

Dear PAM Members,

18 March 2020

Movement Control Order for the period 18 - 31 March 2020

This is an advisory note in response to the many queries from our PAM members on the duties and obligations of the Architect and Principal Submitting Person for on-going construction sites on their projects in the current pandemic Covid-19 situation affecting Malaysia.

On 16 March 2020, the Prime Minister declared a nationwide Movement Control Order effective from 18 - 31 March 2020 under the Prevention and Control of Infectious Disease Act 1988 and the Police Act 1967.

Pursuant to the Order, all government and private sector business premises shall be shut down during this period except for designated essential services. The Order also restricts public movement and mass gatherings. In effect, the Government's Movement Control Order would require building activities on construction sites to be suspended during this period except for maintenance works to ensure the safety and security of the Works and the worksite.

In view of the above, Architects are advised to notify your Contractors on the need to comply strictly to the Government's Movement Control Order for the period 18 - 31 March 2020 and any further directives by the Government in their attempt to alleviate further escalation and avert a public health crisis in Malaysia due to Covid-19.

This is also in accordance to PAM Contract 2006 (Clause 4.1, Statutory Requirements) whereby:

"The Contractor shall comply with and submit all notices required by any laws, regulations, by-laws, terms and conditions of any Appropriate Authority and Service Provider in respect of the execution of the Works and all temporary works."

During this restricted period when construction works are suspended, the Contractor shall need to take all necessary measures to maintain and secure the site premises and the in-progress building works on site and ensure the construction site including all temporary works and any authorized workers' housing on site, complies to the above Order and to all applicable building authorities regulations and do not pose any risk to health and safety.

Unless exception has been granted by the relevant authority, any person in breach of the Government's Movement Control Order may also be in breach of the Police Act 1967 which provides for penalties including imprisonment for a term not exceeding 6 months.

For construction works under PAM Contract 2006, in view of the Government's nationwide Movement Control Order, the Contract provides for the Contractor to apply for extension of time under Clause 23.8(a) – *Force Majeure*. Article 7(ad) of the PAM Contract 2006 defines *Force Majeure* as "any circumstances beyond the control of the Contractor caused by terrorist acts, governmental or regulatory action, epidemics or natural disasters."

I hope this advisory note to our PAM members is of assistance to your administration of your projects in the present unprecedented situation in Malaysia caused by the Covid-19 pandemic.



Ar. Lillian Tay
PAM President 2019-2020