

# Shearn Delamore & co.

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Dear valued clients and business partners,

We are pleased to bring you the latest update as of 17 March 2020 from our Dispute Resolution Practice Group.

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## **Covid 19 - Movement Control Order in Malaysia**

On 16 March 2020, following the Prevention and Control of Infectious Diseases (Declaration of Infected Local Areas) Order 2020, all the states in Malaysia have been declared as infected areas by Covid-19. On the same day, the Malaysian Government issued a Movement Control Order (“Order”) under the **Prevention and Control of Infectious Diseases Act 1988** and the **Police Act 1967**.

Pursuant to the Order which will take effect from 18 March 2020 until 31 March 2020, all government sector and private sector business premises shall be shut down for the duration of the Order save for essential services in areas such as utilities, telecommunications, transport, banking, health, airports and ports which will continue to function.

Amongst others, the Order also restricts movement and mass gatherings nationwide for religious, sporting, social and cultural activities and all religious institutions and business premises are to be shut down save for supermarkets, public markets, grocery stores and conveniences stores selling every day necessities. There is also a restriction on overseas travel and those who have just returned from overseas shall undergo a health check and self-quarantine for 14 days.

This article considers the effect of this Order and the consequences of contravention.

### **Effect of the Order**

In light of the Order, unless one falls under the exceptions, the business premises has to be **shut down for the period of 18 March 2020 until 31 March 2020**. The public should also restrict their movement and avoid mass gatherings further to observing travel restrictions. During this period, should there be a need to obtain every day necessities, the public is permitted to purchase the same but are advised to return home immediately.

Following further clarification by the Malaysian National Security Council on 17 March 2020 at 2.10pm, notably restaurants can remain in operation but limited to take away orders or through delivery by Grab Food or Food Panda and all public transportation will remain in operation.

### **Consequences of contravention**

#### **I. Police Act 1967**

Pursuant to section 94 of the **Police Act 1967** (“Police Act”), any person that is in breach of the Order will be in breach of the Police Act and will be guilty of an **offence not exceeding RM500.00 or imprisonment for a term of not exceeding six months or both.**

The exception is if a written permit is obtained from:

- (a) The Commissioner/ Chief Police Officer;
- (b) A police officer not below the rank of Sub-Inspector directly under the command of the Commissioner of the Chief Police Officer; or
- (c) A public officer authorised in writing by the Commissioner/ Chief Police Officer to issue such written permits.

## **II. Prevention and Control of Infectious Diseases Act 1988**

Refusal of any persons to comply with the measures put in place pursuant to section 11 of the **Prevention and Control of Infectious Diseases Act 1988**, that is the Order, is an offence.

Additionally, pursuant to section 12 of the **Prevention and Control of Infectious Diseases Act 1988**, no person who knows or has reason to believe that he has Covid-19 shall expose other persons to the risk of infection by his presence/conduct in any public place or any other place in common by persons other than the members of his own family or household. Contravention is an offence. This section shall not apply to any person whose presence/conduct is necessary for obtaining medical treatment.

Any offence under above sections of the **Prevention and Control of Infectious Diseases Act 1988** shall be liable on conviction to: -

- (a) 1<sup>st</sup> offence — **Imprisonment of a term not exceeding two years or to fine or to both;**
- (b) 2<sup>nd</sup> offence/ Subsequent offence — **Imprisonment not exceeding five years or to fine or to both;**
- (c) Continuing offence — **A further fine not exceeding RM200 every day during which the offence continues.**

By virtue of the above, the Order is to be complied with.

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Written by:



[Yee Mei Ken](#) (Partner)  
[mkyee@shearndelamore.com](mailto:mkyee@shearndelamore.com)



[Loo Ying Ning](#) (Associate)  
[yingning@shearndelamore.com](mailto:yingning@shearndelamore.com)



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