



Our Ref.: PKPMP.PKHN.600-2/3/1

Date: 29th September 2026

All High Court Judges / Judicial Commissioners
High Courts of Malaya / High Courts of Sabah and Sarawak

All Sessions Court Judges
Sessions Courts throughout Malaysia

All Deputy Registrars / Senior Assistant Registrars
High Court of Malaya / High Court of Sabah and Sarawak

All Magistrates
Magistrates' Courts throughout Malaysia

All Senior Assistant Registrars / Assistant Registrars
Subordinate Courts throughout Malaysia

**PRACTICE DIRECTION OF THE CHIEF JUSTICE
NUMBER 1 OF YEAR 2026
MATTERS AND PROCEDURES FOR COURT-ANNEXED MEDIATION
CASES
IN THE HIGH COURTS AND THE SUBORDINATE COURTS**

IN exercise of the powers conferred by Order 92 Rule 3B (1) of the Rules of Court 2012 [*P.U.(A)205/2012*] (ROC 2012) and in accordance with

Order 34 Rules 1A and 1B of ROC 2012, I, after consultation with the Rt. Hon. the Chief Judge of the High Court of Malaya and the Rt. Hon. the Chief Judge of the High Court of Sabah and Sarawak, issue this Practice Direction to prescribe the matters and procedures for Court-Annexed Mediation cases in the High Courts and Subordinate Courts as follows:

APPLICATION

2. This Practice Direction applies to matters and procedures of Court-Annexed Mediation in the High Courts and Subordinate Courts throughout Malaysia.

INTERPRETATION

3. In this Practice Direction, unless the context otherwise requires—

“Court” refers to the High Court in Malaya, the High Court in Sabah and Sarawak or the Sessions Court and the Magistrates’ Court throughout Malaysia, as the case may be;

“Judge” means a Federal Court Judge, Court of Appeal Judge, Judge of the High Court or Judicial Commissioner and including a Sessions Court Judge, Magistrate or Registrar;

“Retired Judge” means a Federal Court Judge, Court of Appeal Judge, or Judge of the High Court who has retired from office;

“Institution Providing Mediation Services” refers to any of the institutions listed in **Annexure A**;

“Justice of the Peace” means a Justice of the Peace appointed under section 98 of the Subordinate Courts Act 1948 [Act 92];

“Private Mediator” refers to a mediator, including a retired Judge, or the Justices of the Peace appointed under section 7 of the Mediation Act 2012 [Act 749], appointed by the parties privately without reference to the Institution Providing Mediation Services where the mediator is registered;

“Court-Annexed Mediation” means an alternative dispute resolution process by way of a mediation for civil cases;

“Court-Annexed Mediation Centre” means a Court-Annexed Mediation Centre as determined by the Chief Judge of Malaya or the Chief Judge of Sabah and Sarawak, as the case may be, for the administration and conduct of Court-Annexed Mediation;

“e-Court system” means any electronic application developed by the Office of the Chief Registrar of the Federal Court for the matters and proceedings of the Court.

CASE REFERRAL TO COURT-ANNEXED MEDIATION

A. Mediation for Road Traffic Accident Cases

4. For road traffic accident cases, the Court shall direct the case to be referred to mediation before a trial is fixed. The procedure for mediation for Road Traffic Accident cases is as provided in **Annexure B**.

B. Mediation for Civil Cases

5. For civil cases, the Court may refer the parties to mediation if—

(a) the judge is of the view that the case could be resolved through mediation and the parties agree to refer to mediation; or

(b) the parties apply to the Court to refer to mediation.

6. Notwithstanding the provision in paragraph 5 (a), the Court may recommend to the parties to refer to Judge-led mediation.

7. The mediation process may be conducted at any of the following stages of proceedings:

(a) during case management;

(b) during any interlocutory application;

(c) before commencement of the full trial;

- (d) during the full trial;
- (e) after the full trial but before a decision is made;
- (f) during the appeal stage; and
- (g) at any stage or proceeding as the Court deems fit.

TYPES OF MEDIATION

8. For the purpose of conducting the mediation, the parties may choose one of the following types of mediation:

No.	Types of Mediation	Procedures
(a)	Mediation by the Court (Judge-led mediation)	As in Annexure C
(b)	Mediation by Institutions providing mediation services	As in Annexure D
(c)	Mediation by a Private Mediator agreed by the parties	As in Annexure E

MEDIATOR FOR MEDIATION

9. The mediators for Judge-led mediation are as follows:

No.	Court	Mediator
(a)	Courts with Court-Annexed Mediation Centres	A Judge

No.	Court	Mediator
(b)	Courts with no Court-Annexed Mediation Centres but have more than one Judge	A Judge by case swapping
(c)	Courts with only one Judge	The same Judge, provided that both parties agree. If any of the parties do not agree, mediation will be conducted by another Judge to be determined by the Head of the Court-Annexed Mediation Centre in the state in question.

10. The mediation process by an Institution Providing Mediation Services or a Private Mediator shall not be conducted by a Judge.

11. The Court or the Court-Annexed Mediation Centre has no responsibility for the appointment of any mediator, costs or any related matters for any mediation conducted by an Institution Providing Mediation Services or a Private Mediator under this Practice Direction.

LOCATION OF THE MEDIATION PROCESS

12. The mediation process may be carried out at the following locations:

No.	Types of Mediation	Location of Mediation Process
(a)	Judge-led Mediation	(i) Court-Annexed Mediation Centre; or (ii) any location within the premises of the Court as may be determined by the mediator
(b)	Mediation conducted by an Institution Providing Mediation Services or by a Private Mediator, agreed by the parties	(i) at any location as determined by the mediator; or (ii) at any place agreed by the parties; and (iii) the parties shall not use the facilities of the Court-Annexed Mediation Centre for mediation processes conducted by an Institution Providing Mediation Services or by a Private Mediator

13. The location of the Court-Annexed Mediation Centre as referred to in paragraph 12(a)(i) is provided in the portal of the Office of the Chief Registrar of the Federal Court which is accessible through the website <https://www.kehakiman.gov.my/ms/akses-awam/senarai-pusat-mediasi-mahkamah>.

14. Notwithstanding the provision in paragraph 12(b)(iii), the Head of the Court-Annexed Mediation Centre in the respective state, may authorise the use the facilities of Court-Annexed Mediation Centre in question, upon application by a Retired Judge or the Justice of Peace.

NOTICE REGARDING THE STATUS OF MEDIATION

15. The parties shall notify the Court the status of the mediation. For such purpose, a case management date shall be fixed within a period of not more than a month from the date the case is referred to mediation.

16. For the mediation that has been completed, the parties shall notify the Court of the status as soon as possible or within two (2) weeks from the date the mediation is completed.

17. After the mediation is completed, the parties shall comply with the following procedures:

No.	Status of Mediation	Actions by the Parties
(a)	Successful	The parties may— (i) record a consent judgment; (ii) record a settlement agreement; (iii) file a Notice of Discontinuance

No.	Status of Mediation	Actions by the Parties
(b)	Unsuccessful	The parties shall comply with any directions of the Court in relation to the conduct of the case in the original proceedings.

COSTS OF CONDUCTING MEDIATION

18. The costs for conducting mediation are as follows:

No.	Types of mediation	Total costs
(a)	Judge-led Mediation	Free of charge
(b)	Mediation conducted by an Institutions Providing Mediation Services	Costs as determined by the Institution
(c)	Mediation by a Private Mediator agreed by the parties	(i) Private Mediator – Costs as determined by the Private Mediator; or (ii) Justices of the Peace – Free of charge

ROLES OF MEDIATOR

19. The mediator shall perform the following roles:

- (a) facilitate negotiations between the parties; and

(b) seek settlement to disputes between the parties.

CONFIDENTIALITY

20. The parties shall ensure that—

- (a) mediation conducted is a closed process attended only by the parties involved or an authorised representative together with counsel, if any;
- (b) any disclosure, confession and communication made during mediation are confidential and without prejudice;
- (c) all communications during the mediation shall not be part of the record of proceedings; and
- (d) they shall not call the mediator to give evidence in relation to the mediation process conducted by the mediator for the proceedings.

REVOCATION

21. The Practice Direction of the Chief Justice Number 2 of 2022 “Matters and Mediation Procedures for Cases in the High Courts and the Subordinate Courts” dated 24 March 2022 is hereby revoked.

SAVING

22. Any action or proceeding which has commenced or is pending before the date of commencement of this Practice Direction shall, after the date of commencement of this Practice Direction, be continued as if

the Practice Direction of the Chief Justice Number 2 of 2022 “Matters and Mediation Procedures for Cases in the High Courts and the Subordinate Courts” has not been revoked.

DATE OF COMMENCEMENT

23. This Practice Direction comes into operation on **1 October 2026**.



TUN WAN AHMAD FARID BIN WAN SALLEH

Chief Justice of Malaysia

Istana Kehakiman

Putrajaya

Cc:

The Rt. Hon. the President of the Court of Appeal
Federal Court of Malaysia
Istana Kehakiman
Putrajaya

The Rt. Hon the Chief Judge of Malaya
Federal Court of Malaysia
Istana Kehakiman
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The Rt. Hon the Chief Judge of Sabah and Sarawak
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Istana Kehakiman
Putrajaya

Registrar
Court of Appeal Malaysia
Istana Kehakiman
Putrajaya

Registrar
High Court of Malaya
Palace of Justice
Putrajaya

Registrar
High Court of Sabah & Sarawak
Kota Kinabalu
Sabah

Registrar
Subordinate Courts of Malaya
Istana Kehakiman
Putrajaya

Registrar
Subordinate Courts of Sabah & Sarawak
Kota Kinabalu
Sabah

Librarian

Federal Court of Malaysia

Istana Kehakiman

Putrajaya

President

Malaysian Bar

Kuala Lumpur

President

Sabah Law Society

Sabah

President

The Advocates' Association of Sarawak

Sarawak

Annexure A

LIST OF INSTITUTIONS PROVIDING MEDIATION SERVICES

No.	Name of institution
1.	Asian International Arbitration Centre (AIAC)
2.	Malaysian International Mediation Centre (MIMC)
3.	Mediation Centre Sabah, Sabah Law Society (MCS)
4.	AAS Mediation Services, Advocates Association of Sarawak (AMS)
5.	Borneo International Centre for Arbitration and Mediation (BICAM)

Annexure B

MEDIATION FOR ROAD TRAFFIC ACCIDENT CASES

1. Mediation for road traffic accident cases is carried out to determine liability or quantum issues. For such purpose, the mediation will be conducted after the following basic documents are filed through the e-Court system:

- (a) preliminary medical report;
- (b) sketch plan of the accident;
- (c) police report(s);
- (d) photographs; and
- (e) other relevant documents.

2. For the purposes of paragraph 1, a mention date shall be fixed for all road traffic accident cases.

3. After pleadings are closed, the parties will be notified of the trial date and the date of mediation in the manner as follows:

No.	Types of Proceeding	Trial Date Fixing Period
(a)	Trial dates for cases that do not require an expert report	Four to six months from the date the case is filed. The trial shall proceed on the fixed date.

No.	Types of Proceeding	Trial Date Fixing Period
(b)	Trial dates for cases that require an expert report	Six to eleven months from the date the case is filed. The trial shall proceed on the fixed date.

4. The date for mediation shall be fixed no later than one (1) month after the date of the trial is fixed for the type of proceedings in paragraph 3.

Completion of Mediation

5. If both liability and quantum issues are resolved, then mediation is successful and paragraph 17 (a) of this Practice Direction shall apply.

6. If only one issue is resolved during mediation, judgment will be recorded for that issue only, while the issue that cannot be resolved during mediation, will be determined through the process of trial.

7. For road traffic accident cases that have yet to receive an expert report, the parties shall first attend mediation to determine the liability issue. The mediation for the issue of quantum will only be conducted after the expert report is obtained.

8. For the purpose of paragraph 7, the parties shall file an expert report within three months from the date the pleading is closed. If the expert report cannot be filed within the stipulated time—

- (a) the case will proceed to trial; or
- (b) the parties may withdraw the proceedings with liberty to file afresh after having received the relevant expert report.

JUDGE-LED MEDIATION

1. The Court may refer the parties to a Judge-Led mediation.
2. The parties or counsel shall submit “Mediation Registration Form” and “Agreement to Mediate Pursuant to Court-Annexed Mediation Form” to—
 - (a) the Court-Annexed Mediation Centre; or
 - (b) the Courts conducting mediation (for Courts that do not have a Court-Annexed Mediation Centre),within seven (7) days from the date the Court referred the parties to mediation.
3. The date of the mediation shall be fixed within one (1) month from the date of receipt of the forms specified in paragraph 2. Notification regarding the date, time and location of the mediation shall be sent via e-mail or e-Court system to the parties.
4. On the mediation date, the parties shall attend the mediation at the designated location or by video conference according to the time as specified in paragraph 3.

Mediation by Video Conference

5. The Court-Annexed Mediation Centre may decide to conduct the mediation through remote communication technology by way of video conference. Parties shall be notified not later than one week from the mediation date.

6. For the purpose of facilitating mediation via video conference, the parties shall ensure the following:

- (a) understanding of the mediation process by way of video conference;
- (b) ability to attend the mediation via video conference; and
- (c) availability and the quality of the technology to be used, including the hardware, software and access to the internet.

7. On the date of the mediation, the parties shall ensure the following:

- (a) receipt of the link to the session from the Court-Annexed Mediation Centre or the Court;
- (b) availability to log in not later than thirty (30) minutes before the mediation begins;
- (c) non-disclosure of the access to the video conferencing platform to parties unrelated to the mediation except with the permission of the Court;

- (d) present in the room free from any noise interference;
- (e) the microphone is always muted except when the parties need to communicate in the mediation; and
- (f) communicate to the Court-Annexed Mediation Centre or the Court of any technical or logistical issues that may affect the mediation.

8. If there is a technical glitch to the video conferencing platform which last for more than fifteen (15) minutes, the mediation may postpone and a new date will be fixed.

9. When attending the mediation process by video conference, the parties shall ensure compliance with the following:

- (a) introduction of the parties attending mediation;
- (b) presence in the mediation session at all times and to remain until the mediation has been completed except with the permission of the mediator;
- (c) reference to any document used during the mediation session through the document share screen;
- (d) non-recording of the mediation session; and
- (e) proper decorum shall be observed at all time.

Others

10. If the parties intend to postpone the mediation, they shall inform the Court-Annexed Mediation Centre or the Court of the intention to postpone not later than three (3) days before the date fixed for the mediation.

11. If the parties fail to appear for mediation without providing any reason, the mediator may refer to the trial judge to make any order as to the cost of such absence.

12. The forms as referred to in this Annexure is provided in the portal of the Chief Registrar of the Federal Court which is accessible through the website <https://www.kehakiman.gov.my/sites/default/files/2024-04/BORANG-MEDIASI.pdf>.

MEDIATION BY INSTITUTIONS PROVIDING MEDIATION SERVICES

1. The procedure in this Annexure shall apply for mediation conducted by any Institution Providing Mediation Services.
2. The parties or lawyers shall inform the Institution Providing Mediation Services in writing in relation to the agreement of the parties to conduct the mediation by the Institution within seven (7) days from the date the Court refer the parties to mediation.
3. All registration and procedure are carried out in accordance with the rules set by the Institution Providing Mediation Services.

Mediator

4. The parties may appoint—
 - (a) any mediator registered with the Institution Providing Mediation Services; and
 - (b) more than one (1) mediator to conduct the mediation.
5. The Mediation Act 2012 shall apply to the mediation conducted by the Institution Providing Mediation Services.

6. The appointed mediator is bound by the code of ethics and mediation rules set by the Institution or any variation thereof by the Institution Providing Mediation Services.

Costs

7. Fees may be imposed to the parties subject to the agreement by the parties and the Institution Providing Mediation Services.

MEDIATION BY PRIVATE MEDIATOR

1. The parties may select one or more Private Mediators to conduct the mediation.
2. The parties or their counsel shall notify the Private Mediator in writing of the parties' agreement to conduct the mediation within seven (7) days from the date the Court referred the parties to mediation.
3. The Mediation Act 2012 shall apply to the mediation conducted by the Private Mediator.
4. Notwithstanding paragraph 3, the Mediation Act 2012 shall not apply to the mediation conducted by a Retired Judge.

Costs

5. Fees may be imposed to the parties subject to the agreement by the parties and the Private Mediator.
6. Notwithstanding paragraph 5, mediation conducted by a Justice of the Peace is free of charge.