



LAWS OF MALAYSIA

Act 703

JUDGES' ETHICS COMMITTEE ACT 2010

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ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title and commencement
2. Interpretation

PART II

JUDGES' ETHICS COMMITTEE

3. Constitution of the Committee
4. Jurisdiction of the Committee
5. Membership of the Committee
6. Substitute member
7. Principles and procedure
8. Proceedings *in camera*
9. Enquiry
10. Disclosure of interest
11. Meetings of the Committee
12. Quorum
13. Adjournment of hearing before the Committee
14. Records and minutes of proceedings
15. Decision of the Committee

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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.

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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;

(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.

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.

