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**Circular No 170/2021
Dated 18 May 2021**

To Members of the Malaysian Bar

**Update (18 May 2021) | Notification of Operations at Melaka State Courts
During the MCO Period**

The Malacca State Bar Committee has extended to us a copy of their circular with regard to a meeting that they had with Malacca High Court Judge (1), YA Tuan Anselm Charles Fernandis, on 12 May 2021.

Please click [here](#) (see pages 2 and 3) to view the circular from the Malacca State Bar Committee.

We hope that the information provided here is of assistance. We will continue to notify Members as and when there are updates from the State Courts.

Stay safe.

**Shahareen Begum
Secretary
Malaysian Bar**



JAWATANKUASA PEGUAM NEGERI MELAKA MALACCA BAR COMMITTEE

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15 May 2021

TO : ALL MEMBERS OF THE MALACCA BAR & CHAMBERING PUPILS

CIRCULAR NO. 43 OF 2021

MEETING WITH Y.A TUAN ANSELM CHARLES FERNANDIS REGARDING CIVIL & CRIMINAL CASES IN MELAKA HIGH COURT (1)

The Malacca Bar Committee had a meeting with our Malacca High Court Judge (1), Y.A. Tuan Anselm Charles Fernandis, on 12 May 2021, as we had received information from Members that witnesses appearing in Court had tested positive for COVID-19, and an urgent solution was needed to ensure the safety of lawyers appearing in Court.

The meeting was conducted by Zoom, and the Malacca Bar Committee was represented by Nitin Kumar Gordhan (Chairman), Teoh Keat Wee (Secretary), Desiree Teh (Chairperson, Court Liaison Committee), Radiance Chin, Foo Qiao Wei, Chan Chee Yuan, and Norfazlinda Binti Alimad.

Y.A Tuan Anselm acknowledged our concerns and indicated that strict measures are necessary due to the enforcement of Movement Control Order 3.0 on 12 May 2021. Therefore, the following arrangements will be made with effect from 21 May to 7 June 2021:-

A. Civil Cases in Melaka High Court (1)

- Mentions and Hearings of **uncontested** civil matters or matters where no oral evidence is required (eg. Probate, Joint Petitions for Divorce, Interlocutory Applications, and Applications for Order exempting a reference to a marriage tribunal under code 24F) will be conducted online.
- Hearings of **contested** civil matters requiring the attendance of witnesses including part-heard cases that had been previously heard where parties were physically present in open Court will be conducted online. However, Members wishing to have their matters heard physically in open Court are requested to write in and provide their reasons as to why their case should be heard physically and not online. The Court will consider each case on its own merits and decide accordingly. The Court has requested that such letters be issued as soon as possible and e-filed, except in cases which are filed manually. Members are also required to inform the interpreters, **Ms. Ranitha** at **010-2907578** or **Ms. Hong** at **012-6319834** when the letter has been e-filed.
- Hearings of Appeals will be conducted online unless there are cogent reasons otherwise.

B. Criminal Cases in Melaka High Court (1)

- Hearings of Criminal Appeals will continue to be conducted in open Court pending confirmation from prison authorities.

C. Guidelines

Members are reminded to comply strictly with the Guidelines issued by the Chief Registrar's office when attending Court. We refer to the Bar Council's Circulars, namely [Circular No. 152/2021](#) dated 4th May 2021 and [Circular No. 030/2021](#) dated 20th January 2021 which contain the Guidelines issued by the Chief Registrar's Office for members' reference.

Members are also reminded of the following:-

- i. Members are required to practise physical distancing and wear a face mask at all times in the Court Complex;
- ii. Members are required to scan their temperature before entering the relevant court room if a thermometer has been made available at the said court room;
- iii. Members are not allowed to remove their face masks when submitting or when examining witnesses in open Court;
- iv. Members are allowed to use a face shield with a face mask on for additional protection (*if necessary*);
- v. Members are required to speak louder when submitting in open Court to enable the Voice Recording to Text System ("RVT") to clearly record their voice;
- vi. Members are reminded to bring their own hand sanitizer and to use it before entering any court room;
- vii. Members who have been or who are suspected to have been in close contact with any confirmed Covid-19 patient are required to take a Rapid Test before appearing in Court;
- viii. Members are reminded to inform the Court if their witness has been tested positive for Covid-19 or under quarantine or having symptoms of Covid-19.
- ix. Members are allowed to request for another lawyer to mention on their behalf to seek a postponement of their case if they are unable to attend Court due to an appointment for vaccination or swab test, or if they are required to undergo quarantine.

The Malacca Bar Committee wishes to extend its sincere thanks to Y.A. Tuan Anselm Charles Fernandis for agreeing to meet with the Malacca Bar Committee at such short notice and finding a common solution for the benefit of Members of the Bar.

The Malacca Bar Committee will keep the Members posted in the event the Malacca Courts issue any further notice.

Thank you.

Yours faithfully,



Teh Ken Wen Desiree

Chairperson

Court Liaison Committee 2021/2022

Malacca Bar Committee