

INDUSTRIAL COURT

PRACTICE NOTE NO: 2 OF 2013

**EXHIBITS WHICH ARE TENDERED
AT THE INDUSTRIAL COURT**

The purpose of this Practice Note is to provide uniformity in the tendering and marking of exhibits at the Industrial Court.

In exercise of the powers granted under section 28 of the Industrial Relations Act 1967, I hereby issue the following directions:-

- a) Exhibits in the form of Bundle of Documents and documents which are annexed to pleadings.
 - i) Each page of each Bundle of Documents and each page of the pleadings shall be paginated. For the purposes of clarity, the cover of each Bundle of Documents and the first page of each pleadings shall commence with page one. Documents which are annexed to pleadings must follow the sequence

of the number of the last page of the pleadings.

Parties shall not use “tabs” to denote a document;

- ii) Parties shall endeavour to file an Agreed Bundle of Documents and a Non-agreed Bundle of Documents;
- iii) Parties may file separate Bundles of Documents;
- iv) Documents which are annexed to pleadings shall not be marked by the party;
- v) At the commencement of the hearing in open court or during case management in chambers, the Chairman will direct parties that each document in the Bundle of Documents will not be marked separately and that all documents in Bundles of Document are deemed to be admitted unless disputed. The Chairman will give the same directions for documents which are annexed to pleadings. The Chairman shall record the directions by hand if the proceedings are recorded manually

or if the directions are given during case management in chambers; and

vi) If a document in a Bundle of Documents is disputed, that document will be marked 'ID-....'. The maker of the document must be called as a witness in order to prove its admissibility. The original copy of the document must be tendered in open court if the opposing party requests for it; and

b) The e-filing of Bundles of Documents and documents which are annexed to pleadings.

i) The Bundles of Documents and pleadings including documents which are annexed to pleadings shall be in PDF;

ii) Digital clips shall not be included in Bundles of Documents. Digital clips may be tendered in open court as evidence and the admissibility of digital clips must be proved in open court; and

- iii) Each Bundle of Documents shall not exceed 20 megabytes. This will be approximately 300 pages of written text.

- c) Exhibits which are not included in Bundles of Documents or annexed to pleadings may be tendered during the hearing. Six photocopies of written documents must be tendered.

- d) Marking of Bundles of Documents
 - i) If a Bundle of Documents is filed by a party, the following annotations shall be used:-
 - (A) Applicant – AB
 - (B) Complainant - CB
 - (C) Claimant – CLB
 - (D) Company – COB
 - (E) Respondent – RB
 - (F) Union – UB

 - ii) If more than one Bundle of Documents is filed by a party, the annotation for each Bundle of

Documents shall have a number at the end of alphabet for example if a claimant files two Bundles of Documents, they shall be marked as CLB 1 and CLB 2;

- iii) If an exhibit is tendered separately in open court, it shall be marked with the above annotation consisting of alphabets and a number in the sequence in which it being tendered. For example, if a claimant tenders a separate exhibit first, it shall be marked as CL-1. Then if the company tenders the next document, it shall be marked as CO-2. The alphabet "B" should not be used in this case as it denotes that it is a Bundle of Documents;
- iv) If documents are annexed to pleadings, each exhibit shall be marked separately as in paragraph d (iii); and
- v) Documents which have been marked for identification purposes as an "ID" shall be re-marked as an exhibit after it has been admitted, for example, when a witness for the claimant has

proved that he is the maker of the document and if the original document is tendered in open court or is dispensed with by the court, the document "ID-1" shall be re-marked as "CL-1".

Dated : 15 November 2013



**SUSILA SITHAMPARAM
PRESIDENT
INDUSTRIAL COURT OF MALAYSIA**