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JAWATANKUASA PEGUAM PULAU PINANG PENANG BAR COMMITTEE

Court Liaison 15/20

28 Apr 2020

To Members of the Penang Bar,

Update No. 10: Rescheduling of Cases at Penang Courts and other related information pursuant to Movement Control Order

We have received the following Directives from the Penang Courts on the rescheduling of cases and other related information pursuant to Phase 4 of the Movement Control Order (MCO) from 29 Apr 2020 to 12 May 2020:

- Appendix A - Rescheduling of Mention Dates for pre-2020 Civil Cases at Penang Subordinate Courts from 29 Apr 2020 to 12 May 2020
- Appendix B – Duty Roster and Schedule of Officers in Charge at the Penang Subordinate Courts (both Civil and Criminal) from 29 Apr 2020 to 12 May 2020
- Appendix C – Rescheduling of Cases before Penang High Court Deputy Registrars and Senior Assistant Registrars (excluding E-Review) from 29 Apr 2020 to 12 May 2020

The above Appendices will be posted on the Penang Bar website for members' information and reference.

Members are again reminded that dates for the following cases will be notified after the MCO period:

- Hearing and Trial dates for cases before the High Court Judges and Judicial Commissioners; and
- Mention and Hearing dates for Criminal cases at the Subordinate Courts.

Other Miscellaneous Court Issues

Due to frequent inquiries posted to us and the Court, we have sought the Court's direction on the following issues which have arisen within the MCO period:

1. For Affirmation of Statutory Declarations/Affidavits by Sessions Court Judges or Magistrates pursuant to Courts of Judicature Act 1964 and the Statutory Declarations Act 1960 - applications need to be made to the Sessions Court Judge or Magistrate on duty and they will be considered generally on a case-to-case basis but are restricted to the following 2 categories only:
 - a. Any declaration directly related to the prevention and control of Covid-19 e.g. declarations required by the Ministry of Health or other relevant authorities; or
 - b. Any urgent affidavit required in ongoing criminal proceedings.
2. For Judgment In Default of Appearance - the Court will not grant any Judgment In Default of Appearance in cases where the last day to file appearance falls within the MCO period as the Defendants may be prejudiced by the lack of access to filing facilities due to the closure of the Courts' filing counters within the MCO period.
3. On a general note, Members' attention is directed to Order 3 Rule 5 of the Rules of Court 2012 where time may be extended by the Courts for the periods stipulated under the said Rules, or any judgment, order or direction. We have been assured by the Penang Courts Director, Puan Zaharah Binti Hussain that the Court will grant extensions of time in cases affected by the MCO.

Lee Guan Tong & Imavathi Subramaniam
Co-Chairpersons
Court Liaison Subcommittee