

Prevention and Control of Infectious Diseases Act 1988 [Act 342]

Prevention and Control of Infectious Diseases (Measures within
The Infected Local Areas) Regulations 2020 (P.U.(A) 91/2020)

for LexisNexis Resource Hub – COVID-19



Introduction

The right of every person to move freely throughout the Federation and to reside in any part thereof is guaranteed by the Federal Constitution article 9(2). However, clause 3 of article 9 conferred power on the Parliament to enact law imposing restrictions in respect of movement and residence on grounds related to public order, public health, or the punishment of offenders.

Hence, pursuant to art 9(3) and by virtue of section 11(2) of the Prevention and Control of Infectious Diseases Act 1988, the Prevention and Control of Infectious Diseases (Measures Within The Infected Local Areas) Regulations 2020 were enacted and came into effect from 18 March 2020 to 31 March 2020, which has now been extended to 28 April 2020.

All business sectors (except for essential services) have been ordered to be closed under the movement control order which is primarily aimed at flattening the infection curve in the country. Coupled with the lower output of crude oil and natural gas due to the sharp decline in crude prices, this has seriously impacted the Malaysian economic growth and job security. The impact is felt by many companies, mostly those involved in manufacturing, travel, hotel, airlines, cruise lines, sporting events, retailers, real estate and restaurant sectors, with many temporarily ceasing operations. This will undeniably have a big impact on the businesses, and unless the governments act decisively to ensure business continuity, layoffs would be inevitable, as businesses (from small and medium enterprises ('SMEs') to large companies) face financial losses and for some, the prospect of closure, which would inevitably contribute to massive retrenchment across many sectors.

Hence, the Malaysian government has initiated the injection of RM250 billion (US\$58 billion) via the '*Bantuan Prihatin Nasional*' economic stimulus package ('**PRIHATIN ESP**') with the intention to assist vulnerable groups, especially the B40 income group. The B40 income group will receive direct cash assistance as well as other reliefs, including a six-month moratorium on loan repayments. For the SMEs, the government had allocated an additional RM10 billion under the *Prihatin Rakyat* Economic Stimulus Package to assist those who were affected by the MCO and in need of assistance from the government.

Updated as at 20 April 2020

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Original Provision	Plain Language Translation
Section 1: Citation and commencement	
<p>S 1(1) These regulations may be cited as the <i>Prevention and Control of Infectious Diseases (Measures within the Infected Local Areas) Regulations 2020</i>.</p> <p>(2) These Regulations have effect for the period from 18 March 2020 to 31 March 2020.</p>	<p>This regulation is only applicable during the MCO period: 18 March 2020 – 31 March 2020.</p> <p>(Note: The MCO has been extended till 28 April 2020, as announced by the Prime Minister on 10 April 2020.)</p>
Section 2: Interpretation	
<p>S 2- In these Regulations—</p> <p><i>“infected local area”</i> means any area declared to be infected local area under the Prevention and Control of Infectious Diseases (Declaration of Infected Local Areas) Order 2020 [P.U. (A) 87/2020];</p> <p><i>“essential services”</i> means the services as specified in the Schedule.</p>	<p><i>“infected local area”</i> – Johore, Kedah, Kelantan, Malacca, Negeri Sembilan, Pahang, Penang, Perak, Perlis, Sabah, Sarawak, Selangor, Terengganu, Federal Territories of Kuala Lumpur, Putrajaya and Labuan.</p> <p><i>“essential services”</i> are listed in the Schedule below.</p>
Section 3: Control of movements and gatherings	
<p>S 3(1) – No person shall make any journey from one place to another place within any infected local area except for the following purposes:</p> <ul style="list-style-type: none"> (a) to perform any official duty; (b) to make a journey to and from any premises referred to in regulation 5; (c) to purchase, supply or deliver food or daily necessities; (d) to seek healthcare or medical services; or (e) any other special purposes as may be permitted by the Director General. 	<p>During the MCO period, travelling from one place to another place within the infected local area is restricted. There are however exceptions to this, as follows:</p> <ul style="list-style-type: none"> (i) One can only travel for formal/official duties. (ii) One can only travel to places providing ‘essential services’. (iii) One can leave home to purchase food/daily necessities, for example, grocery stores/pharmacy/post office/bank/etc.

	<p>(iv) The supply and delivery service of food/groceries/other daily necessities is allowed.</p> <p>(v) One is allowed to go to clinic, hospitals and medical centres to seek health care services.</p> <p>However, the Director General may from time to time issue orders allowing journeys for other purposes.</p> <p>The government may on the advice of the Ministry of Health execute the Enhanced Movement Control Order ('EMCO') where residents from specified areas are prohibited from exiting the premises, and non-residents and visitors are not allowed to enter as all entry and exit points of the area are sealed. Currently, two villages in Simpang Renggam, Kluang, Johor; Batu 21 to Batu 24 Sungai Lui, Hulu Langat, Selangor; Menara City One in Jalan Munshi Abdullah; and two buildings namely, Selangor Mansion and Malayan Mansion in Jalan Masjid India in Kuala Lumpur are placed under the EMCO.</p>
<p>S 3(2) – No person shall gather or be involved in any gathering within any infected local area whether for religious, sports, recreational, social or cultural purpose.</p>	<p>No gatherings are allowed within any infected local area during the MCO period. For example, weddings, religious events, concerts, sports or cultural purposes are banned.</p>
<p>S 3(3) – Notwithstanding subregulation (2), a person may gather or be involved in a gathering for purpose of funeral ceremony provided that the number of attendees to such ceremony shall be kept to the minimum.</p>	<p>An exception is made for funeral services, but number of attendees must be kept to minimum.</p>
<p>S 3(4) – No person shall make a journey from one infected local area to another infected local area except with the prior written permission of a police officer in charge of a police station.</p>	<p>Anyone who wishes to travel between one infected local area to another infected local area must obtain prior written permission from the police officer in charge of a nearby police station.</p>

Section 4: Requirement to undergo health examination upon arrival in Malaysia	
S 4 – A citizen or permanent resident of Malaysia returning from overseas shall undergo health examination upon arrival in Malaysia before proceeding for immigration clearance at any point of entry and shall comply with any order issued by an authorized officer.	Citizens or permanent residents of Malaysia must undergo a health screening upon their arrival in Malaysia, before immigration clearance, and must follow orders as instructed by an authorised officer.
Section 5: Essential services	
S 5(1) – Any premises providing essential services may be opened provided that the number of personnel and patron at the premises shall be kept to the minimum.	Offices and business premises offering ‘essential services’ are allowed to operate as usual but the number of employees/staff/persons at the premises must be kept to a minimum.
S 5(2) – Any premises not providing essential services may be opened provided that the owner or occupier of the premises obtains the prior written permission of the Director General and the Director General may impose any conditions as he thinks fit.	Offices/business premises that are not offering ‘essential services’ will only be allowed to operate if they have written permission from the Director General (‘DG’) (subject to any imposed conditions).
S 5(3) – Any premises involved in food supply chain or in selling food and beverages by way of drive-through, take away and delivery may be open subject to any conditions imposed by the Director General as he thinks fit.	The mode of operations for Restaurants and F&B suppliers must be by drive-through, take away or delivery, and any additional conditions imposed by the DG.
Section 6: Request for information	
S 6 – Where an authorized officer requests for any information relating to prevention and control of infectious disease from any person, the person shall comply with the request.	A person must follow all requests from an authorised officer, where the request is in relation to the prevention and control of infectious disease.
Section 7: Offence	
S 7(1) Any person who contravenes any provision of these Regulations commits an offence and shall, on conviction, be liable to a fine not exceeding one thousand ringgit or to imprisonment for a term not exceeding six months or to both.	<p>Penalty for non-compliance with these Regulations are:</p> <ul style="list-style-type: none"> - Fine: not more than RM 1,000.00; or - Jail: not more than 6 months; or - Both <p>Effective 8 April 2020, the police has begun issuing compound notices which come with a</p>

	RM1,000 fine to MCO violators, with no room for discount. The violators will be brought to the nearest police station or district police headquarters and the compound notice will be issued there.
<p>S 7(2) If an offence is committed by a body corporate, any person who, at the time of the commission of the offence was a director, manager, secretary or other similar officer of the body corporate or was purporting to act in any such capacity or was in any manner or to any extent responsible for the management of any of the affairs of the body corporate or was assisting in such management—</p> <p>(a) may be charged severally or jointly in the same proceedings with the body corporate; and</p> <p>(b) where the body corporate is found guilty of the offence, shall be deemed to be guilty of that offence unless, having regard to the nature of his functions in that capacity and to all circumstances, he proves—</p> <p>(i) that the offence was committed without his knowledge, consent or connivance; and</p> <p>(ii) that he took all reasonable precautions and had exercised due diligence to prevent the commission of the offence.</p>	<p>If an offence is committed by a company, the entity/director/manager/secretary or other duly authorised officers of the company acting on behalf of the company:</p> <ul style="list-style-type: none"> - they can be charged separately or together in the proceedings against the company; and - if the company is found guilty, the individual person will also be found guilty unless: <ul style="list-style-type: none"> • the non-complying conduct happened without their knowledge or consent or involvement; and • they have taken all practicable precautions to prevent such misconduct.

SCHEDULE
ESSENTIAL SERVICES
[Regulation 2]

1. Banking and finance
2. Electricity and energy
3. Fire
4. Port, dock and airport services and undertakings, including stevedoring, lighterage, cargo handling, pilotage and storing or bulking of commodities
5. Postal
6. Prison
7. Production, refining, storage, supply and distribution of fuel and lubricants
8. Healthcare and medical
9. Solid waste management and public cleansing
10. Sewerage
11. Radio communication including broadcasting and television
12. Telecommunication
13. Transport by land, water or air
14. Water
15. E-commerce
16. Defense and security
17. Food supply
18. Wildlife
19. Immigration
20. Customs
21. Hotels and accommodations
22. Any services or works determined by the Minister as essential or critical to public health or safety

In light of the constantly changing circumstances, this is a general overview and should not be treated as legal advice. The information presented is correct to the date of its publication.

About the Author

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