

A BILL

*i n t i t u l e d*

An Act to amend the Subordinate Courts Act 1948.

[ ]

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

**Short title and commencement**

**1.** (1) This Act may be cited as the Subordinate Courts (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 2**

**2.** The Subordinate Courts Act 1948 [*Act 92*], which is referred to as the “principal Act” in this Act, is amended in section 2 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 101B**

3. The principal Act is amended by inserting after section 101A the following section:

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

**101B.** (1) Without limiting section 101, the court may, in the interest of justice, conduct the proceedings of any cause or matter, civil or criminal, or hold any inquiry, through a remote communication technology.

(2) The place in which the court is held to conduct the proceedings of any cause or matter, civil or criminal, or hold any inquiry, through a remote communication technology shall be deemed to be conducted within the local limits of jurisdiction assigned to it under section 59 or 76, or, if no such local limits have been assigned, arising in any part of Peninsular Malaysia.

(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 and section 32A of the Evidence Act 1950 [*Act 56*].

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

**New section 107A**

4. The principal Act is amended by inserting after section 107 the following section:

**“Practice directions**

**107A.** 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.”.

EXPLANATORY STATEMENT

This Bill seeks to amend the Subordinate Courts Act 1948 (“Act 92”).

2. *Clause 1* contains the short title and the provision on the commencement of the proposed Act.
3. *Clause 2* seeks to amend section 2 of Act 92 to introduce a new definition of “remote communication technology”.
4. *Clause 3* seeks to introduce a new section 101B into Act 92 to enable the Sessions Court and the Magistrates’ 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 empower the Chief Justice to issue practice directions as may be necessary.

*FINANCIAL IMPLICATIONS*

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

[PN(U2)3230]