



LAWS OF MALAYSIA

REPRINT

Act 703

JUDGES' ETHICS COMMITTEE ACT 2010

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JUDGES' ETHICS COMMITTEE ACT 2010

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Act 703

JUDGES' ETHICS COMMITTEE ACT 2010

An Act to establish a Judges' Ethics Committee and to provide for its functions and powers and for other matters connected therewith.

[4 March 2010, P.U. (B) 96/2010]

ENACTED by the Parliament of Malaysia as follows:

PART I

PRELIMINARY

Short title and commencement

1. (1) This Act may be cited as the Judges' Ethics Committee Act 2010.

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

Interpretation

2. In this Act, unless the context otherwise requires—

“judge” means a judge of the High Court, a judge of the Court of Appeal and a judge of the Federal Court, and includes a Judicial Commissioner;

“Committee” means the Judges' Ethics Committee constituted under section 3;

“Code of Ethics” means the code of ethics prescribed under Clause (3B) of Article 125 of the Federal Constitution;

“breach” means the breach of any provisions of the Code of Ethics;

“Chairman” means the Chairman of the Committee appointed under section 5.

PART II

JUDGES’ ETHICS COMMITTEE

Constitution of the Committee

3. There shall be constituted a committee by the name of “Judges’ Ethics Committee”.

Jurisdiction of the Committee

4. The Committee shall have jurisdiction in matters relating to the conduct and discipline of all judges other than the removal of a judge from office under Clause (3) of Article 125 of the Federal Constitution.

Membership of the Committee

5. (1) The Committee shall be in odd numbers and shall consist of persons who hold or have held office as the President of the Court of Appeal, Chief Judge of the High Court in Malaya, Chief Judge of the High Court in Sabah and Sarawak, judge of the Federal Court, the Court of Appeal or a High Court as the Chief Justice of the Federal Court thinks fit to appoint.

(2) The Chief Justice of the Federal Court shall be the Chairman of the Committee, unless he is the complainant, in which case the next senior judge shall be the Chairman.

(3) The appointment of the members of the Committee shall be on an *ad hoc* basis.

(4) Notwithstanding any provisions of this Act, the members of the Committee shall comprise judges who are senior in the order of precedence to the judge who is the subject of a disciplinary proceeding.

Substitute member

6. (1) Where the Chairman is unable, through illness or for any other reason, to attend a disciplinary proceeding, the next senior serving judge in the Committee shall be the Chairman, and the Chief Justice of the Federal Court shall appoint another judge in place of that senior judge.

(2) Where any member of the Committee is unable, through illness or for any other reason, to attend a disciplinary proceeding, the Chief Justice of the Federal Court shall appoint another judge in place of that member.

(3) A member of the Committee appointed under subsection (1) or (2) shall be a judge who is senior in the order of precedence to the judge who is the subject of a disciplinary proceeding.

Principles and procedure

7. In the exercise of its functions under this Act, the Committee shall abide by the principles and procedures set out in this Act and the Code of Ethics.

Proceedings *in camera*

8. The proceedings of the Committee shall be *in camera*.

Enquiry

9. (1) The proceedings of the Committee shall not be a trial but an enquiry as regards the breach of any provisions of the Code of Ethics committed by a judge referred to it by the Chief Justice of the Federal Court.

(2) The Evidence Act 1950 [Act 56] shall not apply to proceedings of the Committee.

Disclosure of interest

10. (1) If the Chairman or any member of the Committee has a direct or indirect interest in any disciplinary proceeding, he shall disclose to the Committee the fact of his interest and the nature of that interest.

(2) A disclosure under subsection (1) shall be recorded in the minutes of the proceeding in which the disclosure was made and, after the disclosure, the Chairman or the member shall not take part in the deliberation or decision of the Committee.

Meetings of the Committee

11. The Committee shall meet on such dates and at such places and times as the Chairman may determine.

Quorum

12. The Chairman and not less than two members of the Committee shall form the quorum for every proceedings of the Committee.

Adjournment of hearing before the Committee

13. (1) The Committee may adjourn the hearing from time to time.

(2) No written notice of an adjournment is required to be given to any party when the adjournment is made in the presence of that party.

Records and minutes of proceedings

14. The Chairman shall cause the records and minutes of proceedings of the Committee to be maintained and kept in a proper form.

Decision of the Committee

15. (1) Where the Committee is not unanimous on any question or matter to be determined, the decision of the majority shall be deemed to be the decision of the Committee.

(2) The Committee shall ensure that its decision in any disciplinary proceeding is communicated in writing to the judge who is the subject of the disciplinary proceedings.

(3) Notwithstanding any provision in any other written law, the decision of the Committee shall be final and conclusive and shall not be challenged, appealed against, reviewed, quashed or called in question in any court on any ground, and no court shall have jurisdiction to entertain or determine any suit, application, question or proceeding on any ground regarding the validity of such decision.

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LIST OF AMENDMENTS

Amending law	Short title	In force from
	—NIL—	

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LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
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—NIL—

