



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]

Commencement Information

II Act wholly in force so far as unrepealed at 1.2.1991.

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 F1

Textual Amendments

F1 S. 2 repealed by [British Nationality Act 1981 \(c. 61, SIF 87\)](#), [Sch. 9](#)

Status: Point in time view as at 01/02/1991.

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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.

[^{F25} Judicial arrangements.

- (1) As from the appointed day, section 3 of the ^{M1}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

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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.]

Textual Amendments

F2 S. 5 repealed (*prosp.*) by Statute Law (Repeals) Act 1989 (c. 43) ss. 1(1), 3(2), Sch. 1 Pt. VI

Marginal Citations

M1 1957 c. 60.

6 †Short title and repeals.

(1) This Act may be cited as the Malaysia Act 1963.

(2) **F3**

Textual Amendments

F3 S. 6(2) repealed by Statute Law (Repeals) Act 1974 (c. 22), Sch. Pt. XI

Modifications etc. (not altering text)

C1 Unreliable marginal note

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SCHEDULES

SCHEDULE 1

F4
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Textual Amendments

F4 Sch. 1 repealed by [British Nationality Act 1981 \(c. 61, SIF 87\)](#), [Sch. 9](#)

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 ^{M2}Federation of Malaya Independence Act 1957, and the enactments amended by that Schedule,
 - (b) section 2(4) of the ^{M3}Import Duties Act 1958,
 - (c) section 8(2) of the ^{M4}Imperial Institute Act 1925, as amended by the ^{M5}Commonwealth Institute Act 1958,
 - (d) F5
 - (e) F6
- to the Federation shall be construed as references to the Federation as constituted on and after the appointed day.

Textual Amendments

F5 Para. 1(d) repealed by [Statute Law \(Repeals\) Act 1977 \(c. 18\)](#), [Sch. 1 Pt. XV](#)
F6 Sch. 2 para. 1(e) repealed by [International Organisations Act 1981 \(c. 9, SIF 68:1\)](#), [Sch.](#)

Marginal Citations

M2 1957 c. 60.
M3 1958 c. 6.
M4 1925 c. xvii.
M5 1958 c. 16.

2 F7

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Textual Amendments

F7 Sch. 2 para. 2 repealed by Civil Aviation Act 1971 (c. 75), Sch. 11

3 Section 1 of the ^{M6}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.

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Marginal Citations

M6 1961 c. 52.

SCHEDULE 3

F8

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Textual Amendments

F8 Sch. 3 repealed by Statute Law (Repeals) Act 1974 (c. 22), Sch. Pt. XI

Status:

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Changes to legislation:

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