

A BILL

*i n t i t u l e d*

An Act to amend the Courts of Judicature Act 1964.

[ ]

**ENACTED** by the Parliament of Malaysia as follows:

**Short title and commencement**

1. (1) This Act may be cited as the Courts of Judicature (Amendment) Act 2020.

(2) This Act comes into operation on a date to be appointed by the Minister by notification in the *Gazette*.

**Amendment of section 3**

2. The Courts of Judicature Act 1964 [*Act 91*], which is referred to as the “principal Act” in this Act, is amended in section 3 by inserting after the definition of “Registrar” the following definition:

‘ “remote communication technology” means a live video link, a live television link or any other electronic means of communication;’.

**New section 15A**

3. The principal Act is amended by inserting after section 15 the following section:

**“Court may conduct proceedings through remote communication technology**

**15A.** (1) Without limiting section 15, the Court may, in the interest of justice, conduct the proceedings of any cause or matter, civil or criminal, through a remote communication technology.

(2) In the case of the High Court, the place in which the High Court is held to conduct the proceedings of any cause or matter, civil or criminal, through a remote communication technology shall be deemed to be conducted within the local jurisdiction of such High Court.

(3) Nothing in this section shall affect the operation of section 5 of the Evidence of Child Witness Act 2007 [*Act 676*], sections 265A and 272B of the Criminal Procedure Code [*Act 593*] and section 32A of the Evidence Act 1950 [*Act 56*].

(4) In this section, “place” includes cyberspace, virtual place or virtual space.”.

**Amendment of section 16**

4. Section 16 of the principal Act is amended by inserting after paragraph (a) the following paragraph:

“(aa) for regulating and prescribing the procedure and the practice to be followed in the High Court, the Court of Appeal and the Federal Court in all causes and matters whatsoever in or with respect to the hearing of any matter or proceeding through a remote communication technology;”.

**Amendment of section 17**

5. Subsection 17(2) of the principal Act is amended by substituting for paragraph (f) the following paragraph:

“(f) the Chief Registrar of the Federal Court;”.

**New section 17B**

6. The principal Act is amended by inserting after section 17A the following section:

**“Practice directions**

**17B.** The Chief Justice may issue such practice directions as may be necessary for the purpose of carrying into effect the provisions of this Act after consulting the President of the Court of Appeal or the Chief Judge.”.

**Amendment of section 69**

7. Subsection 69(1) of the principal Act is amended by inserting after the words “in court” the words “or through a remote communication technology”.

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EXPLANATORY STATEMENT

This Bill seeks to amend the Courts of Judicature Act 1964 (“Act 91”).

2. *Clause 1* contains the short title and provision on the commencement of the proposed Act.

3. *Clause 2* seeks to amend section 3 of Act 91 to introduce a new definition of “remote communication technology”.

4. *Clause 3* seeks to introduce a new section 15A into Act 91 to enable the Federal Court, the Court of Appeal and the High Court to conduct proceedings through a live video or television link or any other electronic means of communication. The proposed new section however does not affect the provisions relating to evidence by a child witness by means of a live link under the Evidence of Child Witness Act 2007 [Act 676] and evidence by a protected witness under the Criminal Procedure Code [Act 593] and the Evidence Act 1950 [Act 56].

5. *Clause 4* seeks to amend section 16 of Act 91 to provide that the Rules of Court may be made for regulating and prescribing the procedure with respect to the hearing of any matter or proceeding through a remote communication technology.

6. *Clause 5* seeks to amend subsection 17(2) of Act 91 in relation to the membership of the Rules Committee. Under the proposed amendment, the membership of the Senior Judge of the Sessions Court of Kuala Lumpur will be substituted by the membership of the Chief Registrar of the Federal Court. The Chief Registrar of the Federal Court is the Head of Department and is responsible for the administration of the Judiciary in Malaysia, including the supervision of all State Court Directors.

7. *Clause 6* seeks to empower the Chief Justice to issue practice directions as may be necessary.

8. *Clause 7* seeks to amend subsection 69(1) of Act 91 to provide for the receiving of further evidence through a remote communication technology.

#### *FINANCIAL IMPLICATIONS*

This Bill will involve the Government in extra financial expenditure the amount of which cannot at present be ascertained.

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