



# Federation of Malaya Independence Act 1957

## 1957 CHAPTER 60

- 1 Provision for establishment of the Federation as an independent sovereign country.**
- (1) Subject to the provisions of this section, the approval of Parliament is hereby given to the conclusion between Her Majesty and the Rulers of the Malay States of such agreement as appears to Her Majesty to be expedient for the establishment of the Federation of Malaya as an independent sovereign country within the Commonwealth.
  - (2) Any such agreement as aforesaid may make provision—
    - (a) for the formation of the Malay States and of the Settlements of Penang and Malacca into a new independent Federation of States under a Federal Constitution specified in the agreement, and for the application to those Settlements, as States of the new Federation, of State Constitutions so specified;
    - (b) for the termination of Her Majesty's sovereignty and jurisdiction in respect of the said Settlements, and of all other Her power and jurisdiction in and in respect of the Malay States or the Federation as a whole, and the revocation or modification of all or any of the provisions of the Federation of Malaya Agreement, 1948, and of any other agreements in force between Her Majesty and the Rulers of the Malay States.
  - (3) Any such agreement shall be conditional upon the approval of the new Federal Constitution by enactments of the existing Federal Legislature and of each of the Malay States; and upon such approval being given Her Majesty by Order in Council may direct that the said Federal and State Constitutions shall have the force of law within the said Settlements, and, so far as She has jurisdiction in that behalf, elsewhere within the Federation, and may make such other provision as appears to Her to be necessary for giving effect to the agreement.
  - (4) Any Order in Council under this section shall be laid before Parliament after being made.

- (5) In this Act " the appointed day " means such day as may be specified by Order in Council under this section as the day from which the said Federal Constitution has the force of law as aforesaid.

## 2 **Operation of existing laws.**

- (1) On and after the appointed day, all existing law to which this section applies shall, until otherwise provided by the authority having power to amend or repeal that law, continue to apply in relation to the Federation or any part thereof, and to persons and things in any way belonging thereto or connected therewith, in all respects as if no such agreement as is referred to in subsection (1) of section one of this Act had been concluded:

Provided that—

- (a) the enactments referred to in the First Schedule to this Act shall have effect as from the appointed day subject to the amendments made by that Schedule (being amendments for applying in relation to the Federation certain statutory provisions applicable to Commonwealth countries having fully responsible status within Her Majesty's dominions);
  - (b) Her Majesty may by Order in Council make such further adaptations in any Act of the Parliament of the United Kingdom passed before the appointed day, or in any instrument having effect under any such Act, as appear to Her necessary or expedient in consequence of the agreement referred to in subsection (1) of section one of this Act;
  - (c) in relation to the Colonial Development and Welfare Acts, 1940 to 1955, this subsection shall have effect only so far as may be necessary for the making of payments on or after the appointed day in pursuance of schemes in force immediately before that day and in respect of periods falling before that day;
  - (d) nothing in this section shall be construed as continuing in force any enactment or rule of law limiting or restricting the legislative powers of the Federation or any part thereof.
- (2) An Order in Council made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) An Order in Council made under this section may be varied or revoked by a subsequent Order in Council so made and may, though made after the appointed day, be made so as to have effect from that day.
- (4) In this section " existing law " means any Act of Parliament or other enactment or instrument whatsoever, and any rule of law, which is in force on the appointed day or, having been passed or made before the appointed day, comes into force after that day; and the existing law to which this section applies is law which operates as law of, or of any part of, the United Kingdom, Southern Rhodesia, or any colony, protectorate or United Kingdom trust territory except that this section—
- (a) does not apply to any law passed by the Federal Legislature of Rhodesia and Nyasaland;
  - (b) applies to other law of, or of any part of, Southern ' Rhodesia so far only as concerns law which can be amended neither by a law passed by the Legislature thereof nor by a law passed by the said Federal Legislature; and

- (c) applies to other law of, or of any part of, Northern Rhodesia or Nyasaland so far only as concerns law which cannot be amended by a law passed by the said Federal Legislature.
- (5) References in subsection (4) of this section to a colony, a protectorate and a United Kingdom trust territory shall be construed as if they were references contained in the British Nationality Act, 1948.

### **3 Appeals from Supreme Court of Federation.**

- (1) Her Majesty may by Order in Council confer on the Judicial Committee of the Privy Council such jurisdiction in respect of appeals from the Supreme Court of the Federation as appears to Her to be appropriate for giving effect to any arrangements made after the appointed day between Her Majesty and the Head of the Federation for the reference of such appeals to that Committee.
- (2) An Order in Council under this section may determine the classes of cases in which, and the conditions as to leave and otherwise subject to which, any such appeal may be entertained by the said Committee, and the practice and procedure to be followed on any such appeal, and may in particular make such provision with respect to the form of the report or recommendation to be made by the Committee in respect of any such appeal, and the transmission to the Head of the Federation of such reports or recommendations, as appears to Her Majesty to be appropriate having regard to the said arrangements.
- (3) Except so far as otherwise provided by Order in Council under this section, and subject to such modifications as may be so provided, the Judicial Committee Act, 1833, shall apply in relation to appeals under this section as it applies in relation to appeals to Her Majesty in Council.
- (4) Arrangements made in pursuance of this section may apply to any appeal to Her Majesty in Council, or any application for leave to bring such an appeal, 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 court in the Federation.
- (5) An Order in Council made under this section may be varied or revoked by a subsequent Order in Council so made.

### **4 Interpretation, repeal and short title.**

- (1) References in this Act to any other enactment are references thereto as amended or extended by any subsequent enactment.
- (2) The enactments described in the Second Schedule to this Act are hereby repealed, as from the appointed day, to the extent specified in the third column of that Schedule.
- (3) This Act may be cited as the Federation of Malaya Independence Act, 1957.