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EMPLOYMENT ACT

(CHAPTER 91, SECTION 138)

EMPLOYMENT (PROCEDURE-RECIPROCAL PROVISIONS) REGULATIONS

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[6th November 1987]

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EMPLOYMENT ACT

(CHAPTER 91, SECTION 138)

EMPLOYMENT (PROCEDURE-RECIPROCAL PROVISIONS) REGULATIONS

[6th November 1987]

Citation

1. These Regulations may be cited as the Employment (Procedure-Reciprocal Provisions) Regulations.

Service in Malaysia of summons issued in Singapore

2.—(1) Whenever under the provisions of the Act a summons is issued by the Commissioner and the person to be summoned is or is believed to be in Malaysia, the summons may be sent to the Director-General of Labour of Malaysia by post or otherwise for the purpose of being served upon the person to be summoned.

(2) If the summons referred to in paragraph (1) is returned with an endorsement of service thereon and with an affidavit of the service purporting to have been made before a Magistrate in Malaysia, the summons shall be deemed to have been duly served.

Service in Singapore of summons issued in Malaysia

3. Where under the provisions of any law in force in Malaysia corresponding to the Act the Director-General of Labour of Malaysia has issued a summons requiring any person who is or is believed to be in Singapore to appear before him and the summons is sent to the Commissioner by post or otherwise for the purpose of being served upon the person to be summoned, the Commissioner may cause the summons to be served in the manner prescribed in section 137 of the Act and may return it with an endorsement of service thereon and with an affidavit of such service made before a Magistrate.

Enforcement in Malaysia of order made in Singapore

4. Whenever under section 115 of the Act the Commissioner has made an order for the payment of a sum of money and the person ordered to pay the sum is or is believed to be in Malaysia, the Commissioner shall cause a certified copy thereof to be sent to the Registrar of the Supreme Court of Malaysia for enforcement by the appropriate Sessions Court having jurisdiction in the area where the person ordered to pay is or is believed to be.

Enforcement in Singapore of order made in Malaysia

5.—(1) Where under the provisions of any written law in force in Malaysia corresponding to the Act the Director-General of Labour of Malaysia or any officer empowered to do so has made an order for the payment of a sum of money by a person who is or is believed to be in Singapore and a certified copy thereof has been transmitted to the registrar of the Subordinate Courts in Singapore for registration, a District Court shall on receipt thereof register the order in the manner prescribed in regulation 6 and from the date of the registration the order shall be of the same force and effect.

(2) All proceedings may be taken on the order as if it had been an order originally obtained in a District Court and that Court shall have power to enforce it accordingly.

Registration of orders

6. Where a copy of an order made by the Director-General of Labour of Malaysia or any officer empowered to do so has, under regulation 5, been sent to the Subordinate Courts for registration in a District Court, that Court shall enter it in its register on the date on which it is received in the same manner as though the order had been made by that Court, distinguishing it from other entries in such manner as that Court may find most convenient so as to show that it is entered in pursuance of the Act.

Payments through Court or some other person

7. When an order has been registered in a District Court under regulation 6, the Court shall, unless satisfied that it is undesirable to do so, direct that all payments due thereunder shall be made through an officer of that Court or some other person as the Court may specify for that purpose.

Collections and taking of proceedings

8. The person through whom payments are directed to be made under regulation 7 shall collect the moneys due under the order and may take proceedings in his own name for enforcement of payment and shall send the moneys when so collected to the Director-General of Labour of Malaysia or the officer who made the order in Malaysia, as the case may be.

9. *Deleted by S 663/2008, wef 01/01/2009.*

Execution in Singapore of warrant issued in Malaysia for apprehension of absconding employer

10.—(1) Where under the provisions of any written law in force in Malaysia corresponding to the Act a warrant has been issued for the apprehension of an employer who has absconded or is absconding or is about to abscond from Malaysia, in order to evade payment of wages due to any of his workmen, and the employer is or is suspected of being in or on the way to Singapore, a Magistrate in Singapore if satisfied that the warrant was issued by a person having lawful authority to issue the warrant, may endorse the warrant in the manner provided in this regulation.

(2) The warrant endorsed under paragraph (1) shall be a sufficient authority to apprehend, within Singapore, the employer named in the warrant, and bring him before the endorsing Magistrate or some other Magistrate in Singapore.

(3) The Magistrate before whom an employer so apprehended is brought, if he is satisfied that the warrant was issued by a person having lawful authority to issue the warrant, and if satisfied on oath that the prisoner is the person named or otherwise described in the warrant, may order the prisoner —

(a) to be returned to Malaysia; and

(b) for that purpose to be delivered into the custody of the persons to whom the warrant is addressed, or any one or more of them and to be held in custody and conveyed to Malaysia, there to be dealt with according to law as if he had been there apprehended.

(4) A Magistrate shall, so far as is requisite for the exercise of the powers conferred by this regulation, have the same powers, including the power to remand and admit to bail a prisoner, as he has in the case of a person apprehended under a warrant issued by him.

(5) An endorsement of a warrant under this regulation shall —

(a) be signed by the authority endorsing the warrant; and

(b) authorise all or any of the persons named in the endorsement, and the persons to whom the warrant was originally directed, and also every police officer to execute the warrant by apprehending the person named in it and bringing him before either the Magistrate endorsing the warrant or some other Magistrate.

(6) For the purposes of this regulation, every warrant and every endorsement made thereon under this regulation shall remain in force, notwithstanding that the person signing the warrant or the endorsement dies or ceases to hold office.

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