

NEW COMMERCIAL COURTS (NCC)

Introduction

It cannot be denied that the Judiciary plays an important role in the economic development of Malaysia especially now when business, industries and finance have become multinational in character. The Judiciary is expected to be able to foster private sector development within a market system. There is a need therefore for a specialised and dedicated commercial courts to fast track cases and to deliver timely resolution of disputes and the enforcement of judgments.

Establishment of New Commercial Courts (NCC)

The Judiciary has been closely working with Pemudah to improve its delivery system of the existing commercial divisions of the Kuala Lumpur High Court. A need was therefore identified for an establishment of New Commercial Courts because of its vital role in improving the efficiency of enforcing contracts, which is one of the key elements of economic development and attracting foreign investments.

Purpose of the New Commercial Courts

The courts will undertake:

- a - To set target for disposal of cases – to take charge on the management of cases soon after filing.
- b - To reduce waiting period – to fix early hearing dates and to be strict on application for an adjournment.
- c - To go digital from registration to hearings to increase efficiency and effectiveness.

Scope of Work

1. Two (2) New Commercial Courts (NCC) will be established and to be known as **NCC1** and **NCC2** effective from **1st September 2009**.
NCC1 - Justice Dr. Hamid Sultan Abu Backer.
NCC2 - Justice Anantham Kasinater

2. These two NCC will deal with all commercial cases filed beginning 1st September 2009 which include inter alia:
 - Admiralty (carriage of goods by sea/air, collision at sea, shipping)

- Banking transactions (Bill of Exchange, Letter of Credit, Negotiable Instruments)
- Application under Companies Act 1965 (Act 125) – (winding up, debenture, shares)
- Finance (Factoring, Hire Purchase, Leasing, Money Lending)
- Insurance
- Partnership
- Maritime
- Sale of goods
- Business Agency

3. These two courts will **NOT DEAL** with Muamalat and Intellectual Property cases

4. Special monitoring of disposal of cases is done by adding specific letters to the existing case registration coding and that the file covers will be color-coded. The present registration coding for types of commercial cases will be used with addition of certain letters:

- Code 21 NCC – Writ /Petition involving government
- Code 22 NCC – Writ Summons
- Code 24 NCC – Originating Summons
- Code 25 NCC – Originating Motion
- Code 26 NCC – Petition
- Code 27 NCC – Admiralty
- Code 28 NCC – Winding Up Petition

Files will be distributed according to ODD and EVEN numbers.

File covers for NCC cases are in Light Purple with addition of Color Code at the end of the file covers for easy identification and retrieval of files. The color codes are as follows:-

- Black (Code 21 NCC and Code 28 NCC)
- Green (Code 22 NCC)
- Yellow (Code 24 NCC)
- Blue (Code 25 NCC)
- Dark brown (Code 26 NCC)
- Orange (Code 27 NCC)
- Red (Appeal files)

5. Two Special Service Counters are allocated for registration and filing of cases for NCC. Nevertheless, the existing payment counter will be utilized for payment of fees.

Work Process for NCC

- a) **Processing of documents will be done on the same day of filing.**
- b) The Court will take charge of Management of Cases soon after filing:
 - **Return date within 3 months** is given for **Writ Summons**.
 - **Hearing date for Winding Up Petitions** will be fixed **within 2 months from the date of Filing**.
 - **For other types of Cases, a Case Management** will be fixed before the Registrar **within 2 weeks from the date of filing** of each Case or Application. The Registrar will manage the case to ascertain if it's ready for hearing by giving directions for STRICT compliance by parties. E.g., affidavit in reply **SHOULD BE** filed within certain period and thereafter fix an early date for hearing before the Judge.

- c) **Hearing date for applications before the Judge will be fixed within 2 months from the date of filing.** In ALL FULL TRIAL Cases, if the parties are ready, the Hearing date will be given within One Month. In any event, the cases will be disposed off within 09 months from the date of filing.

Conclusion

The objective of establishment of these two NCC will not be achieved without the full support by the legal profession especially commercial lawyers. It is hoped that Malaysia will eventually have an efficient Commercial Courts.

<http://www.kehakiman.gov.my>

Date : 1st September 2009

**Kuala Lumpur High Court
(Commercial Division)
New Commercial Courts
(NCC1 & NCC2)**



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