



# Malaysia Act 1963

## 1963 CHAPTER 35

An Act to make provision for and in connection with the federation of North Borneo, Sarawak and Singapore with the existing States of the Federation of Malaya. [31st July 1963]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### **1 Malaysia**

- (1) For the purpose of enabling North Borneo, Sarawak and Singapore (in this Act referred to as " the new States ") to federate with the existing States of the Federation of Malaya (in this Act referred to as " the Federation "), the Federation thereafter being called Malaysia, on the day on which the new States are federated as aforesaid (in this Act referred to as " the appointed day") Her Majesty's sovereignty and jurisdiction in respect of the new States shall be relinquished so as to vest in the manner agreed between the United Kingdom of Great Britain and Northern Ireland, the Federation and the new States.
- (2) Her Majesty may by Order in Council enact State Constitutions to take effect for the new States immediately before the appointed day.

### **2 Consequential modifications of British Nationality Acts**

- (1) On and after the appointed day the British Nationality Acts 1948 and 1958 shall have effect as if in subsection (3) of section 1 of the Act of 1948 (which provides for persons to be British subjects or Commonwealth citizens by virtue of citizenship of certain countries) for the words " the Federation of Malaya., the State of Singapore " there were substituted the word " Malaysia ".
- (2) Save as provided by Schedule 1 to this Act, any person who immediately before the appointed day is a citizen of the United Kingdom and Colonies shall on that day cease to be such a citizen if on that day he becomes a citizen of the Federation.

- (3) On and after the appointed day, section 6(2) of the British Nationality Act 1948 (which provides for the registration as a citizen of the United Kingdom and Colonies of a woman who has been married to such a citizen) shall not apply to a woman by virtue of her marriage to a person who on the appointed day ceases to be such a citizen under subsection (2) of this section, or would have done so if living on the appointed day.
- (4) Part III of the British Nationality Act 1948 (which contains supplemental provisions) shall have effect for the purposes of the foregoing subsection and Schedule 1 to this Act as if those provisions were included in that Act.

### **3 Operation of existing law**

- (1) On and after the appointed day all law which, whether being a rule of law or a provision of an Act of Parliament or of any other enactment or instrument whatsoever, is in force on that day or has been passed or made before that day and comes into force thereafter, shall, unless and until provision to the contrary is made by Parliament or some other authority having power in that behalf, and save as otherwise provided by this Act, have the same operation in relation to the Federation, to any of the States of the Federation, and to persons and things belonging to or connected with the Federation or any of the States thereof, as it would have apart from this subsection if the new States had not become included in the Federation and section 1 of this Act had not been passed.
- (2) The enactments specified in Schedule 2 to this Act shall have effect on and after the appointed day in accordance with the provisions of that Schedule.
- (3) This section applies to law of or of any part of the United Kingdom, the Channel Islands and the Isle of Man and, in relation only to any enactment of the Parliament of the United Kingdom or any Order in Council made by virtue of any such enactment whereby any such enactment applies in relation to the Federation or any territory which will be comprised therein on and after the appointed day, to law of any other country or territory to which that enactment or Order extends.

### **4 Power to make consequential provisions**

- (1) Her Majesty may by Order in Council make such adaptations in any Act of Parliament passed before the appointed day as appear to Her necessary or expedient in consequence of the new States becoming included in the Federation.
- (2) Any Order in Council made under subsection (1) of this section, and any Order in Council or other instrument made under any other enactment which varies or revokes a previous Order in Council or instrument in consequence of the new States becoming included in the Federation, may, though made after the appointed day, be made so as to have effect from that day.
- (3) Any Order in Council under subsection (1) of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament, and may be varied or revoked by a subsequent Order in Council.

### **5 Judicial arrangements**

- (1) As from the appointed day, section 3 of the Federation of Malaya Independence Act 1957 (which provides for appeals from the Supreme Court of the Federation) shall

have effect as if in subsection (1) the reference to the Supreme Court of the Federation included—

- (a) a reference to the Federal court thereof; and also
  - (b) as respects appeals brought after the appointed day from decisions of the Supreme Court of Sarawak, North Borneo and Brunei or the Supreme Court or Court of Criminal Appeal of Singapore given before that day (not being appeals to the Federal court), a reference to those Courts.
- (2) Arrangements made in pursuance of the said section 3 may be made so as to apply to any appeal to Her Majesty in Council, or any application for leave to bring such an appeal, from a decision of any of the courts mentioned in paragraph (b) of the foregoing subsection which is pending on the appointed day; but except as aforesaid nothing in this Act shall be construed as continuing in force any right of appeal to Her Majesty in Council from any such court.
- (3) References in subsection (1)(b) and (2) of this section to decisions of the Supreme Court of Sarawak, North Borneo and Brunei do not include references to decisions of that Court in the exercise of jurisdiction derived from any law of the State of Brunei.

## **6 Short title and repeals**

- (1) This Act may be cited as the Malaysia Act 1963.
- (2) As from the appointed day the enactments specified in Schedule 3 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

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## SCHEDULES

### SCHEDULE 1

Section 2.

#### EXEMPTIONS FROM OPERATION OF S. 2(2) OF ACT

- 1 Subject to paragraph 5 of this Schedule, a person shall not cease to be a citizen of the United Kingdom and Colonies under section 2(2) of this Act if he, his father or his father's father—
  - (a) was born in the United Kingdom or in a colony; or
  - (b) is or was a person naturalised in the United Kingdom and Colonies; or
  - (c) was registered as a citizen of the United Kingdom and Colonies; or
  - (d) became a British subject by reason of the annexation of any territory included in a colony.
- 2 A person shall not cease to be a citizen of the United Kingdom and Colonies under section 2(2) of this Act if he was born in a protectorate or protected state, or if his father or his father's father was so born and is or at any time was a British subject.
- 3 A woman who is the wife of a citizen of the United Kingdom and Colonies shall not cease to be such a citizen under section 2(2) of this Act unless her husband does so.
- 4 Subject to paragraph 5 of this Schedule, the reference in paragraph 1(b) of this Schedule to a person naturalised in the United Kingdom and Colonies shall include a person who would, if living immediately before the commencement of the British Nationality Act 1948, have become a person naturalised in the United Kingdom and Colonies by virtue of section 32(6) of that Act (which relates to persons given local naturalisation in a colony or protectorate before the commencement of that Act).
- 5 Any reference in paragraph 1 or 2 of this Schedule to a colony, protectorate or protected state shall, subject to the following paragraph, be construed as a reference to a territory which is a colony, protectorate or protected state on the appointed day; and paragraph 1 of this Schedule shall not apply to a person by virtue of any certificate of naturalisation granted or registration effected by the Governor or government of a territory outside the United Kingdom which is not a colony, protectorate or protected state on the appointed day.
- 6 The protectorates of Northern Rhodesia and Nyasaland shall be excepted from the operation of any reference in paragraph 2 or paragraph 5 of this Schedule to a protectorate.

### SCHEDULE 2

Section 3.

#### PROVISIONS REFERRED TO IN S. 3(2) OF ACT

- 1 References in the following enactments, that is to say—
  - (a) the First Schedule to the Federation of Malaya Independence Act 1957, and the enactments amended by that Schedule,

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- (b) section 2(4) of the Import Duties Act 1958,
  - (c) section 8(2) of the Imperial Institute Act 1925, as amended by the Commonwealth Institute Act 1958,
  - (d) the definition of " excepted ship or aircraft " in paragraph 3 of the Third Schedule to the Emergency Laws (Repeal) Act 1959, and
  - (e) section 1(5) of the Diplomatic Immunities (Conferences with Commonwealth Countries and Republic of Ireland) Act 1961,
- to the Federation shall be construed as references to the Federation as constituted on and after the appointed day.
- 2 In the Civil Aviation (Licensing) Act 1960, in section 2(7)(b) the expression " colony " shall be construed as not including any of the new States.
- 3 Section 1 of the Army and Air Force Act 1961 shall not empower the making of an Order in Council so as to continue the Army Act 1955 or the Air Force Act 1955 in force as part of the law of any of the new States.

SCHEDULE 3

Section 6.

REPEALS

<i>Session and Chapter</i>	<i>Short Title</i>	<i>Extent of repeal</i>
9 & 10 Geo. 6. c. 37.	The Straits Settlements (Repeal) Act 1946.	The whole Act.
6 & 7 Eliz. 2. c. 59.	The State of Singapore Act 1958.	The whole Act.
8 & 9 Eliz. 2. c. 38.	The Civil Aviation (Licensing) Act 1960.	In section 2(7), in paragraph (a) the words " a citizen of the State of Singapore " and in paragraph (b) the words " a citizen of the said State ".

TABLE OF STATUTES REFERRED TO IN THIS ACT

<i>Short Title</i>	<i>Chapter</i>
Imperial Institute Act 1925	15 & 16 Geo. 5. c. xvii.
British Nationality Act 1948	11 & 12 Geo. 6. c. 56.
Army Act 1955	3 & 4 Eliz. 2. c. 18.
Air Force Act 1955	3 & 4 Eliz. 2. c. 19.
Federation of Malaya Independence Act 1957	5 & 6 Eliz. 2. c. 60.
Import Duties Act 1958	6 & 7 Eliz. 2. c. 6.
Commonwealth Institute Act 1958	6 & 7 Eliz. 2. c. 16.

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Short Title	Chapter
Emergency Laws (Repeal) Act 1959	7 & 8 Eliz. 2. c. 19.
Civil Aviation (Licensing) Act 1960	8 & 9 Eliz. 2. c. 38.
Diplomatic Immunities (Conferences with Commonwealth Countries and Republic of Ireland) Act 1961	9 & 10 Eliz. 2. c. 11.
Army & Air Force Act 1961	9 & 10 Eliz. 2. c. 52.