

FACTORIES AND MACHINERY (REPEAL)
BILL 2020

ARRANGEMENT OF CLAUSES

Clause

1. Short title and commencement
2. Interpretation
3. Repeal of the Factories and Machinery Act 1967
4. Action, etc., made under repealed Act
5. Pending application, etc.
6. Continuation of legal proceeding, etc.

A BILL

i n t i t u l e d

An Act to repeal the Factories and Machinery Act 1967.

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ENACTED by the Parliament of Malaysia as follows:

Short title and commencement

1. (1) This Act may be cited as the Factories and Machinery (Repeal) Act 2020.

(2) This Act comes into operation on a date to be appointed by the Minister by notification in the *Gazette*.

Interpretation

2. In this Act, “repealed Act” means the Factories and Machinery Act 1967 [*Act 139*].

Repeal of the Factories and Machinery Act 1967

3. The Factories and Machinery Act 1967 is repealed.

Action, etc., made under repealed Act

4. (1) Any registration made, or order, notice, direction, written authority, approval, certificate of fitness, special scheme of inspection or certificate of competency given or issued, under the repealed Act shall, on the coming into operation of this Act, be dealt with under the Occupational Safety and Health Act 1994 [Act 514].

(2) Notwithstanding subsection (1), any notice issued under subsection 19(2), 39(3) or 40(4) of the repealed Act shall, on the coming into operation of this Act, be dealt with under the repealed Act as if the repealed Act had not been repealed.

Pending application, etc.

5. The following matters shall, on the coming into operation of this Act, be dealt with under the repealed Act as if the repealed Act had not been repealed:

- (a) any pending application made in relation to a certificate of competency or a written authority under subsection 29(2) of the repealed Act;
- (b) any pending application for a written permission in relation to the use of any premises as a factory under subsection 34(2) of the repealed Act;
- (c) any pending application for a written approval in relation to installation of machinery under subsection 36(1) of the repealed Act;
- (d) any pending inspection under subsection 36(3) of the repealed Act;
- (e) any pending appeal under subsection 36(6) of the repealed Act;
- (f) any pending periodical inspection under section 40 of the repealed Act; or
- (g) any pending application for approval in relation to a special scheme of inspection under subsection 40(5) of the repealed Act.

Continuance of legal proceeding, etc.

6. Any pending legal proceeding, criminal prosecution or investigation, or any sentence imposed or action taken, before the coming into operation of this Act in respect of an offence or breach under the repealed Act, may be instituted, continued or enforced as if the repealed Act had not been repealed.

EXPLANATORY STATEMENT

This Bill seeks to repeal the Factories and Machinery Act 1967 (“Act 139”).

2. *Clause 1* contains the short title of the proposed Act and the power of the Minister to appoint the commencement date of the proposed Act.

3. *Clause 2* seeks to provide the definition for “repealed Act” for the purposes of the proposed Act.

4. *Clause 3* seeks to repeal Act 139.

5. *Clause 4* seeks to provide that any registration made, or order, etc., given or issued, under the repealed Act shall be dealt with under the Occupational Safety and Health Act 1994. However, any notice issued under subsection 19(2), 39(3) or 40(4) of the repealed Act shall be dealt with under the repealed Act as if the repealed Act had not been repealed.

6. *Clause 5* seeks to provide for pending matters under the repealed Act. All applications, appeals or inspections under the repealed Act pending before the coming into operation of the proposed Act shall, on the coming into operation of the proposed Act, be dealt with under the repealed Act as if the repealed Act had not been repealed.

7. *Clause 6* seeks to provide for the continuance of legal proceeding, criminal prosecution or investigation, or any sentence imposed or action taken, before the coming into operation of the proposed Act.

FINANCIAL IMPLICATIONS

This Bill will not involve the Government in any extra financial expenditure.

[PN(U2)3170]