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JAWATANKUASA PEGUAM PULAU PINANG PENANG BAR COMMITTEE

Court Liaison 21/21

31 May 2021

To Members of the Penang Bar,

Information pertaining to Operation of Courts and Law Firms During the “Total Lockdown Phase 1”

Reference is made to the “Total Lockdown Phase 1” announced by the Right Honourable Prime Minister on 28 May 2021 for all States in Peninsular Malaysia and the Federal Territory of Labuan effective from 1 June 2021 to 14 June 2021.

Pursuant to the above, Members are requested to take note of the following Directives and Announcements:

Operation of Courts

- The Office of the Chief Registrar of the Federal Court of Malaysia has issued a Media Statement dated 29 May 2021 entitled “*Operasi Mahkamah Semasa Pelaksanaan Total Lockdown Fasa Pertama Berkuat Kuasa Mulai 1 Jun 2021*” pertaining to Courts’ Operations nationwide during the Total Lockdown Phase 1.
- We have been further informed by the Deputy Registrar (Administration) of the Penang High Court, Tuan Ahzal Fariz Bin Ahmad Khairuddin of the following:
 - 1) All counters at the the Penang High Court will be closed from 1 June 2021.
 - 2) Public Auctions (Manual and E-Auction) will be rescheduled according to the notifications titled “*Makluman Penanguhan Lelongan Awam (Manual)*” and “*Makluman Penanguhan Lelongan Awam Secara E-Lelong di Mahkamah Kuantan, Pahang Bagi Kes-Kes di Mahkamah Tinggi Pulau Pinang*” respectively, which are appended below.
- All Hearings fixed before Industrial Courts are postponed. However, mentions will be conducted via E-Review.

Operation of Law Firms

Members are advised to refer to [Bar Council’s Circular No 197/2021](#) which is appended below for the relevant information and details on operations of law firms during the Lockdown Period.

Members are therefore advised to take note of the relevant Directives and Announcements.

Members will be updated further as and when we receive any additional information.

Ravi Chandran and Imavathi Subramaniam
Co-Chairpersons
Court Liaison Subcommittee



**PEJABAT KETUA PENDAFTAR
MAHKAMAH PERSEKUTUAN MALAYSIA
ISTANA KEHAKIMAN
PUTRAJAYA**

KENYATAAN MEDIA

**OPERASI MAHKAMAH SEMASA PELAKSANAAN TOTAL LOCKDOWN FASA
PERTAMA BERKUAT KUASA MULAI 1 JUN 2021**

Selaras dengan pengumuman YAB Tan Sri Dato' Hj. Muhyiddin bin Hj. Mohd Yassin, Perdana Menteri Malaysia melalui kenyataan media Pejabat Perdana Menteri pada 28 Mei 2021 mengumumkan 'Total Lockdown' Fasa Pertama di seluruh negara berkuat kuasa 1 Jun 2021, YAA Tun Tengku Maimun binti Tuan Mat, Ketua Hakim Negara telah mengarahkan bahawa berkuat kuasa 1 Jun 2021 pengendalian kes-kes Mahkamah di seluruh negara hendaklah berpandukan kepada arahan-arahan berikut:

(a) Perbicaraan / Pendengaran Kes Sivil dan Jenayah

- (i) Semua perbicaraan / pendengaran kes sivil dan jenayah yang telah ditetapkan secara kehadiran fizikal di Mahkamah hendaklah ditangguhkan dan penetapan tarikh perbicaraan / pendengaran yang baharu akan dimaklumkan kemudian;
- (ii) Bagi kes-kes sivil, pendengaran kes hendaklah dijalankan melalui teknologi komunikasi jarak jauh berdasarkan Arahan Amalan Ketua Hakim Negara Bilangan 1 Tahun 2021 Pengendalian Kes Sivil Melalui Teknologi Komunikasi Jarak Jauh Bagi Mahkamah Di Seluruh Malaysia (AA KHN 1/2021). Bagi maksud ini, pengendalian prosiding melalui kaedah hibrid adalah tidak dibenarkan dan perenggan 6, 9 dan 14 AA KHN 1/2021 adalah tidak terpakai; dan
- (iii) Dengan mengambil kira tempoh pelaksanaan 'Total Lockdown' Fasa Pertama ini, sekiranya agensi kerajaan, peguam dan orang awam

mempunyai kesukaran dalam meneruskan perbicaraan dan dikhuatiri akan menjejaskan hak pihak-pihak untuk mendapatkan perbicaraan yang adil melalui teknologi komunikasi jarak jauh, pihak agensi kerajaan, peguam dan orang awam boleh memohon untuk menangguhkan kes;

(b) Pemfailan Kes Sivil dan Jenayah

Pemfailan kes-kes sivil dan jenayah baharu / notis rayuan dan dokumen-dokumen akan dilaksanakan seperti biasa melalui sistem aplikasi Mahkamah;

(c) Pengurusan Kes Sivil dan Jenayah

Pengurusan kes sivil dan jenayah hendaklah dijalankan melalui teknologi komunikasi jarak jauh;

(d) Pertuduhan Baharu, Permohonan Perintah Reman dan Permohonan Jenayah Pelbagai

Semua pertuduhan baharu, permohonan perintah reman dan permohonan perintah jenayah pelbagai hendaklah dijalankan melalui kehadiran secara fizikal di Mahkamah;

(e) Perakuan Segera / Permohonan Segera Bagi Kes-Kes Sivil dan Jenayah

Pihak-pihak boleh memfailkan perakuan segera / permohonan segera bagi kes-kes sivil dan jenayah sekiranya perlu dan Mahkamah akan memberikan arahan lanjut kepada pihak-pihak berhubung dengan perkara tersebut; dan

(f) Permohonan Jenayah Yang Perlu Dijalankan Melalui Kehadiran Secara Fizikal Di Mahkamah Atasan

Bagi permohonan jenayah yang perlu dijalankan melalui kehadiran secara fizikal di Mahkamah Atasan atas sebab-sebab yang khas dan dalam keadaan

tertentu (*exceptional circumstances*), Mahkamah akan menggunakan budi bicara dalam mempertimbangkan permohonan tersebut.

Untuk makluman agensi kerajaan, peguam dan orang awam—

- (a) arahan ini mengatasi kesemua arahan terdahulu berhubung dengan operasi Mahkamah dalam tempoh kawalan pergerakan yang telah dikeluarkan oleh Pejabat Ketua Pendaftar Mahkamah Persekutuan melalui e-mel pada 17 Mac 2020, 26 Mac 2020 dan 24 April 2020; dan
- (b) arahan ini hendaklah terpakai sekiranya Kerajaan mengumumkan untuk melanjutkan pelaksanaan 'lockdown' ini dan tertakluk kepada apa-apa arahan baharu yang dikeluarkan.

Bagi sebarang pertanyaan mengenai perkara di atas, bolehlah menghubungi **Bahagian Komunikasi Korporat** di talian 03-88804051 / 03-88804607 atau komunikasikorporat@kehakiman.gov.my

Sekian, terima kasih.

**Pejabat Ketua Pendaftar
Mahkamah Persekutuan Malaysia
Istana Kehakiman
Putrajaya**

Tarikh: 29 Mei 2021

MAKLUMAN PENANGGUHAN **LELONGAN AWAM**

Selaras dengan penetapan **PELAKSANAAN PERINTAH KAWALAN PERGERAKAN 3.0 (TOTAL LOCKDOWN)** pada 01 Jun 2021 sehingga 14 Jun 2021, Prosiding **LELONGAN AWAM (SECARA MANUAL)** di Mahkamah Tinggi Pulau Pinang adalah **DITANGGUHKAN** dan ditetapkan semula pada tarikh berikut :

TARIKH ASAL	TARIKH BAHARU
08 JUN 2021 (SELASA)	03 OGOS 2021 (SELASA)
09 JUN 2021 (RABU)	04 OGOS 2021 (RABU)

**MAKLUMAN PENANGGUHAN LELONGAN
AWAM SECARA E-LELONG DI MAHKAMAH
KUANTAN, PAHANG BAGI KES-KES DI
MAHKAMAH TINGGI PULAU PINANG**

Selaras dengan penetapan **PELAKSANAAN PERINTAH KAWALAN PERGERAKAN 3.0 (TOTAL LOCKDOWN)** pada 01 Jun 2021 sehingga 14 Jun 2021, Prosiding **LELONGAN AWAM (SECARA E-LELONG)** di Mahkamah Kuantan, Pahang adalah **DITANGGUHKAN** dan ditetapkan semula pada tarikh berikut :

TARIKH ASAL	TARIKH BAHARU
01 JUN 2021 (SELASA)	03 OGOS 2021 (SELASA)
09 JUN 2021 (RABU)	04 OGOS 2021 (RABU)
10 JUN 2021 (KHAMIS)	05 OGOS 2021 (KHAMIS)



**Circular No 197/2021
Dated 30 May 2021**

To Members of the Malaysian Bar and pupils in chambers

Operation of Law Firms During the “Total Lockdown Phase 1”

We refer to the announcement made by the Prime Minister on Friday (28 May 2021) pertaining to the [implementation of the “Total Lockdown Phase 1” throughout the country from 1 June until 14 June 2021 \(“the Lockdown Period”\)](#).

By Media Statement dated 29 May 2021 by the Office of the Chief Registrar of the Federal Court of Malaysia entitled [“Operasi Mahkamah Semasa Pelaksanaan ‘Total Lockdown’ Fasa Pertama Berkuat Kuasa Mulai 1 Jun 2021”](#), directives were issued concerning the conduct of court matters during the Lockdown Period and any extension of the same (“the Directives”).

Today (30 May 2021), Senior Minister (Security) and Defence Minister, YB Dato’ Sri Ismail Sabri Yaakob, [announced the essential services and sectors that are allowed to operate during the Lockdown Period](#).

Law firms are not listed as essential services and as such, will not be able to operate physically during the Lockdown Period. This invariably raises questions and concerns such as accessibility to law firm premises and files, complying with procedural deadlines as well as directions, since certain court matters would be conducted by virtue of the Directives. The issues have been highlighted to the Chief Justice by letter today and we are awaiting the outcome.

Clarification is also sought from the Legal Affairs Division of the Prime Minister’s Department (Bahagian Hal Ehwal Undang-Undang Jabatan Perdana Menteri, “BHEUU”) on directives for law firms since the National Security Council (Majlis Keselamatan Negara, “MKN”) announced that industries are to liaise with the respective ministries for the same.

We have also received information that the Minister in the Prime Minister’s Department (Parliament and Law), YB Datuk Seri Takiyuddin Hassan, will be issuing a media statement tomorrow.

We hope that the information provided here is of assistance to Members. We will update Members as and when there are new developments.

Should you have any enquiries regarding the “Total Lockdown Phase 1”, you are advised to contact MKN by telephone at 03-8872 6817 or by email at webmaster@mkn.gov.my.

Thank you.

Shahareen Begum
Secretary
Malaysian Bar