FOREIGN JURISDICTION

1. *Federation of Malaya.*
2. *Gambia*, p. 1339.
3. *Kenya Protectorate*, p. 1340.
4. *Nigeria*, p. 1343.
5. *Northern Rhodesia*, p. 1344.
6. *Palestine*, p. 1350.
7. *Somaliland*, p. 1352.
8. *Tanganyika*, p. 1353.
9. *West African Territories*, p. 1361.

1. FEDERATION OF MALAYA

The Federation of Malaya Order in Council, 1948

1948 No. 108

Made - - - - *26th January*, 1948
Laid before Parliament *27th January*, 1948
Coming into Operation *1st February*, 1948

At the Court at Buckingham Palace, the 26th day of January, 1948

Present,

The King's Most Excellent Majesty in Council

Whereas by the Foreign Jurisdiction Act, 1890, it was, amongst other things, enacted that it should be lawful for His Majesty to hold, exercise and enjoy any jurisdiction which His Majesty then had or might at any time thereafter have within a foreign country in the same and as ample a manner as if His Majesty had acquired that jurisdiction by the cession or conquest of territory: 53 & 54 Vict. c. 37.

And Whereas His Majesty has full power and jurisdiction within the Malay States of Johore, Pahang, Negri Sembilan, Selangor, Perak, Kedah, Perlis, Kelantan and Trengganu (hereinafter referred to as " the Malay States "):

And Whereas by the Straits Settlements (Repeal) Act, 1946, (hereinafter referred to as " the Act of 1946 ") it was, amongst other things, enacted that on such day as His Majesty might by Order in Council appoint the Straits Settlements Act, 1866, should be repealed and the Straits Settlements, that is to say the settlements and dependencies mentioned in the Schedule to the Act of 1946 (which comprise, amongst other settlements and dependencies, the Settlement of Malacca and the Settlement of Penang (including Province Wellesley) and the dependencies of the said Settlements) should cease to be a single colony; and that on and after the day appointed by His Majesty as aforesaid the said settlements and dependencies should be divided into such territories as His Majesty might by Order in Council direct and that those territories should be governed either singly or in conjunction with such other territories (whether falling within the schedule to the Act of 1946 or not) as might be specified in the Order and that an Order in Council under the Act might contain other and consequential provisions and might be varied or revoked by a subsequent Order in Council: 9 & 10 Geo. 6. c. 37. 29 & 30 Vict. c. 115.

And Whereas, by the Act of 1946, it was further enacted that the British Settlements Acts, 1887 and 1945, should apply in relation to each of the territories into which the said settlements and dependencies were divided by Order under the Act of 1946 as if it were a British Settlement as so defined: 50 & 51 Vict. c. 54. 9 & 10 Geo. 6. c. 7.

And Whereas, by the Straits Settlements (Repeal) Order in Council, 1946(a), the first day of April, 1946, was appointed by His Majesty for the purposes of the Act of 1946:

And Whereas by the Malayan Union Order in Council, 1946(b), it was provided that, as from the first day of April, 1946, there should be a Union, comprising the Malay States and the Settlement of Malacca and the Settlement of Penang (including Province Wellesley) and the dependencies of the said Settlements (which Settlements and dependencies are hereinafter referred to as " the Settlements ") to be governed and administered together and to be known as the Malayan Union:

And Whereas it has been represented to His Majesty that fresh arrangements should be made for the government and administration of the Malay States in conjunction with the Settlements:

And Whereas His Majesty is pleased to make such fresh arrangements and it is expedient, as part of such fresh arrangements, that the Malayan Union Order in Council, 1946, should be revoked and that there should be established a Federation of the Malay States and the Settlements with a strong central government, and that there should be a common citizenship of the Federation to be extended to all those who regard the Federation as their real home and the object of their loyalty:

And Whereas His Majesty has accordingly entered into Agreements (hereinafter referred to as " the State Agreements ") with the Rulers of each of the Malay States severally, copies whereof are set out in the First Schedule to this Order, and has further entered into an Agreement (hereinafter referred to as " the Federation Agreement ") with the Rulers of all the Malay States, a copy whereof is set out in the Second Schedule to this Order:

And Whereas it is provided by each of the State Agreements and by the Federation Agreement that it shall come into operation on such day as His Majesty may by Order in Council appoint (therein referred to as " the appointed day "):

Now, therefore, His Majesty, by virtue and in exercise of the powers by the Foreign Jurisdiction Act, 1890, the Straits Settlements (Repeal) Act, 1946, and the British Settlements Acts, 1887 and 1945, or otherwise in His Majesty vested, is pleased, by and with the advice of His Privy Council to order, and it is hereby ordered, as follows—

PART I

Preliminary

Short title.

1. This Order may be cited as the Federation of Malaya Order in Council, 1948.

Interpretation.

2.—(1) In this Order, unless the context otherwise requires—

" the appointed day " means the first day of February, 1948;

" election " means an election of Members to a Settlement Council;

" the Federation " means the Federation of Malaya established by clause 3 of the Federation Agreement and by section 4 of this Order;

" Federal Citizen " means a person who is a Federal Citizen by virtue of the provisions of the Federation Agreement;

" Federal Ordinance " means a law made under Part V of the Federation Agreement;

(a) S.R. & O. 1946 (No. 462) I, p. 1562.
(b) S.R. & O. 1946 (No. 463) I, p. 543.

" the *Gazette* " means the official Gazette of the Federation;

" the High Commissioner " means the High Commissioner for the time being of the Federation and includes any officer for the time being administering the Government thereof, and, to the extent that a Deputy to the High Commissioner is authorized to act, that Deputy;

" the High Commissioner in Council " means the High Commissioner acting after consultation with the Federal Executive Council established by the Federation Agreement and this Order, but not necessarily in accordance with the advice of such Council nor necessarily in such Council assembled;

" the Legislative Council " means the Legislative Council of the Federation established by the Federation Agreement and this Order;

" Malay State " means such one of the Malay States as the circumstances may require and includes all dependencies, islands and places, which, on the first day of December, 1941, were administered as part thereof, and the territorial waters adjacent thereto;

" Malay States " includes all dependencies, islands and places which, on the first day of December, 1941, were administered as part of the Malay States, and the territorial waters adjacent thereto;

" meeting " means any sitting or sittings of any Settlement Council commencing when the Council first meets after being summoned at any time and terminating when the Council is adjourned *sine die* or at the conclusion of a session without adjournment;

" Member " means a Member of a Settlement Council and " Nominated Official Member ", " Nominated Unofficial Member ", " Elected Member " and " Temporary Member " mean respectively a Nominated Official, a Nominated Unofficial, an Elected and a Temporary Member of such a Council;

" Nominated Member " means a Nominated Official Member or a Nominated Unofficial Member;

" the Public Seal " means the Public Seal of the Federation and includes the official stamp mentioned in sub-clause (2) of clause 12 of the Federation Agreement;

" the Seal of the Settlement " means the Public Seal of the Settlement and includes the official stamp mentioned in section 15 of this Order;

" session " means the sittings of any Settlement Council commencing when the Council first meets after being established or after its prorogation or dissolution at any time, and terminating when the Council is prorogued or dissolved without having been prorogued;

" Settlement Council " or " Council " means a Settlement Council established by the Federation Agreement and this Order;

" Settlement " means either of the Settlements as the circumstances may require;

" the Settlement of Malacca " and " the Settlement of Penang " include all islands and places heretofore administered as part of those Settlements, and the territorial waters adjacent thereto;

" voter " means a voter at any election.

(2) References in this Order to the Federation Agreement shall be construed as including references to the Federation Agreement as from time to time amended in accordance with the provisions thereof.

(3) Where in this Order reference is made to any public officer by the term designating his office, such reference shall be construed as a reference to the officer for the time being lawfully discharging the functions of that office.

(4) (*a*) For the purposes of this Order, a person shall not be deemed to hold an office of emolument under the Crown or under any Government in the Federation by reason only that he is in receipt of a pension or other like allowance in respect of service under the Crown or under any Government in the Federation.

(*b*). If it shall be declared by the High Commissioner, by notification published in the *Gazette*, that an office shall not be an office of emolument under the Crown or under any Government in the Federation for all or any of the purposes of this Order, this Order shall have effect accordingly.

52 & 53 Vict. c. 63.

(5) Save as is in this Order otherwise provided, or required by the context, the Interpretation Act, 1889, shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

Commencement of this Order and Agreements.

3. (1) This Order shall come into operation on the first day of February, 1948.

(2) The first day of February, 1948, shall be the appointed day for the purpose of the State Agreements and the Federation Agreement and those Agreements shall accordingly come into operation on that date.

PART II

The Federation of Malaya

Establishment of Federation.

4. In pursuance of the Federation Agreement there shall be established a Federation, comprising the Malay States and the Settlements, to be known as the Federation of Malaya or, in Malay, " Persekutuan Tanah Melayu ", constituted in all respects in accordance with the provisions of that Agreement and this Order.

Federation Agreement to have the force of law.

5. The provisions of the Federation Agreement shall have the force of law throughout the territories comprised in the Federation.

High Commissioner's authority.

6. The High Commissioner is hereby empowered and commanded to do all things belonging to his Office in accordance with this Order, the Federation Agreement, such Commission as may be issued to him under His Majesty's Sign Manual and Signet and such Instructions as may from time to time be given to him by His Majesty under His Sign Manual and Signet or through a Secretary of State, and in accordance with such laws as may from time to time be in force in the Federation or any part thereof.

PART III

Executive Authority in the Settlements

Exercise of executive authority.

7. The executive authority of each Settlement shall be exercised by the High Commissioner, either directly or through the Resident Commissioner or other officers subordinate to the High Commissioner, or by the Settlement Council in accordance with the provisions of section 30 of this Order, but nothing in this section shall prevent the Legislative Council or a Settlement Council, within the powers given to it by the Federation Agreement and this Order, from conferring functions upon persons or authorities other than the High Commissioner.

Executive action to be taken in name of High Commissioner.

8.—(1) All executive action of the Government of a Settlement shall be taken in the name of the High Commissioner, save as otherwise provided by any law for the time being in force in the Settlement or by any rule made, or direction given, by the High Commissioner.

(2) Orders and other instruments made and executed in the name of the High Commissioner in the exercise of his executive power in a Settlement shall be authenticated in such manner as may be prescribed by any law for the time being in force in the Settlement or by rules to be made by the High Commissioner; and the validity of an Order or instrument which is so authenticated shall not be called in question on the ground that it is not an order or instrument made or executed by the High Commissioner.

Appointment of officers.

9. Subject to the provisions of any law for the time being in force in the Settlement, the High Commissioner may, in His Majesty's name and on His Majesty's behalf, constitute such offices, and appoint such officers, for a Settlement as may lawfully be constituted or appointed by His Majesty, and all such officers, unless it is otherwise provided by any law as aforesaid, shall hold their offices during His Majesty's pleasure.

Suspension or dismissal of officers.

10. Subject to the provisions of any law for the time being in force in the Settlement and to any Instructions from time to time given to him by His Majesty through a Secretary of State, the High Commissioner may, for cause shown to his satisfaction, dismiss or suspend from the exercise of his office any person holding any public office within a Settlement, or may take, in relation to any such person, such other disciplinary action as may seem to him desirable.

Grants of land.

11. Subject to the provisions of any law for the time being in force in the Settlement and of any Instructions from time to time given to the High Commissioner under His Majesty's Sign Manual and Signet or through a Secretary of State, the High Commissioner, in His Majesty's name and on His Majesty's behalf, may make and execute, under his hand, grants and dispositions of any lands within a Settlement which may be lawfully granted or disposed of by His Majesty and such grants and dispositions shall have the Seal of the Settlement affixed thereto by the Resident Commissioner.

Nominated Councils.

12.—(1) There shall be in and for each Settlement a Nominated Council to aid and advise the High Commissioner in the exercise, in respect of that Settlement, of such powers and authorities conferred upon him as relate exclusively to the Settlements or to that Settlement.

(2) Subject to the provisions of subsection (3) of this section the Nominated Council of a Settlement shall consist of

(*a*) three *ex officio* Members, namely the Resident Commissioner, the Legal Adviser and the Settlement Financial Officer; and

(*b*) such other persons (who shall be styled " Appointed Members ") as the High Commissioner may, by Instrument under his hand, appoint from among the Members of the Settlement Council, to which Instrument the Seal of the Settlement shall be affixed by the Resident Commissioner:

Provided that the High Commissioner may appoint as Appointed Members persons who are not Members of the Settlement Council whenever he is satisfied that it is desirable so to do.

(3) Whenever, in the exercise of any such power or authority as is mentioned in subsection (1) of this section, the High Commissioner desires, upon any special occasion, to obtain the advice of any person, who is not a Member of the Nominated Council of the Settlement concerned, he may, in writing, summon such person as an Extraordinary Member of such Council for such occasion.

(4) The Members of the Nominated Council of a Settlement shall hold their places in the said Council during His Majesty's pleasure and, subject thereto, for such period and upon such conditions as may be provided by any Instructions which may be given to the High Commissioner by His Majesty under His Sign Manual and Signet or through a Secretary of State.

(5) The Nominated Council of a Settlement shall not be disqualified for the transaction of business by reason of any vacancy among the Members thereof and any proceedings therein shall be valid notwithstanding that some person, who was not entitled so to do, attended the Council or took part in the proceedings.

PART IV

The Resident Commissioners

The Resident Commissioners.

13. There shall be a Resident Commissioner in and for each of the Settlements and appointments to the said offices shall be made by Commission under the hand of the High Commissioner.

Succession to office of Resident Commissioner.

14.—(1) Whenever in a Settlement

(*a*) the office of Resident Commissioner becomes vacant; or

(*b*) the Resident Commissioner is absent from the Federation; or

(*c*) the Resident Commissioner is from any cause prevented from, or incapable of, performing the duties of his office;

then such person as the High Commissioner may by writing under his hand appoint shall perform the duties of that office; and such person shall, subject to the terms of his appointment and so long as such appointment shall subsist, do all things that belong to the office of Resident Commissioner as provided in this Order.

(2) Any such person as aforesaid shall not continue to perform the duties of Resident Commissioner after the Resident Commissioner has notified him that he is about to assume or resume the duties of his office.

(3) The Resident Commissioner or any other person as aforesaid shall not be regarded as absent from the Federation or prevented from, or incapable of, performing the duties of his office for the purposes of this Order during his passage from one part of the Federation to another or during a visit to the Colony of Singapore.

Seal of the Settlement.

15.—(1) The Resident Commissioner of each Settlement shall keep and use the Seal of the Settlement for sealing all things whatsoever that shall pass the said Seal.

(2) Until a Public Seal shall be provided for the Settlement, an official stamp bearing the inscription "Settlement of Malacca. Public Seal," or "Settlement of Penang. Public Seal," as the case may be, may be used as the Seal of the Settlement.

Instructions by the High Commissioner.

16. The High Commissioner may from time to time give to the Resident Commissioners instructions for the due performance or the proper exercise of the powers, duties and rights of the Resident Commissioners in the Settlements.

PART V

Settlement Councils

Establishment of Settlement Councils.

17. There shall be in and for each of the Settlements a Settlement Council.

Membership.

18. Each Settlement Council shall consist of

(*a*) the Resident Commissioner of the Settlement as President;

(*b*) two *ex officio* Members, namely the Legal Adviser and the Settlement Financial Officer; and

(*c*) such Nominated Official Members, Nominated Unofficial Members and Elected Members as may be prescribed by any law made under Part VI of this Order:

Provided that, until other provision is made by law as aforesaid, a Settlement Council shall consist of the *ex officio* Members and such Nominated Official Members and Nominated Unofficial Members as shall be appointed by the High Commissioner by Instrument under his hand, to which Instrument the Seal of the Settlement shall be affixed by the Resident Commissioner.

Nominated Members.

19.—(1) The Nominated Official Members of a Settlement Council shall be persons holding office of emolument under the Government of the Federation or of the Settlement or otherwise under the Crown, and the Nominated Unofficial Members shall be persons not holding any office of emolument under the Crown or under any Government in the Federation.

(2) Nominated Members shall be appointed by the High Commissioner by Instrument under his hand, to which Instrument the Seal of the Settlement shall be affixed by the Resident Commissioner.

Elected Members.

20. The Elected Members shall be persons not holding office of emolument under the Crown or under any Government in the Federation and shall be elected in the manner prescribed by any law made under Part VI of this Order.

Qualifications for Nominated and Elected Membership.

21.—(1) Subject to the provisions of this Order, any person of the age of twenty-one years or upwards who is a British subject or a Federal citizen and who, the High Commissioner is satisfied, is able to speak, and (unless incapacitated by blindness or other physical cause) to read and write, the English language with a degree of proficiency sufficient to enable him to take an active part in the proceedings of the Council, shall be qualified to be appointed as a Nominated Member or elected as an Elected Member of a Settlement Council, and no other person shall be qualified to be so appointed or elected or, having been so appointed or elected, shall sit or vote in such Council:

Provided that it shall be sufficient if the first Members of a Settlement Council, not being British subjects or Federal citizens, possess qualifications for Federal Citizenship, as specified in clause 125 of the Federation Agreement, and undertake in writing to make application for Federal Citizenship as soon as it becomes practicable so to do.

(2) In this section "first Members" means Members appointed on, or within twelve months after, the appointed day.

Disqualification for Membership.

22. No person shall be qualified to be appointed as a Nominated Member or elected as an Elected Member of a Settlement Council or, having been so appointed or elected, shall sit or vote therein, who, at the time of his appointment or election—

(*a*) is a person found or declared to be of unsound mind under any law in force in the Federation or any part thereof; or

(*b*) has, in any part of His Majesty's dominions or in any territory under His Majesty's protection or in which His Majesty has for the time being jurisdiction, been sentenced to death or to imprisonment (by whatever name called) for a term exceeding six months and has not either suffered the punishment to which he was sentenced or such other punishment as may by competent authority have been substituted therefor or received a free pardon; or

(*c*) is an undischarged bankrupt, having been declared a bankrupt under any law in force in any part of His Majesty's dominions or in any territory under His Majesty's protection or in which His Majesty has for the time being jurisdiction; or

(*d*) (i) in the case of a Nominated Unofficial Member, is a party to, or a partner in a firm, or a director or manager of a company, which is a party to, any subsisting contract with the Government of the Federation or of the Settlement for or on account of the public service, or is otherwise to his knowledge interested in any such contract, and has not disclosed to the Resident Commissioner the nature of such contract and his interest, or the interest of any such firm or company, therein; or

(ii) in the case of an Elected Member, is a party to, or a partner in a firm, or a director or manager of a company, which is a party to, any subsisting contract with the Government of the Federation or of the Settlement for or on account of the public service, or is otherwise to his knowledge interested in any such contract, and has not published, within one month before the day of election, in the English language in the *Gazette* and in a newspaper circulating in the Settlement, a notice setting out the nature of such contract and his interest, or the interest of any such firm or company, therein; or

(*e*) in the case of an Elected Member, is disqualified for election by any law for the time being in force in the Settlement by reason of his holding, or acting in, any office the functions of which involve—

(i) any responsibility for, or in connection with, the conduct of any election, or

(ii) any responsibility for the compilation or revision of any register of voters; or

(*f*) is disqualified for Membership of the Council by any law for the time being in force in the Settlement relating to offences connected with the election of Members of the Legislative Council or of a Settlement Council.

Tenure of office of Nominated and Elected Members.

23.—(1) Subject to the provisions of this Order, every Nominated Member of a Settlement Council shall hold his seat in the Council during His Majesty's pleasure.

(2) Every Nominated and Elected Member shall in any case cease to be a Member at the next dissolution of the Council after his appointment or election, or previously thereto if his seat shall become vacant under the provisions of this Order.

(3) The seat of a Member (other than an *ex officio* Member) shall become vacant—

(*a*) upon his death; or

(*b*) if he shall cease to be qualified for appointment or election under section 21 of this Order; or

(*c*) if, being a Nominated Official Member, he shall cease to hold office of emolument under the Government of the Federation or of the Settlement or otherwise under the Crown; or

(*d*) if, being a Nominated Unofficial Member, he shall be appointed permanently to, or, being an Elected Member he shall be appointed to, or to act in, any office of emolument under the Crown or under any Government in the Federation; or

(*e*) if he shall, by writing under his hand addressed to the High Commissioner, resign his seat in the Council; or

(*f*) if he shall be absent from two consecutive meetings of the Council and neither of such absences has been excused by the Resident Commissioner within a period of fourteen days from the end of the meeting; or

(*g*) if, being a British subject, he shall take any oath, or make any declaration or acknowledgment of allegiance, obedience or adherence to any foreign Power or State, or shall do, concur in or adopt any act done with the intention that he shall become a subject or citizen of any foreign Power or State; or

(*h*) if, being a Federal Citizen, he shall do any voluntary act which shall be declared by the High Commissioner to be incompatible with his loyalty to the Federation or to the Settlement; or

(*i*) if he shall be found or declared to be of unsound mind under any law in force in the Federation; or

(*j*) if, in any part of His Majesty's dominions or in any territory under His Majesty's protection or in which His Majesty has for the time being jurisdiction, he shall be sentenced to death, or imprisonment (by whatever name called) for a term exceeding six months; or

(*k*) if he shall be declared a bankrupt under any law in force in any part of His Majesty's dominions or in any territory under His Majesty's protection or in which His Majesty has for the time being jurisdiction; or

(*l*) in the case of a Nominated Unofficial or Elected Member, if he shall become a party to any contract with the Government of the Federation or of the Settlement for, or on account of, the public service or if any firm in which he is a partner, or any company of which he is a director or manager, shall become a party to, or if he shall to his knowledge become otherwise interested in, any such contract:

Provided that the Resident Commissioner may, if in the circumstances it shall appear to him to be just so to do, exempt any Member from vacating his seat under the provisions of this paragraph, if such Member shall, before becoming a party to such contract as aforesaid or before, or as soon as practicable after, becoming otherwise interested in such contract (whether as partner in a firm or director or manager of a company or otherwise), disclose to the Resident Commissioner the nature of such contract and his interest or the interest of any such firm or company therein; or

(*m*) if, being an Elected Member, he shall become disqualified for election in the manner mentioned in paragraph (*e*) of section 22 of this Order; or

(*n*) if he shall become disqualified for Membership of the Council in the manner mentioned in paragraph (*f*) of section 22 of this Order.

(4) If a Nominated Unofficial Member shall be appointed temporarily to, or to act in, any office of emolument under the Crown or under any Government in the Federation, he shall not sit or vote in the Council so long as he continues to hold, or act in, that office.

(5) Any person vacating a seat as a Nominated or Elected Member of a Settlement Council may, if qualified, be again appointed or elected as a Member from time to time.

(6) The High Commissioner may, by Instrument under his hand, to which Instrument the Resident Commissioner shall affix the Seal of the Settlement, declare any Nominated Member to be incapable of discharging his functions as a Member of a Settlement Council and thereupon such Member shall not sit or vote in the Council until he is declared, in manner aforesaid, again to be capable of discharging his said functions.

(7) The High Commissioner may, by Instrument under his hand, to which Instrument the Resident Commissioner shall affix the Seal of the Settlement, suspend any Nominated Member from the exercise of his functions as a Member of a Settlement Council. Every such suspension shall remain in force until it shall be removed by the High Commissioner by Instrument under his hand (to which Instrument the Resident Commissioner shall affix the Seal of the Settlement), or the person suspended ceases to be a Member of the Settlement Council.

(8) Whenever the seat of a Member of a Settlement Council becomes vacant otherwise than by reason of a dissolution of the Council or a Member is by virtue of sub-section (4) of this section unable to sit or vote in the Council, the matter shall forthwith be reported to the High Commissioner in writing by the Clerk of the Council concerned.

Decisions of questions as to Membership.

24.—(1) All questions which may arise as to the right of any person to be or remain a Nominated Member of a Settlement Council shall be referred to and decided by the High Commissioner whose decision shall be final and shall not be called in question in any Court.

(2) All questions which may arise as to the right of any person to be or remain an Elected Member shall be determined in accordance with any law for the time being in force in the Settlement.

Temporary Appointments.

25.—(1) Whenever there shall be a vacancy in the number of persons sitting in a Settlement Council as *ex officio* Members or Nominated Members, by reason of the fact that—

(*a*) one person is lawfully discharging the functions of more than one of the officers mentioned in section 18 of this Order; or

(*b*) no person is lawfully discharging the functions of any such officer; or

(*c*) a Nominated Official Member is lawfully discharging the functions of any of those officers; or

(*d*) the seat of a Nominated Member is vacant for any cause; or

(*e*) a Nominated Member is unable to sit or vote in the Council in consequence of a declaration by the High Commissioner, as provided in this Order, that he is incapable of discharging his functions as a Member; or

(*f*) a Nominated Member is suspended from the exercise of his functions as a Member; or

(*g*) a Member is absent from the Settlement; or

(*h*) a Nominated Unofficial Member is unable to sit or vote in the Council in consequence of his having been appointed temporarily to, or to act in, any office of emolument under the Crown or under any Government in the Federation;

the High Commissioner may by Instrument under his hand (to which Instrument the Seal of the Settlement shall be affixed by the Resident Commissioner) appoint a person to be a Temporary Member for the period of such vacancy.

(2) If the vacancy is in the number of persons sitting in the Council as *ex officio* Members or Nominated Official Members, the person appointed shall be a person qualified for appointment as a Nominated Official Member; and, if the vacancy is in the number of persons sitting in the Council as Nominated Unofficial Members, the person appointed shall be a person qualified for appointment as a Nominated Unofficial Member.

(3) Every person appointed to be a Temporary Member under this section shall, as long as his appointment shall subsist, be to all intents and purposes—

(*a*) in the case of a vacancy in the number of persons sitting in the Council as *ex officio* Members or Nominated Official Members, a Nominated Official Member; and

(*b*) in the case of a vacancy in the number of persons sitting in the Council as Nominated Unofficial Members, a Nominated Unofficial Member;

and, subject to the provisions of this section, the provisions of section 23 of this Order shall apply accordingly:

Provided that, in the case of a vacancy in the number of persons sitting in the Council as *ex officio* Members, the person so appointed shall, in computing the number of *ex officio* Members for the purposes of section 18 of this Order and of any such law as is mentioned in that section, be reckoned as an *ex officio* Member.

(4) Any appointment under this section may (without prejudice to anything done by virtue thereof) be revoked by the High Commissioner by Instrument under his hand, to which Instrument the Seal of the Settlement shall be affixed by the Resident Commissioner.

(5) A temporary appointment under this section shall cease to have effect on notification by the High Commissioner to the person appointed of revocation of the appointment or when the vacancy shall cease to exist.

Attendance of persons other than Members.

26.—(1) The Resident Commissioner may invite to any meeting of a Settlement Council any person, notwithstanding that such person may not be a Member of the Council, when, in the opinion of the Resident Commissioner, the business before the Council renders the presence of such person desirable.

(2) Any person so invited shall be entitled to take part in the proceedings of the Council relating to the business in respect of which he is invited as if he were a Member of the Council, except that he shall not have the right to vote in the Council.

President of Settlement Council.

27. The Resident Commissioner, if present, shall preside at meetings of a Settlement Council and, in his absence, such Member of the Council as he may, in writing, appoint, or, in the absence of that Member, or, if no Member be so appointed, the senior Member present shall preside.

Precedence of Members.

28.—(1) After the Resident Commissioner, the Members of a Settlement Council shall take precedence among themselves as the High Commissioner may specially assign or, in so far as precedence shall not be so assigned, as follows—

First, the *ex officio* Members in the order in which they are mentioned in section 18 of this Order;

Secondly, the Nominated Official Members definitely appointed, according to the priority of their appointments as such or, if appointed on the same day, in the order assigned by the High Commissioner;

Thirdly, the Nominated Official Members temporarily appointed under section 25 of this Order, according to the priority of their appointments, or, if appointed on the same day, in the order assigned by the High Commissioner;

Fourthly, the Nominated Unofficial Members and Elected Members, according to the length of time during which they have been continuously Members of the Council, Members appointed or elected on the same day taking precedence among themselves as the High Commissioner may assign;

Fifthly, the Nominated Unofficial Members temporarily appointed under section 25 of this Order, according to the priority of their appointments, or, if appointed on the same day, in the order assigned by the High Commissioner.

(2) For the purposes of this section—

(*a*) when a Settlement Council is dissolved, Members elected at the ensuing election shall be deemed to have been elected by virtue of those elections, and Nominated Unofficial Members appointed to fill vacancies caused by such dissolution shall be deemed to have been appointed, on the date on which the report of the first successful candidate for election is made to the Resident Commissioner;

(*b*) paragraph (*a*) of this sub-section shall apply to the Members elected or appointed to a Settlement Council as first constituted under this Order as if such elections or appointments were consequent upon a dissolution of the Council; and

(*c*) in ascertaining the period during which a person has continuously been an Elected Member or a Nominated Unofficial Member of the Council, no account shall be taken of any interval between the vacation by that person of his seat in the Council in consequence of a dissolution of the Council and the date of his re-election or re-appointment to fill a vacancy in the Council caused by that dissolution.

Filling of vacancies.

29.—(1) Whenever the seat of a Nominated Member becomes vacant the vacancy shall be filled by appointment by the High Commissioner in accordance with the provisions of this Order.

(2) Whenever the seat of an Elected Member becomes vacant, a fresh election shall be held to fill the vacancy in accordance with the provisions of any law made under Part VI of this Order.

Part VI

Powers of Settlement Councils and procedure therein

30. A Settlement Council

(*a*) shall have so much of the executive authority of the Settlement as may be prescribed by any law for the time being in force in the Settlement or, subject to any such law, as may be determined by Order made by the High Commissioner; and Executive authority and functions.

(*b*) shall, in so far as the High Commissioner directs, exercise functions entrusted to the Government of the Settlement by the High Commissioner under clause 18 of the Federation Agreement.

31.—(1) Subject to the provisions of this Order and of the Federation Agreement, it shall be lawful for the High Commissioner with the advice and consent of the Settlement Council to make laws for the peace order and good government of a Settlement on— Legislative functions.

(*a*) any subject other than a subject in respect to which the Legislative Council has power to pass laws; and

(*b*) any other subject in respect to which, by virtue of a law made under clause 48 of the Federation Agreement, such Council is for the time being authorized to pass laws.

(2) Any law made under this Part of this Order shall be void so far as it is repugnant to any Federal Ordinance applying to the Settlement concerned or to any Proclamation, rule, regulation, by-law or order lawfully made under any such Ordinance and applying to such Settlement.

32.—(1) Save as otherwise provided in this Order, all questions proposed for decision in a Settlement Council shall be determined by a majority of the votes of the Members present and voting. Voting.

(2) The Resident Commissioner shall not have an original vote; but, if upon any question the votes shall be equally divided, he shall have a casting vote.

(3) In the absence of the Resident Commissioner, the Member presiding shall have an original vote and also, if upon any question the votes shall be equally divided, a casting vote.

33.—(1) If the High Commissioner shall consider that it is expedient in the interests of public order, public faith or good government in a Settlement that any Bill introduced, or any motion proposed, in the Settlement Council should have effect, then, if the Council fail to pass such Bill or motion, within such time and in such form as the High Commissioner may think reasonable and expedient, he may at any time in his discretion, notwithstanding any provisions of this Order or of any Standing Rules or Orders of the Settlement Council, declare that such Bill or motion shall have effect as if it had been passed by the Council either in the form in which it was so introduced or proposed or with such amendments as the High Commissioner shall think fit which have been moved or proposed in the Council or in any Committee thereof; and thereupon the said Bill or motion shall have effect as if it had been so passed, and in the case of any such Bill the provisions of this Order relating to assent to Bills and disallowance of laws shall apply accordingly. Reserved powers.

(2) In this section the expression " public order, public faith or good government " shall, without prejudice to its generality, include the following—

(*a*) the responsibility of the Settlement as part of His Majesty's dominions;

(*b*) subjects upon which, in the opinion of the High Commissioner, it is necessary to secure uniformity in legislation between the Settlement and any other part of the Federation or the Colony of Singapore;

(*c*) all matters pertaining to the creation or abolition of any public office and to the appointment, salary or other conditions of service of any public officer or officers.

(3) The High Commissioner shall forthwith report to a Secretary of State every case in which he shall make any such declaration and the reasons therefor.

(4) If any Member of the Settlement Council objects to any declaration made under this section, he may, within seven days of the making thereof, submit to the High Commissioner a statement in writing of his reasons for so objecting, and a copy of such statement shall, if furnished by such Member, be forwarded by the High Commissioner as soon as practicable to a Secretary of State.

(5) Any such declaration, other than a declaration relating to a Bill, may be revoked by a Secretary of State, and the High Commissioner shall cause notice of such revocation to be published in the *Gazette;* and from the date of such notification any motion which shall have had effect by virtue of the declaration revoked, shall cease to have effect, and the provisions of sub-section (2) of section 38 of the Interpretation Act, 1889, shall apply to such revocation as they apply to the repeal of an Act of Parliament.

52 & 53 Vict. c. 63.

Publication of Bills.

34.—(1) Every Bill, other than a Private Bill, shall, save in cases of urgency to be certified in writing by the Resident Commissioner, be published for general information in the *Gazette*.

(2) Save in cases which, in the opinion of the Resident Commissioner, are cases of urgency or involve only formal amendment of a Settlement Enactment, the Resident Commissioner shall, before its publication in the *Gazette*, cause to be sent, as soon as conveniently may be, to the High Commissioner every Bill which it is intended to bring before a Settlement Council.

Words of enactment.

35. All laws passed by a Settlement Council shall be styled " Enactments " and the words of enactment shall be " Enacted by the High Commissioner with the advice and consent of the Settlement Council ":

Provided that in the case of any law having effect by virtue of a declaration made by the High Commissioner under section 33 of this Order the words of enactment shall be " Enacted by the High Commissioner in accordance with section 33 of the Federation of Malaya Order in Council, 1948."

Assent to Bills.

36.—(1) No Bill passed by a Settlement Council shall become a law until the High Commissioner shall have assented thereto in His Majesty's name and on His Majesty's behalf and shall have signed the same in token of such assent, or His Majesty shall have given His assent thereto through a Secretary of State.

(2) When a Bill is presented to the High Commissioner for his assent, he shall, according to his discretion, but subject to the provisions of this

Order and the Federation Agreement and of any Instructions addressed to him under His Majesty's Sign Manual and Signet or through a Secretary of State, declare that he assents or refuses to assent thereto, or that he reserves the Bill for the signification of His Majesty's pleasure:

Provided that the High Commissioner shall reserve for the signification of His Majesty's pleasure any Bill by which any provision of this Order is revoked or amended or which is in any way repugnant to, or inconsistent with, the provisions of this Order, unless he shall have been authorized by a Secretary of State to assent thereto.

(3) A law passed by a Settlement Council and assented to by the High Commissioner shall be published in the *Gazette* and shall come into operation on the date of such publication, or, if it shall be enacted either in the law or in some other enactment (including any enactment in force on the appointed day) that it shall come into operation on some other date, on that date.

(4) A Bill passed by a Settlement Council and reserved for the signification of His Majesty's pleasure shall become law as soon as His Majesty shall have given His assent thereto through a Secretary of State and the High Commissioner shall have signified such assent by Proclamation in the *Gazette*. Every such law shall come into operation on the date of such Proclamation or, if it shall be enacted either in the law or in some other enactment (including any enactment in force on the appointed day) that it shall come into operation on some other date, on that date.

Disallowance of laws.

37.—(1) Any law passed by a Settlement Council to which the High Commissioner shall have given his assent may be disallowed by His Majesty through a Secretary of State.

(2) Whenever any law has been disallowed by His Majesty, the High Commissioner shall cause notice of such disallowance to be published in the *Gazette*.

(3) Every law so disallowed shall cease to have effect as soon as notice of such disallowance shall be published as aforesaid and thereafter any enactment repealed or amended by such law shall have effect as if such law had not been made; but, save as aforesaid, the provisions of subsection (2) of section 38 of the Interpretation Act, 1889, shall apply to such disallowance as they apply to the repeal of an Act of Parliament. 52 & 53 Vict. c. 63.

Royal Instructions.

38. Subject to the provisions of this Order, the High Commissioner and each Settlement Council shall, in the transaction of business and the making of laws, conform as nearly as may be to the directions contained in any Instructions under His Majesty's Sign Manual and Signet which may from time to time be addressed to the High Commissioner, and to any Instructions of the High Commissioner which may from time to time be addressed to the Resident Commissioner, in that behalf.

Standing Rules and Orders.

39. Subject to the provisions of this Order and of such Instructions as aforesaid, each Settlement Council may, from time to time, make, amend and revoke Standing Rules and Orders for the regulation and orderly conduct of its own proceedings and the conduct of business and for the passing, intituling and numbering of Bills, and for the presentation thereof to the High Commissioner for his assent, but no such Rules or Orders shall have effect unless and until they shall have been approved by the High Commissioner.

Official language.

40. The official language of each Settlement Council shall be English.

Council may transact business notwithstanding vacancies.

41. A Settlement Council shall not be disqualified for the transaction of business by reason of any vacancy among the Members thereof and any proceedings therein shall be valid notwithstanding that some person, who was not entitled so to do, sat or voted in the Council or otherwise took part in the proceedings.

Quorum.

42. No business except that of adjournment shall be transacted by a Settlement Council if objection is taken by any Member present that there are less than one quarter of the Members present besides the Resident Commissioner or Member presiding.

Introduction of Bills.

43. Subject to the provisions of this Order and of the Standing Rules and Orders of the Council, any Member of a Settlement Council may introduce any Bill or propose any motion for debate in, or may present a petition to, the Council, and the same shall be debated and disposed of according to Standing Rules and Orders:

Provided that, except with the recommendation or consent of the Resident Commissioner signified thereto, the Council shall not proceed upon any Bill, amendment, motion or petition, which, in the opinion of the Resident Commissioner, or of the presiding Member, would

(*a*) dispose of or charge any public revenue or public funds of the Settlement, or revoke or alter any disposition thereof or charge thereon, or impose, alter, or repeal any rate, tax or duty; or

(*b*) suspend the Standing Rules and Orders of the Council or any of them.

Oath.

44. Except for the purpose of enabling this section to be complied with, no Member shall sit or vote in any Settlement Council until he shall have taken and subscribed before the Resident Commissioner or presiding Member the Oath of Office for Members of a Settlement Council, and, if he is a British subject, until he shall have taken and subscribed the Oath of Allegiance, in the forms respectively set out in the Third Schedule to this Order:

Provided that every person authorized by law to make an affirmation instead of taking an oath in legal proceedings may make such affirmation in like terms instead of the said Oath.

Sessions of Council.

45.—(1) The sittings of a Settlement Council shall be held at such times and in such places as the Resident Commissioner shall from time to time appoint.

(2) There shall be a session of the Council once at least in every year, so that a period of twelve months shall not intervene between the last sitting in one session and the first sitting in the next session.

Prorogation and dissolution.

46.—(1) The High Commissioner may at any time, by Proclamation, prorogue or dissolve a Settlement Council.

(2) Unless it is sooner dissolved, a Settlement Council shall continue for three years from the date of its first sitting and no longer and the expiration of the said period of three years shall operate as a dissolution of the Council.

(3) A Settlement Council shall be reconstituted by appointment, and (if provision shall be made for Elected Members) by election, in accordance with the provisions of this Order at such time, within three months of every dissolution, as the High Commissioner shall by Proclamation appoint.

PART VII

Miscellaneous

Laws as to elections, etc.

47. Subject to the provisions of this Order laws made under, and in accordance with Part VI of this Order may provide generally for the regulation of elections and in particular for the following matters, that is to say—

(*a*) the number of Nominated Official, Nominated Unofficial and Elected Members who may respectively be appointed and elected to a Settlement Council;

(*b*) the qualifications and disqualifications of voters;

(*c*) the registration of voters;

(*d*) the ascertainment of the qualifications of voters and of candidates for election;

(*e*) the holding of elections;

(*f*) the determination of all questions which may arise as to the right of any person to be or remain an Elected Member;

(*g*) the definition and trial of offences in relation to elections and the imposition of penalties therefor including the disqualification for membership of a Settlement Council, or for registration as a voter, or for voting, of any person concerned in any such offence;

(*h*) the disqualification for election to a Settlement Council of any person by reason of his holding, or acting in, any office the functions of which involve—

(i) any responsibility for, or in connection with, the conduct of any election, or

(ii) any responsibility for the compilation or revision of any register of voters.

Unqualified persons sitting or voting.

48.—(1) Any person who—

(*a*) having been appointed or elected as a Member of a Settlement Council but not having been, at the time of such appointment or election, qualified to be so appointed or elected, shall sit or vote in such Council, or

(*b*) shall sit or vote in such Council after his seat therein has become vacant or he has become disqualified from sitting or voting therein,

knowing, or having reasonable grounds for knowing, that he was disqualified, or that his seat has become vacant, as the case may be, shall be liable to a penalty not exceeding two hundred dollars for every day upon which he so sits or votes.

(2) The said penalty shall be recoverable by action in the Supreme Court of the Federation at the suit of the Attorney General for the Federation or the Legal Adviser in the Settlement.

Retrospective effect of laws, rules and regulations.

49. For the avoidance of doubts, it is hereby declared that any law, Proclamation, rule or regulation made under this Order may be made to operate retrospectively to any date.

Military Courts.

50.—(1) The powers and functions of a confirming authority or reviewing authority under the Military Courts Proclamation for the Malay Peninsula dated the twenty-ninth day of August, 1945 (as amended), shall, after the appointed day, be exercisable by the High Commissioner or by such person or persons as the High Commissioner may designate in that behalf.

(2) When any person has been convicted of an offence by a Military Court constituted under the aforesaid Proclamation, the High Commissioner may, as he shall see occasion, in His Majesty's name and on His Majesty's behalf, grant to such person a pardon either free or subject to lawful conditions, or any respite, either indefinite or for such period as the High Commissioner may think fit, of the execution of any sentence passed on such person, and may remit the whole or any part of such sentence or of any penalties or forfeitures otherwise lawfully due by virtue of the conviction or sentence.

Removal of difficulties.

51.—(1) If any difficulty shall arise in bringing into operation any of the provisions of this Order or in giving effect to the purposes thereof, a Secretary of State may, by Order, make such provision as seems to him necessary or expedient for the purpose of removing the difficulty and may by such Order amend or add to any provision of this Order:

Provided that no Order under this section shall be made later than the first day of January, 1950.

(2) Any Order under this section may be amended, added to, or revoked by a further Order, and may be given retrospective effect to a day not earlier than the appointed day.

Modification of enactments.

12 & 13 Geo. 5. c. 17.

19 & 20 Geo. 5. c. 16.

52.—(1) Notwithstanding anything contained in this Order, subsection (2) of section 45 of the Finance Act, 1922, shall continue to have effect (as provided in the Malayan Union Order in Council, 1946,) as if the words "Negri Sembilan, Pahang, Perak, Selangor" were substituted for the words "the Federated Malay States and".

(2) Section 9 of the Pensions (Governors of Dominions &c.) Act, 1929, shall have effect—

(*a*) as if, by subsection (3) of Section 87 of the Malayan Union Order in Council, 1946, and the Second Schedule thereto, the words "Malayan Union" had not been substituted for the words "Malay States" but the words "and the Malayan Union" had been inserted after the words "Malay States"; and

(*b*) as if the words "and the Federation of Malaya" were inserted after the words "the Malayan Union" as from the appointed day.

Revocation of Malayan Union Order in Council, 1946.

53. The Malayan Union Order in Council, 1946(a), is hereby revoked.

Power reserved to His Majesty.

54. Nothing in this Order shall affect the power of His Majesty in Council to make laws, from time to time, for the peace, order and good government of the Settlements or either of them or relating to the defence or external affairs of the Federation.

E. C. E. Leadbitter.

(a) S.R. & O. 1946 (No. 463) I, p. 543.

FIRST SCHEDULE

THE STATE AGREEMENTS

(1)

THE JOHORE AGREEMENT, 1948

AGREEMENT made the twenty-first day of January, 1948, BETWEEN SIR GERARD EDWARD JAMES GENT, K.C.M.G., D.S.O., O.B.E., M.C., on behalf of HIS MAJESTY and His Highness IBRAHIM ibni Almarhum Sultan ABU BAKAR, D.K., S.P.M.J., G.C.M.G., K.B.E. (Mil.), G.B.E., G.C.O.C. (I), Sultan of the State and Territory of JOHORE for Himself and His Successors:

WHEREAS mutual agreements subsist between His Majesty and His Highness:

AND WHEREAS it has been represented to His Majesty that fresh arrangements should be made for the peace, order and good government of the State of Johore:

AND WHEREAS His Majesty in token of the friendship which he bears towards His Highness, the subjects of His Highness, and the inhabitants of the State of Johore is pleased to make fresh arrangements to take effect on such day as His Majesty may by Order in Council appoint (hereinafter called " the appointed day "):

AND WHEREAS it is expedient to provide for the constitutional development of the State of Johore under the protection of His Majesty and for its future government:

NOW, THEREFORE, it is agreed and declared as follows:

Short title and commencement.

1. This Agreement may be cited as the Johore Agreement, 1948, and shall come into operation on the appointed day immediately after the coming into operation of the Order in Council aforesaid. Notification of the appointed day shall be published in the *Malayan Union Gazette* together with a copy of this Agreement.

Interpretation.

2. In this Agreement:

" Enactment " means any law enacted by His Highness with the advice and consent of a Council of State constituted under the written Constitution of the State referred to in Clause 9 of this Agreement;

" Federal Government " means the Government of the Federation;

" the Federation " means the Federation of Malaya to be called in Malay " Persekutuan Tanah Melayu ", which is to be established on the appointed day;

" Federation Agreement " means the Agreement which is to be made between His Majesty and Their Highnesses the Rulers of the Malay States of Johore, Pahang, Negri Sembilan, Selangor, Perak, Kedah, Perlis, Kelantan and Trengganu for the establishment of the Federation, and includes any amendment thereof;

" the High Commissioner " means the High Commissioner for the Federation;

" His Highness " means the Sultan of Johore and His Successors;

" His Highness in Council " means His Highness acting after consultation with the State Executive Council constituted under the written Constitution of the State referred to in Clause 9 of his Agreement, but not necessarily in accordance with the advice of such Council nor necessarily in such Council assembled;

" Secretary of State " means one of His Majesty's Principal Secretaries of State.

Protection and external affairs.

3.—(1) His Majesty shall have complete control of the defence and of all the external affairs of the State of Johore and His Majesty undertakes to protect the Government and State of Johore and all its dependencies from external hostile attacks and for this and other similar purposes His Majesty's Forces and persons authorised by or on behalf of His Majesty's Government shall at all times be allowed free access to the State of Johore and to employ all necessary means of opposing such attacks.

(2) His Highness undertakes that, without the knowledge and consent of His Majesty's Government, he will not make any treaty, enter into any engagement, deal in or correspond on political matters with, or send envoys to, any foreign State.

British Adviser.

4. His Highness undertakes to receive and provide a suitable residence for a British Adviser to advise on all matters connected with the government of the State other than matters relating to the Muslim Religion and the Custom of the Malays, and undertakes to accept such advice; provided that nothing in this clause shall in any way prejudice the right of His Highness to address the High Commissioner, or His Majesty through a Secretary of State, if His Highness so desires.

Cost of British Adviser.

5. The cost of the British Adviser with his establishment shall be determined by the High Commissioner and shall be a charge on the revenues of the State of Johore.

Appointment of British Adviser.

6. His Highness shall be consulted before any officer whom it is proposed to send as British Adviser is actually appointed.

Federal officers.

7. His Highness undertakes to receive within his State such officers of the Federal Government as that Government may require and to permit such officers to exercise such lawful authority and powers and to perform such lawful functions as may be necessary for the purposes of the Federal Government.

When Federal officers may perform State functions.

8. Any officer of the Federal Government may, with the concurrence of the High Commissioner, perform within the State of Johore such State duties and may exercise such State powers as may be imposed or conferred upon him by His Highness in Council or by Enactment.

State Constitution.

9. His Highness undertakes to govern the State of Johore in accordance with the provisions of a written Constitution which shall be in conformity with the provisions of this Agreement and of the Federation Agreement.

Councils to be constituted.

10. In pursuance of the undertaking contained in Clause 9 of this Agreement and in conformity with the provisions of the Federation Agreement His Highness undertakes forthwith to constitute

(*a*) a Majlis Meshuarat Kerajaan, to be called in English State Executive Council;

(*b*) a Majlis Meshuarat Negri, to be called in English Council of State.

His Highness to be consulted before posting of officers by High Commissioner to posts borne on State Estimates.

11. His Highness, unless he shall otherwise direct, shall be consulted before any officer is posted by or on the authority of the High Commissioner to any post borne on the State Estimates.

Impartial treatment.

12. All persons of whatsoever race in the same grade in the service of the State of Johore shall, subject to the terms and conditions of their employment, be treated impartially.

Education and training of Malays.

13. His Highness desires and His Majesty agrees that it shall be a particular charge upon the Government of the State of Johore to provide for and encourage the education and training of the Malay inhabitants of the State of Johore so as to fit them to take a full share in the economic progress, social welfare and government of the State and of the Federation.

Previous Agreements.

14.—(1) The Agreement made on the 20th day of October, 1945, between His Majesty's Government within the United Kingdom of Great Britain and Northern Ireland and His Highness Sir Ibrahim, G.C.M.G., G.B.E., the Sultan of the State and Territory of Johore, for Himself, His Heirs and Successors, is hereby revoked.

(2) All Treaties and Agreements subsisting immediately prior to the making of the aforesaid Agreement of the 20th day of October, 1945, shall continue in force save in so far as they are inconsistent with this Agreement or the Federation Agreement.

Sovereignty of the Ruler.

15. The prerogatives, power and jurisdiction of His Highness within the State of Johore shall be those which His Highness the Sultan of Johore possessed on the first day of December, 1941, subject nevertheless to the provisions of the Federation Agreement and this Agreement.

Language of Agreement.

16. This Agreement shall be expressed in both the English and the Malay languages, but, for the purposes of interpretation, regard shall be had only to the English version.

In Witness Whereof SIR GERARD EDWARD JAMES GENT, K.C.M.G., D.S.O., O.B.E., M.C., has hereunto set his hand and seal for and on behalf of His Majesty, and His Highness Ibrahim ibni Almarhum Sultan Abu Bakar, D.K., S.P.M.J., G.C.M.G., K.B.E.(Mil.), G.B.E., G.C.O.C.(I), etc., Sultan of Johore has hereunto set his hand and seal, the day and year first above written.

SIGNED and SEALED by SIR GERARD EDWARD JAMES GENT, K.C.M.G., D.S.O., O.B.E., M.C., for and on behalf of HIS MAJESTY in the presence of:

A. T. NEWBOULT

G. E. J. GENT L.S.

SIGNED and SEALED by HIS HIGHNESS IBRAHIM IBNI ALMARHUM SULTAN ABU BAKAR, D.K., S.P.M.J., G.C.M.G., K.B.E. (Mil.), G.B.E., G.C.O.C.(I.), SULTAN OF THE STATE AND TERRITORY OF JOHORE, in the presence of:

ONN JAAFFAR
IDRIS BIN IBRAHIM
ABDULLAH B. ESA
E. E. F. PRETTY

IBRHAHIM
Major-General
H. H. Sir IBRAHIM,
D.K., S.P.M.J.,
G.C.M.G., K.B.E.(Mil),
G.B.E., G.C.O.C.(I.), etc.
Sultan of Johore. L.S.

(2)

THE PAHANG AGREEMENT, 1948

AGREEMENT made the twenty-first day of January, 1948, BETWEEN SIR GERARD EDWARD JAMES GENT, K.C.M.G., D.S.O., O.B.E., M.C., on behalf of HIS MAJESTY and His Highness ABU BAKAR RI'AYATU'D-DIN AL-MUADZAM SHAH ibni Almarhum ALMU'TASIM BI'LLAH ABDULLAH, K.C.M.G., Sultan of the State of Pahang for Himself and His Successors:

WHEREAS mutual agreements subsist between His Majesty and His Highness:

AND WHEREAS it has been represented to His Majesty that fresh arrangements should be made for the peace, order and good government of the State of Pahang:

AND WHEREAS His Majesty in token of the friendship which he bears towards His Highness, the subjects of His Highness, and the inhabitants of the State of Pahang, is pleased to make fresh arrangements to take effect on such day as His Majesty may by Order in Council appoint (hereinafter called " the appointed day "):

AND WHEREAS it is expedient to provide for the constitutional development of the State of Pahang under the protection of His Majesty and for its future government:

NOW, THEREFORE, it is agreed and declared as follows:

Short title and commencement.

1. This Agreement may be cited as the Pahang Agreement, 1948, and shall come into operation on the appointed day, immediately after the coming into operation of the Order in Council aforesaid. Notification of the appointed day shall be published in the *Malayan Union Gazette* together with a copy of this Agreement.

Interpretation.

2. In this Agreement:

"Enactment" means any law enacted by His Highness with the advice and consent of a Council of State constituted in accordance with this Agreement;

"Federal Government" means the Government of the Federation;

"the Federation" means the Federation of Malaya to be called in Malay "Persekutuan Tanah Melayu", which is to be established on the appointed day;

"Federation Agreement" means the Agreement which is to be made between His Majesty and Their Highnesses the Rulers of the Malay States of Johore, Pahang, Negri Sembilan, Selangor, Perak, Kedah, Perlis, Kelantan and Trengganu for the establishment of the Federation, and includes any amendment thereof;

"the High Commissioner" means the High Commissioner for the Federation;

"His Highness" means the Sultan of Pahang and His Successors;

"His Highness in Council" means His Highness acting after consultation with the State Executive Council to be constituted in accordance with this Agreement, but not necessarily in accordance with the advice of such Council nor necessarily in such Council assembled;

"Secretary of State" means one of His Majesty's Principal Secretaries of State.

Protection and external affairs.

3.—(1) His Majesty shall have complete control of the defence and of all the external affairs of the State of Pahang and His Majesty undertakes to protect the Government and State of Pahang and all its dependencies from external hostile attacks and for this and other similar purposes His Majesty's Forces and persons authorised by or on behalf of His Majesty's Government shall at all times be allowed free access to the State of Pahang and to employ all necessary means of opposing such attacks.

(2) His Highness undertakes that, without the knowledge and consent of His Majesty's Government, he will not make any treaty, enter into any engagement, deal in or correspond on political matters with, or send envoys to, any foreign State.

British Adviser.

4. His Highness undertakes to receive and provide a suitable residence for a British Adviser to advise on all matters connected with the government of the State other than matters relating to the Muslim Religion and the Custom of the Malays, and undertakes to accept such advice; provided that nothing in this clause shall in any way prejudice the right of His Highness to address the High Commissioner, or His Majesty through a Secretary of State, if His Highness so desires.

Cost of British Adviser.

5. The cost of the British Adviser with his establishment shall be determined by the High Commissioner and shall be a charge on the revenues of the State of Pahang.

Appointment of British Adviser.

6. His Highness shall be consulted before any officer whom it is proposed to send as British Adviser is actually appointed.

Federal officers.

7. His Highness undertakes to receive within his State such officers of the Federal Government as that Government may require and to permit such officers to exercise such lawful authority and powers and to perform such lawful functions as may be necessary for the purposes of the Federal Government.

When Federal officers may perform State functions.

8. Any officer of the Federal Government may, with the concurrence of the High Commissioner, perform within the State of Pahang such State duties and may exercise such State powers as may be imposed or conferred upon him by His Highness in Council or by Enactment.

State Constitution.

9. His Highness undertakes to govern the State of Pahang in accordance with the provisions of a written Constitution which shall be in conformity with the provisions of this Agreement and of the Federation Agreement and which shall be granted and promulgated by His Highness as soon as conveniently may be either in whole or, if His Highness thinks expedient, in Parts from time to time.

Councils to be constituted.

10. In pursuance of the undertaking contained in Clause 9 of this Agreement and in conformity with the provisions of the Federation Agreement His Highness undertakes forthwith to constitute

(*a*) a Majlis Meshuarat Kerajaan, to be called in English State Executive Council;

(*b*) a Majlis Meshuarat Negri, to be called in English Council of State.

His Highness to be consulted before posting of officers by High Commissioner to posts borne on State estimates.

11. His Highness, unless he shall otherwise direct, shall be consulted before any officer is posted by or on the authority of the High Commissioner to any post borne on the State Estimates.

Impartial treatment.

12. All persons of whatsoever race in the same grade in the service of the State of Pahang shall, subject to the terms and conditions of their employment, be treated impartially.

Education and training of Malays.

13. His Highness desires and His Majesty agrees that it shall be a particular charge upon the Government of the State of Pahang to provide for and encourage the education and training of the Malay inhabitants of the State of Pahang so as to fit them to take a full share in the economic progress, social welfare and government of the State and of the Federation.

Previous Agreements.

14.—(1) The Agreement made on the 2nd day of November, 1945, between His Majesty's Government within the United Kingdom of Great Britain and Northern Ireland and His Highness al-Sultan Sir Abu Bakar Ri'ayatu'd-Din al-Muadzam Shah, K.C.M.G., ibni al-Marhum al Mu'tasim Bi'llah al-Sultan Abdullah the Sultan of the State of Pahang, for Himself, His Heirs and Successors is hereby revoked.

(2) All Treaties and Agreements subsisting immediately prior to the making of the aforesaid Agreement of the 2nd day of November, 1945, shall continue in force save in so far as they are inconsistent with this Agreement or the Federation Agreement.

Sovereignty of the Ruler.

15. The prerogatives, power and jurisdiction of His Highness within the State of Pahang shall be those which His Highness the Sultan of Pahang possessed on the first day of December, 1941, subject nevertheless to the provisions of the Federation Agreement and this Agreement; but undiminished by the provisions of any of the Agreements specified in the Schedule to this Agreement.

Language of Agreement.

16. This Agreement shall be expressed in both the English and the Malay languages; but, for the purposes of interpretation, regard shall be had only to the English version.

In Witness Whereof SIR GERARD EDWARD JAMES GENT, K.C.M.G., D.S.O., O.B.E., M.C., has hereunto set his hand and seal for and on behalf of His Majesty, and His Highness Abu Bakar Ri'ayatu'd-Din al-Muadzam Shah ibni al-Marhum al Mu'tasim Bi'llah Abdullah, K.C.M.G., Sultan of the State of Pahang, above named, has hereunto set his hand and seal the day and year first above written.

THE SCHEDULE

(1) Date of Agreement	(2) Title
1. July, 1895	AGREEMENT between the Governor of the Straits Settlements acting on behalf of the Government of Her Majesty the Queen, Empress of India, and the Rulers of the following Malay States: that is to say, Perak, Selangor, Pahang and the Negri Sembilan.
2. 20th October, 1909 ...	AGREEMENT between the High Commissioner of the Federated Malay States, acting on behalf of the Government of His Majesty the King, Emperor of India, and the Rulers of the Federated Malay States of Perak, Selangor, Pahang and the Negri Sembilan.
3. 7th November, 1912...	AGREEMENT supplemental to the Agreement for the Constitution of a Federal Council, 1912.
4. 9th July, 1924 ...	AGREEMENT further supplemental to the Agreement for the Constitution of a Federal Council.
5. 24th April, 1927 ...	AGREEMENT between the High Commissioner for the Malay States, acting on behalf of the Government of His Majesty the King, Emperor of India, and the Rulers of the Federated Malay States of Perak, Selangor, Negri Sembilan and Pahang.

SIGNED and SEALED BY SIR GERARD EDWARD JAMES GENT, K.C.M.G., D.S.O., O.B.E., M.C., for and on behalf of HIS MAJESTY in the presence of:

J. A. HARVEY

G. E. J. GENT L.S.

SIGNED and SEALED by HIS HIGHNESS ABU BAKAR RI'AYATU'D-DIN AL-MUADZAM SHAH IBNI ALMARHUM AL-MU'TASIM BILLAH ABDULLAH, K.C.M.G., SULTAN OF PAHANG in the presence of:

MAHMUD
C. E. MOHAMED

ABU BAKAR BIN ABDULLAH (In Malay) L.S.

(3)

THE NEGRI SEMBILAN AGREEMENT, 1948

AGREEMENT made the twenty-first day of January, 1948, BETWEEN SIR GERARD EDWARD JAMES GENT, K.C.M.G., D.S.O., O.B.E., M.C., on behalf of HIS MAJESTY and His Highness Tuanku ABDUL RAHMAN ibni Al-Marhom Tuanku MUHAMMAD, of the State of NEGRI SEMBILAN, Yang di-Pertuan Besar and Ruler, Knight Commander of the Most Distinguished Order of St. Michael and St. George, and Dato' Klana Petra MOHAMAD KASSIM bin Dato' Nika Haji Abdul Rashid, Undang of SUNGEI UJONG, Dato' Mendika Mentri Akhirzaman SHAHMARUDDIN bin Abdulrahman, Undang of JELEBU, Dato' Johan Pahlawan Lela Perkasa Setiawan ABDUL MANAP bin Tolok, Undang of JOHOL, Dato' Lela Maharaja HAJI IPAP bin Abdullah, Undang of REMBAU, and Tengku SYED IDRUS bin Tengku Syed Mohamad, Tengku Besar of TAMPIN, for Themselves and Their Successors:

WHEREAS mutual agreements subsist between His Majesty and His Highness the Yang di-Pertuan Besar and the Ruling Chiefs of the territories which form the State known as Negri Sembilan:

AND WHEREAS it has been represented to His Majesty that fresh arrangements should be made for the peace, order and good government of the State of Negri Sembilan:

AND WHEREAS His Majesty in token of the friendship which he bears towards His Highness the Yang di-Pertuan Besar and the Ruling Chiefs of the State of Negri Sembilan, the subjects of His Highness, and the inhabitants of the State of Negri Sembilan, is pleased to make fresh arrangements to take effect on such day as His Majesty may by Order in Council appoint (hereinafter called " the appointed day "):

AND WHEREAS it is expedient to provide for the constitutional development of the State of Negri Sembilan under the protection of His Majesty and for its future government:

NOW, THEREFORE, it is agreed and declared as follows:

Short title and commencement.

1. This Agreement may be cited as the Negri Sembilan Agreement, 1948, and shall come into operation on the appointed day immediately after the coming into operation of the Order in Council aforesaid. Notification of the appointed day shall be published in the *Malayan Union Gazette* together with a copy of this Agreement.

Interpretation.

2. In this Agreement:

" Enactment " means any law enacted by His Highness with the advice and consent of a Council of State constituted in accordance with this Agreement;

" Federal Government " means the Government of the Federation;

" the Federation " means the Federation of Malaya to be called in Malay " Persekutuan Tanah Melayu ", which is to be established on the appointed day;

" Federation Agreement " means the Agreement which is to be made between His Majesty and Their Highnesses the Rulers of the Malay States of Johore, Pahang, Negri Sembilan, Selangor, Perak, Kedah, Perlis, Kelantan and Trengganu for the establishment of the Federation, and includes any amendment thereof;

" the High Commissioner " means the High Commissioner for the Federation;

" His Highness " means the Yang di-Pertuan Besar and Ruler of the State of Negri Sembilan and His Successors and (except in Clauses 6, 11 and 15) the Ruling Chiefs and Their Successors;

" His Highness in Council " means His Highness the Yang di-Pertuan Besar acting after consultation with the State Executive Council to be constituted in accordance with this Agreement, but not necessarily in accordance with the advice of such Council nor necessarily in such Council assembled;

" Luak " means the area ruled respectively by each of the Undangs, that is to say, the Undangs of the Luaks of Sungei Ujong, Jelebu, Johol and Rembau;

" Ruling Chiefs " means the Dato' Klana Petra Undang of the Luak of Sungei Ujong, the Undang of the Luak of Jelebu, the Undang of the Luak of Johol, the Undang of the Luak of Rembau, and the Tengku Besar of Tampin;

" Secretary of State " means one of His Majesty's Principal Secretaries of State;

" Undang " means one of the Ruling Chiefs excluding the Tengku Besar of Tampin;

Protection and external affairs.

3.—(1) His Majesty shall have complete control of the defence and of all the external affairs of the State of Negri Sembilan and His Majesty undertakes to protect the Government and State of Negri Sembilan and all its dependencies from external hostile attacks and for this and other similar

purposes His Majesty's Forces and persons authorised by or on behalf of His Majesty's Government shall at all times be allowed free access to the State of Negri Sembilan and to employ all necessary means of opposing such attacks.

(2) His Highness undertakes that, without the knowledge and consent of His Majesty's Government, he will not make any treaty, enter into any engagement, deal in or correspond on political matters with, or send envoys to, any foreign State.

British Adviser.

4. His Highness undertakes to receive and provide a suitable residence for a British Adviser to advise on all matters connected with the government of the State other than matters relating to the Muslim Religion and the Custom of the Malays, and undertakes to accept such advice; provided that nothing in this clause shall in any way prejudice the right of His Highness to address the High Commissioner, or His Majesty through a Secretary of State, if His Highness so desires.

Cost of British Adviser.

5. The cost of the British Adviser with his establishment shall be determined by the High Commissioner and shall be a charge on the revenues of the State of Negri Sembilan.

Appointment of British Adviser.

6. His Highness shall be consulted before any officer whom it is proposed to send as British Adviser is actually appointed.

Federal officers.

7. His Highness undertakes to receive within his State such officers of the Federal Government as that Government may require and to permit such officers to exercise such lawful authority and powers and to perform such lawful functions as may be necessary for the purposes of the Federal Government.

When Federal officers may perform State functions.

8. Any officer of the Federal Government may, with the concurrence of the High Commissioner, perform within the State of Negri Sembilan such State duties and may exercise such State powers as may be imposed or conferred upon him by His Highness in Council or by Enactment.

State Constitution.

9. His Highness undertakes to govern the State of Negri Sembilan in accordance with the provisions of a written Constitution which shall be in conformity with the provisions of this Agreement and of the Federation Agreement and which shall be granted and promulgated by His Highness as soon as conveniently may be either in whole or, if His Highness thinks expedient, in Parts from time to time.

Councils to be constituted.

10. In pursuance of the undertaking contained in Clause 9 of this Agreement and in conformity with the provisions of the Federation Agreement His Highness undertakes forthwith to constitute

(*a*) A Majlis Meshuarat Kerajaan, to be called in English State Executive Council;

(*b*) A Majlis Meshuarat Negri, to be called in English Council of State.

His Highness to be consulted before posting of officers by High Commissioner to posts borne on State estimates.

11. His Highness, unless he shall otherwise direct, shall be consulted before any officer is posted by or on the authority of the High Commissioner to any post borne on the State Estimates.

Impartial treatment.

12. All persons of whatsoever race in the same grade in the service of the State of Negri Sembilan shall, subject to the terms and conditions of their employment, be treated impartially.

Education and training of Malays.

13. His Highness desires and His Majesty agrees that it shall be a particular charge upon the Government of the State of Negri Sembilan to provide for and encourage the education and training of the Malay inhabitants of the State of Negri Sembilan so as to fit them to take a full share in the economic progress, social welfare and government of the State and of the Federation.

Previous Agreements.

14.—(1) The Agreement made on the 14th day of November, 1945, between His Majesty's Government within the United Kingdom of Great Britain and Northern Ireland and His Highness Tuanku Abdul Rahman,

K.C.M.G., ibni Almarhom Yam Tuan Muhammad the Yang di-Pertuan Besar, and the Rulers of the States which form the Negri Sembilan for Themselves, Their Heirs and Successors is hereby revoked.

(2) All Treaties and Agreements subsisting immediately prior to the making of the aforesaid Agreement of the 14th day of November, 1945, shall continue in force save in so far as they are inconsistent with this Agreement or the Federation Agreement.

Prerogatives, power and jurisdiction of His Highness the Yang di-Pertuan Besar.

15. The prerogatives, power and jurisdiction of His Highness the Yang di-Pertuan Besar within the State of Negri Sembilan shall be those which His Highness the Yang di-Pertuan Besar possessed on the first day of December, 1941, subject nevertheless to the provisions of the Federation Agreement and of this Agreement, but undiminished by the provisions of any of the Agreements specified in the Schedule to this Agreement.

Prerogatives, power and jurisdiction of the Ruling Chiefs.

16. The prerogatives, power and jurisdiction of the Ruling Chiefs of Sungei Ujong, Jelebu, Johol, Rembau and Tampin and their successors within their respective Territories shall be those which the Ruling Chiefs of Sungei Ujong, Jelebu, Johol, Rembau and Tampin, respectively, possessed on the first day of December, 1941, subject nevertheless to the provisions of the Federation Agreement and of this Agreement; but undiminished by the provisions of any of the Agreements specified in the Schedule to this Agreement.

Language of Agreement.

17. This Agreement shall be expressed in both the English and the Malay languages; but, for the purposes of interpretation, regard shall be had only to the English version.

In witness whereof the said SIR GERARD EDWARD JAMES GENT, K.C.M.G., D.S.O., O.B.E., M.C., for and on behalf of HIS MAJESTY, and his Highness Tuanku Abdul Rahman Ibni Almarhom Tuanku Muhammad, K.C.M.G., the YANG DI-PERTUAN BESAR of NEGRI SEMBILAN and the said Undangs of SUNGEI UJONG, JELEBU, JOHOL and REMBAU, and the said TENGKU BESAR of TAMPIN have hereunto set their signatures and seals in the presence of witnesses this twenty-first day of January One Thousand Nine Hundred and Forty-eight of the Christian era corresponding to the tenth day of Rabiulawal the Hadjira of the Prophet (on whom be Benediction and Peace of God) One Thousand Three Hundred and Sixty-seven.

THE SCHEDULE

	(1) Date of Agreement	(2) Title
1.	July, 1895	AGREEMENT between the Governor of the Straits Settlements acting on behalf of the Government of Her Majesty the Queen, Empress of India, and the Rulers of the following Malay States: that is to say, Perak, Selangor, Pahang and the Negri Sembilan.
2.	20th October, 1909 ...	AGREEMENT between the High Commissioner of the Federated Malay States, acting on behalf of the Government of His Majesty the King, Emperor of India, and the Rulers of the Federated Malay States of Perak, Selangor, Pahang and the Negri Sembilan.
3.	7th November, 1912...	AGREEMENT supplemental to the Agreement for the Constitution of a Federal Council, 1912.
4.	9th July, 1924 ...	AGREEMENT further supplemental to the Agreement for the Constitution of a Federal Council.
5.	24th April, 1927 ...	AGREEMENT between the High Commissioner for the Malay States, acting on behalf of the Government of His Majesty the King, Emperor of India, and the Rulers of the Federated Malay States of Perak, Selangor, Negri Sembilan and Pahang.

SIGNED and SEALED BY SIR GERARD EDWARD JAMES GENT, K.C.M.G., D.S.O., O.B.E., M.C., for and on behalf of HIS MAJESTY in the presence of :

W. A. GORDON HALL

G. E. J. GENT L.S.

SIGNED and SEALED BY HIS HIGHNESS TUANKU ABDUL RAHMAN IBNI ALMARHOM TUANKU MUHAMMAD THE YANG DI-PERTUAN BESAR OF NEGRI SEMBILAN, in the presence of :

ABDUL MALEK
TUNKU NASIR

T. ABDUL RAHMAN L.S.

SIGNED and SEALED BY DATO' KLANA PETRA, UNDANG OF SUNGEI UJONG, above named, in the presence of :

ABU BAKAR

MKR L.S.

SIGNED and SEALED BY DATO' MENDIKA MENTRI AKHIRZAMAN, UNDANG OF JELEBU, above named, in the presence of :

OMAR

SHAHMARUDDIN L.S.

SIGNED and SEALED BY DATO' JOHAN PAHLAWAN LELA PERKASA SETIAWAN, UNDANG of JOHOL, above named, in the presence of :

ABD. GHANI B. CHE MEK

AB. MANAP L.S.

SIGNED and SEALED BY DATO' LELA MAHARAJA, UNDANG OF REMBAU, above named, in the presence of :

OSMAN BIN SEKAT

D. H. IPAP L.S.

SIGNED and SEALED BY TENGKU BESAR OF TAMPIN, above named, in the presence of :

MD JANI

T. SYED IDRUS L.S.

(4)

THE SELANGOR AGREEMENT, 1948

AGREEMENT made the twenty-first day of January, 1948, BETWEEN SIR GERARD EDWARD JAMES GENT, K.C.M.G., D.S.O., O.B.E., M.C., on behalf of HIS MAJESTY and His Highness HISAMUDDIN ALAM SHAH ibni Almarhum Sultan ALA-IDDIN SULAIMAN SHAH, K.C.M.G., Sultan of the State of SELANGOR for Himself and His Successors:

WHEREAS mutual agreements subsist between His Majesty and His Highness:

AND WHEREAS it has been represented to His Majesty that fresh arrangements should be made for the peace, order and good government of the State of Selangor:

AND WHEREAS His Majesty in token of the friendship which he bears towards His Highness, the subjects of His Highness, and the inhabitants of the State of Selangor is pleased to make fresh arrangements to take effect on such day as His Majesty may by Order in Council appoint (hereinafter called " the appointed day "):

AND WHEREAS it is expedient to provide for the constitutional development of the State of Selangor under the protection of His Majesty and for its future government:

NOW, THEREFORE, it is agreed and declared as follows:

Short title and commencement.

1. This Agreement may be cited as the Selangor Agreement, 1948, and shall come into operation on the appointed day immediately after the coming into operation of the Order in Council aforesaid. Notification of the appointed day shall be published in the *Malayan Union Gazette* together with a copy of this Agreement.

Interpretation

2. In this Agreement:

" Enactment " means any law enacted by His Highness with the advice and consent of a Council of State constituted in accordance with this Agreement;

" Federal Government " means the Government of the Federation;

" the Federation " means the Federation of Malaya to be called in Malay " Persekutuan Tanah Melayu ", which is to be established on the appointed day;

" Federation Agreement " means the Agreement which is to be made between His Majesty and Their Highnesses the Rulers of the Malay States of Johore, Pahang, Negri Sembilan, Selangor, Perak, Kedah, Perlis, Kelantan and Trengganu for the establishment of the Federation, and includes any amendment thereof;

" the High Commissioner " means the High Commissioner for the Federation;

" His Highness " means the Sultan of Selangor and His Successors;

" His Highness in Council " means His Highness acting after consultation with the State Executive Council to be constituted in accordance with this Agreement, but not necessarily in accordance with the advice of such Council nor necessarily in such Council assembled;

" Secretary of State " means one of His Majesty's Principal Secretaries of State.

Protection and external affairs.

3.—(1) His Majesty shall have complete control of the defence and of all the external affairs of the State of Selangor and His Majesty undertakes to protect the Government and State of Selangor and all its dependencies from external hostile attacks and for this and other similar purposes

His Majesty's Forces and persons authorised by or on behalf of His Majesty's Government shall at all times be allowed free access to the State of Selangor and to employ all necessary means of opposing such attacks.

(2) His Highness undertakes that, without the knowledge and consent of His Majesty's Government, he will not make any treaty, enter into any engagement, deal in or correspond on political matters with, or send envoys to, any foreign State.

British Adviser.

4. His Highness undertakes to receive and provide a suitable residence for a British Adviser to advise on all matters connected with the government of the State other than matters relating to the Muslim Religion and the Custom of the Malays, and undertakes to accept such advice; provided that nothing in this clause shall in any way prejudice the right of His Highness to address the High Commissioner, or His Majesty through a Secretary of State, if His Highness so desires.

Cost of British Adviser.

5. The cost of the British Adviser with his establishment shall be determined by the High Commissioner and shall be a charge on the revenues of the State of Selangor.

Appointment of British Adviser.

6. His Highness shall be consulted before any officer whom it is proposed to send as British Adviser is actually appointed.

Federal officers.

7. His Highness undertakes to receive within his State such officers of the Federal Government as that Government may require and to permit such officers to exercise such lawful authority and powers and to perform such lawful functions as may be necessary for the purposes of the Federal Government.

When Federal officers may perform State functions.

8. Any officer of the Federal Government may, with the concurrence of the High Commissioner, perform within the State of Selangor such State duties and may exercise such State powers as may be imposed or conferred upon him by His Highness in Council or by Enactment.

State Constitution.

9. His Highness undertakes to govern the State of Selangor in accordance with the provisions of a written Constitution which shall be in conformity with the provisions of this Agreement and of the Federation Agreement and which shall be granted and promulgated by His Highness as soon as conveniently may be either in whole or, if His Highness thinks expedient, in Parts from time to time.

Councils to be constituted.

10. In pursuance of the undertaking contained in Clause 9 of this Agreement and in conformity with the provisions of the Federation Agreement His Highness undertakes forthwith to constitute

(*a*) a Majlis Meshuarat Kerajaan, to be called in English State Executive Council;

(*b*) a Majlis Meshuarat Negri, to be called in English Council of State.

His Highness to be consulted before posting of officers by High Commissioner to posts borne on State estimates.

11. His Highness, unless he shall otherwise direct, shall be consulted before any officer is posted by or on the authority of the High Commissioner to any post borne on the State Estimates.

Impartial treatment.

12. All persons of whatsoever race in the same grade in the service of the State of Selangor shall, subject to the terms and conditions of their employment, be treated impartially.

Education and training of Malays.

13. His Highness desires and His Majesty agrees that it shall be a particular charge upon the Government of the State of Selangor to provide for and encourage the education and training of the Malay inhabitants of the State of Selangor so as to fit them to take a full share in the economic progress, social welfare and government of the State and of the Federation.

Previous Agreements.

14.—(1) The Agreement made on the 24th day of October, 1945, between His Majesty's Government within the United Kingdom of Great Britain and Northern Ireland and His Highness Hisamuddin Alam Shah, K.C.M.G., ibni Almarhum Sultan Ala'idin Sulaiman Shah the Sultan of the State of Selangor, for Himself, His Heirs and Successors is hereby revoked.

(2) All Treaties and Agreements subsisting immediately prior to the making of the aforesaid Agreement of the 24th day of October, 1945, shall continue in force save in so far as they are inconsistent with this Agreement or the Federation Agreement.

Sovereignty of the Ruler.

15. The prerogatives, power and jurisdiction of His Highness within the State of Selangor shall be those which His Highness the Sultan of Selangor possessed on the first day of December, 1941, subject nevertheless to the provisions of the Federation Agreement and this Agreement; but undiminished by the provisions of any of the Agreements specified in the Schedule to this Agreement.

Language of Agreement.

16. This Agreement shall be expressed in both the English and the Malay languages; but, for the purposes of interpretation, regard shall be had only to the English version.

In Witness Whereof Sir Gerard Edward James Gent, K.C.M.G., D.S.O., O.B.E., M.C., has hereunto set his hand and seal for and on behalf of His Majesty, and His Highness Hisamuddin Alam Shah ibni Almarhum Sultan Ala-Iddin Sulaiman Shah, K.C.M.G., Sultan of the State of Selangor, has hereunto set his hand and seal, the day and year first above written.

THE SCHEDULE

	(1) Date of Agreement	(2) Title
1.	July, 1895	Agreement between the Governor of the Straits Settlements acting on behalf of the Government of Her Majesty the Queen, Empress of India, and the Rulers of the following Malay States: that is to say, Perak, Selangor, Pahang and the Negri Sembilan.
2.	20th October, 1909 ...	Agreement between the High Commissioner of the Federated Malay States, acting on behalf of the Government of His Majesty the King, Emperor of India, and the Rulers of the Federated Malay States of Perak, Selangor, Pahang and the Negri Sembilan.
3.	7th November, 1912...	Agreement supplemental to the Agreement for the Constitution of a Federal Council, 1912.
4.	9th July, 1924 ...	Agreement further supplemental to the Agreement for the Constitution of a Federal Council.
5.	24th April, 1927 ...	Agreement between the High Commissioner for the Malay States, acting on behalf of the Government of His Majesty the King, Emperor of India, and the Rulers of the Federated Malay States of Perak, Selangor, Negri Sembilan and Pahang.

SIGNED and SEALED BY SIR GERARD EDWARD JAMES GENT, K.C.M.G., D.S.O., O.B.E., M.C., for and on behalf of HIS MAJESTY in the presence of:

A. L. BIRSE

G. E. J. GENT L.S.

SIGNED and SEALED BY HIS HIGHNESS HISAMUDDIN ALUM SHAH IBNI ALMARHUM SULTAN ALA-IDDIN SULAIMAN SHAH, K.C.M.G., SULTAN of the State of SELANGOR, in the presence of:

HAMZAH BIN ABDULLAH
A. R. MAHMOOD
RAJA MOHAMED BAZID

TENGKU ALAM SHAH (In Malay) L.S.

(5)

THE PERAK AGREEMENT, 1948

AGREEMENT made the twenty-first day of January, 1948, BETWEEN SIR GERARD EDWARD JAMES GENT, K.C.M.G., D.S.O., O.B.E., M.C., on behalf of HIS MAJESTY and His Highness Paduka Sri Sultan ABDUL AZIZ ALMU'TASIM BILLAH SHAH, K.C.M.G., K.B.E., Sultan of the State of PERAK for Himself and His Successors:

WHEREAS mutual agreements subsist between His Majesty and His Highness:

AND WHEREAS it has been represented to His Majesty that fresh arrangements should be made for the peace, order and good government of the State of Perak:

AND WHEREAS His Majesty in token of the friendship which he bears towards His Highness, the subjects of His Highness, and the inhabitants of the State of Perak, is pleased to make fresh arrangements to take effect on such day as His Majesty may by Order in Council appoint (hereinafter called " the appointed day ").

AND WHEREAS it is expedient to provide for the constitutional development of the State of Perak under the protection of His Majesty and for its future government:

NOW, THEREFORE, it is agreed and declared as follows:

Short title and commencement.

1. This Agreement may be cited as the Perak Agreement, 1948, and shall come into operation on the appointed day immediately after the coming into force of the Order in Council aforesaid. Notification of the appointed day shall be published in the *Malayan Union Gazette* together with a copy of this Agreement.

Interpretation.

2. In this Agreement:

" Enactment " means any law enacted by His Highness with the advice and consent of a Council of State constituted in accordance with this Agreement;

" Federal Government " means the Government of the Federation;

" the Federation " means the Federation of Malaya to be called in Malay " Persekutuan Tanah Melayu ", which is to be established on the appointed day;

" Federation Agreement " means the Agreement which is to be made between His Majesty and Their Highnesses the Rulers of the Malay States of Johore, Pahang, Negri Sembilan, Selangor, Perak, Kedah, Perlis, Kelantan and Trengganu for the establishment of the Federation, and includes any amendment thereof;

" the High Commissioner " means the High Commissioner for the Federation;

" His Highness " means the Sultan of Perak and His Successors;

" His Highness in Council " means His Highness acting after consultation with the State Executive Council to be constituted in accordance with this Agreement, but not necessarily in accordance with the advice of such Council nor necessarily in such Council assembled;

" Secretary of State " means one of His Majesty's Principal Secretaries of State.

Protection and external affairs.

3.—(1) His Majesty shall have complete control of the defence and of all the external affairs of the State of Perak and His Majesty undertakes to protect the Government and State of Perak and all its dependencies from external hostile attacks and for this and other similar purposes His Majesty's Forces and persons authorised by or on behalf of His Majesty's Government shall at all times be allowed free access to the State of Perak and to employ all necessary means of opposing such attacks.

(2) His Highness undertakes that, without the knowledge and consent of His Majesty's Government, he will not make any treaty, enter into any engagement, deal in or correspond on political matters with, or send envoys to, any foreign State.

British Adviser

4. His Highness undertakes to receive and provide a suitable residence for a British Adviser to advise on all matters connected with the government of the State other than matters relating to the Muslim Religion and the Custom of the Malays, and undertakes to accept such advice; provided that nothing in this clause shall in any way prejudice the right of His Highness to address the High Commissioner, or His Majesty through a Secretary of State, if His Highness so desires.

Cost of British Adviser.

5. The cost of the British Adviser with his establishment shall be determined by the High Commissioner and shall be a charge on the revenues of the State of Perak.

Appointment of British Adviser.

6. His Highness shall be consulted before any officer whom it is proposed to send as British Adviser is actually appointed.

Federal officers.

7. His Highness undertakes to receive within his State such officers of the Federal Government as that Government may require and to permit such officers to exercise such lawful authority and powers and to perform such lawful functions as may be necessary for the purposes of the Federal Government.

When Federal officers may perform State functions.

8. Any officer of the Federal Government may, with the concurrence of the High Commissioner, perform within the State of Perak such State duties and may exercise such State powers as may be imposed or conferred upon him by His Highness in Council or by Enactment.

State Constitution.

9. His Highness undertakes to govern the State of Perak in accordance with the provisions of a written Constitution which shall be in conformity with the provisions of this Agreement and of the Federation Agreement and which shall be granted and promulgated by His Highness as soon as conveniently may be either in whole or, if His Highness thinks expedient, in Parts from time to time.

Councils to be constituted.

10. In pursuance of the undertaking contained in Clause 9 of this Agreement and in conformity with the provisions of the Federation Agreement His Highness undertakes forthwith to constitute

(*a*) a Majlis Meshuarat Kerajaan, to be called in English State Executive Council;

(*b*) a Majlis Meshaurat Negri, to be called in English Council of State.

His Highness to be consulted before posting of officers by High Commissioner to posts borne on State estimates.

11. His Highness, unless he shall otherwise direct, shall be consulted before any officer is posted by or on the authority of the High Commissioner to any post borne on the State Estimates.

Impartial treatment.

12. All persons of whatsoever race in the same grade in the service of the State of Perak shall, subject to the terms and conditions of their employment, be treated impartially.

Education and training of Malays.

13. His Highness desires and His Majesty agrees that it shall be a particular charge upon the Government of the State of Perak to provide for and encourage the education and training of the Malay inhabitants of the State of Perak so as to fit them to take a full share in the economic progress, social welfare and government of the State and of the Federation.

Previous Agreements.

14.—(1) The Agreement made on the 22nd day of November, 1945, between His Majesty's Government within the United Kingdom of Great Britain and Northern Ireland and His Highness Paduka Sri Sultan Abdul Aziz Al'Muktassim Bil'lah Shah, K.C.M.G., K.B.E., the Sultan of the State of Perak, for Himself, His Heirs and Successors is hereby revoked.

(2) All Treaties and Agreements subsisting immediately prior to the making of the aforesaid Agreement of the 22nd day of November, 1945, shall continue in force save in so far as they are inconsistent with this Agreement or the Federation Agreement.

Sovereignty of the Ruler.

15. The prerogatives, power and jurisdiction of His Highness within the State of Perak shall be those which His Highness the Sultan of Perak possessed on the first day of December, 1941, subject nevertheless to the provisions of the Federation Agreement and this Agreement, but undiminished by the provisions or any of the Agreements specified in the Schedule to this Agreement.

Language of Agreement.

16. This Agreement shall be expressed in both the English and the Malay languages; but, for the purposes of interpretation, regard shall be had only to the English version.

In Witness Whereof SIR GERARD EDWARD JAMES GENT, K.C.M.G., D.S.O., O.B.E., M.C., has hereunto set his hand and seal for and on behalf of His Majesty, and His Highness Paduka Sri Sultan Abdul Aziz Almu'tasim Billah Shah, K.C.M.G., K.B.E., the Sultan of the State of Perak, above named, has hereunto set his hand and seal, the day and year first above written.

THE SCHEDULE

	(1) Date of Agreement	(2) Title
1.	July, 1895	AGREEMENT between the Governor of the Straits Settlements acting on behalf of the Government of Her Majesty the Queen, Empress of India, and the Rulers of the following Malay States: that is to say, Perak, Selangor, Pahang and the Negri Sembilan.
2.	20th October, 1909 ...	AGREEMENT between the High Commissioner of the Federated Malay States, acting on behalf of the Government of His Majesty the King, Emperor of India, and the Rulers of the Federated Malay States of Perak, Selangor, Pahang and the Negri Sembilan.
3.	7th November, 1912...	AGREEMENT supplemental to the Agreement for the Constitution of a Federal Council, 1912.
4.	9th July, 1924 ...	AGREEMENT further supplemental to the Agreement for the Constitution of a Federal Council.

Date of Agreement		Title
5. 24th April, 1927	...	AGREEMENT between the High Commissioner for the Malay States, acting on behalf of the Government of His Majesty the King, Emperor of India, and the Rulers of the Federated Malay States of Perak, Selangor, Negri Sembilan and Pahang.

SIGNED and SEALED BY SIR GERARD EDWARD JAMES GENT, K.C.M.G., D.S.O., O.B.E., M.C., for and on behalf of HIS MAJESTY in the presence of:

J. I. MILLER

G. E. J. GENT L.S.

SIGNED and SEALED BY HIS HIGHNESS PADUKA SRI SULTAN ABDUL AZIZ ALMU'TASSIM BILLAH SHAH, K.C.M.G., K.B.E., SULTAN of the State of PERAK, in the presence of:

RAJA YUSSUF
WAN RAZALLI
RAJA SHAHRIMAN

RAJA ABDUL AZIZ (In Malay) L.S.

(6)

THE KEDAH AGREEMENT, 1948

AGREEMENT made the twenty-first day of January, 1948, BETWEEN SIR GERARD EDWARD JAMES GENT, K.C.M.G., D.S.O., O.B.E., M.C., on behalf of HIS MAJESTY and His Highness TUNGKU BADLISHAH ibni Almarhum Sultan ABDUL HAMID HALIMSHAH, K.C.M.G., K.B.E., Sultan of the State of KEDAH for Himself and his Successors:

WHEREAS mutual agreements subsist between His Majesty and His Highness:

AND WHEREAS it has been represented to His Majesty that fresh arrangements should be made for the peace, order and good government of the State of Kedah:

AND WHEREAS His Majesty in token of the friendship which he bears towards His Highness, the subjects of His Highness, and the inhabitants of the State of Kedah, has been pleased to make fresh arrangements to take effect on such day as His Majesty may by Order in Council appoint (hereinafter called " the appointed day "):

AND WHEREAS it is expedient to provide for the constitutional development of the State of Kedah under the protection of His Majesty and for its future government:

NOW, THEREFORE, it is agreed and declared as follows:

Short title and commencement.

1. This Agreement may be cited as the Kedah Agreement, 1948, and shall come into operation on the appointed day immediately after the coming into operation of the Order in Council aforesaid. Notification of the appointed day shall be published in the *Malayan Union Gazette* together with a copy of this Agreement.

Interpretation.

2. In this Agreement:

" Enactment " means any law enacted by His Highness with the advice and consent of a Council of State constituted in accordance with this Agreement;

" Federal Government " means the Government of the Federation;

" the Federation " means the Federation of Malaya to be called in Malay " Persekutuan Tanah Melayu ", which is to be established on the appointed day;

" Federation Agreement " means the Agreement which is to be made between His Majesty and Their Highnesses the Rulers of the Malay States of Johore, Pahang, Negri Sembilan, Selangor, Perak, Kedah, Perlis, Kelantan and Trengganu for the establishment of the Federation, and includes any amendment thereof;

" the High Commissioner " means the High Commissioner for the Federation;

" His Highness " means the Sultan of Kedah and His Successors;

" His Highness in Council " means His Highness acting after consultation with the State Executive Council to be constituted in accordance with this Agreement, but not necessarily in accordance with the advice of such Council nor necessarily in such Council assembled;

" Secretary of State " means one of His Majesty's Principal Secretaries of State.

Protection and external affairs.

3.—(1) His Majesty shall have complete control of the defence and of all the external affairs of the State of Kedah and His Majesty undertakes to protect the Government and State of Kedah and all its dependencies from external hostile attacks and for this and other similar purposes His Majesty's Forces and persons authorised by or on behalf of His Majesty's Government shall at all times be allowed free access to the State of Kedah and to employ all necessary means of opposing such attacks.

(2) His Highness undertakes that, without the knowledge and consent of His Majesty's Government, he will not make any treaty, enter into any engagement, deal in or correspond on political matters with, or send envoys to, any foreign State.

British Adviser.

4. His Highness undertakes to receive and provide a suitable residence for a British Adviser to advise on all matters connected with the government of the State other than matters relating to the Muslim Religion and the Custom of the Malays, and undertakes to accept such advice; provided that nothing in this clause shall in any way prejudice the right of His Highness to address the High Commissioner, or His Majesty through a Secretary of State, if His Highness so desires.

Cost of British Adviser.

5. The cost of the British Adviser with his establishment shall be determined by the High Commissioner and shall be a charge on the revenues of the State of Kedah.

Appointment of British Adviser.

6. His Highness shall be consulted before any officer whom it is proposed to send as British Adviser is actually appointed.

Federal officers.

7. His Highness undertakes to receive within his State such officers of the Federal Government as that Government may require and to permit such officers to exercise such lawful authority and powers and to perform such lawful functions as may be necessary for the purposes of the Federal Government.

When Federal officers may perform State functions.

8. Any officer of the Federal Government may, with the concurrence of the High Commissioner, perform within the State of Kedah such State duties and may exercise such State powers as may be imposed or conferred upon him by His Highness in Council or by Enactment.

State Constitution.

9. His Highness undertakes to govern the State of Kedah in accordance with the provisions of a written Constitution which shall be in conformity with the provisions of this Agreement and of the Federation Agreement and which shall be granted and promulgated by His Highness as soon as conveniently may be either in whole or, if His Highness thinks expedient, in Parts from time to time.

Councils to be constituted.

10. In pursuance of the undertaking contained in Clause 9 of this Agreement and in conformity with the provisions of the Federation Agreement His Highness undertakes forthwith to constitute

(*a*) a Majlis Meshuarat Kerajaan, to be called in English State Executive Council;

(*b*) a Majlis Meshuarat Negri, to be called in English Council of State.

His Highness to be consulted before posting of officers by High Commissioner to posts borne on State estimates.

11. His Highness, unless he shall otherwise direct, shall be consulted before any officer is posted by or on the authority of the High Commissioner to any post borne on the State Estimates.

Impartial treatment.

12. All persons of whatsoever race in the same grade in the service of the State of Kedah shall, subject to the terms and conditions of their employment, be treated impartially.

Education and training of Malays.

13. His Highness desires and His Majesty agrees that it shall be a particular charge upon the Government of the State of Kedah to provide for and encourage the education and training of the Malay inhabitants of the State of Kedah so as to fit them to take a full share in the economic progress, social welfare and government of the State and of the Federation.

Previous Agreements.

14.—(1) The Agreement made on the 2nd day of December, 1945, between His Majesty's Government within the United Kingdom of Great Britain and Northern Ireland and His Highness Tunku Badlishah Ibni Almarhum Sultan Abdul Hamid Halimshah, K.B.E., C.M.G., the Sultan of the State of Kedah, for Himself, His Heirs and Successors is hereby revoked.

(2) All Treaties and Agreements subsisting immediately prior to the making of the aforesaid Agreement of the 2nd day of December, 1945, shall continue in force save in so far as they are inconsistent with this Agreement or the Federation Agreement.

Sovereignty of the Ruler.

15. The prerogatives, power and jurisdiction of His Highness within the State of Kedah shall be those which His Highness the Sultan of Kedah possessed on the first day of December, 1941, subject nevertheless to the provisions of the Federation Agreement and this Agreement.

Language of Agreement.

16. This Agreement shall be expressed in both the English and the Malay languages; but, for the purposes of interpretation, regard shall be had only to the English version.

In Witness Whereof Sir Gerard Edward James Gent, K.C.M.G., D.S.O., O.B.E., M.C., has hereunto set his hand and seal for and on behalf of His Majesty, and His Highness Tunku Badlishah ibni Almarhum Sultan Abdul Hamid Halimshah, K.C.M.G., K.B.E., Sultan of the State of Kedah, has hereunto set his hand and seal the day and year first above written, corresponding to the tenth day of the month of Rabiulawal the Hajira of the Prophet (on whom be benediction and Peace of God) one thousand three hundred and sixty-seven."

Signed and Sealed by Sir Gerard Edward James Gent, K.C.M.G., D.S.O., O.B.E., M.C., for and on behalf of His Majesty in the presence of:

G. E. J. GENT

L.S.

E. V. G. Day

SIGNED and SEALED BY HIS HIGHNESS TUNKU BADLISHAH IBNI ALMARHUM SULTAN ABDUL HAMID HALIMSHAH, K.C.M.G., K.B.E., SULTAN of the State of KEDAH, in the presence of:

BADLISHAH

L.S.

M. SHERIFF
YACOB

(7)

THE PERLIS AGREEMENT, 1948

AGREEMENT made the twenty-first day of January, 1948, BETWEEN SIR GERARD EDWARD JAMES GENT, K.C.M.G., D.S.O., O.B.E., M.C., on behalf of HIS MAJESTY and His Highness SYEDPUTRA ibni Almarhum SYED HASSAN JAMALULLAIL the Raja of PERLIS for Himself and His Successors:

WHEREAS mutual agreements subsist between His Majesty and His Highness:

AND WHEREAS it has been represented to His Majesty that fresh arrangements should be made for the peace, order and good government of the State of Perlis:

AND WHEREAS His Majesty in token of the friendship which he bears towards His Highness, the subjects of His Highness, and the inhabitants of the State of Perlis, is pleased to make fresh arrangements to take effect on such day as His Majesty may by Order in Council appoint (hereinafter called " the appointed day "):

AND WHEREAS it is expedient to provide for the constitutional development of the State of Perlis under the protection of His Majesty and for its future government:

NOW, THEREFORE, it is agreed and declared as follows:

Short title and commencement.

1. This Agreement may be cited as the Perlis Agreement, 1948, and shall come into operation on the appointed day immediately after the coming into operation of the Order in Council aforesaid. Notification of the appointed day shall be published in the *Malayan Union Gazette* together with a copy of this Agreement.

Interpretation.

2. In this Agreement:

" Enactment " means any law enacted by His Highness with the advice and consent of a Council of State constituted in accordance with this Agreement;

" Federal Government " means the Government of the Federation;

" the Federation " means the Federation of Malaya to be called in Malay " Persekutuan Tanah Melayu ", which is to be established on the appointed day;

" Federation Agreement " means the Agreement which is to be made between His Majesty and Their Highnesses the Rulers of the Malay States of Johore, Pahang, Negri Sembilan, Selangor, Perak, Kedah, Perlis, Kelantan and Trengganu for the establishment of the Federation, and includes any amendment thereof;

" the High Commissioner " means the High Commissioner for the Federation;

" His Highness " means the Raja of Perlis and His Successors;

" His Highness in Council " means His Highness acting after consultation with the State Executive Council to be constituted in accordance

with this Agreement, but not necessarily in accordance with the advice of such Council nor necessarily in such Council assembled;

" Secretary of State " means one of His Majesty's Principal Secretaries of State.

Protection and external affairs.

3.—(1) His Majesty shall have complete control of the defence and of all the external affairs of the State of Perlis and His Majesty undertakes to protect the Government and State of Perlis and all its dependencies from external hostile attacks and for this and other similar purposes His Majesty's Forces and persons authorised by or on behalf of His Majesty's Government shall at all times be allowed free access to the State of Perlis and to employ all necessary means of opposing such attacks.

(2) His Highness undertakes that, without the knowledge and consent of His Majesty's Government, he will not make any treaty, enter into any engagement, deal in or correspond on political matters with, or send envoys to, any foreign State.

British Adviser.

4. His Highness undertakes to receive and provide a suitable residence for a British Adviser to advise on all matters connected with the government of the State other than matters relating to the Muslim Religion and the Custom of the Malays, and undertakes to accept such advice; provided that nothing in this clause shall in any way prejudice the right of His Highness to address the High Commissioner, or His Majesty through a Secretary of State, if His Highness so desires.

Cost of British Adviser.

5. The cost of the British Adviser with his establishment shall be determined by the High Commissioner and shall be a charge on the revenues of the State of Perlis.

Appointment of British Adviser.

6. His Highness shall be consulted before any officer whom it is proposed to send as British Adviser is actually appointed.

Federal officers.

7. His Highness undertakes to receive within his State such officers of the Federal Government as that Government may require and to permit such officers to exercise such lawful authority and powers and to perform such lawful functions as may be necessary for the purposes of the Federal Government.

When Federal officers may perform State functions.

8. Any officer of the Federal Government may, with the concurrence of the High Commissioner, perform within the State of Perlis such State duties and may exercise such State powers as may be imposed or conferred upon him by His Highness in Council or by Enactment.

State Constitution.

9. His Highness undertakes to govern the State of Perlis in accordance with the provisions of a written Constitution which shall be in conformity with the provisions of this Agreement and of the Federation Agreement and which shall be granted and promulgated by His Highness as soon as conveniently may be either in whole or, if His Highness thinks expedient, in Parts from time to time.

Councils to be constituted.

10. In pursuance of the undertaking contained in Clause 9 of this Agreement and in conformity with the provisions of the Federation Agreement His Highness undertakes forthwith to constitute

(*a*) a Majlis Meshuarat Kerajaan, to be called in English State Executive Council;

(*b*) a Majlis Meshuarat Negri, to be called in English Council of State.

His Highness to be consulted before posting of officers by High Commissioner to posts borne on State estimates.

11. His Highness, unless he shall otherwise direct, shall be consulted before any officer is posted by or on the authority of the High Commissioner to any post borne on the State Estimates.

Impartial treatment.

12. All persons of whatsoever race in the same grade in the service of the State of Perlis shall, subject to the terms and conditions of their employment, be treated impartially.

Education and training of Malays.

13. His Highness desires and His Majesty agrees that it shall be a particular charge upon the Government of the State of Perlis to provide for and encourage the education and training of the Malay inhabitants of the State of Perlis so as to fit them to take a full share in the economic progress, social welfare and government of the State and of the Federation.

Previous Agreements.

14.—(1) The Agreement made on the 4th day of December, 1945, between His Majesty's Government within the United Kingdom of Great Britain and Northern Ireland and His Highness Syed Putra Ibni Almarhum Syed Hassan Al' Jamalullil, the Raja of Perlis, for Himself, His Heirs and Successors is hereby revoked.

(2) All Treaties and Agreements subsisting immediately prior to the making of the aforesaid Agreement of the 4th day of December, 1945, shall continue in force save in so far as they are inconsistent with this Agreement or the Federation Agreement.

Sovereignty of the Ruler.

15. The prerogatives, power and jurisdiction of His Highness within the State of Perlis shall be those which His Highness the Raja of Perlis possessed on the first day of December, 1941, subject nevertheless to the provisions of the Federation Agreement and this Agreement.

Language of Agreement.

16. This Agreement shall be expressed in both the English and the Malay languages; but, for the purposes of interpretation, regard shall be had only to the English version.

In witness whereof SIR GERARD EDWARD JAMES GENT, K.C.M.G., D.S.O., O.B.E., M.C., has hereunto set his hand and seal for and on behalf of His Majesty, and His Highness Syed Putra Ibni Almarhum Syed Hassan Jamalullail, the Raja of Perlis, has hereunto set his hand and seal, the day and year first above written.

SIGNED and SEALED BY SIR GERARD EDWARD JAMES GENT, K.C.M.G., D.S.O., O.B.E., M.C., for and on behalf of HIS MAJESTY in the presence of:

A. GLENCROSS

G. E. J. GENT (L.S.)

SIGNED and SEALED BY HIS HIGHNESS SYED PUTRA IBNI ALMARHUM SYED HASSAN JAMALULLAIL RAJA of PERLIS, in the presence of:

HAJI AHMAD (In Malay)
W. AHMAD

PUTRA JAMALULLAIL (L.S.)

(8)

THE KELANTAN AGREEMENT, 1948

AGREEMENT made the twenty-first day of January, 1948, BETWEEN SIR GERARD EDWARD JAMES GENT, K.C.M.G., D.S.O., O.B.E., M.C., on behalf of HIS MAJESTY and His Highness TENGKU IBRAHIM ibni Almarhum Sultan MOHAMED IV, D.K., S.P.M.K., S.J.M.K., C.M.G., Sultan of the State of KELANTAN for Himself and His Successors:

WHEREAS mutual agreements subsist between His Majesty and His Highness:

AND WHEREAS it has been represented to His Majesty that fresh arrangements should be made for the peace, order and good government of the State of Kelantan:

AND WHEREAS His Majesty in token of the friendship which he bears towards His Highness, the subjects of His Highness, and the inhabitants of the State of Kelantan, is pleased to make fresh arrangements to take effect on such day as His Majesty may by Order in Council appoint (hereinafter called " the appointed day "):

AND WHEREAS it is expedient to provide for the constitutional development of the State of Kelantan under the protection of His Majesty and for its future government:

NOW, THEREFORE, it is agreed and declared as follows:

Short title and commencement.

1. This Agreement may be cited as the Kelantan Agreement, 1948, and shall come into operation on the appointed day immediately after the coming into operation of the Order in Council aforesaid. Notification of the appointed day shall be published in the *Malayan Union Gazette* together with a copy of this Agreement.

Interpretation.

2. In this Agreement:

" Enactment " means any law enacted by His Highness with the advice and consent of a Council of State constituted in accordance with this Agreement;

" Federal Government " means the Government of the Federation;

" the Federation " means the Federation of Malaya to be called in Malay " Persekutuan Tanah Melayu ", which is to be established on the appointed day;

" Federation Agreement " means the Agreement which is to be made between His Majesty and Their Highnesses the Rulers of the Malay States of Johore, Pahang, Negri Sembilan, Selangor, Perak, Kedah, Perlis, Kelantan and Trengganu for the establishment of the Federation, and includes any amendment thereof;

" the High Commissioner " means the High Commissioner for the Federation;

" His Highness " means the Sultan of Kelantan and His Successors;

" His Highness in Council " means His Highness acting after consultation with the State Executive Council to be constituted in accordance with this Agreement, but not necessarily in accordance with the advice of such Council nor necessarily in such Council assembled;

" Secretary of State " means one of His Majesty's Principal Secretaries of State.

Protection and external affairs.

3.—(1) His Majesty shall have complete control of the defence and of all the external affairs of the State of Kelantan and his Majesty undertakes to protect the Government and State of Kelantan and all its dependencies from external hostile attacks and for this and other similar purposes His Majesty's Forces and persons authorised by or on behalf of His Majesty's Government shall at all times be allowed free access to the State of Kelantan and to employ all necessary means of opposing such attacks.

(2) His Highness undertakes that, without the knowledge and consent of His Majesty's Government, he will not make any treaty, enter into any engagement, deal in or correspond on political matters with, or send envoys to, any foreign State.

British Adviser.

4. His Highness undertakes to receive and provide a suitable residence for a British Adviser to advise on all matters connected with the government of the State other than matters relating to the Muslim Religion and the Custom of the Malays, and undertakes to accept such advice; provided that nothing in this clause shall in any way prejudice the right of His Highness to address the High Commissioner, or His Majesty through a Secretary of State, if His Highness so desires.

Cost of British Adviser.

5. The cost of the British Adviser with his establishment shall be determined by the High Commissioner and shall be a charge on the revenues of the State of Kelantan.

Appointment of British Adviser.

6. His Highness shall be consulted before any officer whom it is proposed to send as British Adviser is actually appointed.

Federal officers.

7. His Highness undertakes to receive within his State such officers of the Federal Government as that Government may require and to permit such officers to exercise such lawful authority and powers and to perform such lawful functions as may be necessary for the purposes of the Federal Government.

When Federal officers may perform State functions.

8. Any officer of the Federal Government may, with the concurrence of the High Commissioner, perform within the State of Kelantan such State duties and may exercise such State powers as may be imposed or conferred upon him by His Highness in Council or by Enactment.

State Constitution.

9. His Highness undertakes to govern the State of Kelantan in accordance with the provisions of a written Constitution which shall be in conformity with the provisions of this Agreement and of the Federation Agreement and which shall be granted and promulgated by His Highness as soon as conveniently may be either in whole or, if His Highness thinks expedient, in Parts from time to time.

Councils to be constituted.

10. In pursuance of the undertaking contained in Clause 9 of this Agreement and in conformity with the provisions of the Federation Agreement His Highness undertakes forthwith to constitute

(*a*) a Majlis Meshuarat Kerajaan, to be called in English State Executive Council;

(*b*) a Majlis Meshuarat Negri, to be called in English Council of State.

His Highness to be consulted before posting of officers by High Commissioner to posts borne on State estimates.

11. His Highness, unless he shall otherwise direct, shall be consulted before any officer is posted by or on the authority of the High Commissioner to any post borne on the State Estimates.

Impartial treatment.

12. All persons of whatsoever race in the same grade in the service of the State of Kelantan shall, subject to the terms and conditions of their employment, be treated impartially.

Education and training of Malays.

13 His Highness desires and His Majesty agrees that it shall be a particular charge upon the Government of the State of Kelantan to provide for and encourage the education and training of the Malay inhabitants of the State of Kelantan so as to fit them to take a full share in the economic progress, social welfare and government of the State and of the Federation.

Previous Agreements.

14.—(1) The Agreement made on the 17th day of December, 1945, between His Majesty's Government within the United Kingdom of Great Britain and Northern Ireland and His Highness Tengku Ibrahim, Ibni Almarhum Sultan Mohamed IV, C.M.G., the Sultan of the State of Kelantan, for Himself, His Heirs and Successors is hereby revoked.

(2) All Treaties and Agreements subsisting immediately prior to the making of the aforesaid Agreement of the 17th day of December, 1945, shall continue in force save in so far as they are inconsistent with this Agreement or the Federation Agreement.

15. The prerogatives, power and jurisdiction of His Highness within the State of Kelantan shall be those which His Highness the Sultan of Kelantan possessed on the first day of December, 1941, subject nevertheless to the provisions of the Federation Agreement and this Agreement. Sovereignty of the Ruler.

16. This Agreement shall be expressed in both the English and the Malay languages; but, for the purposes of interpretation, regard shall be had only to the English version. Language of Agreement.

In Witness Whereof SIR GERARD EDWARD JAMES GENT, K.C.M.G., D.S.O., O.B.E., M.C., has hereunto set his hand and seal for and on behalf of His Majesty, and His Highness Tengku Ibrahim Ibni Almarhum Sultan Mohamed IV, D.K., S.P.M.K., S.J.M.K., C.M.G., Sultan of the State of Kelantan, has hereunto set his hand and seal, the day and year first above written.

SIGNED and SEALED BY SIR GERARD EDWARD JAMES GENT, K.C.M.G., D.S.O., O.B.E., M.C., for and on behalf of HIS MAJESTY in the presence of:

R. J. F. CURTIS

G. E. J. GENT L.S.

SIGNED and SEALED BY HIS HIGHNESS TENGKU IBRAHIM IBNI ALMARHUM SULTAN MAHOMED IV, D.K., S.P.M.K., S.J.M.K., C.M.G., SULTAN of the State of KELANTAN, in the presence of:

N. A. KAMIL
H. ZAINAL

IBRAHIM (In Malay) L.S.

(9)

THE TRENGGANU AGREEMENT, 1948

AGREEMENT made the twenty-first day of January, 1948, BETWEEN SIR GERARD EDWARD JAMES GENT, K.C.M.G., D.S.O., O.B.E., M.C., on behalf of HIS MAJESTY and His Highness SULTAN ISMAIL ibni Almarhum Sultan ZAINAL ABIDIN, C.M.G., Sultan of the State of TRENGGANU for Himself and His Successors:

WHEREAS mutual agreements subsist between His Majesty and His Highness:

AND WHEREAS it has been represented to His Majesty that fresh arrangements should be made for the peace, order and good government of the State of Trengganu:

AND WHEREAS His Majesty in token of the friendship which he bears towards His Highness, the subjects of His Highness, and the inhabitants of the State of Trengganu is pleased to make fresh arrangements to take effect on such day as His Majesty may by Order in Council appoint (hereinafter called " the appointed day "):

AND WHEREAS it is expedient to provide for the constitutional development of the State of Trengganu under the protection of His Majesty and for its future government:

NOW, THEREFORE, it is agreed and declared as follows:

1. This Agreement may be cited as the Trengganu Agreement, 1948, and shall come into operation on the appointed day immediately after the coming into operation of the Order in Council aforesaid. Notification of the appointed day shall be published in the *Malayan Union Gazette* together with a copy of this Agreement. Short title and commencement.

Interpretation.

2. In this Agreement:

"Enactment" means any law enacted by His Highness with the advice and consent of a Council of State constituted under the written Constitution of the State referred to in Clause 9 of this Agreement;

"Federal Government" means the Government of the Federation;

"the Federation" means the Federation of Malaya to be called in Malay "Persekutuan Tanah Melayu", which is to be established on the appointed day;

"Federation Agreement" means the Agreement which is to be made between His Majesty and Their Highnesses the Rulers of the Malay States of Johore, Pahang, Negri Sembilan, Selangor, Perak, Kedah, Perlis, Kelantan and Trengganu for the establishment of the Federation, and includes any amendment thereof;

"the High Commissioner" means the High Commissioner for the Federation;

"His Highness" means the Sultan of Trengganu and His Successors;

"His Highness in Council" means His Highness acting after consultation with the State Executive Council to be constituted under the written Constitution of the State referred to in Clause 9 of this Agreement, but not necessarily in accordance with the advice of such Council nor necessarily in such Council assembled;

"Secretary of State" means one of His Majesty's Principal Secretaries of State.

Protection and external affairs.

3.—(1) His Majesty shall have complete control of the defence and of all the external affairs of the State of Trengganu and His Majesty undertakes to protect the Government and State of Trengganu and all its dependencies from external hostile attacks and for this and other similar purposes His Majesty's Forces and persons authorised by or on behalf of His Majesty's Government shall at all times be allowed free access to the State of Trengganu and to employ all necessary means of opposing such attacks.

(2) His Highness undertakes that, without the knowledge and consent of His Majesty's Government, he will not make any treaty, enter into any engagement, deal in or correspond on political matters with, or send envoys to, any foreign State.

British Adviser.

4. His Highness undertakes to receive and provide a suitable residence for a British Adviser to advise on all matters connected with the government of the State other than matters relating to the Muslim Religion and the Custom of the Malays, and undertakes to accept such advice; provided that nothing in this clause shall in any way prejudice the right of His Highness to address the High Commissioner, or His Majesty through a Secretary of State, if His Highness so desires.

Cost of British Adviser.

5. The cost of the British Adviser with his establishment shall be determined by the High Commissioner and shall be a charge on the revenues of the State of Trengganu.

Appointment of British Adviser.

6. His Highness shall be consulted before any officer whom it is proposed to send as British Adviser is actually appointed.

Federal officers.

7. His Highness undertakes to receive within his State such officers of the Federal Government as that Government may require and to permit such officers to exercise such lawful authority and powers and to perform such lawful functions as may be necessary for the purposes of the Federal Government.

When Federal officers may perform State functions.

8. Any officer of the Federal Government may, with the concurrence of the High Commissioner, perform within the State of Trengganu such State duties and may exercise such State powers as may be imposed or conferred upon him by His Highness in Council or by Enactment.

State Constitution.

9. His Highness undertakes to govern the State of Trengganu in accordance with the provisions of a written Constitution which shall be in conformity with the provisions of this Agreement and of the Federation Agreement.

Councils to be constituted.

10. In pursuance of the undertaking contained in Clause 9 of this Agreement and in conformity with the provisions of the Federation Agreement His Highness undertakes forthwith to constitute

(*a*) a Majlis Meshuarat Kerajaan, to be called in English State Executive Council;

(*b*) a Majlis Meshuarat Negri, to be called in English Council of State.

His Highness to be consulted before posting of officers by High Commissioner to posts borne on State estimates.

11. His Highness, unless he shall otherwise direct, shall be consulted before any officer is posted by or on the authority of the High Commissioner to any post borne on the State Estimates.

Impartial treatment.

12. All persons of whatsoever race in the same grade in the service of the State of Trengganu shall, subject to the terms and conditions of their employment, be treated impartially.

Education and training of Malays.

13. His Highness desires and His Majesty agrees that it shall be a particular charge upon the Government of the State of Trengganu to provide for and encourage the education and training of the Malay inhabitants of the State of Trengganu so as to fit them to take a full share in the economic progress, social welfare and government of the State and of the Federation.

Previous Agreements.

14.—(1) The Agreement made on the 21st day of December, 1945, between His Majesty's Government within the United Kingdom of Great Britain and Northern Ireland and His Highness Sultan Ismail ibni Al-Marhum Sultan Zainal Abidin, the Sultan of the State of Trengganu for Himself, His Heirs and Successors is hereby revoked.

(2) All Treaties and Agreements subsisting immediately prior to the making of the aforesaid Agreement of the 21st day of December, 1945, shall continue in force save in so far as they are inconsistent with this Agreement or the Federation Agreement.

Sovereignty of the Ruler.

15. The prerogatives, power and jurisdiction of His Highness within the State of Trengganu shall be those which His Highness the Sultan of Trengganu possessed on the first day of December, 1941, subject nevertheless to the provisions of the Federation Agreement and this Agreement.

Language of Agreement.

16. This Agreement shall be expressed in both the English and the Malay languages; but, for the purposes of interpretation, regard shall be had only to the English version.

In Witness Whereof Sir Gerard Edward James Gent, K.C.M.G., D.S.O., O.B.E., M.C., has hereunto set his hand and seal for and on behalf of His Majesty, and His Highness Ismail Ibni Almarhum Sultan Zainal Abidin, C.M.G., Sultan of the State of Trengganu, has hereunto set his hand and seal, the day and year first above written.

Signed and Sealed by Sir Gerard Edward James Gent, K.C.M.G., D.S.O., O.B.E., M.C., for and on behalf of His Majesty in the presence of:

J. G. Black

G. E. J. GENT L.S.

Signed and Sealed by His Highness Ismail Ibni Almarhum Sultan Zainal Abidin, C.M.G., Sultan of the State of Trengganu, above named, in the presence of:

Tengku Muhammad

ISMAIL L.S.

SECOND SCHEDULE

THE FEDERATION OF MALAYA AGREEMENT, JANUARY 1948

AGREEMENT DATED the twenty-first day of January, 1948, AND MADE BETWEEN SIR GERARD EDWARD JAMES GENT, K.C.M.G., D.S.O., O.B.E., M.C., on behalf of HIS MAJESTY and His Highness IBRAHIM ibni Almarhum Sultan ABU BAKAR, D.K., S.P.M.J., G.C.M.G., K.B.E. (Mil.), G.B.E., G.C.O.C. (I), Sultan of the State and Territory of JOHORE, His Highness ABU BAKAR RI'AYATU'D-DIN AL-MUADZAM SHAH ibni Almarhum ALMU'TASIM BI'LLAH ABDULLAH, K.C.M.G., Sultan of the State of PAHANG, His Highness TUANKU ABDUL RAHMAN ibni Almarhum TUANKU MUHAMMAD, K.C.M.G., the Yang di-Pertuan Besar, and the Ruling Chiefs of the Territories which form the State known as the NEGRI SEMBILAN, His Highness HISAMUDDIN ALAM SHAH ibni Almarhum Sultan ALA-IDDIN SULAIMAN SHAH, K.C.M.G., Sultan of the State of SELANGOR, His Highness Paduka Sri Sultan ABDUL AZIZ ALMU'TASIM BILLAH SHAH, K.C.M.G., K.B.E., Sultan of the State of PERAK, His Highness TUNKU BADLISHAH ibni Almarhum Sultan ABDUL HAMID HALIMSHAH, K.C.M.G., K.B.E., Sultan of the State of KEDAH, His Highness SYED PUTRA ibni Almarhum SYED HASSAN JAMALULLAIL, the Raja of PERLIS, His Highness TENGKU IBRAHIM ibni Almarhum Sultan MOHAMED IV, D.K., S.P.M.K., S.J.M.K., C.M.G., Sultan of the State of KELANTAN, and His Highness Sultan ISMAIL ibni Almarhum Sultan ZAINAL ABIDIN, C.M.G., Sultan of the State of TRENGGANU for Themselves and Their Successors:

WHEREAS it has been represented to His Majesty that fresh arrangements should be made for the peace, order and good government of the Malay States of Johore, Pahang, Negri Sembilan, Selangor, Perak, Kedah, Perlis, Kelantan and Trengganu, the Settlement of Penang and the Settlement of Malacca:

AND WHEREAS His Majesty in token of the friendship He bears towards Their Highnesses, the subjects of Their Highnesses, and the inhabitants of the Malay States is pleased to make fresh arrangements as aforesaid to take effect on such day as His Majesty may, by Order in Council, appoint (hereinafter called " the appointed day "):

AND WHEREAS His Majesty has accordingly entered into a fresh Agreement with each of Their Highnesses and in the case of Negri Sembilan with His Highness the Yang di-Pertuan Besar and the Ruling Chiefs (which Agreements are hereinafter referred to together as " the State Agreements ") for the purpose of ensuring that power and jurisdiction shall be exercised by Their several Highnesses in their several States and it is in each of such Agreements provided that it shall come into operation on the appointed day:

AND WHEREAS it seems expedient to His Majesty and to Their Highnesses that the Malay States, the Settlement of Penang and the Settlement of Malacca should be formed into a Federation with a strong central government and that there should be a common form of citizenship in the said Federation to be extended to all those who regard the said Federation or any part of it as their real home and the object of their loyalty:

AND WHEREAS it is the desire of His Majesty and Their Highnesses that progress should be made towards eventual self-government and, as a first step to that end, His Majesty and Their Highnesses have agreed that, as soon as circumstances and local conditions will permit, legislation should be introduced for the election of members to the several legislatures to be established pursuant to this Agreement:

NOW, THEREFORE, it is agreed and declared as follows:

PART I

ESTABLISHMENT OF THE FEDERATION

Short title and commencement.

1.—(1) This Agreement may be cited as the Federation of Malaya Agreement, 1948, and shall come into operation on the appointed day:

Provided that Clauses 112 to 123 inclusive of this Agreement shall have effect in respect of the whole financial year beginning on the first day of January, 1948, subject however to any existing law making financial provision for the public service for the year 1948 and subject to such modifications, if any, as may be prescribed.

(2) The appointed day shall be notified in the Malayan Union Government *Gazette* after which the said *Gazette* shall cease to be published and there shall be published in its place the *Gazette* of the Federation of Malaya.

Interpretation.

2.—(1) In this Agreement, unless the context otherwise requires—

" the Attorney-General " means the Attorney-General for the Federation referred to in Clause 84 of this Agreement;

" the Chief Justice " means the Chief Justice of the Federation referred to in Clause 77 of this Agreement;

" Conference of Rulers " means the Majlis Raja Raja Negri Melayu established by this Agreement;

" Constitution of the State " with reference to any State means such constitution as may have been enacted or granted by the Ruler of that State either before the date of the execution of this Agreement or after that date, whether before, on or after the appointed day, and includes any amendment duly made thereto;

" Council of State " means the Majlis Meshuarat Negri of a Malay State established pursuant to Clause 97 of this Agreement;

" the existing laws " means the common law, doctrines of equity and all Acts of Parliament, Orders in Council other than the Malayan Union Order in Council, 1946, Enactments of the Legislature of the Federated Malay States, Enactments of the Legislature of any Malay State, Ordinances of the Legislature of the Colony of the Straits Settlements, Ordinances of the Malayan Union, Proclamations issued by the High Commissioner of the Malay States or by the Ruler of any of the Malay States or by the Governor of the Straits Settlements or by the Governor of the Malayan Union or by, or under the authority of, the Supreme Allied Commander, South East Asia (other than the Proclamation establishing the British Military Administration and delegating powers thereunder) and all Rules, Regulations and Bye-laws made thereunder, and all other enactments and instruments, having the force of law in any of the territories comprised in the Federation immediately prior to the appointed day;

" Federal Citizen " means a Citizen of the Federation by virtue of the provisions of Clause 124 or Clause 125 of this Agreement;

" Federal Executive Council " means the Federal Executive Council established by this Agreement;

" Federal Government " means the Government of the Federation;

" Federal Ordinance " means a law made under Part V of this Agreement;

" Federal public office " means an office of emolument under the Federal Government; and " Federal public officer " means the holder of any such office,

" the Federation " means the Federation of Malaya established under Clause 3 of this Agreement;

" financial year " means a year beginning on the first day of January and ending on the 31st day of December;

" the *Gazette* " means the official Gazette of the Federation;

" the High Commissioner " means the High Commissioner for the time being of the Federation and includes any officer for the time being administering the Government thereof, and, to the extent that a Deputy to the High Commissioner is authorised to act, that Deputy;

" the High Commissioner in Council " means the High Commissioner acting after consultation with the Federal Executive Council, but not necessarily in accordance with the advice of such Council, nor necessarily in such Council assembled;

" His Highness the Ruler " means such one of Their Highnesses the Rulers as the circumstances may require and, in the case of the State of Negri Sembilan, when used in Clauses 105 and 109 and in sub-clause (2) of Clause 140, means His Highness the Yang di-Pertuan Besar and the Ruling Chiefs;

" His Highness the Ruler in Council " and " Ruler in Council " means His Highness the Ruler acting after consultation with the State Executive Council, but not necessarily in accordance with the advice of such Council, nor necessarily in such Council assembled;

" Their Highnesses the Rulers " means the persons who are for the time being the Sultan of the State and Territory of Johore, the Sultan of the State of Pahang, the Yang di-Pertuan Besar of the State of Negri Sembilan, the Sultan of the State of Selangor, the Sultan of the State of Perak, the Sultan of the State of Kedah, the Raja of the State of Perlis, the Sultan of the State of Kelantan, and the Sultan of the State of Trengganu;

Provided that—

(*a*) in the case of a Regency in any Malay State the expressions " Their Highnesses the Rulers " and " His Highness the Ruler " shall with respect to that State be construed as references to the Regent or such member of the Council of Regency as may be assigned in accordance with Clause 68 of this Agreement; and

(*b*) with respect to the State of Negri Sembilan, the expression " Their Highnesses the Rulers " in the proviso to Clause 3 and in sub-clause (3) of Clause 6, Clause 8, sub-clause (1) of Clause 19, Clauses 48 and 51, sub-clauses (1), (2), (5) and (6) of Clause 54, sub-clauses (1) and (2) of Clause 55, Clauses 56, 57, 61, 65, 66, sub-clause (6) of Clause 72, sub-clauses (1), (2) and (3) of Clause 76, sub-clause (4) of Clause 77, sub-clause (1) of Clause 83, sub-clause (1) of Clause 84, sub-clause (2) of Clause 85, sub-clause (5) of Clause 153 and Clause 155, includes the Ruling Chiefs;

" Hukum Shara' " means the body of law known in English as Muhammadan Law;

" laws made under this Agreement " include laws continued under the provisions of Clause 135 of this Agreement;

" the Legislative Council " means the Legislative Council for the Federation established by this Agreement;

" Malay State " means such one of the Malay States as the circumstances may require and includes all dependencies, islands and places which, on the first day of December, 1941, were administered as part thereof, and the territorial waters adjacent thereto;

" Malay States " means the States of Johore, Pahang, Negri Sembilan, Selangor, Perak, Kedah, Perlis, Kelantan and Trengganu and all dependencies, islands and places which, on the first day of December, 1941, were administered as part thereof, and the territorial waters adjacent thereto;

" meeting " means any sitting or sittings of a Council established by or pursuant to this Agreement commencing when the Council first meets after being summoned at any time and terminating when the Council is adjourned *sine die* or at the conclusion of a session without adjournment;

" Mentri Besar " means the chief Minister and senior executive officer in a Malay State;

" prescribed " means prescribed by or in pursuance of any law, rule or regulation made under this Agreement;

" property " includes all property movable or immovable and all estates, interests, easements and rights, whether equitable or legal, in, to, or out of property, and things in action and rights to revenue, taxes, duties and other dues; and " vested " in relation to property includes rights to property which are future or contingent and rights in reversion and remainder;

" the Public Seal " means the Public Seal of the Federation and includes the official stamp mentioned in sub-clause (2) of Clause 12 of this Agreement;

" the Ruling Chiefs " means the persons who are for the time being the Undang of Sungei Ujong, the Undang of Jelebu, the Undang of Johol, the Undang of Rembau and the Tunku Besar of Tampin;

" Secretary of State " means one of His Majesty's Principal Secretaries of State;

" session " means the sittings of a Council established by or pursuant to this Agreement commencing when the Council first meets after being so constituted or after its prorogation or dissolution at any time, and terminating when the Council is prorogued or is dissolved without having been prorogued;

" Settlement Council " means the Council established for a Settlement pursuant to the provisions of Clause 110 of this Agreement;

" the Settlement of Penang " and " the Settlement of Malacca " include all islands and places heretofore administered as part of those Settlements and the territorial waters adjacent thereto;

" the Settlements " means the Settlement of Penang and the Settlement of Malacca; and " Settlement " means either of them as the circumstances may require;

" State " means a Malay State;

" State Executive Council " means the Council established for a State pursuant to Clause 89 of this Agreement;

" State officer " means the holder of an office of emolument under the Government of a State;

" the Supreme Court " means the Supreme Court of the Federation established by this Agreement.

(2) Any reference to property vested in any person or authority shall be construed as including a reference to any property in the possession or under the control, or held for the benefit of that person or authority; and any direction that property shall be vested in any person or authority shall likewise be construed as a direction, as the case may require, that the possession or control of the property shall be transferred to, or that the property shall be held for the benefit of, that person or authority.

(3) For the purposes of this Agreement, when reference is made to a Ruler of any Malay State or to any public officer by the term designating his office, such reference means the Ruler for the time being of the State concerned or the officer for the time being lawfully discharging the functions of that office, as the case may be.

(4) (*a*) For the purposes of this Agreement, a person shall not be deemed to hold an office of emolument under the Federal Government by reason only that he is in receipt of a pension or other like allowance in respect of service under the Federal Government or the Government of a State or Settlement.

(*b*) If it shall be declared by the High Commissioner by notification published in the *Gazette* that an office shall not be an office of emolument under the Federal Government or any State or Settlement Government for all or any purposes of this Agreement, this Agreement shall have effect accordingly.

(5) Any reference in this Agreement to any Council established or constituted for any State by, pursuant to, or under this Agreement shall be construed as including a reference to any Council for any State corresponding to a Council so established or constituted for which provision is made in any State Constitution granted before the appointed day.

(6) Except where the interpretation of any word or expression is expressly provided by this Agreement or where the context otherwise requires, the Interpretation Act, 1889, shall apply for the interpretation of this Agreement as it applies for the interpretation of an Act of Parliament:

Provided that provision may be made by Federal Ordinance for the substitution in this sub-clause for the reference to the Interpretation Act, 1889, of a reference to any like Federal Ordinance for the time being in force.

(7) Wherever general words or expressions are used in any item in the Second Schedule to this Agreement

(*a*) their generality shall not be restricted by the use, in the same item, of specific words or expressions; and

(*b*) their construction shall not be restricted to things *ejusdem generis* with other words or expressions used in the same item;

but each word or expression shall be construed in its usual sense.

Establishment of the Federation of Malaya.

3. There shall be established a Federation comprising the Malay States, the Settlement of Penang and the Settlement of Malacca, to be known as the Federation of Malaya, or in Malay " Persekutuan Tanah Melayu ":

Provided that His Majesty and Their Highnesses the Rulers reserve to themselves the power by mutual agreement from time to time to admit within the Federation any other territory or territories if they shall see fit.

Protection and external affairs of the Federation.

4. His Majesty shall have complete control of the defence and of all the external affairs of the Federation and undertakes to protect the Malay States from external hostile attacks and, for this and other similar purposes, His Majesty's Forces and persons authorised by or on behalf of His Majesty's Government shall at all times be allowed free access to the Malay States and to employ all necessary means of opposing such attacks.

Muslim Religion and Custom of the Malays.

5. Except as provided in Clauses 100 and 101 of this Agreement, nothing in this Agreement (including the Schedules thereto) shall apply in any Malay State to matters relating to the Muslim Religion or the Custom of the Malays:

Provided that provision may be made by Federal Ordinance for enabling any Court of Justice to ascertain the Hukum Shara', or the Custom of the Malays, concerning any matter before it.

Power to amend Federation Agreement.

6.—(1) This Agreement, except the provisions thereof mentioned in sub-clauses (2) and (3) of this clause, may, from time to time, be amended by Federal Ordinance:

Provided that no Bill for the amendment of any of the provisions of this Agreement, except those of Part XIII thereof, shall be introduced into the Legislative Council without the prior approval of His Majesty and the Conference of Rulers.

(2) The provisions of Clauses 7 to 11 (inclusive) 13, 23, 65, Part VI and Clause 154 of this Agreement and the provisions of the Second Schedule thereto may be amended by Proclamation issued by the High Commissioner in terms previously agreed upon by His Majesty and the Conference of Rulers.

(3) The provisions of the Third and Fourth Schedules to this Agreement may be amended by Proclamation issued by the High Commissioner after consultation with the Legislative Council and with the Settlement Councils, and with the assent of Their Highnesses the Rulers after consultation by each of them with his Council of State.

(4) Any amendment under this clause may be by way of variation, addition or revocation.

(5) Any Proclamation under this clause shall come into operation on publication in the *Gazette* or on such other date as may be specified in the Proclamation.

Part II

THE HIGH COMMISSIONER

High Commissioner.

7. There shall be a High Commissioner in and for the Federation and appointments to the said office shall be made by Commission under His Majesty's Sign Manual and Signet.

Rulers to accept advice.

8. Their Highnesses the Rulers undertake to accept the advice of the High Commissioner in all matters connected with the government of the Federation save as excepted in Clause 5 of this Agreement:

Provided that nothing in this clause shall in any way prejudice the right of any of Their Highnesses to address His Majesty through a Secretary of State, if any of Their Highnesses so desires.

Publication of Commission and taking of Oaths.

9. Every person appointed to fill the office of High Commissioner shall, before entering on any of the duties of his office, cause the Commission appointing him to be High Commissioner to be read and published at the seat of the Federal Government, in the presence of the Chief Justice or, in his absence, of some other Judge of the Supreme Court, and of such Members of the Federal Executive Council as can conveniently attend, and shall take before them the Oath of Allegiance and the Oath for the due execution of the office of High Commissioner in the forms set out in the First Schedule to this Agreement, which Oaths the Chief Justice or such other Judge as aforesaid shall administer.

Succession to Government.

10.—(1) Whenever the office of High Commissioner becomes vacant, or the High Commissioner is absent from the Federation, or the High Commissioner is from any cause prevented from or incapable of performing the duties of his office, then such person as His Majesty may under His Sign Manual and Signet appoint or, if there be no such person in the Federation so appointed and capable of discharging the duties of administration, the Senior Member of the Federal Executive Council then in the Federation and so capable shall, during His Majesty's pleasure, administer the Federal Government, first taking, in manner in this Agreement prescribed, the Oaths directed by this Agreement to be taken by the High Commissioner: and thereupon such person or Member shall, subject, if he is so appointed as aforesaid, to the terms of his appointment, do, during His Majesty's pleasure, all things that belong to the office of High Commissioner as provided in this Agreement:

Provided that the High Commissioner or any other person or Member as aforesaid shall not be regarded as absent from the Federation or prevented from or incapable of performing the duties of his office for the purposes of this Agreement during his passage from one part of the Federation to another or during a visit to the Colony of Singapore or when there is a subsisting appointment of a Deputy under the next succeeding clause of this Agreement.

(2) Any such person as aforesaid shall not continue to administer the Government after the High Commissioner or some other person having a prior right to administer the same has notified him that he is about to assume or resume the administration.

Appointment of Deputy to High Commissioner.

11.—(1) Whenever the High Commissioner has occasion to be absent from the seat of the Federal Government but not from the Federation or to be absent from the Federation for a period which he has reason to believe will be of short duration, or whenever by reason of illness which he has reason to believe will be of short duration he considers it desirable so to do, he may, by Instrument under the Public Seal, appoint any person in the Federation to be his Deputy during such absence or illness, and in

that capacity to exercise and perform for and on behalf of the High Commissioner during such absence or illness all such functions of the High Commissioner as shall be specified in such Instrument.

(2) By the appointment of a Deputy as aforesaid the power and authority of the High Commissioner shall not be abridged, altered, or in any way affected otherwise than as His Majesty may at any time hereafter think proper to direct, and every such Deputy shall conform to and observe all such instructions as the High Commissioner shall from time to time address to him for his guidance.

(3) Any appointment under this clause may at any time be revoked by the High Commissioner or by a Secretary of State and, in case of absence as aforesaid, shall cease and determine upon the return of the High Commissioner to the seat of the Federal Government or to the Federation, as the case may be.

Public Seal.

12.—(1) The High Commissioner shall keep and use the Public Seal of the Federation for sealing all things whatsoever that shall pass the said Seal.

(2) Until a Public Seal shall be provided for the Federation, an official stamp bearing the inscription "Federation of Malaya. Public Seal. Persekutuan Tanah Melayu Mohar Kerajaan" may be used as the Public Seal.

Royal Instructions.

13. His Majesty may from time to time give to the High Commissioner Instructions, either under His Majesty's Sign Manual and Signet, or through a Secretary of State, for the due performance, or the proper exercise, of the powers, duties and rights of the High Commissioner under, and in conformity with, this Agreement; but no law made under this Agreement shall be void or inoperative by reason of anything contained in such Instructions.

Public Officers.

14. Subject to the provisions of this Agreement and of any law for the time being in force in the Federation and to any instructions from time to time given to him by His Majesty either under His Sign Manual and Signet or through a Secretary of State, the High Commissioner

(*a*) may constitute public offices and may appoint persons to such offices whose conditions of employment involve a liability to serve in more than one State or Settlement; and

(*b*) may, for cause shown to his satisfaction, dismiss or suspend from the exercise of his office any person holding any such office, or may take, in relation to any such person, such other disciplinary action as may seem to him desirable; provided that if any such person is borne on the establishment of a Malay State, the High Commissioner shall, before taking action under this paragraph, obtain the concurrence of His Highness the Ruler of that State.

Pardon.

15.—(1) When any offence has been committed for which the offender may be tried within either of the Settlements, the High Commissioner may, as he shall see occasion, in His Majesty's name and on His Majesty's behalf, grant a pardon to any accomplice in such offence who shall give such information as shall lead to the conviction of the principal offender, or any one of such offenders if more than one; and further may grant to any offender convicted of any such offence in any Court within either of the Settlements a pardon, either free or subject to lawful conditions, or any respite, either indefinite or for such period as the High Commissioner may think fit, of the execution of any sentence passed on such offender, and may remit the whole or any part of such sentence or of any penalties or forfeitures otherwise lawfully due.

(2) When any offence has been committed for which the offender may be tried within any Malay State, His Highness the Ruler of the State concerned may, as he shall see occasion, grant a pardon to any accomplice in such offence who shall give such information as shall lead to the conviction of the principal offender, or any one of such offenders if more than one; and further may grant to any offender convicted of any such offence in any Court within the State a pardon, either free or subject to

lawful conditions, or any respite, either indefinite or for such period as His Highness the Ruler may think fit, of the execution of any sentence passed on such offender, and may remit the whole or any part of such sentence or of any penalties or forfeitures otherwise lawfully due.

PART III

FEDERAL EXECUTIVE AUTHORITY

THE HIGH COMMISSIONER

Extent of executive authority.

16. Subject to the provisions of this Agreement, and in particular without prejudice to the provisions of Clauses 18, 86 and 110 thereof, the executive authority of the Federation shall extend to all matters set out in the first column of the Second Schedule to this Agreement.

Exercise of executive authority.

17. The executive authority of the Federation shall be exercised by the High Commissioner either directly or through officers subordinate to him, but nothing in this clause shall prevent the Legislative Council from conferring functions upon persons or authorities other than the High Commissioner within the powers given to it by this Agreement.

Delegation of executive authority.

18. Notwithstanding anything in this Agreement, the High Commissioner may entrust, either conditionally or unconditionally, to the Government of any Malay State with the consent of His Highness the Ruler of that State, or to the Government of a Settlement, or to their respective officers, functions in relation to any matter to which the executive authority of the Federation extends.

Special responsibilities of High Commissioner.

19.—(1) In the exercise of his executive authority, the High Commissioner shall have the following special responsibilities, that is to say:

(*a*) the protection of the rights of any Malay State or any Settlement and of the rights, powers and dignity of Their Highnesses the Rulers;

(*b*) the prevention of any grave menace to the peace or tranquillity of the Federation or any Malay State or Settlement comprised therein;

(*c*) the safeguarding of the financial stability and credit of the Federal Government;

(*d*) the safeguarding of the special position of the Malays and of the legitimate interests of other communities;

(*e*) the securing to, and to the dependents of, members of the Federal public service, any of their rights and the safeguarding of their legitimate interests;

(*f*) the securing that the due discharge of his functions with respect to matters concerning which he is by or under this Agreement or by or under any Federal Ordinance required to act in his discretion, or to exercise his individual judgment, is not prejudiced or impeded by any course or action taken with respect to any other matter.

(2) For the purpose of discharging such responsibilities the executive authority of the High Commissioner shall include the power to give appropriate directions to the Government of any Malay State or of any Settlement.

Executive action to be taken in name of High Commissioner.

20.—(1) All executive action of the Federal Government shall be expressed to be taken in the name of the High Commissioner, unless otherwise provided by any law for the time being in force, or by any rule to be made, or direction to be given, by the High Commissioner.

(2) Orders and other instruments made and executed in the name of the High Commissioner shall be authenticated in such manner as may be specified in any Federal Ordinance or in rules to be made by the High Commissioner, and the validity of an order or instrument which is so authenticated shall not be called in question on the ground that it is not an order or instrument made or executed by the High Commissioner.

Acquisition of land for Federal purposes.

21. The High Commissioner may, if he deems it necessary in the interests of the Federation that any land in a Malay State or Settlement should be acquired or reserved for any purpose connected with any matter specified

in the first column of the Second Schedule to this Agreement, require the appropriate authority in the State or Settlement to acquire in a Malay State any alienated land or in a Settlement any land other than Crown land on behalf and at the expense of the Federation in accordance with the law for the time being in force dealing with the acquisition of land for public purposes, or to reserve, grant or lease any State or Crown land for the use of the Federation.

Federal Executive Council

Establishment of Executive Council.

22. There shall be an Executive Council for the Federation to aid and advise the High Commissioner in the exercise of his functions.

Members of Executive Council.

23. The Federal Executive Council shall consist of three *ex officio* Members, that is to say, the Chief Secretary, the Attorney-General and the Financial Secretary, together with not more than four Members (hereinafter called Official Members) who hold office of emolument under the Federal Government or under the Crown, to be appointed by the High Commissioner either by office or by name, and not less than five or more than seven Members (who shall be called Unofficial Members) not holding office of emolument under any Government in the Federation, to be appointed by the High Commissioner by Instrument under the Public Seal:

Provided that the High Commissioner may appoint as Unofficial Members persons holding office of emolument as aforesaid whom he considers suitable for such appointment.

Oath.

24. Except for the purpose of enabling this clause to be complied with, no Member shall sit or take part in the deliberations of the Federal Executive Council until he shall have taken and subscribed before the High Commissioner, or some person authorised by the High Commissioner in that behalf, the Federal Executive Councillor's Oath in the form set out in the First Schedule to this Agreement.

Tenure of Office.

25.—(1) Subject to the provisions of this Agreement, every Official or Unofficial Member of the Federal Executive Council shall hold his seat in the Council for three years from the date of the Instrument by which he is appointed or until such earlier date as may be provided by that Instrument unless previously thereto his seat shall become vacant under the provisions of this Agreement:

Provided that if any person is appointed to be a Temporary Member of the Council and his temporary appointment is immediately followed by his definitive appointment, the said period of three years shall be reckoned from the date of the Instrument by which he is temporarily appointed.

(2) The seat of a Member of the Federal Executive Council (other than an *ex officio* Member) shall become vacant

(*a*) upon his death; or

(*b*) if, being an Official Member, he shall cease to hold office of emolument under the Federal Government or under the Crown; or

(*c*) if, being an Unofficial Member not holding office of emolument under any Government in the Federation or under the Crown at the date of his appointment to the Federal Executive Council, he shall be appointed permanently to any such office; or

(*d*) if he shall by writing under his hand addressed to the High Commissioner resign his seat on the Federal Executive Council; or

(*e*) if he shall be absent from the Federation without written permission from the High Commissioner:

Provided that a Member shall not be deemed to be absent from the Federation for the purposes of this paragraph by reason only of absence for a period not exceeding one month.

(3) Any person vacating a seat as a Member of the Federal Executive Council may, if qualified, be again appointed from time to time.

(4) If an Unofficial Member not holding office of emolument under any Government in the Federation or under the Crown at the date of his appointment to the Federal Executive Council be appointed temporarily to, or to act in, any such office, he shall not sit as an Unofficial Member of the Federal Executive Council so long as he continues to hold or act in that office.

(5) The High Commissioner may, by Instrument under the Public Seal, suspend any Official or Unofficial Member from the exercise of his functions as a Member of the Federal Executive Council; and every such suspension shall forthwith be reported by the High Commissioner to His Majesty through a Secretary of State and to Their Highnesses the Rulers.

(6) Every such suspension shall remain in force unless and until it shall be removed by the High Commissioner by Instrument under the Public Seal, or by His Majesty through a Secretary of State, or the person suspended ceases to be a Member of the Federal Executive Council.

(7) The High Commissioner may, by Instrument under the Public Seal, declare any Official or Unofficial Member to be incapable of discharging his functions as a Member of the Federal Executive Council, and thereupon such Member shall not sit or vote in the Council until he is declared in manner aforesaid to be again capable of discharging his said functions.

Temporary appointments.

26.—(1) Whenever there shall be a vacancy in the number of persons sitting in the Federal Executive Council by reason of the fact that

(*a*) an *ex officio* or Official Member is administering the Federal Government; or

(*b*) one person is lawfully discharging the functions of more than one of the three officers specified in Clause 23 of this Agreement; or

(*c*) no person is lawfully discharging the functions of one of those officers; or

(*d*) a Member is suspended from the exercise of his functions as a Member; or

(*e*) the seat of a Member is vacant for any cause; or

(*f*) a Member is unable to sit or vote in the Council in consequence of a declaration by the High Commissioner, as provided in sub-clause (7) of Clause 25 of this Agreement, that he is incapable of discharging his functions as a Member; or

(*g*) a Member is absent from the Federation; or

(*h*) an Unofficial Member not holding office of emolument under any Government in the Federation or under the Crown at the date of his appointment to the Federal Executive Council has been appointed temporarily to, or to act in, any such office;

a person may be appointed a Temporary Member for the period of such vacancy.

(2) The said person shall be appointed by the High Commissioner by Instrument under the Public Seal and

(*a*) in the case of a vacancy in the number of persons sitting in the Federal Executive Council as *ex officio* or Official Members, shall be a person qualified for appointment as an Official Member; and

(*b*) in the case of a vacancy in the number of persons sitting in the Federal Executive Council as Unofficial Members, shall be a person qualified for appointment as an Unofficial Member.

(3) Every person so appointed shall, as long as his appointment shall subsist, be to all intents and purposes

(*a*) in the case of a vacancy in the number of persons sitting in the Federal Executive Council as *ex officio* Members or as Official Members, an Official Member;

(*b*) in the case of a vacancy in the number of persons sitting in the Federal Executive Council as Unofficial Members, an Unofficial Member;

and subject to the provisions of this clause, the provisions of Clause 25 of this Agreement shall apply accordingly:

Provided that, in the case of a vacancy in the number of persons sitting in the Council as *ex officio* Members, the person so appointed shall not be regarded as an Official Member in computing the number of such persons for purposes of Clause 23 of this Agreement.

(4) Any such temporary appointment may (without prejudice to anything done by virtue thereof) be revoked by the High Commissioner by Instrument under the Public Seal.

(5) A temporary appointment under this clause shall cease to have effect on notification by the High Commissioner to the person appointed of the revocation of his appointment or on supersession of the appointment by the definitive appointment of a person to fill the vacancy, or when the vacancy shall otherwise cease to exist.

Precedence of members

27. The Members of the Federal Executive Council shall take precedence as follows:

First, the *ex officio* Members in the order in which they are specified in Clause 23 of this Agreement;

Secondly, the Official Members appointed under Clause 23 of this Agreement according to the priority of their appointments as Official Members, or, if appointed on the same day, in such order as may be assigned by the High Commissioner;

Thirdly, the Official Members temporarily appointed under Clause 26 of this Agreement in such order as may be assigned by the High Commissioner;

Fourthly, the Unofficial Members in order according to the dates when they were first appointed to be Members, or Temporary Members, as the case may be, of the Federal Executive Council, and, in the case of more than one appointment on the same day, in such order as may be assigned by the High Commissioner:

Provided that, where a Member is re-appointed to fill a vacancy caused by the termination of his own term of office, the date from which he has been continuously a Member of the Council (any interval between such termination and reappointment being disregarded) shall be regarded as the date of his appointment for the purpose of this clause.

Summoning and quorum.

28.—(1) The Federal Executive Council shall not be summoned except by the authority of the High Commissioner.

(2) No business except that of adjournment shall be transacted if objection is taken by any Member present or by the High Commissioner, if present, that there are less than four Members present besides the High Commissioner or Member presiding.

High Commissioner to preside.

29. The High Commissioner shall, so far as is practicable, attend and preside at all meetings of the Federal Executive Council, and, in his absence, such Member as the High Commissioner may appoint, or, in the absence of such Member or if no Member be so appointed, the Senior Member of the Council actually present shall preside.

Consultation with Executive Council.

30. The High Commissioner shall consult with the Federal Executive Council in the execution of all powers and authorities conferred upon him (other than those relating exclusively to the Settlements or either of them), except in cases

(*a*) which are of such a nature that, in his judgment, His Majesty's Service or the public interest would sustain material prejudice by consulting the Council thereupon; or

(*b*) in which the matters to be decided shall be too unimportant to require their advice; or

(*c*) in which the matters are too urgent to admit of their advice being given by the time within which it may be necessary for him to act; provided that in this last case he shall, as soon as practicable, communicate to the Council the measures which he shall have adopted with the reasons therefor.

High Commissioner to propose questions.

31. The High Commissioner shall alone be entitled to submit questions to the Federal Executive Council; but if the High Commissioner decline to submit any question to the Council when requested in writing by any Member so to do, it shall be competent to such Member to require that there be recorded upon the Minutes his written application together with the answer returned by the High Commissioner thereto.

High Commissioner may act in opposition to Executive Council.

32.—(1) The High Commissioner may act in opposition to the advice given to him by Members of the Federal Executive Council, if in any case it shall in his judgment be right so to do; but in any such case he shall, at the first convenient opportunity, fully report the matter to His Majesty through a Secretary of State with the reasons for his action.

(2) In every such case it shall be competent to any Member of the Council to require that there be recorded upon the Minutes any advice or opinion that he may give upon the question and the grounds therefor.

High Commissioner to communicate Instructions to Executive Council.

33. The High Commissioner shall forthwith communicate to the Federal Executive Council His Majesty's Instructions received pursuant to Clause 13 of this Agreement, and all such other Instructions of His Majesty as from time to time His Majesty shall direct or the High Commissioner shall find convenient for His Majesty's Service or in the public interest to impart to them.

Minutes.

34.—(1) Minutes shall be kept of all the proceedings of the Federal Executive Council.

(2) At every ordinary meeting of the Council the Minutes of the last preceding meeting shall be confirmed, with or without amendment as the case may require, before proceeding to the despatch of any other business.

Official languages.

35. The official languages of the Federal Executive Council shall be English and Malay:

Provided that anything which is required to be printed or reduced into writing shall be expressed in the English language.

Part IV

LEGISLATIVE COUNCIL

Establishment of Legislative Council.

36.—(1) There shall be established a Legislative Council in and for the Federation constituted in accordance with the provisions of this Agreement.

(2) The Legislative Council shall consist of the High Commissioner as President, three *ex officio* Members, eleven State and Settlement Members, eleven Official Members and fifty Unofficial Members.

***Ex officio* members.**

37. The *ex officio* Members shall be the Chief Secretary, the Attorney-General and the Financial Secretary.

State and Settlement Members.

38.—(1) The State and Settlement Members shall be the nine Presidents for the time being of the Councils of State in the Malay States, and one representative of the Settlement Council in each Setttlement to be selected from among themselves by the Members of such Council.

(2) Each State and Settlement Member shall have the same freedom as an Unofficial Member to speak and vote as to him seems fit.

(3) If the seat of a representative of a Settlement Council shall become vacant under the provisions of sub-clause (3) of Clause 42 of this Agreement, the members of such Council shall select from among themselves another representative to fill the vacancy.

Official Members.

39. The Official Members shall be persons holding office of emolument under the Federal Government or under the Crown and shall be appointed by the High Commissioner, either by office or by name, by Instrument under the Public Seal.

Qualifications and method of appointment of Unofficial Members.

40.—(1) The Unofficial Members shall be persons not holding any office of emolument under any Government in the Federation or under the Crown and shall be Federal citizens of the age of twenty-one years or upwards who, the High Commissioner is satisfied, are able to speak and (unless incapacitated by blindness or other physical cause) to read and write the English or Malay language with a degree of proficiency sufficient to enable them to take an active part in the proceedings of the Council:

Provided that the High Commissioner may appoint British subjects, not being Federal citizens, to be Unofficial Members of the Legislative Council whenever he is satisfied that it is desirable so to do:

Provided also that the High Commissioner may appoint as Unofficial Members persons holding office of emolument as aforesaid whom he considers suitable for such appointment.

(2) Unofficial Members shall be appointed by the High Commissioner by Instrument under the Public Seal.

Disqualification for Membership.

41. No person shall be capable of being appointed an Official or Unofficial Member of the Legislative Council or, having been appointed, shall sit and vote therein, who at the time of his appointment—

(*a*) is a person found or declared to be of unsound mind under any law in force in the Federation or any part thereof; or

(*b*) has, in any part of His Majesty's dominions or in any territory under His Majesty's protection, or in which His Majesty has for the time being jurisdiction, been sentenced to death or to imprisonment (by whatever name called) for a term exceeding six months and has not either suffered the punishment to which he was sentenced or such other punishment as may by competent authority have been substituted therefor or received a free pardon; or

(*c*) is an undischarged bankrupt under any law in force in any part of His Majesty's dominions or in any territory under His Majesty's protection or in which His Majesty has for the time being jurisdiction; or

(*d*) is a party to, or a member of a firm or a director or manager of a company which is a party to, any subsisting contract with the Federal Government, for or on account of the public service, or is otherwise to his knowledge interested in any such contract, and shall not have disclosed to the High Commissioner the nature of such contract and his interest, or the interest of any such firm or company, therein.

Tenure of Office of Official and Unofficial Members.

42.—(1) Subject to the provisions of this Agreement, every Official Member or Unofficial Member of the Legislative Council shall cease to be a Member at the end of three years from the date of the Instrument by which he is appointed, or at such earlier date as may be provided by such Instrument, or previously, if his seat shall become vacant under the provisions of this Agreement.

(2) If a person is appointed a Temporary Member of the Legislative Council in accordance with the provisions of Clause 43 of this Agreement and such appointment is immediately followed by his definitive appointment as a Member, the said period of three years shall be reckoned from the date of his appointment as a Temporary Member.

(3) The seat of a Member of the Legislative Council (other than an *ex officio* Member) shall become vacant

(*a*) upon his death; or

(*b*) if he shall, without the leave of the High Commissioner, be absent from two consecutive meetings of the Council; or

(*c*) if

(i) he shall cease to be a Federal citizen; or

(ii) being appointed under the first proviso to sub-clause (1) of Clause 40 of this Agreement, he shall cease to be a British subject, or

(iii) being a Federal citizen, he shall do any voluntary act which shall be declared by the High Commissioner to be incompatible with his loyalty to the Federation; or

(iv) being a British subject or a subject of His Highness the Ruler of any Malay State, he shall take any oath or make any declaration of allegiance, obedience or adherence to any foreign Power or State, or shall do, concur in or adopt any act done with the intention that he shall become a subject or citizen of any foreign Power or State; or

(*d*) if he shall be declared a bankrupt under any law in force in any part of His Majesty's dominions or in any territory under His Majesty's protection or in which His Majesty has for the time being jurisdiction; or

(*e*) if in any part of His Majesty's dominions or in any territory under His Majesty's protection or in which His Majesty has for the time being jurisdiction, he shall be sentenced to death, or imprisonment (by whatever name called) for a term exceeding six months; or

(*f*) if he shall be found or declared to be of unsound mind under any law in force in the Federation or any territory comprised therein; or

(*g*) if he shall, by writing under his hand addressed to the High Commissioner, resign his seat in the Council; or

(*h*) if, being an Official Member, he shall cease to hold office of emolument under the Federal Government or under the Crown; or

(*i*) if, being a President of a Council of State, he shall cease to hold that office; or

(*j*) if, being a representative of a Settlement Council, such Council is dissolved, or if for any reason he ceases to be a member of such Council; or

(*k*) if, being an Unofficial Member, he shall, without the approval of the High Commissioner, become a party to, or if any firm in which he is a partner, or any company of which he is a director or manager, shall become a party to, or if he shall be otherwise to his knowledge interested in, any contract with the Federal Government for or on account of the public service and shall not, before the making of the contract, have disclosed to the High Commissioner the nature of such contract and his interest or the interest of any such firm or company therein; or

(*l*) if, being an Unofficial Member, not holding office of emolument under any Government in the Federation or under the Crown at the date of his appointment to the Legislative Council, he shall be appointed permanently to any such office.

(4) Any person vacating a seat as a Member of the Legislative Council may, if qualified, be again appointed as a Member from time to time.

(5) The High Commissioner may, by Instrument under the Public Seal, declare any Official or Unofficial Member to be incapable of discharging his

functions as a Member of the Council, and thereupon such Member shall not sit or vote in the Council until he is declared, in manner aforesaid, to be again capable of discharging his said functions.

(6) The High Commissioner may, by Instrument under the Public Seal, suspend any Official or Unofficial Member from the exercise of his functions as a Member of the Council; and every such suspension shall forthwith be reported to His Majesty through a Secretary of State, and to Their Highnesses the Rulers.

(7) Such suspension shall remain in force unless and until it shall be removed by the High Commissioner by Instrument under the Public Seal or the person suspended ceases to be a Member of the Legislative Council.

(8) All questions which may arise as to the right of any person to be or remain an Official or Unofficial Member shall be referred to and decided by the High Commissioner in Council whose decision shall be final and shall not be called in question in any Court in the Federation.

(9) If any Unofficial Member of the Legislative Council who did not hold office of emolument under any Government in the Federation or under the Crown at the date of his appointment shall be appointed temporarily to, or to act in, any such office, he shall not sit or vote in the Legislative Council by virtue of his aforesaid appointment whilst he continues to hold or to act in that office.

Temporary Appointments.

43.—(1) Whenever there shall be a vacancy in the number of persons sitting in the Legislative Council as *ex officio* Members, or Official Members, or Unofficial Members, by reason of the fact that

(*a*) an *ex officio* Member is administering the Government of the Federation; or

(*b*) one person is lawfully discharging the functions of more than one of the three officers specified in Clause 37 of this Agreement; or

(*c*) no person is lawfully discharging the functions of one of those officers; or

(*d*) an Official Member is lawfully discharging the functions of one of those officers; or

(*e*) the seat of an Official or Unofficial Member is vacant for any cause; or

(*f*) an Official or Unofficial Member is unable to sit or vote in the Council in consequence of a declaration by the High Commissioner, as provided in sub-clause (5) of Clause 42 of this Agreement, that he is incapable of discharging his functions as a Member; or

(*g*) an Official or Unofficial Member is suspended from the exercise of his functions as a Member; or

(*h*) a Member is absent from the Federation; or

(*i*) an Unofficial Member not holding office of emolument under any Government in the Federation or under the Crown at the date of his appointment to the Legislative Council has been appointed temporarily to, or to act in, any such office;

the High Commissioner may, by Instrument under the Public Seal, appoint a person to be a Temporary Member for the period of such vacancy.

(2) If the vacancy is in the number of persons sitting in the Council as *ex officio* Members or Official Members, the person appointed shall be a person qualified for appointment as an Official Member; and if the vacancy is in the number of persons sitting in the Council as Unofficial Members, the person appointed shall be a person qualified for appointment as an Unofficial Member.

(3) Every person appointed to be a Temporary Member under this clause shall, as long as his appointment shall subsist, be to all intents and purposes

(*a*) in the case of a vacancy in the number of persons sitting in the Council as *ex officio* Members or Official Members, an Official Member;

(*b*) in the case of a vacancy in the number of persons sitting in the Council as Unofficial Members, an Unofficial Member;

and, subject to the provisions of this clause, the provisions of Clause 42 of this Agreement shall apply accordingly:

Provided that, in the case of a vacancy in the number of persons sitting in the Council as *ex officio* Members, the person so appointed shall not be regarded as an Official Member in computing the number of such Members for the purposes of sub-clause (2) of Clause 36 of this Agreement.

(4) Such temporary appointment may (without prejudice to anything done by virtue thereof) be revoked by the High Commissioner by Instrument under the Public Seal.

(5) A temporary appointment under this clause shall cease to have effect on notification by the High Commissioner to the person appointed of the revocation of his appointment, or on supersession of the appointment by the definitive appointment of a person to fill the vacancy, or when the vacancy shall otherwise cease to exist.

(6) If the Prèsident of the Council of State in any Malay State or the representative of any Settlement Council shall be prevented through illness or other sufficient cause from attending any meeting of the Legislative Council, the High Commissioner may appoint in his place, for the purpose of attending that meeting, such other member of the Council of State in the Malay State as His Highness the Ruler of that State may select; or, as the case may be, such other Member of the Settlement Council as may be selected by the Resident Commissioner in that Settlement.

Summoning of public officers.

44.—(1) The High Commissioner may summon to any meeting of the Legislative Council any person holding public office under the Federal Government, notwithstanding that such person may not be a Member of the Council, when, in the opinion of the High Commissioner, the business before the Council renders the presence of such person desirable.

(2) Any person so summoned shall be entitled to take part in the proceedings of the Council relating to the business in respect of which he is summoned as if he were a Member of the Council, except that he shall not have the right to vote in the Council.

High Commissioner to preside.

45. The High Commissioner, if present, shall preside at meetings of the Legislative Council, and, in his absence, such Member as the High Commissioner may in writing appoint or, in the absence of such Member, or if no Member be so appointed, the Senior Member of the Council actually present shall preside.

Quorum.

46. No business except that of adjournment shall be transacted by the Legislative Council if objection is taken by any Member present that there are less than one quarter of the Members present besides the High Commissioner or other Member presiding.

Precedence of Members.

47. After the High Commissioner, the Members of the Legislative Council shall take precedence as follows:

First, the *ex officio* Members in the order in which they are mentioned in Clause 37 of this Agreement;

Secondly, the Presidents for the time being of the Councils of State according to the priority of the appointment of each as Mentri Besar or, if appointed on the same day, in the order in which their respective States are mentioned in the first recital to this Agreement;

Thirdly, the representative of the Settlement Council of Penang.

Fourthly, the representative of the Settlement Council of Malacca;

Fifthly, the Official Members appointed under Clause 39 of this Agreement, according to the priority of their appointments as such or, if appointed on the same day, in the order assigned by the High Commissioner;

Sixthly, Official Members temporarily appointed under Clause 43 of this Agreement, according to the priority of their appointments or, if appointed on the same day, in the order assigned by the High Commissioner;

Seventhly, the Unofficial Members appointed under Clause 40 of this Agreement according to the priority of their appointments as such, or, if appointed on the same day, in the order assigned by the High Commissioner;

Eighthly, the Unofficial Members temporarily appointed under Clause 43 of this Agreement according to the priority of their appointments or, if appointed on the same day, in the order assigned by the High Commissioner:

Provided that when a Member is re-appointed to fill a vacany caused by the termination of his own term of office, the date from which he has been continuously a Member of the Council (any interval between such termination and re-appointment being disregarded) shall be regarded as the date of his appointment for the purposes of this clause.

PART V

LEGISLATION AND PROCEDURE IN LEGISLATIVE COUNCIL

General power to make laws.

48. Subject to the provisions of this Agreement, it shall be lawful for the High Commissioner and Their Highnesses the Rulers, with the advice and consent of the Legislative Council, to make laws for the peace, order and good government of the Federation with respect to the matters set out in the Second Schedule to this Agreement and subject to any qualifications therein.

Power to legislate for two or more States or Settlements by consent.

49.—(1) Whenever resolutions are passed by any two or more of the Councils of State and Settlement Councils to the effect that it is expedient for the sake of uniformity that any matter not included in the first column of the Second Schedule to this Agreement should be regulated in their respective States and Settlements by a Federal Ordinance, it shall be lawful for such an Ordinance to be enacted in accordance with the terms of such resolutions.

(2) Every such Ordinance, upon coming into operation as provided in Clause 54, but subject to Clause 55, of this Agreement, shall have effect within such States and Settlements, and may be brought into effect in any other State or Settlement (with any necessary adaptations) by a resolution of the Council of State or Settlement Council thereof, to be published in the *Gazette*, and shall come into effect upon the date of publication unless some other date be specified in the resolution.

(3) Unless otherwise provided in such resolutions, no such Ordinance shall confer any executive power or authority upon the Federal Government.

Adoption of English Law.

50. The power of the Legislative Council to make Federal Ordinances shall extend to the adoption within the Federation of so much as shall seem expedient of the common law and mercantile law of England and of the rules of equity as administered in England, and to the adoption within the Federation of any Act of Parliament with such modifications as shall seem necessary to suit the needs and circumstances of the Federation.

Words of enactment of Ordinances.

51. All laws passed by the Legislative Council shall be styled "Ordinances" and the words of enactment shall be "Enacted by the High Commissioner of the Federation of Malaya and Their Highnesses the Rulers of the Malay States with the advice and consent of the Legislative Council":

Provided that in the case of any law having effect by virtue of a declaration made by the High Commissioner under Clause 52 of this Agreement, the words of enactment shall be " Enacted by the High Commissioner of the Federation of Malaya in accordance with Clause 52 of the Federation of Malaya Agreement 1948 ".

Reserved powers.

52.—(1) If the High Commissioner shall consider that it is expedient in the interests of public order, public faith, or good government of the Federation that any Bill introduced, or any motion proposed, in the Legislative Council shall have effect, then if the Council fail to pass such a Bill or motion within such time and in such form as the High Commissioner may think reasonable and expedient, the High Commissioner, at any time in his discretion, may, notwithstanding any provision of this Agreement, or of any Standing Rules or Orders of the Legislative Council, declare that such Bill or motion shall have effect as if it had been passed by the Legislative Council, either in the form in which it was so introduced or proposed or with such amendments as the High Commissioner shall think fit which have been moved or proposed in the Legislative Council or in any Committee thereof; and thereupon the said Bill or Motion shall have effect as if it had been so passed, and, in the case of any such Bill, the proviso to Clause 51 of this Agreement and the provisions of this Agreement relating to assent to Bills and to the disallowance of assent to laws shall apply accordingly.

(2) In this clause the expression " public order, public faith, or good government of the Federation " shall, without prejudice to its generality, include the following:

(*a*) the responsibility of the Federation as parts of His Majesty's dominions in the cases of the Settlement of Penang and the Settlement of Malacca, and as territory under the protection of His Majesty in the cases of the Malay States, including foreign relations and relations with other parts of the British Empire;

(*b*) all questions relating to defence, including provision, construction, maintenance and use of defence works and areas and communications;

(*c*) subjects upon which, in the opinion of the High Commissioner, it is necessary to secure uniformity in legislation between the Federation and the Colony of Singapore; and

(*d*) all matters pertaining to the creation or abolition of any Federal public office and to the appointment, salary or other conditions of service of any Federal public officer or officers.

(3) The High Commissioner shall forthwith report to Their Highnesses the Rulers and to a Secretary of State every case in which the High Commissioner shall make such declaration as is mentioned in sub-clause (1) of this clause and the reason therefor.

(4) If any Member of the Legislative Council objects to any declaration made under this clause, he may, within seven days of the making thereof, submit to the High Commissioner a statement in writing of his reasons for so objecting, and copies of such statement shall be forwarded by the High Commissioner as soon as practicable to Their Highnesses the Rulers and to a Secretary of State.

(5) Any such declaration, other than a declaration relating to a Bill, may be revoked by a Secretary of State and the High Commissioner shall notify such revocation in the *Gazette;* and from the date of such notification any motion which shall have had effect by virtue of the declaration revoked shall cease to have effect and the provisions of sub-section (2) of section 38 of the Interpretation Act, 1889, shall apply to such revocation as they apply to the repeal of an Act of Parliament.

Publication of Bills.

53. Every Bill, other than a private Bill, shall, save in case of urgency to be certified in writing by the High Commissioner, be published for general information in the *Gazette* at least fourteen days prior to its introduction into the Legislative Council.

54.—(1) No Bill shall become a law until it has received the assent of Their Highnesses the Rulers and either the assent of the High Commissioner in His Majesty's name and on His Majesty's behalf, or the assent of His Majesty given through a Secretary of State.

(2) The assent of Their Highnesses the Rulers to any Bill shall be expressed as provided in Clause 76 of this Agreement.

(3) When a Bill is presented to the High Commissioner for his assent, he shall, according to his discretion but subject to the provisions of this Agreement and of any Instructions addressed to him under His Majesty's Sign Manual and Signet or through a Secretary of State, declare that he assents or refuses to assent thereto, or that he reserves the Bill for the signification of His Majesty's pleasure.

(4) When the High Commissioner assents to any Bill his assent shall be expressed by his causing the Public Seal to be affixed thereto and by signing his name upon such Bill in token of his assent.

(5) A law assented to by the High Commissioner and Their Highnesses the Rulers shall be published in the *Gazette* and shall come into operation on the date of such publication, or, if it shall be enacted either in the law or in some other enactment (including any enactment in force at the commencement of this Agreement) that it shall come into operation on some other date, on that date.

(6) When a Bill has been reserved for the signification of His Majesty's pleasure and His Majesty shall have given his assent thereto through a Secretary of State, the Bill shall become law as soon as Their Highnesses the Rulers shall have assented thereto and the High Commissioner shall have signified His Majesty's assent thereto by Proclamation in the *Gazette*. Every such law shall come into operation on the date of such Proclamation, or if it shall be enacted either in the law or in some other enactment (including any enactment in force at the commencement of this Agreement) that it shall come into operation at some other date, on that date.

Disallowance of High Commissioner's assent.

55.—(1) The assent of the High Commissioner to any law may be disallowed by His Majesty through a Secretary of State for reasons which shall be notified to Their Highnesses the Rulers by the High Commissioner, and, thereupon, Their Highnesses the Rulers may, after consideration of such reasons, withdraw their assent to that law.

(2) Whenever the assent of the High Commissioner has been disallowed by His Majesty, the High Commissioner shall cause notice of such disallowance, together with notice of any withdrawal of assent to the law by Their Highnesses the Rulers, to be published in the *Gazette*.

(3) Upon such publication every such law shall cease to have effect and, thereafter, any enactment repealed or amended by such law shall have effect as if such law had not been made; but, save as aforesaid, the provisions of sub-section (2) of section 38 of the Interpretation Act, 1889, shall apply as if such law were an enactment repealed by an Act of Parliament.

Private Bills.

56. Except as otherwise therein provided, a Federal Ordinance, not being a Federal Government measure, intended to affect or benefit some particular person, association, or corporate body, shall not affect the rights of His Majesty, His Heirs and Successors, or the rights of Their Highnesses the Rulers, and Their Successors, or the rights of any body politic or corporate, or of any other person.

Standing Rules and Orders.

57. Subject to the provisions of this Agreement, the Legislative Council may, from time to time, make, amend and revoke Standing Rules and Orders for the regulation and orderly conduct of its own proceedings and the conduct of business and for the passing, intituling and numbering of Bills, and for the presentation thereof to the High Commissioner and Their Highnesses the Rulers for their assent.

Voting.

58.—(1) Save as otherwise provided in this Agreement, all questions proposed for decision in the Legislative Council shall be determined by a majority of the votes of the Members present and voting.

(2) The High Commissioner shall not have an original vote, but, if upon any question the votes shall be equally divided, he shall have a casting vote.

(3) In the absence of the High Commissioner, the Member presiding shall have an original vote and also, if upon any question the votes shall be equally divided, a casting vote.

Introduction of Bills.

59. Subject to the provisions of this Agreement and of the Standing Rules and Orders of the Legislative Council, any Member of the Council may introduce any Bill or propose any motion for debate in, or may present any petition to, the Council, and the same shall be debated and disposed of according to the Standing Rules and Orders:

Provided that, except with the recommendation or consent of the High Commissioner signified thereto, the Council shall not proceed upon any Bill, amendment, motion or petition, which, in the opinion of the High Commissioner or of the presiding Member, would

(*a*) dispose of, or charge any public revenue or public funds of the Federation, or revoke or alter any disposition thereof or charge thereon, or impose, alter or repeal any rate, tax or duty; or

(*b*) suspend the Standing Rules and Orders of the Council or any of them.

Sessions of Legislative Council.

60.—(1) The sessions of the Legislative Council shall be held at such times and places as the High Commissioner shall from time to time by Proclamation in the *Gazette* appoint.

(2) There shall be a Session of the Council once at least in every year, so that a period of twelve months shall not intervene between the last sitting in one Session and the first sitting in the next Session.

Prorogation.

61. The High Commissioner with the assent of Their Highnesses the Rulers may at any time, by proclamation in the *Gazette,* prorogue the Legislative Council.

Minutes.

62.—(1) Minutes shall be kept of all the proceedings of the Legislative Council.

(2) At every meeting of the Council the Minutes of the last preceding meeting shall be confirmed, with or without amendment as the case may require, before proceeding to the despatch of any other business.

(3) Twice in each year a full transcript of all Minutes of the Legislative Council for the preceding half-year shall be transmitted to His Majesty through a Secretary of State and a full transcript of the confirmed Minutes of each meeting of the Council shall be transmitted by the Clerk of the Council to each of Their Highnesses the Rulers.

Official languages.

63. The official languages of the Legislative Council shall be English and Malay:

Provided that anything which is required to be printed or reduced into writing shall be expressed in the English language.

Legislative Councillor's Oath.

64. Except for the purpose of enabling this clause to be complied with, no Member shall sit or vote in the Legislative Council until he shall have taken and subscribed before the High Commissioner, or some person authorised by the High Commissioner, the Legislative Councillor's Oath in the form set out in the First Schedule to this Agreement.

Intention to provide for Elected Members.

65. His Majesty and Their Highnesses the Rulers declare that it is Their intention in due course to cause to be introduced into the Legislative Council legislation providing for the election of Members to that Council.

Validity of Ordinances not to be questioned.

66. It shall not be competent for any Court of Justice to question, or to entertain any proceedings which question, on the grounds that it is contrary to the provisions of this Agreement, the validity of any law which has been passed, or has effect as if it had been passed, by the Legislative Council and has received the assent of Their Highnesses the Rulers and the assent of the High Commissioner or of His Majesty.

PART VI

MAJLIS RAJA RAJA NEGRI MELAYU OR CONFERENCE OF RULERS

Conference of Rulers.

67. There shall be established a Majlis Raja Raja Negri Melayu to be called in English the Conference of Rulers.

Membership.

68.—(1) The Conference of Rulers shall consist of Their Highnesses the Rulers:

Provided that

(i) during a Regency in any Malay State the Regent or, if there be a Council of Regency, such Member of that Council as the Council of Regency may assign, shall be a Member of the Conference of Rulers in place of His Highness the Ruler of that State;

(ii) if any of Their Highnesses the Rulers shall be prevented by ill-health or any other cause whatsoever from attending any meeting of the Conference, his place shall be taken by the Heir Apparent or, if there be no Heir Apparent, by such person as His Highness may empower to represent him.

(2) A Malay adviser to each of Their Highnesses the Rulers shall attend at every meeting of the Conference of Rulers.

Precedence of Rulers.

69.—(1) Their Highnesses the Rulers shall among themselves take precedence according to the date of the accession of each of them to the office of Ruler and, in the case of Negri Sembilan, according to the date of accession to the office of Yang-di-Pertuan Besar.

(2) A Regent, or Member of a Council of Regency assigned in accordance with the provisions of Clause 68 of this Agreement, shall take precedence, after Their Highnesses the Rulers, according to the date of his appointment or assignment.

Rulers' Seal.

70.—(1) The Conference of Rulers shall possess and shall use a Mohar Besar Raja Raja, to be called in English the Rulers' Seal, for sealing all things whatsoever that shall pass the said Seal.

(2) Until the Rulers' Seal shall be provided, an official stamp bearing the inscription " Mohar Besar Raja Raja Negri Melayu " in the Jawi script may be used as the Rulers' Seal.

(3) The Rulers' Seal shall be kept for safe custody by a Malay Officer, to be called Penyimpan Mohar Besar Raja Raja Negri Melayu, and in English the Keeper of the Rulers' Seal, who shall be appointed, with the concurrence of the High Commissioner, by Their Highnesses the Rulers and who shall hold office at the pleasure of Their Highnesses.

(4) The Keeper of the Rulers' Seal or his deputy shall take the Seal to any place where it may be required.

(5) The Keeper of the Rulers' Seal shall be stationed at the seat of the Federal Government.

Meetings.

71.—(1) The Conference of Rulers shall meet whenever necessary under the chairmanship of such one of Their Highnesses as the Conference may select.

(2) The Conference of Rulers shall meet the High Commissioner at least three times during each year.

(3) Whenever the High Commissioner thinks it expedient, he may direct any Federal public officer or any British Adviser to attend with him at any such meeting as is mentioned in sub-clause (2) of this clause.

Functions of the Conference

72.—(1) Save in cases which, in the opinion of the High Commissioner, are cases of urgency or involve only formal amendment of a Federal Ordinance, the High Commissioner shall, before its publication in the *Gazette*, cause to be sent, as soon as conveniently may be, to each of Their Highnesses the Rulers every Bill which it is intended to bring before the Legislative Council.

(2) Every new draft salary scheme or major amendment to an existing salary scheme of Federal public officers and every draft scheme for the creation or major reorganization of any department or service of the Federal Government shall be sent to Their Highnesses the Rulers and may be discussed in the Conference of Rulers if desired.

(3) It shall be the particular duty of the High Commissioner to consult the Conference of Rulers, from time to time, upon the immigration policy of the Federal Government, and, in particular, when any major change in such policy is contemplated by the Federal Government and if such major change is objected to by the Conference of Rulers, and agreement cannot be reached between the Conference of Rulers and the High Commissioner, the proposals of the Federal Government shall be referred to the Legislative Council for their opinion. The opinion of the Council shall be signified by resolution upon which *ex officio* Members and Official Members of the Council may speak, but may not vote. No major change in immigration policy which is contrary to an opinion expressed in such resolution shall be put into effect by administrative action and no legislation to implement any such major change shall be introduced into the Legislative Council.

(4) It shall be the duty of the High Commissioner to explain from time to time to Their Highnesses the Rulers the policy, either in general or in particular as he thinks expedient, of the Federal Government on matters of importance to the Malay States and to ascertain the opinions and views of Their Highnesses the Rulers thereon for his consideration.

(5) It shall be the particular charge of each of Their Highnesses the Rulers from time to time to inform the High Commissioner of all matters which in the opinion of that Ruler are conducive to the welfare of his State as a whole and to inform the High Commissioner of all matters which in the opinion of that Ruler are detrimental to the welfare of his State as a whole and the High Commissioner may ascertain the opinions and views of the Conference upon such matters for his consideration.

(6) The Conference of Rulers, unless unanimous, shall act by majority and in such manner may exercise any powers or perform any duties conferred or imposed upon Their Highnesses the Rulers collectively under this Agreement or otherwise.

(7) Sub-clause (3) of this clause shall not apply in cases where, in the opinion of the High Commissioner, any question falling within paragraph (*a*) or paragraph (*b*) of sub-clause (2) of Clause 52 of this Agreement is involved.

(8) In this clause " major change in policy " means any change in policy except a change which, in the opinion of the High Commissioner, is too unimportant to require consultation with Their Highnesses the Rulers.

Secretary of the Conference

73. The Keeper of the Rulers' Seal shall act as the Secretary of the Conference of Rulers

Standing Rules and Orders

74. Subject to the provisions of this Agreement, the Conference of Rulers may, from time to time, make, amend, and revoke Standing Rules and Orders for the general conduct of the business of the Conference, for the

place or places where, and the dates on which, the Conference shall meet, for the safe custody and affixing of the Rulers' Seal, for the keeping of the Minutes of the proceedings of the Conference, and for such other matters whatsoever in connection with the business or procedure of the Conference as to it may seem fit.

Standing Committee of the Conference.

75.—(1) The Conference of Rulers shall, in each year, appoint two of Their Highnesses the Rulers to be a Standing Committee of the Conference to hold office for twelve months from the date of appointment.

(2) Their Highnesses the Rulers may appoint one of Themselves in the place of any member of the Standing Committee dying, resigning or becoming incapacitated from performing his functions, during his term of office.

Signification of Rulers' Assent.

76.—(1) It shall be the duty of the Standing Committee to express the assent of Their Highnesses the Rulers to any Bill passed or having effect as if it had been passed by the Legislative Council or to any Instrument or to any other matter in writing whatsoever in all cases in which such assent is required by this Agreement or by any law for the time being in force.

(2) Such assent shall be expressed by the two members of the Standing Committee causing the Keeper of the Rulers' Seal to affix, in the presence of the said members, upon such Bill or Instrument or other matter in writing, as the case may be, the Rulers' Seal below the words " Their Highnesses the Rulers of the Malay States assent hereto " and by adding under the words " Witnesses to the affixing of the Rulers' Seal " the signature of each of them in the presence of the other.

(3) Any copy appearing in the *Gazette* of such Bill or Instrument or other matter in writing, as the case may be, purporting to have been so sealed and witnessed shall be evidence for all purposes without question whatsoever that Their Highnesses the Rulers did in fact assent to such Bill or Instrument or other matter in writing, as the case may be.

PART VII

COURTS

Supreme Court.

77.—(1) There shall be in and for the Federation a Court of unlimited civil and criminal jurisdiction to be called the Supreme Court of the Federation of Malaya.

(2) The Supreme Court shall be a Court of Record and shall consist of a High Court and a Court of Appeal.

(3) There shall be a Chief Justice of the Federation and as many Judges of the Supreme Court as may from time to time be required.

(4) Subject to the provisions of Clause 78 of this Agreement, the Chief Justice, and the Judges of the Supreme Court shall be appointed by the High Commissioner for and on behalf of His Majesty and of Their Highnesses the Rulers, by Letters Patent under the Public Seal.

(5) The constitution, powers and procedure of the Supreme Court and provisions relating to appeals therefrom to His Majesty in Council (subject to such rules and regulations as may, from time to time, be prescribed by Order of His Majesty in Council) and provisions relating to the qualifications, order of precedence, duties and powers of Judges and appointment of temporary Judges, may, subject to the provisions of this Agreement, be prescribed by Federal Ordinance.

First Chief Justice and Judges of the Federation.

78. The Chief Justice of the Malayan Union and the Judges and temporary Judges of the Supreme Court of the Malayan Union holding office on the appointed day shall be the first Chief Justice of the Federation and the first Judges and the first temporary Judges of the Supreme Court of the Federation.

Duties and Residence of Chief Justice and Judges.

79.—(1) Arrangements for the duties and places of residence of the Judges shall be made by the Chief Justice with the concurrence of the High Commissioner, but so that the Chief Justice shall ordinarily reside at Kuala Lumpur.

(2) After the appointed day no Judge of the Supreme Court shall be appointed to reside in any Malay State unless His Highness the Ruler of that State shall first have been consulted.

Registrar and Assistant Registrars.

80.—(1) The High Commissioner, with the concurrence of the Chief Justice, shall appoint a Registrar of the Supreme Court, who shall ordinarily be resident in Kuala Lumpur, and such Assistant Registrars as he may think necessary.

(2) The jurisdiction, powers and duties of such Registrar and Assistant Registrars may, subject to the provisions of this Agreement, be prescribed by laws made under this Agreement.

(3) The Registrar and Assistant Registrars of the Supreme Court of the Malayan Union holding office on the appointed day shall be the first Registrar and Assistant Registrars of the Supreme Court of the Federation.

Subordinate Courts.

81.—(1) Subject to the provisions of sub-clause (2) of this clause, Courts subordinate to the Supreme Court and Courts of special jurisdiction may be constituted in the Federation by laws made under this Agreement and provision may be made by such laws for the hearing and determining of appeals from any such Court by the Supreme Court or otherwise.

(2) All Courts which on the appointed day were subordinate to the Supreme Court of the Malayan Union or were Courts of special jurisdiction within the Malayan Union shall be the first subordinate Courts and Courts of special jurisdiction respectively under this Agreement in the Federation.

District Judges and Magistrates.

82.—(1) The District Judges, Magistrates and other officers presiding over subordinate Courts or Courts of special jurisdiction in the Malayan Union on the appointed day shall be the first District Judges, Magistrates or presiding officers, as the case may be, of the subordinate Courts and Courts of special jurisdiction in the Federation.

(2) Thereafter, the officers presiding over subordinate Courts or Courts of special jurisdiction under this Agreement shall be appointed in manner prescribed by any law for the time being in force.

Appeals to His Majesty in Council.

83.—(1) Their Highnesses the Rulers severally hereby request His Majesty to receive appeals to His Majesty in Council from the Supreme Court and do hereby severally, in respect of each of their States, confer upon His Majesty power and jurisdiction so to do, which power and jurisdiction His Majesty hereby accepts.

(2) Nothing in any law made under this Agreement shall affect the full and unqualified exercise of His Majesty's pleasure in receiving or rejecting appeals to His Majesty in Council or otherwise howsoever.

PART VIII

LAW OFFICERS

Attorney-General.

84.—(1) There shall be an Attorney-General for the Federation who shall be a person qualified to be appointed a Judge of the Supreme Court and who shall, subject to sub-clause (4) of this clause, be appointed by the High Commissioner for and on behalf of His Majesty and of Their Highnesses the Rulers by Instrument under the Public Seal.

(2) It shall be the duty of the Attorney-General to perform such duties and exercise such powers as may be imposed or conferred upon him by this Agreement and by any law for the time being in force, and to give advice to the Federal Government upon such legal matters, and to perform such other duties of a legal character, as may be referred or assigned to him by the High Commissioner.

(3) In the performance of his duties the Attorney-General shall have the right of audience, and shall take precedence over all other Counsel, in all Courts in the Federation whether Federal, State or Settlement Courts.

(4) The Attorney-General of the Malayan Union holding office on the appointed day shall be the first Attorney-General for the Federation.

Solicitor-General and Federal Counsel.

85.—(1) The Attorney-General shall have subordinate to him a Solicitor-General and so many Federal Counsel and other officers as shall to the High Commissioner seem necessary from time to time.

(2) The Solicitor-General shall be appointed by the High Commissioner for and on behalf of His Majesty and Their Highnesses the Rulers by notification in the *Gazette*.

(3) From the number of such Federal Counsel the High Commissioner shall appoint Legal Advisers in the Malay States and in the Settlements:

Provided that the appointment of a Legal Adviser in a Malay State shall be made with the concurrence of His Highness the Ruler of that State.

(4) In the performance of their duties, the Solicitor-General and the Federal Counsel shall have the right of audience, and the Solicitor-General shall take precedence over all other Counsel, other than the Attorney-General, in all Courts in the Federation, whether Federal, State or Settlement Courts.

(5) The Solicitor-General and the Crown Counsel for the Malayan Union holding office on the appointed day shall respectively be the first Solicitor-General and Federal Counsel for the Federation.

PART IX

MALAY STATES

EXECUTIVE AUTHORITY

Extent of executive authority in Malay States.

86. Subject to the provisions of this Agreement, the executive authority of each Malay State shall extend to all matters save those set out in the first column of the Second Schedule to this Agreement:

Provided that (except in so far as matters of policy common to any two or more of the States and Settlements are involved) any law made under Clause 48 of this Agreement shall, to the extent stated in the second column of the said Second Schedule, confer executive authority on the Government of any Malay State or on the appropriate person or body, in any matter set out in the first column of the said Schedule.

Exercise of executive authority and powers of delegation.

87. The executive authority of each Malay State shall be exercised by His Highness the Ruler of that State either directly or through State officers, but nothing herein shall prevent the Legislative Council or the Council of State from conferring functions upon persons or authorities other than His Highness within the powers given to those Councils respectively by this Agreement:

Provided that in the State of Negri Sembilan the executive authority shall be exercised as provided in the Constitution of the State.

Executive action to be in the name of the Ruler.

88. All executive action of the Government of each Malay State shall be expressed to be taken in the name of His Highness the Ruler of that State.

MAJLIS MESHUARAT KERAJAAN OR STATE EXECUTIVE COUNCIL.

State Executive Councils.

89. There shall be in and for each Malay State a Majlis Meshuarat Kerajaan, to be called in English State Executive Council, to aid and advise His Highness the Ruler of that State in the exercise of his executive functions.

Membership, appointment and tenure of office

90.—(1) The State Executive Council in each Malay State shall consist of at least five *ex officio* Members, that is to say, the Mentri Besar, the

British Adviser, the State Secretary, the Legal Adviser and the State Financial Officer and such other Members, if any, whether holding office of emolument under the Federal Government or the State Government or not, as may be prescribed in the Constitution of the State.

(2) Subject to the provisions of this Agreement, the State Executive Council in each Malay State shall have such rights, privileges, powers and duties as shall be prescribed in the Constitution of that State, and the Members of each such Council shall hold office and shall be appointed and take precedence as shall be provided in such Constitution.

State Executive Councillor's Oath.

91. Except for the purpose of enabling this clause to be complied with, no Member shall sit or vote in any State Executive Council until he shall have taken and subscribed before His Highness the Ruler of the State, or some person authorised by His Highness in that behalf, the State Executive Councillor's Oath in the form set out in the First Schedule to this Agreement.

Summoning.

92. A State Executive Council shall not be summoned except by command of His Highness the Ruler of the State.

Ruler to preside.

93. His Highness the Ruler of each Malay State shall, so far as is practicable, attend and preside at all meetings of the State Executive Council and, in his absence, any Member appointed by Him in writing or, in the absence of such Member, or if no such appointment shall be made, the Senior Member of the Council actually present shall preside.

Consultation with State Executive Council.

94. His Highness the Ruler of each Malay State shall consult with the State Executive Council in the execution of all his powers and authorities except in cases

(*a*) which are of such a nature that, in his judgment, the service of His Majesty or of His Highness the Ruler, or the public interest, would sustain material prejudice by consulting the Council thereupon; or

(*b*) in which the matter to be decided shall be too unimportant to require their advice; or

(*c*) in which the matters are too urgent to admit of their advice being given by the time within which it may be necessary for him to act; provided that in this last case, he shall, as soon as practicable, cause to be communicated to the Council the measures which he shall have adopted with the reasons therefor.

Ruler or State Secretary to propose questions.

95. His Highness the Ruler of each Malay State and the State Secretary shall alone be entitled to submit questions to the State Executive Council of that State, but if the State Secretary declines to submit any question to the Council when requested in writing by any Member so to do, it shall be competent to such Member to require that there be recorded upon the Minutes his written application together with the answer returned by the State Secretary thereto.

Ruler may act in opposition to State Executive Council.

96.—(1) His Highness the Ruler of each Malay State may act in opposition to the advice given to him by Members of the State Executive Council, if in any case it shall in his judgment be right so to do, but in any such case he shall record fully in writing, for inclusion in the Minutes, the grounds and the reasons for his decision.

(2) In every such case it shall be competent to any Member of the Council to require that there be recorded upon the Minutes any advice or opinion that he may give upon the question and the grounds therefor.

MAJLIS MESHUARAT NEGRI OR COUNCIL OF STATE

Councils of State.

97. There shall be in and for each Malay State a Majlis Meshuarat Negri, to be called in English Council of State.

Membership appointment and tenure of office.

98.—(1) Each Council of State shall consist of the Mentri Besar as President, at least four *ex officio* Members, that is to say, the British Adviser, the State Secretary, the Legal Adviser and the State Financial

Officer, and such other Members, whether holding office of emolument under the Federal Government or the State Government or not, as may be prescribed by the Constitution of the State.

(2) Subject to the provisions of this Agreement, the Council of State in each Malay State shall have such rights, privileges, powers and duties as shall be prescribed in the Constitution of that State, and the Members of each such Council shall hold office and shall be appointed and take precedence as shall be provided in such Constitution.

Qualifications for Membership.

99.—(1) Subject to the provisions of this Agreement, any person who is of the age of twenty-one years or upwards and who is a subject of His Highness the Ruler of the Malay State concerned or who is a Federal Citizen or, in cases where His Highness the Ruler shall think it desirable, a British subject, shall be qualified to be appointed to be a Member of a Council of State and no other person shall be so qualified or shall sit or vote in such Council as a Member thereof.

(2) For the purposes of this clause, the expression " subject of His Highness the Ruler " has the meaning assigned to it by paragraph (*a*) of sub-clause (3) of Clause 124 of this Agreement.

Legislative powers.

100.—(1) Subject to the provisions of this Agreement, it shall be lawful in each Malay State for the Council of State to pass laws on

(*a*) any subject, including the Muslim religion or the Custom of the Malays, other than those in respect to which the Legislative Council has power, under Clause 48 of this Agreement, to pass laws; and

(*b*) any other subject in respect to which by virtue of a law made under Clause 48 of this Agreement such Council of State is for the time being authorised to pass laws.

(2) Any law passed by a Council of State shall be void so far as it is repugnant to any law passed by the Legislative Council or having effect by virtue of a declaration made by the High Commissioner under the provisions of Clause 52 of this Agreement or to any Proclamation, rule, regulation, by-law, order or other instrument lawfully made thereunder.

(3) Nothing in this clause shall prejudice the power of His Highness the Ruler of any State to enact or grant a Constitution of the State.

Ruler's reserved powers.

101.—(1) If His Highness the Ruler of a Malay State shall consider that it is expedient in the interests of public order, public faith or good government in his State that any Bill introduced, or any motion proposed, in the Council of State established in that State, shall have effect, then if the said Council fail to pass such a Bill or motion, within such time and in such form as His Highness may think reasonable and expedient, he may at any time in his discretion, notwithstanding any provisions of this Agreement or of any Standing Rules or Orders of the said Council, declare that such Bill or motion shall have effect as if it had been passed by the Council, either in the form in which it was so introduced or proposed or with such amendments as he shall think fit which have been moved or proposed in the Council or in any Committee thereof, and thereupon the said Bill or motion shall have effect as if it had been so passed, and, in the case of any such Bill, the provisions of sub-clause (2) of Clause 102 of this Agreement relating to assent shall apply accordingly.

(2) In this section the expressions " public order, public faith or good government " shall, without prejudice to their generality, include the following:

(*a*) all matters affecting the Muslim religion and the Custom of the Malays; and

(*b*) all matters pertaining to the creation or abolition of any public office and to the appointment, salary or other conditions of service of any public officer or officers.

Assent to Bills.

102.—(1) All laws passed by a Council of State shall be styled " Enactments " and the words of enactment may be prescribed in the Constitution of the State.

(2) No Bill passed by a Council of State shall become law until His Highness the Ruler of the State concerned shall have given his assent thereto and shall have affixed the State Seal thereto and signed the same in token of assent.

(3) When a Bill is presented to His Highness the Ruler, he shall declare that he assents or refuses to assent thereto.

(4) A law assented to by His Highness the Ruler shall be published in the *Gazette* and shall come into operation on the date of such publication, or, if it shall be enacted either in the law or in some other enactment (including any enactment in force at the commencement of this Agreement) that it shall come into operation on some other date, on that date.

(5) In this clause, as regards the State of Negri Sembilan, the expression " His Highness the Ruler " means His Highness the Yang di-Pertuan Besar and the Ruling Chiefs, and the assent to any Bill of His Highness the Yang di-Pertuan Besar and the Ruling Chiefs shall be expressed by His Highness causing to be affixed thereto the Public Seal of the State of Negri Sembilan and signing the same in token of assent.

Attendance of persons other than Members.

103.—(1) The Mentri Besar in each Malay State may invite to any meeting of the Council of State any person, notwithstanding that such person may not be a Member of the Council, when, in the opinion of the Mentri Besar, the business before the Council renders the presence of such person desirable.

(2) Any person so invited shall be entitled to take part in the proceedings of the Council relating to the business in respect of which he is invited as if he were a Member of the Council, except that he shall not have the right to vote in the Council.

President of Council of State.

104. The Mentri Besar of each Malay State shall, if present, preside at meetings of the Council of State and, in his absence, the State Secretary, or, if the State Secretary shall also be absent, the Senior Member present shall preside.

Standing Rules and Orders.

105. Subject to the provisions of this Agreement, a Council of State may, from time to time, make, amend and revoke Standing Rules and Orders for the regulation and orderly conduct of its own proceedings and the conduct of business and for the passing, intituling and numbering of Bills, and for the presentation thereof to His Highness the Ruler, for his assent, but no such Rules or Orders shall have effect unless and until they shall have been approved by His Highness the Ruler.

Introduction of Bills.

106. Subject to the provisions of this Agreement and of the Standing Rules and Orders of the Council, any Member of a Council of State may introduce any Bill or propose any motion for debate in, or may present a petition to, the Council, and the same shall be debated and disposed of according to the Standing Rules and Orders:

Provided that, except with the recommendation or consent of the Mentri Besar signified thereto, the Council shall not proceed upon any Bill, amendment, motion or petition, which, in the opinion of the Mentri Besar or of the presiding Member, would

(*a*) dispose of any public revenue or public funds of the State, or revoke or alter any disposition thereof or impose, alter, or repeal any rate, tax or duty; or

(*b*) suspend the Standing Rules and Orders of the Council or any of them.

Sessions of Council.

107.—(1) The sessions of each Council of State shall be held at such times and places as the Mentri Besar shall from time to time appoint.

(2) There shall be a session of the Council once at least in every year, so that a period of twelve months shall not intervene between the last sitting in one session and the first sitting in the next session.

Oath.

108. Except for the purpose of enabling this clause to be complied with, no Member shall sit or vote in any Council of State until he shall, if a subject of His Highness the Ruler of that State, have taken such Oath as may be prescribed in the Constitution of the State and, in any other case, shall have taken the Oath of Office for Members of a Council of State in the form set out in the First Schedule to this Agreement. Such Oath shall be taken and subscribed before the Mentri Besar or presiding Member of the Council.

Election of Members.

109. His Highness the Ruler of each Malay State declares that He intends, in due course, to make provision for the election of Members to the Council of State in his State.

PART X

SETTLEMENTS

Provision for inclusion of the Settlements in the Federation and for their administration

110.—(1) The Settlements shall, on and after the appointed day, be administered in conjunction with the Malay States as component parts of the Federation in conformity with the provisions of this Agreement in such manner as His Majesty may, by Order in Council, from time to time, prescribe.

(2) There shall be a Settlement Council in each of the Settlements constituted in such manner and with such powers and functions as His Majesty may, by Order in Council, from time to time, prescribe.

(3) Subject to the provisions of this Agreement, the executive authority of each Settlement shall extend to all matters save those set out in the first column of the Second Schedule to this Agreement:

Provided that (except in so far as matters of policy common to any two or more of the States and Settlements are involved) any law made under Clause 48 of this Agreement shall, to the extent stated in the second column of the said Second Schedule, confer executive authority on the Governments of the Settlements, or on specified bodies or persons, in any matter set out in the first column of the said Schedule.

PART XI

FINANCIAL

Power to raise loans and borrow.

111. On and after the appointed day, the power to raise loans and borrow monies for the purposes of the Federation or any territories comprised therein shall be exercisable by the Federal Government.

Revenues of the Federation, States and Settlements.

112.—(1) The revenues of the Governments of the Malay States and of the Settlements shall be derived from the sources set out in the Third Schedule to this Agreement and from sums to be allocated to each of them by the Legislative Council as hereinafter provided.

(2) All other revenues of whatsoever nature derived from any source within the Federation or any territory comprised therein or from any source outside the Federation shall be the revenues of the Federal Government.

(3) Nothing in this clause shall apply to any revenue arising from *Zakat, Fitrah, Bait-ul-Mal* or similar Muslim religious revenue, notwithstanding that such revenue may be levied under a State Enactment.

Expenditure of the Federation, States and Settlements.

113.—(1) Expenditure in relation to any of the matters set out in Part I of the Fourth Schedule to this Agreement, shall be met from the revenues of the Federation.

(2) Expenditure in each Malay State and each Settlement in relation to any of the matters set out in Part II of the said Schedule, shall be met from the revenues of the Malay State or Settlement concerned.

Preparation of State and Settlement estimates.

114. In each financial year it shall be the duty of the State Executive Council in each Malay State and of the Government of each Settlement to prepare estimates of the revenue and expenditure of that State or Settlement, as the case may be, for the next ensuing year and to transmit the same to the High Commissioner so as to reach him before the first day of September or such other day as the High Commissioner may appoint.

Preparation of Federal estimates.

115.—(1) The High Commissioner shall, in each financial year, cause to be laid before the Legislative Council in the month of November, a statement of the estimated revenue and expenditure for the next ensuing financial year and shall, so far as is practicable, show therein the assets and liabilities of the Federation as they are estimated to be at the end of the current financial year and the manner in which such assets are invested or held, as the case may be, and the general heads in respect to which such liabilities are outstanding.

(2) The estimates of expenditure shall show separately

(*a*) the sums required to meet expenditure to be charged upon the revenues of the Federation;

(*b*) the sums, if any, required to meet other expenditure proposed to be made from the revenues of the Federation;

(*c*) the allocation of lump sums to each Malay State and each Settlement required for local expenditure therein, including amounts, to be determined by the High Commissioner, which shall be available for expenditure on such unforeseen services as the Council of State of any Malay State or the Settlement Council of any Settlement may, by resolution, approve.

Federal Supply Ordinances.

116.—(1) The necessary estimated expenditure in each year shall be provided for by an annual Federal Supply Ordinance.

(2) Any additional expenditure which may become necessary in any financial year, including any expenditure arising under the provisions of Clause 119 of this Agreement, shall be provided for by Federal Supplementary Supply Ordinance.

Revision if necessary, of State or Settlement estimates.

117. Whenever the sum allocated to any Malay State or any Settlement by the Legislative Council is less than the sum applied for to meet the estimated expenditure of that State or Settlement, the estimates submitted by the State Executive Council or the Government of the Settlement shall be revised accordingly.

State and Settlement Supply Enactments.

118.—(1) The President of each Council of State and Settlement Council shall cause to be laid before that Council the estimates as prepared under the provisions of Clause 114, or as revised under the provisions of Clause 117, of this Agreement, as the case may require.

(2) The necessary estimated expenditure for each State and Settlement shall, in each year, be provided for by an annual Supply Enactment.

Allocation by Legislative Council of further sums to States or Settlements.

119. If, in any financial year, further expenditure which cannot be met out of the revenue of any Malay State or any Settlement shall become necessary, the Council of State or Settlement Council, as the case may be, shall pass a Resolution showing such sums as it may think necessary to be expended and the purposes for which such sums are to be expended and shall cause the same to be transmitted to the High Commissioner who shall make to the Legislative Council such recommendations thereon as he thinks

fit, and the Legislative Council may allocate to such State or Settlement such lump sum as it thinks fit, in addition to the sum already allocated to that State or Settlement under the provisions of paragraph (*c*) of sub-clause (2) of Clause 115 of this Agreement.

Supplementary Supply Enactments in States and Settlements.

120. Any additional expenditure which shall become necessary in any Malay State or Settlement, in any financial year, including any expenditure approved by resolution from the amount provided for unforeseen services under paragraph (*c*) of sub-clause (2) of Clause 115 of this Agreement, shall be provided for by State or Settlement Supplementary Supply Enactments.

Excess of revenue over expenditure in State or Settlement.

121. Any balance of revenue in excess of expenditure in any Malay State or Settlement at the end of a financial year shall accrue to the Federal Government.

Audit.

122. The accounts of the Governments of the Malay States and the Settlements shall be audited by the Federal Audit Department at the expense of the Federal Government.

General Orders.

123.—(1) The High Commissioner may, from time to time, make, amend and revoke General Orders for giving effect to the provisions of this Part of this Agreement and, without prejudice to the generality of the foregoing, may make General Orders providing for

(*a*) the preparation and transmission of estimates and the form and contents thereof and such other matters in connection with estimates as he may consider expedient;

(*b*) the limits of the financial powers of the States and Settlements and of items of special expenditure;

(*c*) State establishments and appropriation of established salaries;

(*d*) transfers between heads and sub-heads in estimates; and

(*e*) the allocation to States and Settlements of sums for expenditure on unforeseen services.

(2) All General Orders made under the provisions of this clause shall be binding upon the Governments of the Malay States and the Settlements.

(3) The first General Orders to be made under this clause shall be in the form set out in the Fifth Schedule to this Agreement.

(4) No revocation or substantial amendment of the General Orders set out in the Fifth Schedule to this Agreement shall be made without prior consultation with the State Executive Councils and the Governments of the Settlements.

PART XIII

FEDERAL CITIZENSHIP

ACQUISITION OF FEDERAL CITIZENSHIP BY OPERATION OF LAW.

Acquisition of Federal Citizenship by operation of law.

124.—(1) On and after the appointed day, the following persons shall be Federal Citizens:

(*a*) any subject, whether born before, on or after the appointed day, of His Highness the Ruler of any State;

(*b*) any British subject born in either of the Settlements before, on or after the appointed day who is permanently resident in the territories now to be comprised in the Federation;

(*c*) any British subject born before, on or after the appointed day, in any of the territories now to be comprised in the Federation, whose father either

(i) was himself born in any of the territories now to be comprised in the Federation; or

(ii) was or is, at the date of the birth of such British subject, or thereafter became or becomes, permanently resident in such territories;

(*d*) any person born before, on or after the appointed day in any of the territories now to be comprised in the Federation who habitually speaks the Malay language and conforms to Malay custom;

(*e*) any other person born before, on or after the appointed day in any of the territories now to be comprised in the Federation, both of whose parents were born in any of such territories and were or are, at the date of the birth of such person, or thereafter became or become, permanently resident in such territories;

(*f*) any person whose father is, at the date of that person's birth, a Federal Citizen:

Provided that, where any person is born after the death of his father, he shall be deemed to be a Federal Citizen if his father at the time of his death was a Federal Citizen.

(2) Notwithstanding the provisions of sub-clause (1) of this clause, no person shall become a Federal Citizen on the appointed day who has been absent from the territories now to be comprised in the Federation for a period of seven years or upwards immediately prior to the appointed day, unless the High Commissioner in Council certifies that such person has maintained substantial connection with any of such territories during such period.

(3) For the purposes of this clause:

(*a*) in sub-clause (1) the expression " subject of His Highness the Ruler of any State " means any person who

(i) belongs to an aboriginal tribe resident in that State; or

(ii) is a Malay born in that State, or born outside the Malay States of a father who was, at the time of the birth of such person, a subject of the Ruler of that State; or

(iii) is a person naturalised as a subject of that Ruler under any law for the time being in force;

(*b*) the word " Malay " means a person who

(i) habitually speaks the Malay language; and

(ii) professes the Muslim religion; and

(iii) conforms to Malay custom;

(*c*) a person shall be deemed to be " permanently resident " in the territories now to be comprised in the Federation who has completed a continuous period of fifteen years residence in any one or more of them, whether such period be completed before, on or after the appointed day;

(*d*) the word " continuous " in relation to a period of residence shall not be construed as excluding such periods of absence as are not inconsistent with essential continuity of residence;

(*e*) the words " father " and " parents " mean respectively father and parents, by blood, but not by adoption, of children whether legitimate or illegitimate.

Acquisition of Federal Citizenship by Application

Acquisition of Federal Citizenship by application.

125.—(1) Subject to the provisions of this clause, the High Commissioner may grant a Certificate of Citizenship conferring the status of a Federal Citizen on any person not being a minor child who makes application therefor in the prescribed form and satisfies the High Commissioner:

(*a*) that either

(i) he was born in any of the territories now to be comprised in the Federation and has been resident in any one or more of such territories for eight out of the twelve years preceding his application; or

(ii) he has been resident in any one or more of such territories for fifteen years out of the twenty years immediately preceding his application;

and

(*b*) that he is of good character; and

(*c*) that he has an adequate knowledge of the Malay or English language; and

(*d*) that he has made a Declaration of Permanent Settlement in the form set out in the First Schedule to this Agreement; and

(*e*) that, if his application is approved, he is willing to take the Citizenship Oath in the form set out in the First Schedule to this Agreement.

Provided that the requirements of paragraph (*c*) of this sub-clause shall not apply in the case of any person who shall apply for Federal citizenship within a period of two years from the appointed day and who, at the time of his application, is of the age of forty-five years or more and who has been residing in any one or more of the territories now to be comprised in the Federation for a period or periods amounting to at least twenty years.

(2) Except in the case of minor children falling within sub-clause (3) or sub-clause (4) of this clause, a Certificate of Citizenship granted under this clause shall not be given to the applicant or take effect until the applicant has taken the Citizenship Oath.

(3) If a person obtains a Certificate of Citizenship under this clause, the High Commissioner may, if he thinks fit, on the application of that person, also grant at the same time a Certificate of Citizenship in respect of any minor child of that person born before the date of the grant of the Certificate and ordinarily resident with such person in the Federation.

(4) Where a person who has applied for a Certificate of Citizenship dies before the Certificate is granted to him, the High Commissioner may declare that any minor child, whose name has been included in the application, shall be deemed to be a Federal Citizen in like manner as if the person applying for the Citizenship had survived and his application had been granted, and a Certificate of Citizenship may thereupon be issued in respect of such child.

(5) For the purposes of this clause:

" adequate knowledge " of the Malay language means

(i) in the case of a person who applies for Federal Citizenship within a period of two years from the appointed day, ability to speak that language with reasonable proficiency; and

(ii) in the case of any other person, ability to speak that language and, unless prevented by blindness or other physical cause, read and write it, in the Malay or Rumi script, with reasonable proficiency.

" minor child " means a person who has not attained the age of eighteen years reckoned according to the Gregorian calendar.

Loss of Federal Citizenship

Loss of Citizenship

126.—(1) Where any person who is a Federal Citizen by virtue of the provisions of paragraph (*b*), (*c*), (*d*), (*e*) or (*f*) of sub-clause (1) of Clause 124 or by virtue of Clause 125 of this Agreement, has absented himself from the Federation for a continuous period of five years or upwards, and is not certified by the High Commissioner to have maintained substantial connection with the Federation during that period, such person shall cease to be a Federal Citizen:

Provided that

(*a*) this clause shall not apply to absence for purposes of education; and

(*b*) if any such person resumes residence within the Federation, he may apply to the High Commissioner, in the prescribed manner and subject to the prescribed conditions, for a Certificate of Citizenship and the High Commissioner may, in his discretion, grant or refuse the same.

(2) If any person who is a Federal Citizen by virtue of the provisions of Clause 124 of this Agreement shall do any voluntary act which the High Commissioner in Council is satisfied is incompatible with his loyalty to the Federation, the High Commissioner in Council may by Order declare that he shall cease to be a Federal Citizen from the date of such Order:

Provided that the provisions of sub-clauses (3), (4) and (5) of Clause 127 of this Agreement (which relate to the holding of an inquiry before an Order is made) shall, with the necessary modifications, apply to the making of an Order under this clause as they apply to the making of an Order under that clause, and the person whose conduct is the subject of the inquiry shall be entitled to be present and to be represented by Counsel at any such inquiry.

(3) The minor children of any person who ceases to be a Federal Citizen under this clause shall not, by reason of such cesser, cease to be Federal Citizens, unless the High Commissioner shall so direct.

Revocation Certificate of Citizenship.

127.—(1) Where the High Commissioner in Council is satisfied that a Certificate of Citizenship granted under this Part of this Agreement has been obtained by false representation or fraud, or by concealment of material circumstances, or that the person to whom the Certificate is granted has shown himself by act or speech to be disaffected or disloyal to the Federation, the High Commissioner in Council shall by Order revoke the Certificate.

(2) Without prejudice to the foregoing provisions, the High Commissioner in Council shall, by Order, revoke a Certificate of Citizenship granted under this Part of this Agreement in any case in which he is satisfied that the person to whom the Certificate was granted

(*a*) has, during any war in which His Majesty is engaged after the appointed day, unlawfully traded or communicated with the enemy or with the subject of an enemy state, or been engaged in, or associated with, any business which is to his knowledge carried on in such manner as to assist the enemy in such war; or

(*b*) has, in any part of His Majesty's dominions or in any territory under His Majesty's protection, been sentenced to death or to imprisonment, by whatever name called, for a term exceeding six months and has not received a free pardon;

(*c*) remains, according to the law of a state at war with His Majesty, a subject of that state; or

(*d*) has done any voluntary act which is incompatible with his loyalty to the Federation;

and that (in any case) the continuance of the Certificate is not conducive to the public good.

(3) Before making an Order under this clause, the High Commissioner in Council shall, by notice given to or sent to the last-known address of the holder of the Certificate, give him an opportunity of claiming that the case be referred for inquiry and, if the holder so claims in accordance with the notice, the High Commissioner shall refer the case for inquiry accordingly.

(4) An inquiry under this clause shall be held by a committee of inquiry constituted for the purpose by the High Commissioner in Council, presided over by a person who has had legal or judicial experience, and shall be conducted in such manner as may be prescribed or, in so far as not prescribed, in such manner as the High Commissioner in Council may direct:

Provided that any such inquiry may, if the High Commissioner in Council thinks fit, instead of being held as aforesaid, be held by the Supreme Court, and the practice and procedure on any inquiry so held shall be regulated by rules of Court.

(5) A committee appointed under this clause shall have all such powers, rights, and privileges as are vested in the Supreme Court or in any Judge thereof on the occasion of any action, in respect of the following matters:

(*a*) enforcing the attendance of witnesses and examining them on oath, affirmation, or otherwise, and the issue of a commission or a request to examine witnesses abroad; and

(*b*) compelling the production of documents; and

(*c*) punishing persons guilty of contempt;

and a summons signed by one or more members of the committee may be substituted for and shall be equivalent to any formal process capable of being issued in any action for enforcing the attendance of witnesses and compelling the production of documents.

(6) Any holder of a Certificate of Citizenship whose case is referred to a committee of inquiry as aforesaid shall be entitled to be present and be represented by Counsel at the inquiry.

(7) Where a Certificate of Citizenship granted to any person is revoked, the minor children of that person in respect of whom Certificates were granted by the High Commissioner in Council on the application of that person, shall not by reason thereof cease to be Federal Citizens, unless the High Commissioner in Council shall revoke their Certificates.

(8) Where the High Commissioner in Council revokes a Certificate of Citizenship, the revocation shall have effect from such date as the High Commissioner in Council may direct, and thereupon the Certificate shall be given up and cancelled and any person refusing or neglecting to give up his Certificate or the Certificate of any minor child which has been revoked and is in his possession shall be liable to a fine not exceeding one thousand dollars.

Voluntary divestment of Citizenship.

128.—(1) Any Federal Citizen may at any time make a declaration in the prescribed manner divesting himself of his Federal Citizenship.

(2) A declaration of divestment of Citizenship shall be of no effect until it is registered in the prescribed manner and, upon such registration, the person making the declaration shall cease to be a Federal Citizen.

Saving of obligations incurred before loss of Citizenship.

129. Where any Federal Citizen ceases to be a Federal Citizen, he shall not thereby be discharged from any obligation, duty or liability in respect of any act done before he ceased to be a Federal Citizen.

Supplementary Provisions

Enemy subjects.

130. No person who is on the appointed day, or at his birth becomes, a subject or citizen of any State which was at war with His Majesty during the late war shall be qualified to become a Federal Citizen by operation of law under Clause 124 of this Part of this Agreement, but any such person may be admitted to Federal Citizenship by application under Clause 125.

Birth on ship.

131.—(1) Birth on board a ship registered in any territory now to be comprised in the Federation shall be deemed to be birth in such territory.

(2) A person born on a foreign ship shall not be deemed to have been born in territory now to be comprised in the Federation by reason only of the fact that the ship was in territorial waters of such territory or of the Federation at the time of his birth.

Evidence.

132.—(1) Any declaration made under this Part of this Agreement may be proved in any legal proceeding by the production of the original declaration or of any copy thereof certified to be a true copy by any public officer

having custody of the original, and the production of the declaration or copy shall be evidence of the person therein named as declarant having made the declaration at the date therein mentioned.

(2) A Certificate of Citizenship or naturalisation may be proved in any legal proceeding by the production of the original Certificate or of any copy thereof certified to be a true copy by the public officer having custody of the counterpart of the original.

(3) Entries in any register made in pursuance of this Part of this Agreement may be proved by copies certified in such manner as may be prescribed, and such copies of any such entries shall be evidence of any matters therein mentioned.

Regulations.

133. The High Commissioner in Council may make regulations generally for giving effect to the objects of this Part of this Agreement, and, without prejudice to the generality of the foregoing words, may make regulations in respect of any of the following matters:

(*a*) the procedure to be followed by persons applying for certificates under the provisions of sub-clause (2) of Clause 124 or for Federal Citizenship under Clause 125 or proviso (*b*) to sub-clause (1) of Clause 126 of this Agreement; the evidence to be required from such persons as to their qualifications for Citizenship, including evidence of possession of an adequate knowledge of the Malay or English language; the persons before whom Declarations of Permanent Settlement and Citizenship Oaths may be made; the form of Certificates of Citizenship and the persons by whom such Certificates may be signed on the High Commissioner's behalf; and the procedure to be followed in the revocation of such Certificates;

(*b*) the registration of Federal Citizens;

(*c*) the form and registration of certificates under the provisions of sub-clause (2) of Clause 124 of this Agreement;

(*d*) the form and registration of declarations of divestment of Citizenship and the persons before whom such declarations may be made;

(*e*) the recording of counterparts of all documents issued under this Part of this Agreement;

(*f*) the persons by whom certified copies of oaths taken, and declarations made, and counterparts of documents issued, under this Part of this Agreement may be given;

(*g*) the imposition and collection of any fees in respect of any of the foregoing matters.

Part XIII

TRANSITIONAL

Qualifications for membership of first Councils.

134.—(1) Wherever in this Agreement it is provided that Federal Citizenship shall be a qualification for membership of any Council established under this Agreement, it shall be sufficient if the first Members of any such Council either are Federal Citizens under Clause 124 of this Agreement or possess qualifications for Federal Citizenship as specified in Clause 125 of this Agreement and undertake in writing to make application for Federal Citizenship as soon as it becomes possible so to do.

(2) In this clause, " first Members " means Members appointed on or within twelve months after the appointed day.

Continuance of existing laws.

135.—(1) Subject to the provisions of this Agreement, the existing laws shall, except in so far as the same shall, in their application to the Federation or to any territory comprised therein, be repealed, amended or otherwise affected by or under any Act of Parliament, Order of His Majesty in

Council or any law made under the provisions of this Agreement, continue to have effect in the Federation or, as the case may be, in that territory, but shall be construed subject to such modifications and adaptations as may be necessary to bring them into conformity with the provisions of this Agreement.

(2) Without prejudice to the generality of the foregoing sub-clause, the existing laws shall, except as aforesaid, in their application to any territory comprised in the Federation, be construed, when the context admits, subject to the following modifications:

(*a*) references to the Colony of the Straits Settlements shall be construed as referring (but not exclusively) to the Settlement of Penang and the Settlement of Malacca;

(*b*) references to the Federated Malay States shall be construed as references to the States of Negri Sembilan, Pahang, Perak and Selangor;

(*c*) references to the Malayan Union shall be construed as references to the Federation or the territories comprised therein, as the case may require;

(*d*) references to the Governor of the Malayan Union or to the Governor of the Colony of the Straits Settlements or to the High Commissioner of the Malay States shall be construed as references to the High Commissioner of the Federation;

(*e*) references to the Governor in Council of the Malayan Union or to the Governor in Council of the Colony of the Straits Settlements shall be construed as references to the High Commissioner in Council;

(*f*) references to His Highness the Ruler, by whatever name called, of any Malay State, or to that Ruler in Council shall be construed as references to His Highness the Ruler of that State or, as the case may be, to His Highness the Ruler in Council;

(*g*) references to the Chief Secretary, Federal Secretary or Colonial Secretary shall be construed as references to the Chief Secretary of the Federation;

(*h*) references to the British Resident, British Adviser or General Adviser, or to the Resident Commissioner in any Malay State, or to the Resident Councillor or Resident Commissioner in either of the Settlements, shall be construed as references to the British Adviser in that State or to the Resident Commissioner in that Settlement, as the case may be;

(*i*) references to any officer of, or authority or body constituted in or for, the Federated Malay States, any Malay State, the Colony of the Straits Settlements, or the Malayan Union shall be construed as references to the corresponding officer of, or authority or body constituted in or for the Federation, or any Malay State or Settlement, as the case may require, and, for removal of doubt, the High Commissioner in Council may, from time to time, by Order declare who is the corresponding officer of, or authority or body constituted in or for the Federation, Malay State or Settlement as the case may be; and

(*j*) references to the Chief Justice or to any Court, Judge or Magistrate of the Malayan Union or of the Straits Settlements or of the Federated Malay States or of any of the Malay States shall be construed as references to the Chief Justice or to the corresponding Court, Judge or Magistrate of the Federation, Malay State or Settlement, as the case may require.

(3) The High Commissioner in Council may, if he thinks fit, by Order, provide that, as from such date as may be specified in the Order, any existing law, other than an Act of Parliament or Order of His Majesty in Council, shall, until repealed or amended by a competent legislature

or other competent authority, have effect subject to such adaptations and modifications as appear to the High Commissioner to be necessary or expedient for bringing the provisions of that law into accord with the provisions of this Agreement.

First public officers in the Federation.

136.—(1) The Chief Secretary and the Financial Secretary of the Malayan Union holding office on the appointed day shall be the first Chief Secretary and Financial Secretary respectively for the Federation.

(2) The Resident Commissioner in each Malay State holding office on the appointed day shall be the first British Adviser in that State.

(3) The Resident Commissioner holding office in each Settlement on the appointed day shall be the first Resident Commissioner under this Agreement for that Settlement.

(4) Subject to such modifications as may be necessary to conform to this Agreement, the persons holding public or statutory office in the Malayan Union on the appointed day shall be the first persons to hold corresponding office under this Agreement in the Federation or in any State or Settlement as the case may require:

Provided that nothing herein shall prevent the reorganisation of any department of Government.

(5) The High Commissioner may, from time to time by Order in the *Gazette* declare what are the corresponding offices in the Federation or in any State or Settlement, within the meaning of sub-clause (4) of this clause.

Validity of previous acts

137. Subject to the express provisions of this Agreement, nothing in this Agreement shall affect the validity or future operation of any lawful act done in any territory now comprised in the Federation by any person or authority before the appointed day.

Pending proceedings.

138. All proceedings commenced before the appointed day in any Court of Justice in, or having jurisdiction in, any territory now to be comprised in the Federation may be carried on in like manner, as nearly as may be, as if this Agreement had not been made, but in the corresponding Court in the Federation, and any such proceeding may be amended as may appear necessary or proper in order to bring it into conformity with the provisions of this Agreement.

Crimes committed and causes of action arising prior to the appointed day.

139. Courts constituted in or for the Federation shall have, within their respective powers, jurisdiction with respect to all offences and causes of action committed or arising before the appointed day for which the accused might have been tried, or proceedings might have been had, within any of the Malay States or within either of the Settlements under the law in force immediately before the appointed day, and such jurisdiction shall be exercised in conformity with the law in force in the State or Settlement concerned at the date when the offence was committed or the cause of action arose and in accordance, as nearly as may be, with the procedure in force in Courts constituted under this Agreement.

Transfer of immovable property.

140.—(1) In this clause

(*a*) " Malay States immovable property " means immovable property which immediately before the appointed day was, by virtue of section 92 of the Malayan Union Order in Council, 1946, vested in His Majesty or in the appropriate officer of the Government of the Malayan Union or in any other person or body for any of the purposes of the Government of the Malayan Union which, on or after the appointed day, will, under the provisions of this Agreement, be a purpose of the Government of any Malay State;

(*b*) " Settlements immovable property " means immovable property which, immediately before the appointed day, was vested in His Majesty or the appropriate officer of the Government of the Malayan Union or in any other person or body, for any of the purposes of the

Government of the Malayan Union which, on or after the appointed day, will, under the provisions of this Agreement, be a purpose of the Government of the Settlements or either of them;

(*c*) "Malayan Union immovable property" means all immovable property, other than Malay States immovable property and Settlements immovable property, which, immediately before the appointed day, was vested in His Majesty, or the appropriate officer of the Government of the Malayan Union or in any other person or body, for the purposes of the Government of the Malayan Union.

(2) As from the appointed day, all Malay States immovable property shall be re-vested in His Highness the Ruler of the Malay State in whom the same was vested immediately before the first day of April, 1946, or, as the case may require, in the Government or in the appropriate officer of the Government of that State, for the purposes of the Government of that State.

(3) As from the appointed day, all Settlements immovable property shall be vested in His Majesty or, as the case may require, in the appropriate officer of the Government of either of the Settlements, for the purposes of the Government of that Settlement.

(4) As from the appointed day, all Malayan Union immovable property shall be vested in His Majesty or in the appropriate Ruler of any Malay State or in the appropriate officer of the Government of the Federation, as the case may require, for the purposes of the Government of the Federation.

Transfer of movable property.

141.—(1) In this clause "financial assets" includes monies, currency notes, bank balances, investments, securities, bullion and specie, negotiable instruments, postage stamps, postal and money orders, things in action and rights to revenue, taxes, duties, fees and other dues.

(2) All financial assets which, immediately before the appointed day, were vested, by virtue of the provisions of the Malayan Union Order in Council, 1946, or otherwise howsoever in His Majesty or in the appropriate officer of the Government of the Malayan Union or in any other person or body for the purposes of that Government shall, as from the appointed day, vest in the High Commissioner for the purposes of the Federal Government:

Provided that the High Commissioner in Council may, on or after the appointed day, arrange for the transfer of any financial asset which will, on or after the appointed day, be required for any of the purposes of any State Government or Settlement Government, to that Government or to an appropriate officer or person for any of the purposes of that Government.

(3) All other movable property which, immediately before the appointed day, was vested, by virtue of Section 92 of the Malayan Union Order in Council, 1946, or otherwise howsoever, in His Majesty or in the appropriate officer of the Government of the Malayan Union, or in any other person or body for any of the purposes of that Government, shall, as from the appointed day, vest in the Chief Secretary for the purposes of the Federal, State or Settlement Governments, to be apportioned to and among such Governments or to appropriate officers or other persons in manner prescribed by sub-clause (4) of this clause.

(4) The High Commissioner and Their Highnesses the Rulers may, from time to time, appoint Committees, to be called Apportionment Committees,

(*a*) to apportion, in case of doubt, between the Federal Government and the Government of any State or Settlement, property vested in the Chief Secretary under sub-clause (3) of this clause, to the intent that property required for the purposes of the Federal Government shall be apportioned to that Government and that property required for the purposes of any State or Settlement Government shall be apportioned to that Government; or

(*b*) to apportion, in case of doubt, such property to such appropriate officer or person for such purposes as the case may require.

(5) The Chief Secretary shall cause effect to be given to the decisions of the Apportionment Committees mentioned in sub-clause (4) of this clause.

Straits Settlements property.

142. The provisions of sub-sections (4) and (5) of section 92 of the Malayan Union Order in Council, 1946 (which provide for apportionment between the Malayan Union and other territories of Straits Settlements property) shall continue to have effect after the appointed day as if they were set out in this Agreement, without however their interpretation being thereby affected except that references to the Malayan Union and to the Governor thereof shall be construed as references to the Federation and to the High Commissioner respectively, and references to sub-section (7) of the said section shall be construed as references to sub-clause (2) of Clause 143 of this Agreement.

Vesting Orders. Regulations.

143.—(1) The High Commissioner may make such vesting or other orders as may be necessary for carrying into effect the provisions of Clause 140, 141 or 142 of this Agreement, and, for any such purpose, may appoint and empower persons to transfer property.

(2) The High Commissioner in Council may make regulations for determining, in case of doubt, the person or body in whom property affected by Clauses 140, 141 or 142 of this Agreement shall be vested and generally for giving effect to those clauses or any of them, and may, by Order, exclude any particular property from the operation of those clauses or any of them, or declare, for the removal of doubt, whether and in what manner any particular property is affected thereby.

Transferred property to be dealt with in conformity with Agreement.

144. Property transferred pursuant to the provisions of Clause 140, Clause 141 or Clause 142 of this Agreement shall thereafter be held and dealt with in conformity with the provisions of this Agreement.

Malayan Railway.

145. Notwithstanding anything contained in this Part of this Agreement, the undertakings formerly known as the Federated Malay States Railways and the Johore State Railway, and now known as the Malayan Railway, and all their assets of whatever kind shall, as from the appointed day, vest in the Chief Secretary for the purposes of the Federal Government.

Transfer of liabilities.

146.—(1) Except as to contracts specifically provided for under Clause 147 of this Agreement, all liabilities deemed, by virtue of section 93 of the Malayan Union Order in Council, 1946, and section 6 of the Malayan Union Indemnity and Validating Ordinance, 1946, to have been incurred by or on behalf of the Government of the Malayan Union, and all liabilities incurred by or on behalf of that Government, prior to the appointed day, shall, as from the appointed day, be deemed to be liabilities incurred by or on behalf of the Federation.

(2) It shall be lawful for the High Commissioner, with the agreement of the Legislative Council, signified by resolution, and with the approval of a Secretary of State, to make, vary, rescind and carry into effect, arrangements with the Governor of any territory formerly included in the Straits Settlements but not included in the Federation for the payment, to the Government of that territory from the funds of the Federal Government, of contribution towards the sums necessary to defray such of the liabilities of the Government of the Straits Settlements as shall have been transferred, by any Order in Council or otherwise, to the Government of that territory:

Provided that:

(*a*) such contributions shall be proportionate to the share of such liabilities which, a Secretary of State is satisfied, is properly attributable to the Settlement of Penang and the Settlement of Malacca; and

(*b*) the provisions of sub-clause (1) of Clause 52 of this Agreement shall apply to this sub-clause.

(3) Claims in respect of liabilities deemed by virtue of this clause to have been incurred by or on behalf of the Federal Government which might have been enforced against the Government of the Malayan Union under the provisions of sub-section (5) of section 93 of the Malayan Union Order in Council, 1946, or against any officer of that Government in his official capacity or against any department of that Government may be enforced, in such manner as may be prescribed by laws for the time being in force, against the Federal Government or the appropriate officer of the Federal Government, as the case may be.

(4) The High Commissioner in Council may make regulations for determining in any case of doubt the person or body by or against whom claims may be enforced under this clause and generally for giving effect thereto.

Continuance of contracts.

147.—(1) Contracts duly entered into before the appointed day by or on behalf of the Government of the Malayan Union, and contracts entered into by the British Military Administration for which the Government of the Malayan Union is liable, and contracts entered into on behalf of the Government of any Malay State or Settlement, shall, as from the appointed day, be deemed to have been entered into by or on behalf of the Federal Government or by or on behalf of the Government of the Malay State or Settlement as the case may be, and, to the extent that they remain unperformed, shall continue in full force and effect as if the Federal Government or the Government of the Malay State or Settlement, as the case may be, had been the contracting party.

(2) For the removal of doubts, the High Commissioner in Council, may, by Order, declare whether any particular contract or class of contracts referred to in sub-clause (1) of this clause shall be deemed to have been entered into by or on behalf of the Federal Government or by or on behalf of the Government of a Malay State or Settlement.

PART XIV

MISCELLANEOUS

Affirmation in lieu of oath.

148. In any case in which an oath is required by this Agreement to be taken, any person authorised by law to make an affirmation instead of taking an oath in legal proceedings may make an affirmation in like terms instead of the said oath.

Unqualified persons sitting or voting.

149.—(1) Any person who—

(*a*) having been appointed or elected a member of any Council constituted under this Agreement, but not having been, at the time of such appointment or election, qualified to be so appointed or elected shall sit or vote in such Council; or

(*b*) shall sit or vote in such Council after his seat therein has become vacant or he has become disqualified from sitting or voting therein;

knowing, or having reasonable grounds for knowing that he was disqualified, or that his seat has become vacant, as the case may be, shall be liable to a penalty not exceeding two hundred dollars for every day upon which he so sits or votes.

(2) The said penalty shall be recoverable by action in the Supreme Court at the suit of the Attorney-General or the Legal Adviser in any State.

Vacancies not to disqualify.

150. No Council constituted under this Agreement shall be disqualified from the transaction of business by reason of any vacancy among the Members, and any proceedings therein shall be valid notwithstanding that some person who was not entitled so to do sat or voted or otherwise took part in the proceedings.

151. For the avoidance of doubts it is hereby declared that any law, Proclamation, rule or regulation made under this Agreement may be made to operate retrospectively to any date. Retrospective effect of laws, rules and regulations.

152. All persons of whatsoever race in the same grade in the service of the Federal Government shall, subject to the terms and conditions of their employment, be treated impartially. Impartial treatment.

153.—(1) Except as otherwise provided in this Agreement or in any law to be made thereunder, the power to interpret this Agreement and every provision thereof shall be exclusively exercisable by the Interpretation Tribunal hereinafter mentioned whose decisions as to the meaning, interpretation, construction or effect of any such provision shall be binding upon the parties to this Agreement and upon all other persons and shall not be called in question in any Court. Interpretation of the Federation Agreement.

(2) The Interpretation Tribunal shall consist of the Chief Justice or, if in any case he be unable to act, a Judge of the Supreme Court to be appointed by him, as Chairman, and two other Members, one to be appointed by the High Commissioner and one by Their Highnesses the Rulers as and when occasion shall arise. The said two other Members shall either be Judges of the Supreme Court or possess the qualifications required by law to be possessed by a Judge of the Supreme Court.

(3) If any question involving the meaning, interpretation, construction or effect of any of the provisions of this Agreement shall arise in the course of any proceedings in a Court, the Court shall (unless such question shall previously have been decided by the Interpretation Tribunal) refer such question for the decision of the Interpretation Tribunal and, upon receipt of such decision, shall proceed to determine the matter before it in accordance therewith.

(4) The decision of a majority of the Interpretation Tribunal upon every question referred to it under this clause shall be deemed to be a decision of the Tribunal and any decision of the Tribunal shall be in writing and shall be published in the *Gazette* and may be proved by production of the *Gazette*.

(5) The High Commissioner, with the assent of Their Highnesses the Rulers, may from time to time make amend and revoke rules regulating the procedure to be followed in referring and determining questions under this clause.

154. Nothing in this Agreement shall affect the power of His Majesty or the Imperial Parliament to make laws from time to time relating to the defence or external affairs of the Federation, or shall affect His Majesty's sovereignty and jurisdiction in and over the Settlements. Power reserved to His Majesty.

155. Save as expressed herein, this Agreement shall not affect the sovereignty and jurisdiction of Their Highnesses the Rulers in their several States. Sovereignty and jurisdiction of Their Highnesses the Rulers.

156. This Agreement shall be expressed in both the English and the Malay languages; but, for purposes of interpretation, regard shall be had only to the English version. Languages of the Agreement.

IN WITNESS WHEREOF Sir Gerard Edward James Gent, K.C.M.G., D.S.O., O.B.E., M.C., has hereunto set his hand and seal on behalf of His Majesty; and Their Highnesses the Rulers above named and the Ruling Chiefs have hereunto set their hands and seals.

Done the twenty-first day of January, 1948, corresponding to the tenth day of Rabi-ul-Awal, 1367.

THE FIRST SCHEDULE

FORMS

FORM I

OATH OF ALLEGIANCE

(Clause 9.)

I, ..., do swear that I will be faithful and bear true allegiance to HIS MAJESTY KING GEORGE VI, His Heirs and Successors, according to Law. *So help me God.

* These words may be varied according to the religious beliefs of the person concerned.

FORM II

OATH FOR THE DUE EXECUTION OF THE OFFICE OF HIGH COMMISSIONER

(Clause 9.)

I, ..., do swear that I will well and truly execute the office of High Commissioner. *So help me God.

* These words may be varied according to the religious beliefs of the person concerned.

FORM III

FEDERAL EXECUTIVE COUNCILLOR'S OATH

(Clause 24.)

I, ..., being chosen and admitted of the Federal Executive Council, do swear that I will be true and faithful to the Federation of Malaya and that I will, to the best of my judgment at all times when thereto required, freely give my counsel and advice to the High Commissioner, or to the Deputy to the High Commissioner or the officer administering the Government of the Federation of Malaya for the time being or his Deputy, for the good management of the public affairs of the Federation: that I will not directly or indirectly reveal such matters as shall be communicated to me or debated in Council and committed to my secrecy, but that I will in all things be a true and faithful Councillor. *So help me God.

* These words may be varied according to the religious beliefs of the person concerned.

FORM IV

LEGISLATIVE COUNCILLOR'S OATH

(Clause 64.)

I, ..., do swear that I will well and truly serve in the Office of Member of the Legislative Council of the Federation of Malaya. *So help me God.

* These words may be varied according to the religious beliefs of the person concerned.

Form V

STATE EXECUTIVE COUNCILLOR'S OATH

(Clause 91.)

I, ..., being chosen and admitted of the Majlis Meshuarat Kerajaan or State Executive Council of the State of ..... do swear that I will, to the best of my judgment at all times when thereto required, freely give my counsel and advice to His Highness the Ruler, for the good management of the public affairs of the said State: that I will not directly or indirectly reveal such matters as shall be communicated to me or debated in Council and committed to my secrecy, but that I will in all things be a true and faithful Councillor. *So help me God.

* These words may be varied according to the religious beliefs of the person concerned.

Form VI

OATH OF OFFICE FOR MEMBERS OF A COUNCIL OF STATE

(Clause 108.)

I, ..., do swear that I will well and truly serve in the office of Member of the Majlis Meshuarat Negri or Council of State for the State of ..... *So help me God.

* These words may be varied according to the religious beliefs of the person concerned.

Form VII

DECLARATION OF PERMANENT SETTLEMENT

(Clause 125.)

I, A.B., of ..... do solemnly and sincerely declare that I have resided in one or more of the territories now comprised in the Federation of Malaya for a period of not less than ..... years out of the ..... years immediately preceding the date of my application for Federal Citizenship and that I am, or intend to become, permanently settled in the Federation.

AND I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of
†the Statutory Declarations Ordinance/Enactment.
the Statutory Declarations Act, 1835.

.....

(*Signature of declarant.*)

Declared by the above-named.....
.....
at.....in the State/Settlement of.....
on the.....day of..... .....
19.....

Before me,

.....

(Signature and title of Officer before whom the declaration is made.)

† Insert name of appropriate law.

FORM VIII

THE CITIZENSHIP OATH

(Clause 125.)

I, A.B., of..... do swear that I will be a true, loyal and faithful Citizen of the Federation of Malaya and will give due obedience to all lawful Authorities constituted in the Federation. *So help me God.

Sworn and subscribed by the above-named.....
at..... in the State / Settlement
of..... on the.....day of
.....,.....,.....19.....

.....
(*Signature of the person taking the oath.*)

Before me,

.....
(Signature of Commissioner or other Officer before whom the oath is taken). / affirmation is made).

CERTIFICATE BY ATTESTING OFFICER

I, C.D., of.....do hereby certify that, prior to his taking the above oath / making the above affirmation I fully explained / I caused be to fully explained its meaning and purport to the above-named A.B., in the Malay / English language and that he acknowledged that he understood the same.

.....
(*Signature and title of Attesting Officer*).

* These words may be varied according to the religious beliefs of the person concerned.

THE SECOND SCHEDULE

(Clauses 16, 48, 86 and 110.)

MATTERS WITH RESPECT TO WHICH THE FEDERAL LEGISLATURE HAS POWER TO MAKE LAWS: AND EXTENT TO WHICH EXECUTIVE AUTHORITY OVER SUCH MATTERS SHALL BE CONFERRED ON THE STATES AND SETTLEMENTS.

(1) Matters with respect to which the Federal Legislature has power to make laws.	(2) Extent to which (except so far as matters of policy common to any two or more of the States and Settlements are involved) laws made by the Federal Legislature shall confer on the States and Settlements executive authority over the matters set out in column (1).
DEFENCE AND EXTERNAL AFFAIRS.	
1. All matters relating to defence including:	1. —
(*a*) naval, military or air forces of His Majesty; local forces; any armed forces which are not forces of His Majesty but are attached to or operating with any of His Majesty's forces within the Federation;	
(*b*) naval, military and air force or defence works; military and protected areas;	
(*c*) naval, military and air force manoeuvres;	
(*d*) central intelligence services;	
(*e*) preventive detention for reasons of State connected with defence;	
(*f*) defence contribution.	
2. External affairs including:	2. —
(*a*) the implementing of treaties, conventions and agreements with other countries or international organizations;	
(*b*) obligations of the Federation in relation to the British Empire and any part thereof;	
(*c*) extradition and fugitive offenders; prisoners' removal.	

(1) Matters with respect to which the Federal Legislature has power to make laws.	(2) Extent to which (except so far as matters of policy common to any two or more of the States and Settlements are involved) laws made by the Federal Legislature shall confer on the States and Settlements executive authority over the matters set out in column (1).
CIVIL AND CRIMINAL LAW AND PROCEDURE, EQUITY, EVIDENCE, COURTS, CORPORATIONS, EMERGENCY POWERS.	
3. Actionable wrongs.	3. —
4. Actions *in rem* and personal actions.	4. —
5. Arbitration.	5. —
6. Ascertainment in a Malay State of Muhammadan Law and the Custom of the Malays; Muhammadan Law and the Custom of the Malays in the Settlements.	6. —
7. Bankruptcy and insolvency.	7. —
8. Civil law and Procedure.	8. —
9. Companies and corporations.	9. —
10. Contracts, including partnership, agency, contracts of carriage and other special forms of contract.	10. —
11. Criminal law generally, except offences against Enactments of any State or Settlement.	11. —
12. Criminal procedure.	12. Prerogative of pardon and mercy in cases tried in a Malay State to be exercised by the Ruler in Council with legal advice from the Attorney-General's Department.
13. Delegation of Federal powers.	13. —
14. Easements.	14. —
15. Emergency powers, emergency legislation; trading with the enemy; enemy property; custody of property; war damage claims and compensation; relief, rehabilitation and any other matters whatsoever arising out of war.	15. —
16. Equity: trusts and trustees: equitable relief: specific relief.	16. —

(1) Matters with respect to which the Federal Legislature has power to make laws.	(2) Extent to which (except so far as matters of policy common to any two or more of the States and Settlements are involved) laws made by the Federal Legislature shall confer on the States and Settlements executive authority over the matters set out in column (1).
17. Establishment, jurisdiction, powers, fees and expenses of all Courts, excluding Muslim religious Courts.	17. The appointment of District Judges or, when so called, of Presidents of Sessions Courts to be by the High Commissioner on the recommendation of the Chief Justice. The appointment of First Class Magistrates (other than *ex officio* First Class Magistrates) to be, in a Settlement by the High Commissioner, and in a Malay State by His Highness the Ruler of that State, in each case on the recommendation of the Chief Justice. The appointment of Magistrates, other than First Class Magistrates, to be, in a Settlement by the High Commissioner, and in a Malay State by His Highness the Ruler of that State.
18. Evidence.	18. —
19. Factors.	19. —
20. Hire purchase.	20. —
21. Indemnity.	21. —
22. Inns and innkeepers.	22. —
23. Interpretation and general clauses: official titles.	23. —
24. Landlord and tenant; rent restriction.	24. Rent restriction.
25. Law of highways.	25. —
26. Law of insurance.	26. —
27. Lien.	27. —
28. Limitation.	28. —
29. Marriage and divorce; legitimacy; age of majority; infants and minors; adoption.	29. Registration of marriages and of adoption.
30. Married women's property.	30. —
31. Master and servant.	31. —
32. Mercantile law generally.	32. —
33. Negotiable instruments, including cheques, bills of exchange, promissory notes and other like instruments.	33. —

(1) Matters with respect to which the Federal Legislature has power to make laws.	(2) Extent to which (except so far as matters of policy common to any two or more of the States and Settlements are involved) laws made by the Federal Legislature shall confer on the States and Settlements executive authority over the matters set out in column (1).
34. Oaths and affirmations; statutory declarations.	34. —
35. Passing off; slander of title; slander of goods.	35. —
36. Public Trustee.	36. —
37. Reciprocal enforcement of judgments and orders.	37. —
38. Statute law revision.	38. —
39. Suits by and against the Federal Government; Crown suits.	39. —
40. Suretyship and guarantee.	40. —
41. Transfer, hypothecation and mortgage of moveable property; bills of sale; registration of documents; powers of attorney.	41. —
42. Wills, intestacy and succession; probate; administration; distribution of estates of deceased persons; escheat; *bona vacantia*.	42. —
ALIENS, PUBLIC ORDER AND SECURITY.	
43. Admission into, and emigration and expulsion from, the Federation; banishment; restricted residence (including provision for the making and enforcement of orders regarding residence in, and exclusion from, specified areas); aliens (including registration, immigration, and any other restriction of whatsoever nature on aliens); naturalisation; passports; passengers' restriction; pilgrimage to places outside the Federation.	43. Restricted residence (including provision for the making and enforcement of orders regarding residence in, and exclusion from, specified areas). In case of banishment from a Malay State, the Ruler of the Malay State in which the person to be banished ordinarily resides should be associated with the actual banishment order.
44. Arms and firearms; ammunition.	44. —
45. Control of societies.	45. —
46. Explosives.	46. —

(1) Matters with respect to which the Federal Legislature has power to make laws.	(2) Extent to which (except so far as matters of policy common to any two or more of the States and Settlements are involved) laws made by the Federal Legislature shall confer on the States and Settlements executive authority over the matters set out in column (1).
47. Internal security including police forces, prisons, juvenile delinquents, reformatories, industrial schools, detention homes, criminal investigation and registration of criminals; removal of prisoners and accused persons within the Federation.	47. In so far as it is considered by the Legislative Council to be appropriate for executive authority to be exercised by the State or Settlement.
48. Newspapers, books, printing presses; publishers and publications.	48. —
49. Official secrets.	49. —
50. Peace, order and good government of the Federation with regard to any of the matters set out in this List.	50. —
51. Registration of residents.	51. —
52. Theatres; dramatic performances; cinemas and cinematograph films; censorship; places of public amusement.	52. The whole, except censorship.
PUBLIC OFFICERS.	
53. Federal Public Services, including the Malayan and Federal Establishments and Federal Public Services Commission; Public Authorities protection.	53. —
54. Pensions, including widows and orphans pensions; retiring allowances and gratuities.	54. —
CENSUS, ELECTIONS, PROFESSIONS, LABOUR, PROTECTION OF WOMEN AND CHILDREN.	
55. Census.	55. —
56. Commissions of Enquiry.	56. In so far as it is considered by the Legislative Council to be appropriate for executive authority to be exercised by the State or Settlement.
57. Corrupt practices, including corrupt practices at any Federal, State, Settlement or Municipal elections.	57. —

(1) Matters with respect to which the Federal Legislature has power to make laws.	(2) Extent to which (except so far as matters of policy common to any two or more of the States and Settlements are involved) laws made by the Federal Legislature shall confer on the States and Settlements executive authority over the matters set out in column (1).
58. Elections to the Federal Legislature.	58. —
59. Factories; dangerous and obnoxious trades.	59. In so far as it is considered by the Legislative Council to be appropriate for executive authority to be exercised by the State or Settlement.
60. Legal, medical and other professions; dentists; pharmacists; nurses; dressers and midwives.	60. Registration of midwives.
61. Machinery; boilers.	61. —
62. Privileges and powers of the Federal Legislature and Members thereof.	62. —
63. Protection of women and girls; protection of children; *mui tsai*.	63. —
64. Protection of aborigines.	64. The whole.
65. Public and Bank holidays.	65. To declare public holidays within the State or Settlement.
66. Standard time.	66. —
67. Statistics.	67. In so far as it is considered by the Legislative Council to be appropriate for executive authority to be exercised by the State or Settlement.
68. Superannuation; pensions; provident and benevolent funds.	68. —
69. Trade Unions; industrial and labour disputes.	69. —
70. Unemployment insurance.	70. —
71. Unauthorised use of arms and armorial bearings, flags, emblems, uniforms, Orders and decorations.	71. —
72. Welfare of labour; conditions of labour; employers' liability and workmen's compensation; health insurance including invalidity pensions; old age pensions.	72. —
LOCAL AUTHORITIES.	
73. Boarding houses and lodging houses.	73. The whole.
74. Hindu Endowment Boards.	74. —

(1) Matters with respect to which the Federal Legislature has power to make laws.	(2) Extent to which (except so far as matters of policy common to any two or more of the States and Settlements are involved) laws made by the Federal Legislature shall confer on the States and Settlements executive authority over the matters set out in column (1).
75. Municipal Corporations, Improvement Trusts, Town Boards, Rural Boards and other local Authorities, including elections to such bodies, to the extent of ensuring uniformity of legislation.	75. The whole.
76. Town planning and housing to the extent of ensuring uniformity of legislation.	76. The whole.
EDUCATION AND CHARITIES.	
77. Boy Scouts, Girl Guides, and similar organisations.	77. —
78. Charities and charitable Institutions.	78. State or Settlement charities and charitable institutions.
79. Primary, secondary and trade school education to the extent of ensuring a common policy and a common system of administration; higher education; technical education; training of teachers; registration of schools; Federal educational institutions; Malay translation bureau.	79. Primary, secondary and trade school education excluding measures designed to ensure a common policy and a common system of administration; State and Settlement scholarships; State and Settlement educational endowments.
SCIENCE AND RESEARCH.	
80. Ethnology, anthropology and archaeology; scientific societies.	80. —
81. Federal agencies and institutions for the following purposes, that is to say for research, for professional or technical training, or for the promotion of special studies.	81. —
82. Libraries, museums, memorials and similar institutions controlled or financed by the Federation.	82. —
83. Meteorology.	83. —
84. Protection of ancient and historical monuments and archaeological sites and remains; treasure trove.	84. The whole.

(1) Matters with respect to which the Federal Legislature has power to make laws.	(2) Extent to which (except so far as matters of policy common to any two or more of the States and Settlements are involved) laws made by the Federal Legislature shall confer on the States and Settlements executive authority over the matters set out in column (1).
85. Surveys, including land, marine, aerial, geological, botanical and zoological surveys; boundaries and survey maps.	85. —
86. Wild life preservation.	86. The whole, except the prescription of standards of maturity.
COMMUNICATIONS AND TRANSPORT.	
87. Aircraft and air navigation; the provision of aerodromes; the regulation and organisation of air traffic and of aerodromes.	87. —
88. Carriage of passengers and goods by land, water or air.	88. Restriction and regulation of carriage by riverine traffic and by vehicles other than mechanically propelled vehicles.
89. Posts and telegraphs, including telephones, wireless, broadcasting and other like forms of communication.	89. —
90. Railways.	90. —
91. Roads, bridges and ferries declared to be federal by the High Commissioner after consultation with the Federal Public Works Board.	91. —
92. Road transport; road traffic; mechanically propelled vehicles.	92. In so far as it is considered by the Legislative Council to be appropriate for executive authority to be exercised by the State or Settlement.
MEDICAL AND HEALTH.	
93. Adulteration of foodstuffs and other goods.	93. The whole.
94. Lepers and Leper Institutions.	94. —
95. Lunacy and mental deficiency, including places for the reception or treatment of lunatics and mental deficients.	95. —
96. Poisons and deleterious drugs.	96. —

(1) Matters with respect to which the Federal Legislature has power to make laws.	(2) Extent to which (except so far as matters of policy common to any two or more of the States and Settlements are involved) laws made by the Federal Legislature shall confer on the States and Settlements executive authority over the matters set out in column (1).
97. Public health and sanitation; central or specialised hospitals or medical institutions intended to serve more than one State or Settlement; prevention of disease; quarantine; mosquitoes; anti-malarial measures; manufacture, preparation and sale of drugs, food and drink.	97. In so far as it is considered by the Legislative Council to be appropriate for executive authority to be exercised by the State or Settlement.
98. Registration of births and deaths.	98. —
99. Vagrants and decrepit persons.	99. The whole.
LAND.	
100. Compulsory acquisition of land.	100. The whole.
101. Land legislation to the extent of ensuring common policy and a common system of administration, but having regard to customary tenures and usage and other necessary variations in any State or Settlement; conveyancing and law of property; registration of Titles and registration of Deeds; mortgage and charges interest restriction.	101. The whole.
102. Malay reservations to the extent of ensuring common policy.	102. The whole.
WATERS, FEDERAL WORKS.	
103. Inland waters, watersheds, water supplies, water storage, water power, irrigation and canals, drainage and embankments, control of silt and riparian rights, to the extent of ensuring a common policy and a common system of administration.	103. The whole.

(1) Matters with respect to which the Federal Legislature has power to make laws.	(2) Extent to which (except so far as matters of policy common to any two or more of the States and Settlements are involved) laws made by the Federal Legislature shall confer on the States and Settlements executive authority over the matters set out in column (1).
104. Works, lands and buildings vested in, held or reserved for the purposes of the Federation and not being naval, military, air force or defence works.	104. —
AGRICULTURE, FISHERIES AND FORESTS.	
105. Agriculture and control of agricultural pests to the extent of ensuring common policy and a common system of administration.	105. The whole.
106. Maritime and estuarine fishing and fisheries, excluding turtles.	106. In so far as it is considered by the Legislative Council to be appropriate for executive authority to be exercised by the State or Settlement.
107. Forests, to the extent of ensuring common policy and a common system of administration.	107. The whole.
ANIMALS.	
108. Animal husbandry to the extent of ensuring common policy and a common system of administration.	108. The whole.
109. Prevention of cruelty to animals.	109. The whole.
110. Veterinary; diseases of animals; animal quarantine.	110. In so far as it is considered by the Legislative Council to be appropriate for executive authority to be exercised by the State or Settlement.
TRADE AND INDUSTRY, PUBLIC UTILITIES, IMPORTS AND EXPORTS.	
111. Auctioneers; auction sales; appraisers.	111. The whole.
112. Co-operative societies.	112. —
113. Copyright; inventions; designs; trade-marks; trade names; merchandise marks.	113. —

(1) Matters with respect to which the Federal Legislature has power to make laws.	(2) Extent to which (except so far as matters of policy common to any two or more of the States and Settlements are involved) laws made by the Federal Legislature shall confer on the States and Settlements executive authority over the matters set out in column (1).
114. Development of industries, where development under Federal control is declared by Federal law to be expedient in the public interest.	114. —
115. Economic survey.	115. —
116. Electricity; gas and gasworks.	116. Gas and gasworks.
117. Food control.	117. —
118. Imports and exports into and from the Federation.	118. —
119. Laws relating to agricultural, mineral and industrial production, sale, regulation and supervision.	119. In so far as it is considered by the Legislative Council to be appropriate for executive authority to be exercised by the State or Settlement.
120. Mining, minerals and mineral ores; petroleum and oils; purchase, sale, import and export of minerals, mineral ores, petroleum and oils; smelting; disclosure of smelters' stocks.	120. —
121. Pawnbrokers; second-hand dealers; moneylenders and money-lending.	121. Pawnbrokers; second-hand dealers.
122. Petroleum and other liquids and substances declared by Federal laws to be dangerously inflammable, so far as regards possession, storage and transport.	122. —
123. Price control.	123. —
124. Trade and commerce; registration of businesses.	124. —
125. Weights and measures.	125. The whole.
SHIPPING, PORTS, LIGHTS.	
126. Merchant shipping; collisions at sea; salvage; pilots and pilotage.	126. —
127. Maritime shipping and navigation, including shipping and navigation on tidal waters; admiralty jurisdiction; admiralty transports; admiralty waters; territorial waters; foreshores; wrecks; flotsam and jetsam.	127. —

(1) Matters with respect to which the Federal Legislature has power to make laws.	(2) Extent to which (except so far as matters of policy common to any two or more of the States and Settlements are involved) laws made by the Federal Legislature shall confer on the States and Settlements executive authority over the matters set out in column (1).
128. Ports and harbours; constitution and powers of port and harbour Authorities.	128. —
129. Lighthouses, including lightships, beacons and other provision for the safety of shipping and aircraft; Imperial light dues.	129. —
BANKING, CUSTOMS AND REVENUE, PUBLIC DEBT.	
130. Banking.	130. —
131. Corporation tax.	131. —
132. Currency; coinage; legal tender; counterfeit coin and notes.	132. —
133. Customs duties, including export duties.	133. —
134. Duties of excise.	134. Toddy shops; manufacture and sale of toddy.
135. Death duties and duties in respect of succession to property.	135. —
136. Government loans security.	136. —
137. Exchange control, control of capital issues, taxes on remittances abroad.	137. —
138. Public debt of the Federation; municipal loans; general loan and inscribed stock; treasury bills; saving certificates; Government trustee securities.	138. —
139. Post Office Saving Bank.	139. —
140. Stamp duties.	140. —
141. Taxes on the capital value of the assets of individuals and companies; taxes on the capital of companies.	141. —
142. Taxes on income.	142. —
143. Taxes and fees in respect of any of the matters in this Schedule.	143. —
OFFENCES.	
144. Offences against laws with respect to any of the matters in this Schedule.	144. —

THE THIRD SCHEDULE

(Clause 112.)

SOURCES OF REVENUE OF STATES AND SETTLEMENTS

1. Revenue from Toddy Shops.
2. Revenue from Lands, Mines and Forests.
3. Revenue from Licences other than those connected with mechanically propelled vehicles, electrical installations and registration of businesses.
4. Entertainments Duty.
5. Fees in Courts, other than those mentioned in Part I of the Fourth Schedule.
6. Fees and Receipts in respect of specific services rendered by departments of State or Settlement Governments for which charges are made.
7. Revenues of Town Boards, Rural Boards and similar local authorities other than Municipalities established under any Municipal Ordinance.
8. Receipts in respect of Water Supplies including Water Rates.
9. Rents on State and Settlement property.
10. Interest on State and Settlement Balances.
11. Receipts from Land Sales and Sales of State and Settlement Property.
12. Fines and Forfeitures in Courts other than those mentioned in Part I of the Fourth Schedule.
13. Share in the All Malaya (Currency Surplus) Fund.

THE FOURTH SCHEDULE

(Clause 113.)

ALLOCATION OF EXPENDITURE

PART I

HEADS OF EXPENDITURE TO BE MET FROM REVENUES OF THE FEDERATION

1. Agriculture (Headquarters, Federal Institutions and Research).
2. Audit.
3. Broadcasting.
4. Chemistry Department.
5. Chinese Affairs.
6. Civil Aviation.
7. Civil Service (Federal Posts).
8. Claims Commission (War Damage).
9. Clerical Service (Federal Posts).
10. Commissioner of Lands.
11. Co-operative Societies Department.
12. Custodian of Enemy Property.
13. Customs and Excise.
14. Drainage and Irrigation (Headquarters, Federal Institutions and Federal Works).

15. Education (Headquarters and Federal Institutions).
16. Electricity.
17. Estate Duty.
18. Exchange Control.
19. Federal Secretariat.
20. Fire Services (Headquarters).
21. Fisheries.
22. Food Control and Supplies.
23. Food Production.
24. Forests (Headquarters and Research).
25. Game (Headquarters and National Park).
26. Geological Survey.
27. Government Film Unit.
28. High Commissioner.
29. Immigration.
30. Inland Revenue.
31. Judicial (Supreme Court, District Courts or Sessions Courts, and Courts of First Class Magistrates).
32. Labour.
33. Legal.
34. Malayan Establishment Office.
35. Malayan Meteorological Service.
36. Malayan Security Service.
37. Marine (Headquarters; Lights and the ports of Port Swettenham, Penang and Malacca).
38. Medical and Health (Headquarters, Research, Federal Institutions, Federal Public Health, Quarantine).
39. Military and Defence.
40. Mines (save as provided in Part II of this Schedule).
41. Miscellaneous (Federal).
42. Museums and Libraries.
43. Official Assignee and Registrar of Companies.
44. Pensions, retiring allowances and gratuities.
45. Police.
46. Postal Services.
47. Price Control.
48. Printing.
49. Prisons.
50. Public Debt.
51. Public Relations.
52. Public Trustee and Official Administrator.
53. Public Works (Headquarters, Federal Institutions and Federal Works).
54. Purchase of Land for Federal purposes.
55. Railways.
56. Road Transport.
57. Social Welfare.
58. Statistics.

59. Survey.
60. Telecommunications.
61. Town Planning.
62. Trade Union Adviser.
63. Treasury.
64. Veterinary (Headquarters, Federal Institutions and Research).
65. Any other Department, staff, institution, research, work or contribution of the Federation.

PART II.

HEADS OF EXPENDITURE TO BE MET FROM REVENUES OF STATE OR SETTLEMENT

1. Agriculture (save as provided in Part I of this Schedule).
2. British Advisers and Resident Commissioners.
3. Civil Service (State and Settlement Posts).
4. Clerical Service (State and Settlement Posts).
5. District and Land Offices and Registrars of Title.
6. Drainage and Irrigation (Staff and Works in States or Settlements).
7. Education (save as provided in Part I of this Schedule).
8. Forests (save as provided in Part I of this Schedule).
9. Game (save as provided in Part I of this Schedule).
10. Government Gardens and Plantations.
11. Judicial (Subordinate Courts other than those mentioned in Part I of this Schedule).
12. Marine (save as provided in Part I of this Schedule).
13. Medical and Health (save as provided in Part I of this Schedule)..
14. Mentri Besar and State Secretariats; Settlement Secretariats.
15. Mines (State and Settlement Services).
16. Miscellaneous (States and Settlements).
17. Political Pensions and Compassionate Allowances.
18. Public Works (save as provided in Part I of this Schedule).
19. Purchase of Land for State or Settlement purposes.
20. Religious Affairs and Courts.
21. Rulers and Chiefs.
22. State and Settlement Treasuries.
23. Town Boards.
24. Veterinary (save as provided in Part I of this Schedule).
25. Any other Department, staff, institution, research or work of a State or Settlement.

THE FIFTH SCHEDULE

(Clause 123.)

A.—ANNUAL ESTIMATES

1. Unless the Financial Secretary shall first have been consulted and, in case of disagreement with him, unless the High Commissioner shall first have approved, no new Head of Expenditure or provision for any new item of special expenditure the total cost of which exceeds $25,000 or partial provision for any new item of special expenditure in respect of which provision of further money in a subsequent financial year will be

necessary, shall be entered in the Annual Estimates forwarded to the High Commissioner by the State Executive Councils and Governments of the Settlements under Clause 114 of the Agreement.

2. Unless the Financial Secretary shall first have been consulted and, in case of disagreement with him, unless the High Commissioner shall first have approved, no addition to the establishment of any State or Settlement may be made nor may the appropriation of the established salaries of any department be altered either as regards the number of appointments or the rates of salaries and emoluments, except in the following cases:

(1) Muslim religious officers, Adat Istiadat officers and Mukim officers, and in Kelantan Daerah officers;

(2) Non-pensionable appointments;

(3) Pensionable appointments the maximum salaries of which do not exceed $900 per annum;

(4) Where the appropriation of the salaries of a department is altered by a normal promotion under an approved salary scheme.

B.—SUPPLEMENTARY ESTIMATES.

Where the provision required is an addition to the State or Settlement estimates which is balanced by equivalent savings and will not cause expenditure in excess of the total sum allocated to the State or Settlement in the Federal Supply Ordinance, an estimate of the supplementary expenditure will be submitted for the approval of the Council of State or Settlement Council, as the case may be, or a duly constituted committee thereof, and may be approved subject to the following reservations:

(*a*) that no new head of expenditure may be created in the State or Settlement estimates from such savings without the approval of the Legislative Council or a duly authorised committee thereof;

(*b*) that no new item of special expenditure, the total estimated cost of which exceeds $25,000, may be sanctioned without the approval of the Legislative Council, or a duly authorised committee thereof, nor, without similar approval, may partial provision be made for any new item of special expenditure for the completion of which the provision of new money in a subsequent financial year will have to be made;

(*c*) that, except with the approval of the Legislative Council or a duly authorised committee thereof, no addition to the fixed establishment of the State or Settlement may be made nor may the appropriation of established salaries of any department be altered, either as regards the number of appointments or the rates of salary and emolument, except in the following cases:

(1) Muslim religious officers, Adat Istiadat officers and Mukim officers, and in Kelantan Daerah officers;

(2) non-pensionable appointments;

(3) pensionable appointments the maximum salaries of which do not exceed $900 per annum;

(4) where the appropriation of the salaries of a department is altered by a normal promotion under an approved salary scheme.

C.—ALLOCATIONS TO STATES AND SETTLEMENTS FOR EXPENDITURE ON UNFORESEEN SERVICES

The amounts to be determined by the High Commissioner and allocated for unforeseen services in each Malay State and each Settlement under the provisions of Clause 115 (2) (*c*) of the Federation of Malaya Agreement, 1948, shall, under normal financial conditions in the Federation, be such percentage of the annually recurrent expenditure of the Malay State or Settlement as will produce an amount of $100,000 in the case of the Malay

State or Settlement whose annually recurrent expenditure for the ensuing year is the largest; and such percentage, when so calculated, shall be applied to all other States or Settlements, differences not exceeding $10,000 in annually recurrent expenditure being ignored.

The expression " normal financial conditions in the Federation " means conditions in which the estimated revenue of the Federation in the year in question exceeds the estimated cost of all Federal annually recurrent votes and ordinary special expenditure, inclusive of block grants to States and Settlements, by a sum of not less than two million dollars.

SIGNED and SEALED BY SIR GERARD EDWARD JAMES GENT, K.C.M.G., D.S.O., O.B.E., M.C., for and on behalf of HIS MAJESTY in the presence of:

A. T. NEWBOULT

G. E. J. GENT L.S.

SIGNED and SEALED BY HIS HIGHNESS THE SULTAN of the State and Territory of JOHORE in the presence of:

ONN JAAFFAR
IDRIS BIN IBRAHIM
ABDULLAH B. ESA.
E. E. F. PRETTY

IBRAHIM Major General H. H. Sir IBRAHIM, D.K., S.P.M.J., G.C.M.G., K.B.E.(Mil), G.B.E., G.C.O.C.(I.), etc. Sultan of Johore L.S.

SIGNED and SEALED BY HIS HIGHNESS THE SULTAN of the State of PAHANG in the presence of:

MAHMUD
C. E. MOHAMED

ABU BAKAR BIN ABDULLAH (In Malay) L.S.

SIGNED and SEALED BY HIS HIGHNESS THE YANG DI-PERTUAN BESAR of the State of NEGRI SEMBILAN in the presence of:

ABDUL MALEK
TUNKU NASIR

T. ABDUL RAHMAN L.S.

SIGNED and SEALED by Dato' Klana Petra MOHAMED KASSIM bin Dato Nika Haji Abdul Rashid, Undang of the Luak of SUNGEI UJONG, in the presence of:

ABU BAKAR

MKR L.S.

SIGNED and SEALED by Dato' Mendika Mentri Akhirzaman SHAHMARUDDIN bin Abdulrahman, Undang of the Luak of JELEBU, in the presence of:

OMAR

SHAHMARUDDIN L.S.

SIGNED and SEALED by Dato' Johan Pahlawan Lela Perkasa Setiawan ABDUL MANAP bin Tolok, Undang of the Luak of JOHOL, in the presence of:

ABD GHANI B. CHE MEK

AB. MANAP L.S.

SIGNED and SEALED by Dato' Lela Maharaja HAJI IPAP bin Abdullah, Undang of the Luak of REMBAU, in the presence of :

OSMAN BIN P.

D. H. IPAP L.S.

SIGNED and SEALED by Tengku SYED IDRUS bin Tengku Syed Mohammad, Tengku Besar of TAMPIN, in the presence of :

MD. JANI

T. SYED IDRUS L.S.

SIGNED and SEALED BY HIS HIGHNESS THE SULTAN of the State of SELANGOR in the presence of :

HAMZAH BIN ABDULLAH
A. R. MAHMOOD
RAJA MOHAMED BAZID

TENKU ALAM SHAH (In Malay) L.S.

SIGNED and SEALED BY HIS HIGHNESS THE SULTAN of the State of PERAK in the presence of :

RAJA YUSSUF
WAN RAZALLI
RAJA SHAHRIMAN

RAJA ABDUL AZIZ (In Malay) L.S.

SIGNED and SEALED BY HIS HIGHNESS THE SULTAN of the State of KEDAH in the presence of :

M. SHERIFF
YACOB

BADLISHAH L.S.

SIGNED and SEALED BY HIS HIGHNESS THE RAJA OF PERLIS in the presence of :

HAJI AHMAD (In Malay)
W. AHMAD

PUTRA JAMALULLAIL L.S.

SIGNED and SEALED BY HIS HIGHNESS THE SULTAN of the State of KELANTAN in the presence of :

N. A. KAMIL
H. ZAINAL

IBRAHIM (In Malay) L.S.

SIGNED and SEALED BY HIS HIGHNESS THE SULTAN of the State of TRENGGANU in the presence of :

TENGKU MUHAMMAD

ISMAIL L.S.

THE THIRD SCHEDULE

FORM I

(Section 44)

OATH OF ALLEGIANCE

I, ..., do swear that I will be faithful and bear true allegiance to His Majesty King George VI, His Heirs and Successors according to Law.

So help me God.*

FORM II

(Section 44)

OATH OF OFFICE FOR MEMBERS OF A SETTLEMENT COUNCIL

I, ..., do swear that I will well and truly serve in the office of Member of the Settlement Council of .....†

So help me God.*

* These words may be varied according to the religious beliefs of the person concerned.
† Insert name of Settlement.

2. GAMBIA

The Gambia (Legislative Council) (Amendment) Order in Council, 1948

1948 No. 2060

Made - - - -	13*th September*, 1948
Laid before Parliament	14*th September*, 1948
Coming into Operation	15*th September*, 1948

At the Court at Buckingham Palace, the 13th day of September, 1948

Present,

The King's Most Excellent Majesty in Council

Whereas by the Gambia (Legislative Council) Order in Council, 1946(a) (hereinafter called " The Principal Order "), provision is made for the constitution and powers of the Legislative Council of the Colony and Protectorate of the Gambia:

(a) S.R. & O. 1946 (No. 2084) I, p. 629.