

Client Alert

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Effect of the Movement Control Order on Court and Arbitration Timelines

Pursuant to the World Health Organisation's declaration of the novel coronavirus (**COVID-19**) as a pandemic on 11 March 2020 and as a result of the escalation of COVID-19 cases in Malaysia, the Government of Malaysia has, on 16 March 2020, implemented the Restriction of Movement Order ("**MCO**"), which has since been extended to 14 April 2020. Among other things, the MCO requires government and private business premises to close, save for those dealing with essential services.

We have put together the following guideline to address the impact of the MCO on current court and legal proceedings in Malaysia and the steps available to the parties involved in the same.

Court Proceedings

In a recent announcement issued by the Office of the Chief Registrar of the Federal Court of Malaysia, all pending trial(s) and/or hearing(s), which have been fixed from 18 March 2020 to 31 March 2020, are adjourned and new dates will be fixed accordingly. However, all Court Directions in respect of the filing of documents are not affected by the MCO. As such, all filings are expected to be completed on time vis-à-vis the Court's e-filing system. Further, any Case Managements scheduled to take place vide the Court's e-Review System will not be affected by the MCO as well.

Arbitration

In an announcement issued by the Asian International Arbitration Centre (AIAC) dated 17 March 2020, it was stated that all existing and ongoing matters remain unaffected. In this regard, and so as to ensure continuity of all ADR proceedings, all Arbitrators, Adjudicators, and Mediators are called to exercise their discretion, in accordance with the relevant provisions under the governing laws and rules, in considering any extensions to deadlines or further ancillary requests. This is notwithstanding that all reservations and room bookings at the AIAC during the MCO including for hearings, meetings, conferences etc. are to be postponed and/or cancelled.

For all appointment requests, decisions and/or approvals requiring the Director of the AIAC's consideration, these are to be placed on hold until further notice.



What Next?

Clients are therefore advised to take the following measures:-

- (a) check whether any changes have been made to any current court and/or ADR timelines;
- (b) consider instructing your lawyers to request for an extension, be it for the review of documents, preparation of witness statements, or even attendance at a hearing/trial if you are abroad; and
- (c) in the event the MCO is extended, consider any travel arrangements that may have to be modified, or alternatives which can be worked out with your lawyers for attendance at any court/ADR proceedings.

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