



**Majlis Peguam
Bar Council Malaysia**

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**Circular No 066/2020
Dated 18 Mar 2020**

To Members of the Malaysian Bar and pupils in chambers

Update on COVID-19 | Law Firms Urged to Comply with Movement Control Order

We refer to [Circular No 061/2020](#) entitled “Measures to be Taken by the Courts and Members of the Bar in Relation to the COVID-19 Outbreak” dated 16 Mar 2020, [Circular No 063/2020](#) entitled “Update on COVID-19 | Movement Control order (II)” dated 17 Mar 2020, and the Movement Control Order (“Order”) issued under the Prevention and Control of Infectious Diseases Act 1988 and the Police Act 1967, as announced by the Prime Minister on 16 Mar 2020.

We bring to your attention the following documents, which are available [here](#):

- (1) Prevention and Control of Infectious Diseases (Declaration of Infected Local Areas) Order 2020 (P.U. (A) 87 dated 17 Mar 2020) (see pages 2 to 6); and
- (2) Prevention and Control of Infectious Diseases (Measures Within the Infected Local Areas) Regulations 2020 (P.U. (A) 91 dated 18 Mar 2020) (see pages 7 to 17).

It has come to the attention of the Bar Council by way of complaints, that some firms are open and/or asking their employees / lawyers / pupils to attend to clients although the above Order and Regulation are in force.

We **strongly advise** Members to comply with the Order and Regulation in order to avoid offending the law, and so that we can keep everyone safe and contribute to achieving the goal that the Order and Regulation intend to achieve.

We wish to highlight to Members that section 11(5) of the Prevention and Control of Infectious Diseases Act 1988 provides that any person who does not comply with any direction issued in accordance with section 11(3) of this Act can be liable to penalties which are outlined in section 24 of the same Act (which is available [here](#), from page 18 onwards).

Should you have any queries in relation to this matter, please liaise with the BC Secretariat by email at council@malaysianbar.org.my.

Thank you.

**A G Kalidas
Secretary
Malaysian Bar**



17 Mac 2020
17 March 2020
P.U. (A) 87

WARTA KERAJAAN PERSEKUTUAN

FEDERAL GOVERNMENT GAZETTE

PERINTAH PENCEGAHAN DAN PENGAWALAN PENYAKIT BERJANGKIT (PENGISYTIHARAN KAWASAN TEMPATAN JANGKITAN) 2020

PREVENTION AND CONTROL OF INFECTIOUS DISEASES (DECLARATION OF INFECTED LOCAL AREAS) ORDER 2020

DISIARKAN OLEH/
PUBLISHED BY
JABATAN PEGUAM NEGARA/
ATTORNEY GENERAL'S CHAMBERS

AKTA PENCEGAHAN DAN PENGAWALAN PENYAKIT BERJANGKIT 1988

PERINTAH PENCEGAHAN DAN PENGAWALAN PENYAKIT BERJANGKIT
(PENGISYTIHARAN KAWASAN TEMPATAN JANGKITAN) 2020

PADA menjalankan kuasa yang diberikan oleh seksyen 11 Akta Pencegahan dan Pengawalan Penyakit Berjangkit 1988 [*Akta 342*], Menteri membuat perintah yang berikut:

Nama dan permulaan kuat kuasa

1. (1) Perintah ini bolehlah dinamakan **Perintah Pencegahan dan Pengawalan Penyakit Berjangkit (Pengisytiharan Kawasan Tempatan Jangkitan) 2020**.

(2) Perintah ini berkuat kuasa bagi tempoh mulai 18 Mac 2020 hingga 31 Mac 2020.

Pengisytiharan kawasan tempatan jangkitan

2. Menteri, setelah berpuas hati bahawa semua Negeri dan Wilayah Persekutuan di Malaysia diancam oleh wabak penyakit berjangkit, iaitu Covid-19, suatu jangkitan mikrobial yang mengancam nyawa sebagaimana yang dinyatakan dalam Bahagian I Jadual Pertama kepada Akta, mengisytiharkan Negeri dan Wilayah Persekutuan yang dinyatakan dalam Jadual sebagai kawasan tempatan jangkitan.

JADUAL

Johor
Kedah
Kelantan
Melaka
Negeri Sembilan
Pahang
Pulau Pinang
Perak
Perlis

Sabah
Sarawak
Selangor
Terengganu
Wilayah Persekutuan Kuala Lumpur
Wilayah Persekutuan Putrajaya
Wilayah Persekutuan Labuan

Dibuat 16 Mac 2020
[KKM.600-29/4/146 Jld.2 (30); PN(PU2)470/III]

DATO' SRI DR. ADHAM BIN BABA
Menteri Kesihatan

PREVENTION AND CONTROL OF INFECTIOUS DISEASES ACT 1988

PREVENTION AND CONTROL OF INFECTIOUS DISEASES
(DECLARATION OF INFECTED LOCAL AREAS) ORDER 2020

IN exercise of the powers conferred by section 11 of the Prevention and Control of Infectious Diseases Act 1988 [*Act 342*], the Minister makes the following order:

Citation and commencement

1. (1) This order may be cited as the **Prevention and Control of Infectious Diseases (Declaration of Infected Local Areas) Order 2020**.

(2) This Order has effect for the period from 18 March 2020 to 31 March 2020.

Declaration of infected local areas

2. The Minister, after being satisfied that all States and Federal Territories in Malaysia are threatened with an epidemic of an infectious disease namely Covid-19, a life threatening microbial infection as specified in Part I of the First Schedule to the Act, declares those States and Federal Territories as specified in the Schedule to be infected areas.

SCHEDULE

Johore
Kedah
Kelantan
Malacca
Negeri Sembilan
Pahang
Penang
Perak
Perlis
Sabah
Sarawak
Selangor

Terengganu

Federal Territory of Kuala Lumpur

Federal Territory of Putrajaya

Federal Territory of Labuan

Made 16 March 2020

[KKM.600-29/4/146 Jld.2 (30); PN(PU2)470/III]

DATO' SRI DR. ADHAM BIN BABA
Minister of Health



18 Mac 2020
18 March 2020
P.U. (A) 91

WARTA KERAJAAN PERSEKUTUAN

FEDERAL GOVERNMENT GAZETTE

PERATURAN-PERATURAN PENCEGAHAN DAN PENGAWALAN PENYAKIT BERJANGKIT (LANGKAH-LANGKAH DI DALAM KAWASAN TEMPATAN JANGKITAN) 2020

PREVENTION AND CONTROL OF INFECTIOUS DISEASES (MEASURES WITHIN THE INFECTED LOCAL AREAS) REGULATIONS 2020

DISIARKAN OLEH/
PUBLISHED BY
JABATAN PEGUAM NEGARA/
ATTORNEY GENERAL'S CHAMBERS

AKTA PENCEGAHAN DAN PENGAWALAN PENYAKIT BERJANGKIT 1988

PERATURAN-PERATURAN PENCEGAHAN DAN PENGAWALAN PENYAKIT BERJANGKIT
(LANGKAH-LANGKAH DI DALAM KAWASAN TEMPATAN JANGKITAN) 2020

PADA menjalankan kuasa yang diberikan oleh subseksyen 11(2) Akta Pencegahan dan Pengawalan Penyakit Berjangkit 1988 [*Akta 342*], Menteri membuat peraturan-peraturan yang berikut:

Nama dan permulaan kuat kuasa

1. (1) Peraturan-peraturan ini bolehlah dinamakan **Peraturan-Peraturan Pencegahan dan Pengawalan Penyakit Berjangkit (Langkah-Langkah di dalam Kawasan Tempatan Jangkitan) 2020**.

(2) Peraturan-Peraturan ini berkuat kuasa bagi tempoh mulai 18 Mac 2020 hingga 31 Mac 2020.

Tafsiran

2. Dalam Peraturan-Peraturan ini—

“kawasan tempatan jangkitan” ertinya mana-mana kawasan yang diisytiharkan sebagai kawasan tempatan jangkitan di bawah Perintah Pencegahan dan Pengawalan Penyakit Berjangkit (Pengisytiharan Kawasan Tempatan Jangkitan) 2020 [*P. U. (A) 87/2020*];

“perkhidmatan perlu” ertinya perkhidmatan sebagaimana yang dinyatakan dalam Jadual.

Kawalan pergerakan dan perhimpunan

3. (1) Tiada seorang pun boleh bergerak dari satu tempat ke suatu tempat yang lain di dalam mana-mana kawasan tempatan jangkitan kecuali bagi maksud yang berikut:

(a) untuk melaksanakan apa-apa tugas rasmi;

- (b) untuk bergerak ke atau dari mana-mana premis yang disebut dalam peraturan 5;
- (c) untuk membeli, membekalkan atau menghantar makanan atau keperluan harian;
- (d) untuk mendapatkan perkhidmatan jagaan kesihatan atau perubatan; atau
- (e) apa-apa maksud khas lain sebagaimana yang dibenarkan oleh Ketua Pengarah.

(2) Tiada seorang pun boleh berhimpun atau terlibat dalam mana-mana perhimpunan di dalam mana-mana kawasan tempatan jangkitan sama ada bagi maksud keagamaan, sukan, rekreasi, sosial atau kebudayaan.

(3) Walau apa pun subperaturan (2), seseorang boleh berhimpun atau terlibat dalam suatu perhimpunan bagi maksud upacara pengebumian dengan syarat bahawa bilangan orang yang hadir ke upacara itu berada pada tahap minimum.

(4) Tiada seorang pun boleh bergerak dari satu kawasan tempatan jangkitan ke suatu kawasan tempatan jangkitan yang lain kecuali dengan kebenaran bertulis pegawai polis yang menjaga balai polis terlebih dahulu.

Kehendak untuk menjalani pemeriksaan kesihatan apabila tiba di Malaysia

4. Seseorang warganegara atau pemastautin tetap Malaysia yang pulang dari luar negara hendaklah menjalani pemeriksaan kesihatan apabila tiba di Malaysia sebelum mendapatkan pelepasan imigresen di mana-mana pintu masuk dan hendaklah mematuhi apa-apa perintah yang dikeluarkan oleh pegawai diberi kuasa.

Perkhidmatan perlu

5. (1) Mana-mana premis yang menyediakan perkhidmatan perlu boleh dibuka dengan syarat bahawa bilangan kakitangan dan pengunjung di premis itu berada pada tahap minimum.

(2) Mana-mana premis yang tidak menyediakan perkhidmatan perlu boleh dibuka dengan syarat bahawa pemilik atau penghuni premis itu mendapatkan kebenaran bertulis Ketua Pengarah terlebih dahulu dan Ketua Pengarah boleh mengenakan apa-apa syarat yang difikirkannya patut.

(3) Mana-mana premis yang terlibat dalam rantaian pembekalan makanan atau dalam penjualan makanan dan minuman secara pandu lalu, bawa pulang dan penghantaran boleh dibuka tertakluk kepada apa-apa syarat yang boleh dikenakan oleh Ketua Pengarah sebagaimana yang difikirkannya patut.

Permintaan maklumat

6. Jika seorang pegawai diberi kuasa meminta apa-apa maklumat yang berhubungan dengan pencegahan dan pengawalan penyakit berjangkit daripada mana-mana orang, orang itu hendaklah mematuhi permintaan itu.

Kesalahan

7. (1) Mana-mana orang yang melanggar mana-mana peruntukan Peraturan-Peraturan ini melakukan suatu kesalahan dan hendaklah, apabila disabitkan, didenda tidak melebihi satu ribu ringgit atau dipenjarakan selama tempoh tidak melebihi enam bulan atau kedua-duanya.

(2) Jika suatu kesalahan dilakukan oleh suatu pertubuhan perbadanan, mana-mana orang yang, pada masa berlakunya kesalahan itu ialah seorang pengarah, pengurus, setiausaha atau pegawai serupa itu yang lain pertubuhan perbadanan itu atau yang berupa sebagai bertindak dalam apa-apa kapasiti atau yang mengikut apa-apa cara atau apa-apa takat bertanggungjawab bagi pengurusan hal ehwal pertubuhan perbadanan itu atau telah membantu dalam pengurusan itu—

- (a) boleh dipertuduh secara berasingan atau berse sama dalam prosiding yang sama dengan pertubuhan perbadanan itu; dan
- (b) jika pertubuhan perbadanan itu didapati bersalah melakukan kesalahan itu, hendaklah disifatkan bersalah atas kesalahan itu melainkan jika, dengan mengambil kira sifat fungsinya dalam kapasiti itu dan segala hal keadaan, dia membuktikan—
 - (i) bahawa kesalahan itu dilakukan tanpa pengetahuan, persetujuan atau pembiarannya; dan
 - (ii) bahawa dia telah mengambil segala langkah berjaga-jaga yang munasabah dan telah melakukan usaha yang sewajarnya bagi mencegah berlakunya kesalahan itu.

JADUAL
PERKHIDMATAN PERLU
[Peraturan 2]

1. Perbankan dan kewangan
2. Elektrik dan tenaga
3. Bomba
4. Perkhidmatan dan pengusahaan pelabuhan, limbungan dan lapangan terbang, termasuk pemunggaran, pengangkutan laiter, pengendalian kargo, pemaliman dan penyimpanan atau pemukalan komoditi
5. Pos
6. Penjara
7. Pengeluaran, penyulingan, penyimpanan, pembekalan dan pengagihan bahan api dan pelincir
8. Jagaan kesihatan dan perubatan
9. Pengurusan sisa pepejal dan pembersihan awam
10. Pembentukan
11. Komunikasi radio termasuk penyiaran dan televisyen

12. Telekomunikasi
13. Pengangkutan melalui darat, air atau udara
14. Air
15. E-dagang
16. Pertahanan dan keselamatan
17. Pembekalan makanan
18. Hidupan liar
19. Imigresen
20. Kastam
21. Hotel dan penginapan
22. Apa-apa perkhidmatan atau kerja yang ditentukan oleh Menteri sebagai perlu atau kritikal kepada kesihatan atau keselamatan awam

Dibuat 18 Mac 2020
[KKM.600-29/4/146 Jld.2 (30); PN(PU2)470/VI]

DATO' SRI DR. ADHAM BIN BABA
Menteri Kesihatan

PREVENTION AND CONTROL OF INFECTIOUS DISEASES ACT 1988

PREVENTION AND CONTROL OF INFECTIOUS DISEASES (MEASURES WITHIN THE
INFECTED LOCAL AREAS) REGULATIONS 2020

IN exercise of the powers conferred by subsection 11(2) of the Prevention and Control of Infectious Diseases Act 1988 [*Act 342*], the Minister makes the following regulations:

Citation and commencement

1. (1) These regulations may be cited as the **Prevention and Control of Infectious Diseases (Measures within the Infected Local Areas) Regulations 2020**.

(2) These Regulations have effect for the period from 18 March 2020 to 31 March 2020.

Interpretation

2. In these Regulations—

“infected local area” 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*];

“essential services” means the services as specified in the Schedule.

Control of movements and gatherings

3. (1) No person shall make any journey from one place to another place within any infected local area except for the following purposes:

(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.

(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.

(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.

(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.

Requirement to undergo health examination upon arrival in Malaysia

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.

Essential services

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.

(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.

(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.

Request for information

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.

Offence

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.

(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—

(a) may be charged severally or jointly in the same proceedings with the body corporate; and

(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—

(i) that the offence was committed without his knowledge, consent or connivance; and

(ii) that he took all reasonable precautions and had exercised due diligence to prevent the commission of the offence.

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

Made 18 March 2020
[KKM.600-29/4/146 Jld.2 (30); PN(PU2)470/VI]

DATO' SRI DR. ADHAM BIN BABA
Minister of Health

PREVENTION AND CONTROL OF INFECTIOUS DISEASES ACT 1988

ACT 342

Date of Royal Assent	13 August 1988
Date of publication in the <i>Gazette</i>	8 September 1988
Date of coming into operation ...	1 April 1989

Part I PRELIMINARY

SECTION

1. Short title, application and commencement
2. Interpretation

Part II ADMINISTRATION

SECTION

3. Appointment of authorized officers
4. Limitation of liability
5. Police assistance, etc.

Part III PREVENTION OF IMPORTATION OF INFECTIOUS DISEASE

SECTION

6. Declaration of infected area
7. Entry into and examination of vehicles and the measures thereafter
8. Time for examination
9. Importation or exportation of human remains and pathogenic organism or substance

Part IV CONTROL OF THE SPREAD OF INFECTIOUS DISEASE

SECTION

10. Requirement to notify infectious disease
11. Declaration of an infected local area
12. Infected persons not to act in a manner likely to spread infectious disease
13. Control of contaminated articles and infected animals
14. Isolation of infected persons and suspects
15. Observation or surveillance of contacts
16. Order for examination of corpse
17. Disposal of the dead
18. Disinfection and closure of premises
19. Destruction of structures
20. Selling or letting contaminated buildings
21. Power to order disinfection of certain vehicles

Part V OFFENCES AND PENALTIES

SECTION

22. Offence generally
23. Prosecution
24. General penalty
25. Compounding of offences

Part VI MISCELLANEOUS

SECTION

26. Requisition of premises
27. Seizure and disposal of contaminated articles, etc.
28. Recovery of costs and expenses
29. Exemption
30. Power to vary Schedule
31. Power to make regulations

- 32. Amendment
- 33. Repeals and savings
 - First Schedule
 - Second Schedule

An Act to amend and consolidate the law relating to the prevention and control of infectious diseases and to provide for other matters connected therewith. [1 April 1989, P.U. (B) 179/1989]

BE IT ENACTED by the Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Rakyat in Parliament assembled, and by the authority of the same, as follows:

1. Short title, application and commencement

- (1) This Act may be cited as the Prevention and Control of Infectious Diseases Act 1988, and shall apply throughout Malaysia.
- (2) This Act shall come into force on a date to be appointed by the Minister by notification in the *Gazette*; and the Minister may appoint different dates for the coming into force of this Act, or of different provisions thereof, in different parts of Malaysia.

2. Interpretation

- (1) In this Act, unless the context otherwise requires—
 - “**aircraft**” includes every description of craft used in aerial navigation;
 - “**airport**” means any area of land, water or space designed, equipped, set apart or commonly used for affording facilities for the take-off and landing of aircraft and includes the roof of a building which is designed, equipped or set apart for affording facilities for the take-off and landing of aircraft;
 - “**article**” means any non-living movable thing including food and drugs and also includes fittings and fixtures;
 - “**authorized officer**” means any Medical Officer of Health, any health inspector, or any officer appointed by the Minister under section 3;
 - “**boarding-house**” includes—
 - (a) a hotel;
 - (b) a hostel; or
 - (c) any institution of refuge or rest for persons needing care;
 - “**commander**” means the person for the time being in command of an aircraft or a ship;
 - “**contact**” means any person who has been or is likely to have been exposed to the risk of contracting an infectious disease, including any person arriving from an infected area;
 - “**contamination**” means the presence of agents of an infectious disease on the surface of or in non-living things or on the body surface of living things;
 - “**derat**” means to render free from rodents;
 - “**Director General**” means the Director General of Health;
 - “**disinfect**” means to destroy or remove the agents of disease;
 - “**disinsecting**” means the operation in which measures are taken to kill noxious

insects;

“epidemic” means an extension of a disease by a multiplication of cases in an area;

“food” includes any substance consumed by human beings or animals or any substance used in the composition or preparation of any such substance and also includes flavouring matters and condiments, but does not include drugs;

“health inspector” means any health inspector in the service of the Government or of any local authority;

“immunization” means the introduction of specific antigens or antibodies into the human body with the object of conferring immunity against the disease in question, and includes vaccination;

“infection” means the entry of agents of an infectious disease into living things and the multiplication of such agents in living things;

“infectious disease” means any disease specified in the First Schedule;

“infested” means infested with rodents or noxious insects;

“International Health Regulations” means the International Health Regulations as adopted by the World Health Assembly in 1969 and as amended from time to time;

“isolation” when applied to a person or a group of persons means the separation of that person or group of persons from other persons, except the personnel in charge of the care and isolation of such persons, in such a manner as to prevent the spread of infection, and includes the treatment of that person or group of persons;

“Medical Officer of Health” means any medical practitioner in the service of the Government or any local authority who is for the time being carrying out the duties of a Medical Officer of Health in any area, district, or local authority area, including the airport and port limits thereof, and includes the Director General, the Deputy Director General of Health, the Director of Health Services, any Deputy Director of Health Services, any State Director of Medical and Health Services, any State Deputy Director of Medical and Health Services, the Sabah State Director of Medical Services and his Deputy and the Sarawak State Director of Medical Services and his Deputy;

“medical practitioner” means a medical practitioner registered under the Medical Act 1971 [Act50];

“noxious insect” means any arthropod carrying or causing or capable of carrying or causing any infectious disease, and includes the eggs, larvae and pupae of such arthropod;

“observation” means the segregation of any contact or person suspected of suffering from any infectious disease for the purpose of ascertaining whether or not he is suffering from any infectious disease, and includes the treatment of that person;

“pathogenic organism or substance” includes—

- (a) any animal;
- (b) any noxious insect;
- (c) any living germ, microbe, bacteria or virus;
- (d) the culture of any germ, microbe, bacteria or virus; or

- (e) the product of any germ, microbe, bacteria or virus,
capable of causing any infectious disease;

“port” means a seaport or an inland navigation port which is normally frequented by ships;

“premises” includes any structure, permanent or otherwise, the land on which the structure is situated, and any adjoining land used in connection therewith, and also includes any street, open space or vehicle;

“quarantine station” means any place where isolation or observation is carried out and includes an infectious disease hospital and any place declared by the Minister in the *Gazette to be a quarantine station*;

“ship” includes any vessel used in navigation by water;

“surveillance” means the subjection of any person, who is not isolated, to periodical examination or enquiry for the purpose of ascertaining his state of health and to conditions imposed by an authorized officer for such purpose;

“treatment” includes all such acts and procedures as may be necessary for the purpose of determining whether a person is infected with an infectious disease;

“vehicle” includes a ship, an aircraft, a train, a road vehicle and any other means of transport.

- (2) Any reference to “airport” or “port” includes a reference to any structure, permanent or otherwise, within the limits thereof.

3. Appointment of authorized officers

- (1) The Minister may appoint any suitable person to be an authorized officer for the purposes of this Act.
- (2) An authorized officer shall, when acting within the scope of his powers and duties under this Act, be deemed to be a public servant within the meaning of the Penal Code [Act574].
- (3) An authorized officer shall maintain the confidentiality of all matters which come to his knowledge in the performance of his official duties under this Act and shall not communicate any such matter to any person except for the purpose of carrying into effect the provisions of this Act.
- (4) An authorized officer who contravenes the provisions of subsection(3) commits an offence and is liable on conviction to imprisonment for a term not exceeding three years or to a fine or to both.

4. Limitation of liability

- (1) Nothing done by any authorized officer for the purpose of executing this Act and the regulations made thereunder shall subject the authorized officer personally to any action, liability, claim or demand whatsoever.

- (2) Subsection (1) shall apply to any officer acting under section 5.

5. Police assistance, etc.

Police, customs and immigration officers and officers from other government departments and agencies shall render such assistance as any authorized officer may request for the purpose of enabling him to exercise the powers vested in him by this Act or the regulations made under this Act.

6. Declaration of infected area

- (1) Whenever notification is received under the International Health Regulations that an infected area exists outside Malaysia, the Minister may by order in the *Gazette* declare such area to be an infected area for the purposes of this Act.
- (2) Notwithstanding the provisions of subsection (1), the Minister may, by order in the *Gazette*, declare any other area outside Malaysia to be an infected area.
- (3) The Minister may, by regulations made under this Act, prescribe the measures to be taken to prevent the introduction of any infectious disease into Malaysia from an infected area.

7. Entry into and examination of vehicles and the measures thereafter

- (1) An authorized officer may—
- (a) enter into and medically examine any vehicle at any time upon its arrival in Malaysia;
 - (b) medically examine any person, animal or article on board such vehicle; and
 - (c) take such samples as may be necessary for the purpose of determining the sanitary condition of such vehicle or article or the state of health of such person or animal.
- (2) An authorized officer may order any part of any vehicle, which he has reason to believe to be contaminated or infested, to be disinfected, disinfected or deratted to that officer's satisfaction.
- (3) If in the course of a medical examination under subsection(1) an authorized officer finds or has reason to believe that any person is infected or is a contact, he may order such person —
- (a) to be removed to a quarantine station and detained therein for isolation or observation; or

- (b) to be put under surveillance until such time as the disease is no longer communicable to others.

8. Time for examination

- (1) Examinations under section 7 shall be conducted at such reasonable time as may be determined by an authorized officer; and the owner of any vehicle, or his agent or servant, shall make such arrangements as may be required by the authorized officer for the examinations to take place.
- (2) The owner of any vehicle, or his agent or servant, who contravenes subsection (1) commits an offence.

9. Importation or exportation of human remains and pathogenic organism or substance

- (1) No person shall knowingly import into or export out of Malaysia—
 - (a) any human remains, human tissues or part thereof; or
 - (b) any pathogenic organism or substance or part thereof, except in accordance with regulations made under this Act.
- (2) Any person who contravenes subsection (1) commits an offence.
- (3) When any person is charged under this section, he shall be presumed to have knowingly imported or exported such human remains, human tissues or part thereof or such pathogenic organism or substance or part thereof until the contrary is proved.

10. Requirement to notify infectious disease

- (1) Every adult occupant of any house in which any infectious disease appears, and every person in charge of, or in the company of, and every person not being a medical practitioner attending on, any person suffering from or who has died of an infectious disease shall, upon becoming aware of the existence of such disease, with the least practicable delay notify the officer in charge of the nearest district health office or government health facility or police station or notify the nearest village head of the existence of such disease.
- (2) Every medical practitioner who treats or becomes aware of the existence of any infectious disease in any premises shall, with the least practicable delay, give notice of the existence of the infectious disease to the nearest Medical Officer of Health in the form prescribed by regulations made under this Act.

- (3) The person in charge of any boarding-house shall, with the least practicable delay, notify the officer in charge of the nearest district health office or government health facility or police station if he knows or has reason to believe that any person in the boarding-house is suffering from or has died of an infectious disease.
- (4) Any police officer or village head receiving notification under this section shall, with the least practicable delay, notify the officer in charge of the nearest district health office or government health facility.
- (5) Any person who contravenes this section commits an offence.
- (6) When any person is charged under this section, he shall be presumed to have known of the existence of the infectious disease or to have had reason to believe that an infectious disease existed, unless he shows to the satisfaction of the Court before which he is charged that he did not know and could not with reasonable diligence have obtained knowledge of the infectious disease or that he did not have reason to believe that an infectious disease existed.

11. Declaration of an infected local area

- (1) If the Minister is satisfied that there is an outbreak of an infectious disease in any area in Malaysia, or that any area is threatened with an epidemic of any infectious disease, he may, by order in the *Gazette*, declare such area to be an infected local area.
- (2) The Minister may, by regulations made under this Act, prescribe the measures to be taken to control or prevent the spread of any infectious disease within or from an infected local area.
- (3) During the continuance in force of an order made under subsection (1), it shall be lawful for any authorized officer to direct any person or class or category of persons living in an infected local area or in any part thereof to subject himself or themselves—
 - (a) to treatment or immunization;
 - (b) to isolation, observation or surveillance, the period of which being specified according to circumstances; or
 - (c) to any other measures as the authorized officer considers necessary to control the disease.
- (4) It shall be lawful for an authorized officer to use such force, with or without assistance, as may be necessary and to employ

such methods as may be sufficient to ensure compliance with any direction issued under subsection (3).

- (5) Any person who refuses to comply with any direction issued under subsection (3) commits an offence.

12. Infected persons not to act in a manner likely to spread infectious disease

- (1) No person who knows or has reason to believe that he is suffering from an infectious disease shall expose other persons to the risk of infection by his presence or conduct in any public place or any other place used in common by persons other than the members of his own family or household.
- (2) No person who knows or has reason to believe that he is suffering from any infectious disease specified in Part II of the First Schedule shall do any act which he knows or has reason to believe is likely to lead to the spread of such infectious disease.
- (3) Any person who contravenes this section commits an offence.
- (4) This section shall not apply to any person whose presence or conduct in such place as mentioned in subsection (1) is necessary for the purpose of obtaining medical treatment.

13. Control of contaminated articles and infected animals

- (1) No person who knows or has reason to believe that any article is contaminated or that any animal is infected or contaminated shall give, lend, sell, transmit, use or expose such article or animal without prior disinfection.
- (2) Any person who contravenes subsection (1) commits an offence.
- (3) This section shall not apply to any person who transmits, with proper precautions, any article or animal for the purpose of having it disinfected.

14. Isolation of infected persons and suspects

An authorized officer may cause any person who is infected or whom he has reason to believe to be infected to be removed to a quarantine station for treatment and may detain the person at the station until he can be discharged without danger to the public.

15. Observation or surveillance of contacts

- (1) An authorized officer may order any contact to undergo observation in such place and for such period as he may think fit, or to undergo surveillance until he may be discharged without danger to the public.

- (2) For the purposes of subsection (1), an authorized officer may use such force as may be necessary to ensure compliance with his order.

16. Order for examination of corpse

Whenever an authorized officer suspects that a person has died of an infectious disease, he may order the corpse to be conveyed to such place as he may appoint for such examination as he may consider necessary.

17. Disposal of the dead

- (1) Where—
 - (a) a person has died or is suspected to have died of an infectious disease; and
 - (b) an authorized officer has given directions as to the manner in which the corpse of such person is to be buried or cremated,
no person shall bury or cremate such corpse otherwise than in accordance with the directions of the authorized officer.
- (2) Any person who contravenes subsection (1) commits an offence.

18. Disinfection and closure of premises

- (1) If an authorized officer has reason to believe that there has been a person with an infectious disease on any premises, or that there exist on any premises conditions likely to lead to the outbreak or spread of any infectious disease, he may do any or all of the following:
 - (a) examine or cause to be examined any person found on the premises with a view to ascertaining if the person is suffering or has been suffering from an infectious disease;
 - (b) examine the premises and any article or animal on the premises with a view to ascertaining if they are contaminated or infected, as the case may be;
 - (c) order the premises or any part thereof to be disinfected, disinfected and deratted;
 - (d) order the premises or any part thereof to be closed until the premises have been thoroughly disinfected, disinfected and deratted;
 - (e) order the disinfection of all contaminated articles and

infected or contaminated animals on the premises or, if such article or animal is incapable of being thoroughly disinfected, order its destruction;

- (f) do any other act to prevent the outbreak or the spread of any infectious disease.
- (2) An authorized officer may at any time enter any premises for the purpose of exercising the powers conferred upon him by subsection (1).

19. Destruction of structures

- (1) A Medical Officer of Health may order the destruction of any structure where a case of infectious disease has occurred if the structure is incapable of being thoroughly disinfected.
- (2) The Medical Officer of Health shall report to the Director General every order made under subsection (1).

20. Selling or letting contaminated buildings

- (1) Where an authorized officer is satisfied that there is or has been a case of infectious disease in any building and that it is necessary so to do, he may issue an order prohibiting any person from selling or letting such building or any part thereof without the certificate in writing of an authorized officer certifying that such building, or part thereof, and articles therein—
 - (a) have been disinfected to the authorized officer's satisfaction; or
 - (b) need not be disinfected, as the case may be.
- (2) Any person who contravenes any order issued under subsection(1) commits an offence.
- (3) For the purpose of this section, "letting" includes the admission of any person into a boarding house as a paying lodger.

21. Power to order disinfection of certain vehicles

Where an authorized officer is satisfied that any vehicle has been used to convey any person suffering from an infectious disease, the authorized officer may cause such vehicle to be disinfected.

22. Offence generally

Any person who—

- (a) obstructs or impedes, or assists in obstructing or impeding, any authorized officer in the execution of his duty;
- (b) disobeys any lawful order issued by any authorized officer;
- (c) refuses to furnish any information required for the purposes of this Act or any regulations made under this Act; or
- (d) upon being required to furnish any information under this Act or any regulations made under this Act, gives false information,

commits an offence.

23. Prosecution

Any authorized officer may appear in court and conduct any prosecution with respect to any offence against this Act or any regulations made under this Act.

24. General penalty

Any person guilty of an offence under this Act for which no specific penalty is provided shall be liable on conviction—

- (a) in respect of a first offence, to imprisonment for a term not exceeding two years or to fine or to both;
- (b) in respect of a second or subsequent offence, to imprisonment not exceeding five years or to fine or to both;
- (c) in respect of a continuing offence, to a further fine not exceeding two hundred ringgit for every day during which such offence continues.

25. Compounding of offences

The Director General or any public officer authorized for this purpose by him in writing may compound any offence under this Act or any regulations made under this Act which has been prescribed by regulations as compoundable by collecting from the offender a sum of money not exceeding one thousand ringgit.

26. Requisition of premises

- (1) Whenever it appears to the Director General necessary for the carrying out of any of the provisions of this Act and the regulations made under this Act, he may in writing authorize any authorized officer to requisition temporarily any premises

for such period as in the opinion of the Director General is necessary.

- (2) Where any premises are requisitioned under subsection(1), the premises shall be cleansed and disinfected before being returned to the owner.
- (3) Where any premises are requisitioned under subsection(1), the owner thereof shall be paid such compensation as may be agreed between him and the Director General or, in default of agreement, be determined by arbitration in accordance with the provisions of the Arbitration Act 1952 [Act 93] *.

27. Seizure and disposal of contaminated articles, etc.

- (1) Without prejudice to any other power conferred under this Act, an authorized officer may seize any article which is or is likely to have been contaminated, or which contains or appears to contain any pathogenic organism or substance, and may seize any animal which is or is likely to have been infected or contaminated.
- (2) Where any article or animal seized under subsection(1) is incapable of being thoroughly disinfected and the owner or the person in whose possession the article or animal was at the time of the seizure consents in writing to the destruction of the article or animal, the article or animal may be destroyed or otherwise disposed of as the authorized officer may direct.
- (3) Where any article or animal seized under subsection(1) is incapable of being thoroughly disinfected and the owner or person in whose possession the article or animal was at the time of the seizure does not consent to the destruction of the article or animal, the authorized officer shall apply to a Magistrate for an order for the disposal of the article or animal and the Magistrate may make such order as he may deem fit, including an order for the destruction of such article or animal, notwithstanding that no one has been charged with or convicted of any offence in connection with the article or animal.

28. Recovery of costs and expenses

- (1) The Government may recover from the owner of any vehicle, or his agent or servant, any cost and expenses charged or incurred by the Government under this Act or the regulations made under this Act for all or any of the following:

* NOTE —Arbitration Act 1952 [Act 93] has been repealed by the Arbitration Act 2005 [Act 646] — See section 51 of Act 646.

- (a) the removal, medical attendance and maintenance of any person who is or is suspected to be suffering from an infectious disease and who is removed to any hospital or place from such vehicle for medical treatment or for isolation or observation;
 - (b) the burial or cremation of any person who dies of an infectious disease on such vehicle, or who dies of an infectious disease after removal to hospital from such vehicle;
 - (c) the cleansing, disinsecting, disinfection and deratting of such vehicle or of any part thereof;
 - (d) the disposal of contaminated articles or infected or contaminated animals on such vehicle.
- (2) Any cost or expenses charged or incurred by the Government under this Act or any regulations made under this Act may, without prejudice to any other remedy, be recovered by civil proceedings as a debt due to the Government.

29. Exemption

- (1) The Minister may, by order published in the *Gazette*, exempt—
- (a) any person or class of persons;
 - (b) any article;
 - (c) any vehicle;
 - (d) any human remains, human tissues or part thereof;
 - (e) any animal; or
 - (f) any pathogenic organism or substance,
from the operation of any of the provisions of this Act or any regulations made under this Act.
- (2) The Minister may, in making the order under subsection(1), impose such conditions as he thinks fit.

30. Power to vary Schedule

The Minister may, from time to time, by order in the *Gazette* delete any provision from or add to, alter or amend the provisions of the First Schedule.

31. Power to make regulations

- (1) The Minister may make regulations, in respect of the whole or any part of Malaysia, including airports, ports, coastal waters and land frontiers thereof, for carrying the provisions of this Act into effect.
- (2) Without prejudice to the generality of the powers conferred by subsection (1), regulations under this section may provide for all or any of the following matters:
 - (a) the establishment and maintenance of facilities on land or sea or at the common frontier of contiguous territories for health measures to be applied to local and international traffic;
 - (b) regulating the entry and movement of any vehicle and prescribing the measures to which the vehicle shall be subject, to prevent the outbreak of infectious diseases;
 - (c) regulating—
 - (i) the entry of persons into, their movements within, and their departure from, Malaysia;
 - (ii) the importation and exportation of articles;
 - (iii) the importation and exportation of human remains, human tissues or part thereof;
 - (iv) the importation and exportation of pathogenic organisms and substances;
 - (d) regulating the sanitary standards required for ships and aircraft registered in Malaysia;
 - (e) regulating the sanitary standards required for ships and aircraft coming into Malaysia;
 - (f) the duties to be performed by commanders and other persons who are or have been on board any vehicle, or who are desirous of boarding the vehicle, to prevent the spread of infectious diseases;
 - (g) regulating the sanitary standards required for ports, airports and their surroundings and the health standards of persons employed thereat;
 - (h) regulating quarantine procedures and the management of quarantine stations;

- (i) the detention, isolation and observation in a quarantine station of persons suffering from or suspected to be suffering from an infectious disease;
- (j) regulating the cleansing and disinfection of premises—
 - (i) where there has been a case or suspected case of infectious disease; or
 - (ii) which are suspected of being contaminated with the agents of infectious disease;
- (k) regulating the removal and disinfection or destruction of articles which have been or are suspected to have been contaminated with the agents of infectious disease;
- (l) the prevention and control of the spread of infection by insects, rodents or other animals;
- (m) prescribing sanitary standards and sanitary facilities for premises;
- (n) the inspection of premises and articles therein;
- (o) the collection and transmission of epidemiological and health information and the compulsory reporting of infectious diseases;
- (p) prescribing the fees to be paid under this Act and the regulations made under this Act;
- (q) the payment to the Government of any costs and expenses charged or incurred for the medical attendance and maintenance of persons removed to hospitals or quarantine stations;
- (r) prescribing offences which may be compounded and the procedure for compounding;
- (s) prescribing the forms to be used under this Act and the regulations made under this Act;
- (t) such other matters as may appear to the Minister advisable for the prevention or mitigation of infectious diseases.

32. Amendment

The Lepers Enactment of the Federated Malay States [F.M.S. Cap. 180] is amended by repealing sections 4, 5, 6, 7, 8, 10, subparagraph 11(iv), section 12, subparagraph 13(ii), sections 14, 15, 17, 19, 21 and 24 and the Schedule to the Enactment.

33. Repeals and savings

- (1) The written laws set out in the Second Schedule are repealed.
- (2) This repeal shall not affect anything duly done or suffered or any right, privilege, obligation or liability acquired, accrued or incurred under those written laws; and in particular (without prejudice to the generality of the foregoing) any agreement, appointment, approval, designation, notice or recognition made or given under those laws shall continue in force and have effect as if it had been made or given under this Act.

First Schedule
[Section2]
INFECTIOUS DISEASES
Part I

1. Avian influenza
2. Chancroid
3. Cholera
4. Dengue fever and dengue haemorrhagic fever
5. Diphtheria
6. Dysenteries (All forms)
7. Ebola
8. Food poisoning
9. Gonococcal infections (All forms)
10. Hand, foot and mouth disease (HFMD)
11. Leprosy
12. Leptospirosis
13. Malaria
14. Measles
15. Middle East Respiratory Syndrome Coronavirus (MERS-CoV)
16. Plague
17. Poliomyelitis (Acute)
18. Rabies
19. Relapsing fever
20. Syphilis (All forms)
21. Tetanus (All forms)
22. Tuberculosis (All forms)
23. Typhoid and paratyphoid
24. Typhus and other rickettsioses
25. Viral encephalitis
26. Viral hepatitis
27. Whooping cough
28. Yellow fever
29. Zika virus infection
30. Any other life threatening microbial infection

Part II

Human Immunodeficiency Virus Infection (All forms)

Second Schedule

[Section33]

REPEALS

(1) <i>Number</i>	(2) <i>Short title</i>
F.M.S. Cap. 185	Quarantine Enactment
F.M.S. Cap. 186	Prevention of Disease Enactment
F.M.S. Cap. 187	Vaccination Enactment
S.S.Ord. 52 of 1939	Quarantine and Prevention of Disease Ordinance 1939
S.S.Cap. 194	Lepers Ordinance
F.M.Ord. 56 of 1950	Quarantine and Prevention of Disease Enactments (Application to Kedah) Ordinance 1950
Johore En. No. 9	Vaccination Enactment
Johore En. No. 122	Quarantine and Prevention of Disease Enactment
Kedah En. No. 124	Enactment No. 124 (Vaccination)
Kelantan En. 10 of 1935	Lepers Enactment
Kelantan En. 5 of 1939	Prevention of Disease Enactment
Perlis En. 4 of 1346 (A.H.)	Quarantine and Prevention of Diseases Enactment 1346
Perlis En. 1 of 1345 (A.H.)	Padang Besar Quarantine Enactment 1345
Terengganu En. 6 of 1356 (Revised Cap. 84) (A.H.)	Quarantine and Prevention of Diseases Enactment
Act 52	Malaria Eradication Act 1971.