



JUDICIAL APPOINTMENTS COMMISSION ACT 2009

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**JUDICIAL APPOINTMENTS COMMISSION (SELECTION
PROCESS AND METHOD OF APPOINTMENT OF JUDGES
OF THE SUPERIOR COURTS) REGULATIONS 2009**

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JUDICIAL APPOINTMENTS COMMISSION ACT 2009

JUDICIAL APPOINTMENTS COMMISSION (SELECTION PROCESS AND METHOD OF APPOINTMENT OF JUDGES OF THE SUPERIOR COURTS) REGULATIONS 2009

IN exercise of the powers conferred by section 30 of the Judicial Appointments Commission Act 2009 [*Act 695*], the Prime Minister, on the recommendation of the Commission, makes the following regulations:

Citation and commencement

1. (1) These regulations may be cited as the **Judicial Appointments Commission (Selection Process and Method of Appointment of Judges of the Superior Courts) Regulations 2009**.

(2) These Regulations come into operation on 1 June 2009.

Interpretation

2. In these Regulations, unless the context otherwise requires—

“Act” means the Judicial Appointments Commission Act 2009 [*Act 695*];

“judge” means a judge of the superior court;

“head of department” means the Attorney General of Malaysia or the Chief Registrar of the Federal Court, as the case may be;

“qualified person” means a person who is qualified under Article 123 of the Federal Constitution for appointment as a judge under Article 122B.

Advertisement of vacancy

3. (1) The Commission may advertise in the Commission’s web site or in any other medium the Commission deems appropriate to fill any vacancy in the office of a judge.

(2) For the purpose of subregulation (1), the advertisement shall state—

(a) the vacant office;

(b) the requirement under Article 123 of the Federal Constitution;

(c) the experience, academic qualification and other qualification required;

(d) the remuneration and allowances;

(e) the closing date for the application; and

(f) the address to which the application shall be forwarded.

Vacancies in the High Courts

4. (1) Any qualified person may apply to the Commission to be selected for appointment as a judge of the High Court.

(2) In the case of a qualified person who is a serving judicial and legal service officer, the application shall be submitted to the Commission through the head of department.

(3) The head of department shall forward the application to the Commission together with the relevant service information and a statement as to whether he supports the application or otherwise.

Vacancies in the Federal Court and Court of Appeal

5. (1) In relation to vacancies in the Federal Court and the Court of Appeal, the following persons may propose names to the Commission for selection:

- (a) the retiring Chief Justice, for vacancy in the office of Chief Justice;
- (b) the Chief Justice and the retiring President of the Court of Appeal, for vacancy in the office of President of the Court of Appeal;
- (c) the Chief Justice and retiring Chief Judge of the High Court in Malaya or the retiring Chief Judge of the High Court in Sabah and Sarawak, as the case may be, for vacancy in the office of Chief Judge of the High Court in Malaya or Chief Judge of the High Court in Sabah and Sarawak;
- (d) the Chief Justice, for vacancy in the office of judge of the Federal Court; and
- (e) the Chief Justice and President of the Court Appeal, for vacancy in the office of judge of the Court of Appeal.

(2) Notwithstanding subregulation (1), the Commission may consider names proposed by eminent persons who have knowledge of the legal profession or who have achieved distinction in the legal profession in respect of vacancies in the Federal Court and the Court of Appeal.

Form of application

6. An application under regulation 4 shall be made in such form as may be determined by the Commission.

Duties of Secretary upon receipt of application or proposal

7. (1) Upon the Commission receiving an application or proposal under these Regulations, the Secretary shall—

- (a) record such application or proposal and acknowledge receipt of the application or proposal to the applicant or to the person who made the proposal; and

(b) vet the application or proposal to ensure that the applicant or candidate is qualified under Article 123 of the Federal Constitution.

(2) The Secretary shall, in writing, notify the applicant or the person who made the proposal of any incomplete application or proposal and the applicant or the person who made the proposal shall make the necessary amendments and resubmit the application or proposal within fourteen days of being so notified.

(3) The Commission shall reject an application or proposal which does not fulfil the selection criteria under section 23 of the Act and shall, in writing, notify the applicant or the person who made the proposal of the rejection.

Screening

8. (1) The Secretary shall, as soon as may be practicable, send the names of the applicants and of the persons proposed under regulation 5 who fulfil the selection criteria under section 23 of the Act to the following agencies for screening purposes:

- (a) Malaysian Anti Corruption Commission;
- (b) Royal Malaysia Police;
- (c) Companies Commission of Malaysia; and
- (d) Department of Insolvency Malaysia.

(2) An agency specified in subregulation (1) shall, within seven days from the date of the receipt of the request from the Secretary, forward its report to the Commission.

(3) After receiving all the reports from the agencies specified in subregulation (1), the Secretary shall proceed to prepare a deliberation paper on each applicant and proposed person who has passed the screening process by the agencies for the selection process by the Commission.

(4) The Secretary shall inform the Commission of the names of the applicants and of the proposed persons who have failed the screening process carried out by any of the agencies specified in subregulation (1).

Reserve candidates

9. (1) In selecting candidates to be recommended for appointment to the superior courts, the Commission shall ensure that reserve candidates are available for purposes of complying with any request that may be made by the Prime Minister under section 27 of the Act.

(2) Upon receiving a request from the Prime Minister under section 27 of the Act, the Commission shall submit the names of the reserve candidates and its report under section 26 of the Act.

Decision of the Commission

10. (1) The Secretary shall, as soon as may be practicable, notify the applicants and proposed persons of the Commission's decision as to whether they have been recommended under section 26 of the Act for appointment to the office concerned.

(2) The decision of the Commission shall be final and conclusive.

Made 29 May 2009
[SPK.(R)605/3; PN(PU²)680]

DATO' SRI MOHD. NAJIB BIN TUN HAJI ABDUL RAZAK
Prime Minister

Hakcipta Pencetak (H)

PERCETAKAN NASIONAL MALAYSIA BERHAD

Semua Hak Terpelihara. Tiada mana-mana bahagian jua daripada penerbitan ini boleh diterbitkan semula atau disimpan di dalam bentuk yang boleh diperolehi semula atau disiarkan dalam sebarang bentuk dengan apa jua cara elektronik, mekanikal, fotokopi, rakaman dan/ atau sebaliknya tanpa mendapat izin daripada Percetakan Nasional Malaysia Berhad (Pencetak kepada Kerajaan Malaysia yang dilantik).



DICETAK OLEH
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KUALA LUMPUR
BAGI PIHAK DAN DENGAN PERINTAH KERAJAAN MALAYSIA