

COMMUNICATION AND COOPERATION WITH THE FEDERAL COURT OF MALAYSIA

The Supreme Court has implemented two protocols with effect from 23 July 2021 to facilitate communication and cooperation with the Federal Court of Malaysia in proceedings concerning selected matters:

- (i) the Protocol on Court-to-Court Communication and Cooperation between Malaysia and Singapore in Related Admiralty and Shipping Matters; and
- (ii) the Protocol on Court-to-Court Communication and Cooperation between Malaysia and Singapore in Cross-Border Corporate Insolvency Matters.

The protocol on admiralty and shipping matters applies to related proceedings commenced in Malaysia and Singapore that involve a claim (or claims) coming within the admiralty jurisdiction of either Court, involve the arrest of the same vessel, or arise out of the same casualty and involve parties to an existing limitation action.

The protocol on cross-border corporate insolvency matters applies to related proceedings commenced in Malaysia and Singapore that relate to insolvency, or the adjustment of debt, of corporations (including winding up, judicial management, schemes of arrangement, or such similar processes as are available in Malaysia and Singapore).

Across the Causeway

Either Court may initiate a request for court-to-court communication under the abovementioned protocols, with the other Court responding directly to the request. Parties before each Court will be notified of each request for court-to-court communication. However, they will not be permitted to participate unless the Courts agree in writing to allow their participation. The confidentiality of documents or information exchanged under either protocol will be maintained.

Although the protocols are not intended to create any legally enforceable rights or binding obligations on either Court, the

establishment of a suitable framework based on these protocols helps facilitate the efficient and timely coordination and administration of cross-border cases, enhancing judicial efficacy and reducing costs for businesses. The protocols also reflect the commitment to support and advance judicial cooperation between Malaysia and Singapore.

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The two protocols are indicative of the strong bilateral relations between the judiciaries of Malaysia (left) and Singapore (above).

Our People

Access To Justice

Therapeutic Justice

Trust & Confidence

Developing
Our CapabilityConnecting With
The Community