

Client Alert

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Amendments to the Prevention and Control of Infectious Diseases (Measures within the Infected Local Areas) (No. 2) Regulations 2020 (Phase 2)

Following the implementation of the new Prevention and Control of Infectious Diseases (Measures within Infected Local Areas) (No. 2) Regulations 2020 ("**Regulations (No. 2)**") which is in force from 1 April 2020 to 14 April 2020, the Malaysian Government has made amendments to the Regulations (No. 2) with effect from 3 April 2020.

In light of the amendments, several Government Ministries have also amended guidelines and provided clarification on the implementation of Regulations (No. 2), amongst others, as follows:-

- (a) Prime Minister's Department (National Security Council) ("**PMD**") on matters in respect of the operation and provision of Essential Services; and
- (b) Ministry of Domestic Trade and Consumer Affairs ("**MDTCA**") on matters in respect of approval to operate to provide services in respect of manufacturing, distribution, logistics, retail and e-commerce services.

(collectively, the "**Additional Guidelines**").

1. Amendments to the Regulations (No. 2)

The Regulations (No. 2) has been amended to extend the categories of Essential Services to include:

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| (a) transportation by land, water or air; | (c) production, refining, storage, supply and distribution of fuel and lubricant; |
| (b) port, dock and airport services and undertakings, including stevedoring, lighterage, cargo handling, and storing and bulking of commodities; | (d) hotel and accommodations; |
| | (e) any services or works determined by the Minister as important and critical to public health or safety. |

These services were previously included in the original Prevention and Control of Infectious Diseases (Measures within Infected Local Areas) Regulations 2020.

2. Clarification through Additional Guidelines

The PMD has clarified through its frequently asked questions (FAQs) published that the operation of the Essential Services as listed in the Regulations (No. 2) as amended are allowed to continue to operate but the operating time would be



shortened or subject to stricter scrutiny. Further, some of the Essential Services which were not listed in the Regulations (No. 2) but were originally listed in its predecessor has been regrouped into different categories, for instance, "radio communication including broadcasting and television" is now included under the category of "communication"; "fire", "prison", "immigration" and "customs" are now included under the category of "security and defence"; "petrol station" is now covered under the category of "energy".

Further, the MDTCA has also issued a media statement confirming that the approval issued by MDTCA to operate to provide services in respect of manufacturing, distribution, logistics, retail and e-commerce services during the control period and the conditions imposed by MDTCA will remain valid and effective throughout the control period. However, the operating time is subject to directions from the National Security Council, the State Government and the Local Government.

3. Conclusion

In short, the Regulations (No. 2) has been amended to extend the categories of the Essential Services and the PMD now gives a wider interpretation to the existing list of Essential Services. Insofar the approvals obtained from MDTCA are concerned, they will remain valid throughout the control period. Businesses should closely monitor these developments.

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