CHAPTER 60

An Act to make provision for and in connection with the establishment of the Federation of Malaya as an independent sovereign country within the Commonwealth. [31st July, 1957]

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:—

Provision for establishment of the Federation as an independent sovereign country.

1.—(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.

Operation of existing laws.

2.—(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.

Appeals from Supreme Court of Federation.

3.—(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.

Interpretation, repeal and short title.

4.—(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.

SCHEDULES

FIRST SCHEDULE

Section 2.

CONSEQUENTIAL AMENDMENTS OF ENACTMENTS

Nationality and Citizenship

1. Subsection (3) of section one of the British Nationality Act, 1948 (which specifies the Commonwealth countries whose citizens are British subjects or Commonwealth citizens) shall have effect as if for the words " and Ghana " there were substituted the words " Ghana and the Federation of Malaya "; and the British Protectorates, Protected States and Protected Persons Order in Council, 1949, made in pursuance of sections thirty and thirty-two of that Act, shall have effect as if the references to the Malay States in section eight of that Order and in the Second Schedule thereto were omitted.

Armed forces

2.—(1) References in the Army Act, 1955, the Air Force Act, 1955, and the Naval Discipline Act, 1957, to a colony or to territory under Her Majesty's protection shall not include any part of the Federation, and section two hundred and eighteen of the Army Act, 1955, section two hundred and sixteen of the Air Force Act, 1955, and subsection (3) of section one hundred and twenty-seven of the Naval Discipline Act, 1957, shall cease to have effect.

(2) In the definitions of " Commonwealth force " in subsection (1) of section two hundred and twenty-five of the Army Act, 1955, and in subsection (1) of section two hundred and twenty-three of the Air Force Act, 1955, and in the definition of " Commonwealth country " in subsection (1) of section one hundred and thirty-five of the Naval Discipline Act, 1957, for the words " or Ghana " there shall be substituted the words " Ghana or the Federation of Malaya ".

(3) Until the coming into force of the Naval Discipline Act, 1957, sub-paragraph (2) of this paragraph shall have effect as if for the reference to the definition of " Commonwealth country " in subsection (1) of section one hundred and thirty-five of that Act there were substituted a reference to the definition of " Commonwealth force " in section eighty-six of the Naval Discipline Act, as amended by the Revision of the Army and Air Force Acts (Transitional Provisions) Act, 1955.

3. Section four of the Visiting Forces (British Commonwealth) Act, 1933 (which deals with attachment and mutual powers of command), and the definition of " visiting force " for the purposes of that Act which is contained in section eight of that Act, shall apply in relation to forces raised in the Federation as they apply in relation to forces raised in Dominions within the meaning of the Statute of Westminster, 1931.

4.—(1) In subsection (1) of section one of the Visiting Forces Act, 1952 (which specifies the countries to which that Act applies), for the words " or Ghana " there shall be substituted the words " Ghana or the Federation of Malaya "; and in paragraph (*a*) of subsection (1) of section ten of that Act the expression " colony " shall not include any part of the Federation.

(2) Until express provision with respect to the Federation is made by Order in Council under section eight of the said Act of 1952 (which relates to the application to visiting forces of law relating to home forces), any such Order for the time being in force shall be deemed to apply to visiting forces of the Federation.

Diplomatic immunities

5. In section four hundred and sixty-one of the Income Tax Act, 1952 (which relates to exemption from income tax in the case of certain Commonwealth representatives and their staffs) for the words " or Ghana ", in both places where those words occur, there shall be substituted the words " Ghana or the Federation of Malaya ".

6. In subsection (6) of section one of the Diplomatic Immunities (Commonwealth Countries and Republic of Ireland) Act, 1952, after the word " Ghana " there shall be inserted the words " the Federation of Malaya ".

Financial

7. As respects goods imported after such date as Her Majesty may by Order in Council appoint, section four of the Import Duties Act, 1932, and section two of the Isle of Man (Customs) Act, 1932 (which relate to imperial preference other than colonial preference) shall apply to the Federation.

8.—(1) The Colonial Stock Acts, 1877 to 1948, shall apply in relation to stock of the Federation as they apply in relation to stock of a Dominion within the meaning of the Colonial Stock Act, 1934, but as if in paragraph (*a*) of subsection (1) of section one of the said Act of 1934 for any reference to Her Majesty's Government in the Dominion, to the Parliament of the Dominion or to the Royal Assent, there were substituted a reference to the Government or the Legislature of the Federation or to the Assent of the Head of the Federation.

(2) During any period on and after the appointed day during which there is in force as part of the law of the Federation any instrument passed or made before that day which makes provision corresponding to the undertaking required by the said paragraph (*a*), paragraphs (*a*) and (*b*) of the said subsection (1) shall be deemed to have been complied with in the case of the Federation.

Ships and aircraft

9. The Merchant Shipping Acts, 1894 to 1954, shall apply in relation to the Federation as they apply in relation to the Commonwealth countries mentioned in subsection (3) of section one of the British Nationality Act, 1948.

10. Without prejudice to the generality of the last foregoing paragraph—

(*a*) in subsection (2) of section four hundred and twenty-seven of the Merchant Shipping Act, 1894, as substituted by section two of the Merchant Shipping (Safety Convention) Act, 1949, for the words " or Ghana " there shall be substituted the words " Ghana or the Federation of Malaya "; and

(*b*) in the proviso to subsection (2) of section six of the Merchant Shipping Act, 1948, for the words " or Ghana " there shall be substituted the words " Ghana or the Federation of Malaya ".

11. In the definitions of " Dominion ship or aircraft " contained in subsection (2) of section three of the Emergency Powers (Defence) Act, 1939, and in Regulation one hundred of the Defence (General) Regulations, 1939, the expression " a Dominion " shall include the Federation.

12. The Ships and Aircraft (Transfer Restriction) Act, 1939, shall not apply to any ship by reason only of its being registered in, or licensed under the law of the Federation; and the penal provisions of that Act shall not apply to persons in the Federation (but without prejudice to the operation with respect to any ship to which that Act does apply of the provisions thereof relating to the forfeiture of ships).

13. In the Whaling Industry (Regulation) Act, 1934, the expression " British ship to which this Act applies " shall not include a British ship registered in the Federation.

Copyright

14. The references in section thirty-one of the Copyright Act, 1956, to a colony or to a country outside Her Majesty's dominions in which Her Majesty has jurisdiction shall not include any part of the Federation.

15. If the Copyright Act, 1911, so far as in force in the law of any part of the Federation, is repealed or amended by that law at a time when sub-paragraph (2) or paragraph 39 of the Seventh Schedule to the Copyright Act, 1956 (which applies certain provisions of that Act in relation to countries to which the said Act of 1911 extended) is in force in relation to that part of the Federation, the said sub-paragraph (2) shall thereupon cease to have effect in relation thereto.

SECOND SCHEDULE

Section 4.

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
9 & 10 Geo. 6. c. 37.	The Straits Settlements (Repeal) Act, 1946.	The whole Act so far as it relates to the Settlements of Penang and Malacca.
3 & 4 Eliz. 2. c. 18.	The Army Act, 1955.	Section two hundred and eighteen.
3 & 4 Eliz. 2. c. 19.	The Air Force Act, 1955.	Section two hundred and sixteen.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Judicial Committee Act, 1833	3 & 4 Will. 4. c. 41.
Merchant Shipping Act, 1894	57 & 58 Vict. c. 60.
Copyright Act, 1911	1 & 2 Geo. 5. c. 46.
Statute of Westminster, 1931	22 & 23 Geo. 5. c. 4.
Import Duties Act, 1932	22 & 23 Geo. 5. c. 8.
Isle of Man (Customs) Act, 1932	22 & 23 Geo. 5. c. 16.
Visiting Forces (British Commonwealth) Act, 1933	23 & 24 Geo. 5. c. 6.
Colonial Stock Act, 1934	24 & 25 Geo. 5. c. 47.
Whaling Industry (Regulation) Act, 1934 ...	24 & 25 Geo. 5. c. 49.
Emergency Powers (Defence) Act, 1939 ...	2 & 3 Geo. 6. c. 62.
Ships and Aircraft (Transfer Restriction) Act, 1939	2 & 3 Geo. 6. c. 70.
Merchant Shipping Act, 1948	11 & 12 Geo. 6. c. 44.
British Nationality Act, 1948	11 & 12 Geo. 6. c. 56.
Merchant Shipping (Safety Convention) Act, 1949	12, 13 & 14 Geo. 6. c. 43.
Income Tax Act, 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 10.
Diplomatic Immunities (Commonwealth Countries and Republic of Ireland) Act, 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 18.
Visiting Forces Act, 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 67.
Army Act, 1955	3 & 4 Eliz. 2. c. 18.
Air Force Act, 1955	3 & 4 Eliz. 2. c. 19.
Revision of the Army and Air Force Acts (Transitional Provisions) Act, 1955 ...	3 & 4 Eliz. 2. c. 20.
Copyright Act, 1956	4 & 5 Eliz. 2. c. 74.
Naval Discipline Act, 1957	5 & 6 Eliz. 2. c. 53.

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