



LAWS OF MALAYSIA

Act A1641

**TEMPORARY MEASURES FOR REDUCING THE
IMPACT OF CORONAVIRUS DISEASE 2019
(COVID-19) (AMENDMENT) ACT 2022**

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LAWS OF MALAYSIA

Act A1641

TEMPORARY MEASURES FOR REDUCING THE IMPACT OF CORONAVIRUS DISEASE 2019 (COVID-19) (AMENDMENT) ACT 2022

An Act to amend the Temporary Measures for Reducing the Impact of Coronavirus Disease 2019 (COVID-19) Act 2020.

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ENACTED by the Parliament of Malaysia as follows:

Short title

1. This Act may be cited as the Temporary Measures for Reducing the Impact of Coronavirus Disease 2019 (COVID-19) (Amendment) Act 2022.

Amendment of long title

2. The Temporary Measures for Reducing the Impact of Coronavirus Disease 2019 (COVID-19) Act 2020 [*Act* 829], which is referred to as the “principal Act” in this Act, is amended in the long title by inserting after the words “the Private Employment Agencies Act 1981,” the words “the Sabah Labour Ordinance, the Sarawak Labour Ordinance,”.

Amendment of section 2

3. Section 2 of the principal Act is amended by inserting after the words “[Act 246],” the words “the Sabah Labour Ordinance [Cap. 67], the Sarawak Labour Ordinance [Cap. 76],”.

Amendment of section 9

4. Section 9 of the principal Act is amended by substituting for subsection (1) the following subsection:

“(1) Any dispute in respect of any inability of any party or parties to perform any contractual obligation arising from any contract due to the measures prescribed, made or taken under the Prevention and Control of Infectious Diseases Act 1988 to control or prevent the spread of COVID-19 may be settled by way of mediation.”.

New Part XI_A

5. The principal Act is amended by inserting after Part XI the following part:

“PART XI_A

ADDITIONAL MODIFICATIONS TO THE HOUSING
DEVELOPMENT (CONTROL AND LICENSING) ACT 1966

Interpretation

38A. In this Part—

- (a) “agreement” means an agreement for a contract of sale for the sale and purchase of housing accommodation in the forms prescribed in Schedules G, H, I and J of the Housing Development (Control and Licensing) Regulations 1989; and

- (b) “first agreement” means the first agreement entered into between a purchaser and developer for a housing accommodation in relation to a housing development under one housing developer’s licence and one advertisement and sale permit.

Late payment charges

38B. (1) In relation to a housing development, notwithstanding any agreement entered into between a developer and a purchaser, where due to measures prescribed, made or taken under the Prevention and Control of Infectious Diseases Act 1988 to control or prevent the spread of COVID-19, the purchaser fails to pay any instalment for the period from 1 January 2021 to 31 December 2021, the developer shall not impose any late payment charges in respect of such unpaid instalment on the purchaser.

(2) Subsection (1) applies only to a purchaser and a developer of a housing development for which its first agreement was entered into before 31 May 2021.

Delivery of vacant possession and completion of common facilities

38C. (1) In relation to a housing development, notwithstanding any agreement entered into between a developer and a purchaser, the developer may apply to the Minister for any period from 1 January 2021 to 31 December 2021 to be excluded from the calculation of the time for delivery of vacant possession of a housing accommodation or completion of common facilities, as the case may be, in the housing development.

(2) Upon considering the application under subsection (1), the Minister may exclude any period from 1 January 2021 to 31 December 2021 from the calculation of time for delivery of vacant possession of a housing accommodation or completion of common facilities if the Minister is satisfied that due to measures prescribed, made or taken under the Prevention and

Control of Infectious Diseases Act 1988 to control or prevent the spread of COVID-19, the developer was unable to deliver vacant possession of a housing accommodation or complete the common facilities in accordance with the agreement.

(3) The Minister shall not consider an application under subsection (1) if the application is made after the expiry of the time for delivery of vacant possession or the completion of common facilities specified under the agreement.

(4) Subsection (1) applies only to a developer of a housing development for which its first agreement was entered into before 31 May 2021.

(5) For the purposes of assessing the liquidated damages due to the failure of the developer to deliver vacant possession of a housing accommodation or complete the common facilities, the period excluded by the Minister under subsection (2) shall not be taken into account.

Taking of vacant possession

38D. Notwithstanding any agreement entered into between a developer and a purchaser, where due to measures prescribed, made or taken under the Prevention and Control of Infectious Diseases Act 1988 to control or prevent the spread of COVID-19, the purchaser is unable to take possession of a housing accommodation from the date of service of a notice to take vacant possession from the developer during the period from 1 June 2021 to 31 October 2021 or any excluded period granted under subsection 38c(2), the purchaser shall not be deemed to have taken such vacant possession.

Defect liability period

38E. Notwithstanding any agreement entered into between a developer and a purchaser, in relation to any housing development, the period from 1 June 2021 to 31 October 2021 shall be excluded from the calculation of—

- (a) the defect liability period after the date the purchaser takes vacant possession of a housing accommodation;

- (b) the defect liability period after the date of completion of common facilities; and
- (c) the time for the developer to carry out works to repair and make good any defect, shrinkage and other faults in a housing accommodation and common facilities.

Saving

38F. (1) Any exclusion or extension which has been granted under sections 38B, 38C, 38D and 38E shall not affect any exclusion or extension which has been granted under sections 34, 35 and 36.

(2) The modifications in sections 38B, 38C, 38D and 38E shall not affect any legal proceedings commenced, or any judgment or award obtained, to recover late payment charges payable by the purchaser or liquidated damages payable by the developer or any other sum during the period from 24 October 2020 until the date immediately before the coming into operation of this Part.

(3) Notwithstanding sections 38B and 38C, any late payment charges that has been paid by the purchaser or liquidated damages that has been paid by the developer immediately before the coming into operation of this Part shall be deemed to have been validly paid under the Housing Development Act (Control and Licensing) 1966 and its regulations, and such payment shall not be refunded to the payer.”.

Substitution of section 39

6. The principal Act is amended by substituting for section 39 the following section:

“Commencement of modifications to the Industrial Relations Act 1967

39. (1) This Part, except sections 40A and 40B, is deemed to have come into operation on 18 March 2020.

(2) Section 40A is deemed to have come into operation on 1 June 2021.

(3) Section 40B is deemed to have come into operation on 10 June 2020.”.

New sections 40A and 40B

7. The principal Act is amended by inserting after section 40 the following sections:

“Period for according recognition, making a report and filing of representation from 1 June 2021 to 31 December 2021

40A. The period from 1 June 2021 to 31 December 2021 shall be excluded from the calculation of the period under the Industrial Relations Act 1967 for according recognition or notifying the trade union of workmen concerned in writing the grounds for not according recognition under subsection 9(3), the making of a report in writing to the Director General for Industrial Relations under subsection 9(4) and the filing of representation under subsection 20(1A).

Period for according recognition, making a report and filing of representation for employers, trade unions of employers, etc., who or which are in a place that is subject to enhanced movement control order

40B. (1) The period which any employer, trade union of employers, trade union of workmen or workman is in a place that is subject to an enhanced movement control order shall be excluded from the calculation of the period under the Industrial Relations Act 1967 for according recognition or notifying the trade union of workmen concerned in writing the grounds for not according recognition under subsection 9(3), the making of a report in writing to the Director General for Industrial Relations under subsection 9(4) and the filing of representation under subsection 20(1A).

(2) For the purposes of subsection (1), “enhanced movement control order” refers to directions given by an authorized officer under subsection 11(3) of the Prevention and Control of Infectious Diseases Act 1988.”.

Substitution of section 42

8. The principal Act is amended by substituting for section 42 the following section:

“Period for renewal of licence, payment of licence fee and deposit of money guarantee under section 11

42. The period from 18 March 2020 until the expiry period of the operation or any extended operation date of this Act, but shall not exceed 31 December 2022, shall be excluded from the calculation of the period—

- (a) for submitting an application for the renewal of licence under subsection 11(1) of the Private Employment Agencies Act 1981; and
- (b) for making payment of the licence fee and depositing the money guarantee under subsection 11(3) of the Private Employment Agencies Act 1981.”.

New Parts XIII^A and XIII^B

9. The principal Act is amended by inserting after Part XIII the following parts:

“PART XIII^A

MODIFICATIONS TO THE SABAH LABOUR ORDINANCE

Commencement of modifications to the Sabah Labour Ordinance

42A. This Part is deemed to have come into operation on 1 June 2021.

Period for making a complaint under subsection 7A(3)

42B. The period from 1 June 2021 until the expiry period of the operation or any extended operation date of this Act, but shall not exceed 31 December 2022, shall be excluded from the calculation of the period for making a complaint to the Director of Labour under subsection 7A(3) of the Sabah Labour Ordinance.

Period for making a complaint under subsection 7A(3) for employees who are in a place that is subject to enhanced movement control order

42c. (1) The period which any employee is in a place that is subject to an enhanced movement control order shall be excluded from the calculation of the period for making a complaint to the Director of Labour under subsection 7A(3) of the Sabah Labour Ordinance.

(2) For the purposes of subsection (1), “enhanced movement control order” refers to directions given by an authorized officer under subsection 11(3) of the Prevention and Control of Infectious Diseases Act 1988.

PART XIII_B**MODIFICATIONS TO THE SARAWAK LABOUR ORDINANCE****Commencement of modifications to the Sarawak Labour Ordinance**

42D. This Part is deemed to have come into operation on 29 May 2021.

Period for making a complaint under subsection 8A(3)

42E. The period from 29 May 2021 to 31 October 2021 shall be excluded from the calculation of the period for making a complaint to the Director of Labour under subsection 8A(3) of the Sarawak Labour Ordinance.

Period for making a complaint under subsection 8A(3) for employees who are in a place that is subject to enhanced movement control order

42F. (1) The period which any employee is in a place that is subject to an enhanced movement control order shall be excluded from the calculation of the period for making a complaint to the Director of Labour under subsection 8A(3) of the Sarawak Labour Ordinance.

(2) For the purposes of subsection (1), “enhanced movement control order” refers to directions given by an authorized officer under subsection 11(3) of the Prevention and Control of Infectious Diseases Act 1988.”.

Amendment of section 59

10. Subsection 59(1) of the principal Act is amended by substituting for the words “9 June 2020” the words “31 December 2021”.