



Adlin Abdul Majid  
Partner  
**Regulatory & Compliance**  
T: +603 6208 5816  
E: [aam@lh-ag.com](mailto:aam@lh-ag.com)



Eleena Abd Wahab  
Associate  
**Regulatory & Compliance**  
T: +603 6208 5815  
E: [eaw@lh-ag.com](mailto:eaw@lh-ag.com)

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### **Proposals for the COVID-19 Temporary Measures Bill**

In contrast to our neighbour down south, and other countries such as the UK and New Zealand, there has not been a specific COVID-19 law enacted in Malaysia to deal with the impact and effects of the pandemic on individuals, businesses and the economy. Instead, the government has effected and implemented its COVID-19 policies (such as the Pakej Rangsangan Ekonomi Prihatin Rakyat, or PRIHATIN Economic Stimulus Package) through various subsidiary legislation.<sup>1</sup> However, the subsidiary legislation has not been all-encompassing in addressing the major concerns of both individual persons and commercial stakeholders, leaving them to rely on existing laws, ad-hoc directives and guidelines as well as contractual terms for relief — which, no doubt, fall short of providing relevant measures and solutions to cater to these unprecedented times.

Pursuant to a Cabinet meeting on 20 May 2020, the government issued a [statement](#) on its proposal to enact a Temporary Measures Bill (**Bill**) to overcome the effects of the COVID-19 pandemic. The proposed contents of the Bill will include necessary amendments or modifications to the provisions under certain existing Acts that are seen to impede the collective effort in reviving the economy and alleviating the impact of the pandemic on the general public, for a prescribed period.

In this regard, the Legal Affairs Division of the Prime Minister's Department invites the general public to submit proposals and suggestions that would contribute to the drafting of the Bill. All stakeholders, especially civil society organisations and non-governmental organisations, as well as individuals affected by the pandemic, are encouraged to take up the invitation.

Although the proposed Bill is seen by some quarters as being too

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<sup>1</sup> Some of the subsidiary legislation introduced includes the Prevention and Control of Infectious Diseases (Measures Within Infected Local Areas) (No 6) Regulations 2020 issued pursuant to the Prevention and Control of Infectious Diseases Act 1988, the Employment Insurance System (Employment Insurance System (Registration and Contribution) Regulations 2017) (Temporary Modification) Regulations 2020 issued pursuant to the Employment Insurance System Act 2017, and the Employees' Social Security (Employees' Social Security (General) Regulations 1971) (Temporary Modification) Regulations 2020 issued pursuant to the Employees' Social Security Act 1969.

little too late, it does not discount the necessity of legislation to regulate the uncertainties brought about by the pandemic. The Bill should draw inspiration from the COVID-19-centric legislation of other countries, and provide well-suited, practical and enforceable provisions to address the major concerns faced by Malaysians, be it individual or commercial stakeholders. For example, Singapore's COVID-19 (Temporary Measures) Act 2020 provides protection against the forfeit of deposits made for events or functions that had to be postponed due to the pandemic. Additionally, the Singapore Act also provides for relief for non-performing contractual parties during the prescribed period, which includes prohibition on termination of commercial leases due to non-payment of rent, prohibition of enforcement of security over property that is used for the purposes of business or trade, and prohibition of insolvency proceedings.

Meanwhile, the UK's Coronavirus Act 2020 amended existing legislation to enable and ease the use of technology in court hearings, and included provisions allowing certain employers to reclaim the cost of providing statutory sick pay to their employees for COVID-19 related absences, from the UK government. Therefore, it would be worthwhile for those intending to submit proposals to have a prior glimpse of other COVID-19 legislation to get an idea and indication of the areas and extent of relief that should be included in the Bill.

The government intends for the Bill to be tabled and passed during the upcoming Parliament session scheduled to take place on 13 July 2020.

Proposals and suggestions can be submitted [here](#) by this Friday, **5 June 2020**.

**Eleena Abd Wahab** ([eaw@lh-ag.com](mailto:eaw@lh-ag.com))

If you have any queries, please contact the author or team partner [Adlin Abdul Majid](#) ([aam@lh-ag.com](mailto:aam@lh-ag.com)).

Lee Hishammuddin Allen & Gledhill

Level 6, Menara 1 Dutamas  
Solaris Dutamas  
No. 1, Jalan Dutamas 1  
50480 Kuala Lumpur  
Malaysia  
T +603 6208 5888  
F +603 6201 0122/0136  
E [enquiry@lh-ag.com](mailto:enquiry@lh-ag.com)  
W [www.lh-ag.com](http://www.lh-ag.com)

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