

ENVIRONMENTAL QUALITY (AMENDMENT) ACT 2001

AMENDING ACT A1102

PREAMBLE

An Act to amend the Environmental Quality Act 1974.

ENACTED by the Parliament of Malaysia as follows:

1. Short title and commencement.

(1) This Act may be cited as the Environmental Quality (Amendment) Act 2001.

(2) This Act, except section 2, shall come into operation on a date to be appointed by the Minister by notification in the Gazette.

(3) Section 2 shall come into operation on the date of the publication of this Act in the Gazette.

2. Amendment of section 2.

The Environmental Quality Act 1974 [Act 127], which in this Act is referred to as the "principal Act", is amended in section 2 by inserting after the definition of "inland waters" the following definition:

"local authority" includes any person or body of persons appointed under any written law to exercise and perform the powers and duties which are conferred or imposed on a local authority under any written law;".

3. Amendment of section 21.

Section 21 of the principal Act is amended by substituting for the words "may specify" the words "may by regulations specify".

4. Amendment of section 29A.

Subsection 29A(3) of the principal Act is amended in the definition of "open burning" by substituting for the comma appearing after the word "stack" a semicolon and deleting all words appearing after the new semicolon.

5. New section 29AA.

The principal  **Act**  is amended by inserting after section 29A the following section:

'29AA.Exclusion from "open burning"'.

(1) The Minister may by order published in the Gazette declare that any fire, combustion or smouldering for the purpose of any activity specified in that order is not open burning as defined in and for the purpose of section 29A so long as such activity is carried out in accordance with or under such conditions as may be specified in the order and not in the place or area specified in the order.

(2) Notwithstanding that any fire, combustion or smouldering is excluded from the definition of open burning under subsection (1) or that it is for the purpose of any activity specified in an order made under subsection (1), no person shall allow or cause such fire, combustion or smouldering to occur in any area if the Director General notifies, by such means and in such manner as he thinks expedient,-

(a) that the air quality in the area has reached an unhealthy level; and

(b) that the fire, combustion or smouldering for the purpose of any activity other than those specified in the notification would be hazardous to the environment.

(3) In addition to the circumstances referred to in subsection (2), the Minister may by order published in the Gazette specify the circumstances in which no person shall cause any fire, combustion or smouldering for the purpose of any activity specified in the order to occur notwithstanding that it is excluded from the definition of open burning under subsection (1) or that it is for the purpose of any activity specified in an order made under subsection (1).'

6. Validity.

For the avoidance of doubt, it is hereby declared that all subsidiary legislation made under section 51 of the principal Act before the coming into operation of this Act specifying acceptable conditions for the emission, discharge or deposit of environmentally hazardous substances, pollutants or wastes or the emission of noise into any area, segment or element of the environment for the purpose of section 21 of the principal Act has been validly made for the purposes of section 21 of the principal Act before section 21 is amended by this Act.