="" type="radio"/> Full Text <input type="radio"/> Head Notes <input type="radio"/> Case Name <input type="radio"/> Counsel <input type="radio"/> Annotation	Proximity: <input checked="" type="radio"/> Anywhere <input type="radio"/> Exact Phrase <input type="radio"/> Within Sentence <input type="radio"/> Within Para <input type="radio"/> Within Words	dd/mm/yyyy <input type="text"/> <input type="button"/> Clear all <input type="button"/> Advanced Search		

Translator					
<b>Legal Terminology</b> English - Bahasa Malaysia	<b>Istilah Undang-Undang</b> Bahasa Malaysia - Bahasa Inggeris				
A B C D E F G H I J K L M N O P Q R S T U V W X Y Z official capacity official communication official receiver official secret official trustee omission on probation on the understanding that onerous property onus onus of proof onus probandi open a closed receptacle	<table border="1"> <thead> <tr> <th>English</th> <th>Bahasa Malaysia</th> </tr> </thead> <tbody> <tr> <td>official receiver</td> <td>pegawai penerima</td> </tr> </tbody> </table> <p>See Also: <a href="#">Dictionary</a>            See Also: <a href="#">Statutory Definition</a></p>	English	Bahasa Malaysia	official receiver	pegawai penerima
English	Bahasa Malaysia				
official receiver	pegawai penerima				

# Words & Phrases

Search Directory	Browse	Forms	Precedents	Glossary	References	Settings	Help	Account Info
<b>Search Criteria</b> <input checked="" type="radio"/> Caselaw <input type="radio"/> Legislation <input type="radio"/> Article <input type="radio"/> Catchword Search Term: <input type="text"/> Act in Cases: <input type="text"/> Cases From: <input type="checkbox"/> All <input checked="" type="checkbox"/> Reported <input checked="" type="checkbox"/> UnReported <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> System Citation: Journal <input type="text"/> Year <input type="text"/> Volume <input type="text"/> Judge: <input type="text"/>	<b>Dictionary</b> Legislative Terms Medico Legal Terms Statutory Definitions Translator <b>Words &amp; Phrases</b>			Search <input type="button"/> ? Search In: <input checked="" type="radio"/> Full Text <input type="radio"/> Head Notes <input type="radio"/> Case Name <input type="radio"/> Counsel <input type="radio"/> Annotation	Proximity: <input checked="" type="radio"/> Anywhere <input type="radio"/> Exact Phrase <input type="radio"/> Within Sentence <input type="radio"/> Within Para <input type="radio"/> Within Words	dd/mm/yyyy <input type="text"/> <input type="button"/> Clear all <input type="button"/> Advanced Search		

Words & Phrases			
A B C D E F G H I J K L M N O P Q R S T U V W X Y Oaths and affirmations Occupier Offence or offences which the accused admits to have committed Office of profit Officer Officer of a public body Officer or agent Official capacity Official purpose One party One party does not appear at the trial Open court or open alley Open space	<table border="1"> <thead> <tr> <th>OCCUPIER</th> </tr> </thead> <tbody> <tr> <td> <b>Land Acquisition Act 1960, s. 11</b>             The word "occupier" in s. 11 of the Act does not refer to a person who is merely in physical occupation of the land or who is merely a licensee. "Occupier" in the said section means an occupier who has an interest in land.   <b>Judgment:</b>  <b>LEONG TEIK FOO &amp; ORS. v. PENGARAH TANAH DAN GALIAN, NEGERI KEDAH DARULAMAN &amp; ANOR. [1995] 1 CLJ 376</b>   <b>Land Acquisition Act 1960, s. 11.</b> </td> </tr> </tbody> </table>	OCCUPIER	<b>Land Acquisition Act 1960, s. 11</b>  The word "occupier" in s. 11 of the Act does not refer to a person who is merely in physical occupation of the land or who is merely a licensee. "Occupier" in the said section means an occupier who has an interest in land.  <b>Judgment:</b> <b>LEONG TEIK FOO &amp; ORS. v. PENGARAH TANAH DAN GALIAN, NEGERI KEDAH DARULAMAN &amp; ANOR. [1995] 1 CLJ 376</b>  <b>Land Acquisition Act 1960, s. 11.</b>
OCCUPIER			
<b>Land Acquisition Act 1960, s. 11</b>  The word "occupier" in s. 11 of the Act does not refer to a person who is merely in physical occupation of the land or who is merely a licensee. "Occupier" in the said section means an occupier who has an interest in land.  <b>Judgment:</b> <b>LEONG TEIK FOO &amp; ORS. v. PENGARAH TANAH DAN GALIAN, NEGERI KEDAH DARULAMAN &amp; ANOR. [1995] 1 CLJ 376</b>  <b>Land Acquisition Act 1960, s. 11.</b>			

# Practice Notes

Search Directory

Browse

Forms

Precedents

Glossary

References

Settings

Help

Account Info

Search Criteria

☒ Caselaw
☐ Legislation
☐ Article
☐ Catchword

Classic Search

Search Term

Act in Cases

Cases From
☐ All
☒ Reported
☒ UnReported
☒ Industrial
☒ Syaria

Citation
Journal
Year
Volume
Page

Judge

Judgment Date From

Judicial Quotes

Practice Notes

Quantum Damages

e-Judgement Today

Treaties

Criminal Module

Search In

☒ Full Text
☐ Head Notes
☐ Case Name
☐ Counsel
☐ Annotation

Proximity

☒ Anywhere
☐ Exact Phrase
☐ Within Sentence
☐ Within Para
☐ Within Words

Clear all

Advanced Search

Search Directory

Browse

Forms

Precedents

Glossary

References

Settings

Help

Account Info

Practice Notes

2022 2021 2020 2019 2018 2017 2016 2015 2014 2013 2012 2011 2010 2009 2008 2007 2006 2005 2004 2003 2002 2001 2000  
1999 1998 1997 1996 1995 1994 1993 1992 1991 1990 1989 1988 1987 1986 1985 1984 1982 1981 1980 1979 1978 1977 1976  
1974 1972 1971 1970 1969 1968 1966 1965 1962 1961 1960 1958 1957 1956 1954 1952 1951 1950 1949 1948 1947 1946

2022

Arahan / Nota Amalan Ketua Hakim Negara

ARAHAAN AMALAN KETUA HAKIM NEGARA BILANGAN 1 TAHUN 2022

PANDUAN PEMFAILAN PERINTAH DAN PENGHAKIMAN DALAM PROSIDING DI MAHKAMAH SELURUH MALAYSIA

ARAHAAN AMALAN KETUA HAKIM NEGARA BILANGAN 2 TAHUN 2022

URUSAN DAN TATACARA PENGANTARAAN (MEDIASI) BAGI KES DI MAHKAMAH TINGGI DAN MAHKAMAH RENDAH

# Treaties

Search Directory

Browse

Forms

Precedents

Glossary

References

Settings

Help

Account Info

Search Criteria

☒ Caselaw
☐ Legislation
☐ Article
☐ Catchword

Classic Search

Search Term

Act in Cases

Cases From
☐ All
☒ Reported
☒ UnReported
☒ Industrial
☒ Syaria

Citation
Journal
Year
Volume
Page

Judge

Judgment Date From

Judicial Quotes

Practice Notes

Quantum Damages

e-Judgement Today

Treaties

Criminal Module

Search In

☒ Full Text
☐ Head Notes
☐ Case Name
☐ Counsel
☐ Annotation

Proximity

☒ Anywhere
☐ Exact Phrase
☐ Within Sentence
☐ Within Para
☐ Within Words

Clear all

Advanced Search

Treaties

Find Treaties containing:

☐ with all of the words
☒ with the exact phrase
☐ with any of the words

Search within

☒ Full Text search
☐ Title Only
☐ Subject Only

Search

Clear all

# e-Judgment Today

Search Directory	Browse	Forms	Precedents	Glossary	References	Settings	Help	Account Info
Search Criteria	<input checked="" type="radio"/> Caselaw <input type="radio"/> Legislation <input type="radio"/> Article <input type="radio"/> Catchword <input type="radio"/> Classic Search				Judicial Quotes Practice Notes Quantum Damages <b>e-Judgment Today</b> Treaties Criminal Module			
Search Term								
Act in Cases								
Cases From	<input type="checkbox"/> All <input checked="" type="checkbox"/> Reported <input checked="" type="checkbox"/> UnReported <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Syariah <input type="checkbox"/> Only Cases							
Citation	Journal	Year	Volume	Page				
Judge					Judgment Date From			
						Search In: <input checked="" type="radio"/> Full Text <input type="radio"/> Head Notes <input type="radio"/> Case Name <input type="radio"/> Counsel <input type="radio"/> Annotation	Proximity: <input checked="" type="radio"/> Anywhere <input type="radio"/> Exact Phrase <input type="radio"/> Within Sentence <input type="radio"/> Within Para <input type="radio"/> Within Words	<input type="button" value="Clear all"/> <input type="button" value="Advance"/>

e-Judgment Today	
<div> <span>2022</span> <span>2021</span> <span>2020</span> <span>2019</span> <span>2018</span> <span>2017</span> <span>2016</span> <span>2015</span> <span>2014</span> </div>	
Citation	Cases
[2022] CLJ JT (1)	<b>AMINAH AHMAD v. THE GOVERNMENT OF MALAYSIA &amp; ANOR</b> [CIVIL APPEAL NO: W-01(A)-77-02-2020]
[2022] CLJ JT (2)	<b>BLUDREAM CITY DEVELOPMENT SDN BHD v. KONG THYE &amp; ORS AND OTHER APPEALS</b> [CIVIL APPEAL NOS: B-01(A)-55-01-2020, B-01(A)-56-01-2020, B-01(A)-57-01-2020, B-01(A)-62-01-2020, B-01(A)-63-01-2020 & B-01(A)-64-01-2020]
[2022] CLJ JT (3)	<b>SIS FORUM (MALAYSIA) V. KERAJAAN NEGERI SELANGOR; MAJLIS AGAMA ISLAM SELANGOR (INTERVENER)</b>

**K. SETTINGS** – settings that can be set as default for the account such as the default search panel, number of results displayed per page, specific database, practice area and jurisdiction. At each login and for every search made, the default database searched will be based on the selection made here.

Default Search Settings	
<div> </div>	
Saved Settings	
Search Panel	Regular
Results/Page	20
Database	Caselaw
Jurisdiction	All
Practice Areas	<input checked="" type="checkbox"/> None <input type="checkbox"/> ROADTRAFFIC
Modules	<div> <input checked="" type="checkbox"/> None           <input type="checkbox"/> CIVIL LAW           <input type="checkbox"/> DAMAGES           <input type="checkbox"/> ISLAMIC LAW           <input type="checkbox"/> PUBLIC LAW         </div> <div> <input type="checkbox"/> ARBITRATION           <input type="checkbox"/> COMPANY LAW           <input type="checkbox"/> FAMILY LAW           <input type="checkbox"/> LAND LAW           <input type="checkbox"/> REVENUE LAW         </div> <div> <input type="checkbox"/> BANKING           <input type="checkbox"/> CONTRACT           <input type="checkbox"/> LABOUR LAW           <input type="checkbox"/> MARITIME LAW           <input type="checkbox"/> TORT         </div> <div> <input type="checkbox"/> BANKRUPTCY           <input type="checkbox"/> CRIMINAL LAW           <input type="checkbox"/> INTELLECTUAL PROPERTY           <input type="checkbox"/> PROFESSIONS           <input type="checkbox"/> INSURANCE         </div>
<input type="button" value="Save &amp; Apply"/>	

## **L. HELP**

- Summary Guide – basic guide on how to use the website.
- Full Guide – full description on how to search and utilize features provided in the website.

## **M. ACCOUNT INFO** *(admin access required)*

- Customer Info – view basic customer information such as address, telephone, facsimile, email address & etc.
- Customer Log – view user activity or specifically define log duration to view.
- Renew Online – renew subscription due to expire. Option is available within 30 days of expiry.
- Top-up online – User may top-up their access usage (MB) within the period of subscription.