STATUTORY INSTRUMENTS

1963 No. 2086

JUDICIAL COMMITTEE

The Malaysia (Appeals to Privy Council) Order in Council 1963

Made - - - - 20th December 1963

At the Court at Buckingham Palace, the 20th day of December 1963

Present,

The Queen's Most Excellent Majesty in Council

Whereas by an Agreement made on 10th December 1963 between Her Majesty and the Head of Malaysia arrangements have been made for the reference of appeals from the Federal Court of Malaysia to the Judicial Committee of the Privy Council and for certain other matters:

Now, therefore, Her Majesty, by virtue and in exercise of the powers in that behalf by section 3 of the Federation of Malaya Independence Act 1957(a), section 5 of the Malaysia Act 1963(b) or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation.

1.—(1) This Order may be cited as the Malaysia (Appeals to Privy Council) Order in Council 1963.

(2) The Federation of Malaya (Appeals to Privy Council) Order in Council 1958(c) (hereinafter referred to as " the principal Order ") and this Order may be cited together as the Malaysia (Appeals to Privy Council) Orders in Council 1958 and 1963.

Appeals from Federal Court of Malaysia.

2. The provisions of the principal Order shall apply in relation to appeals from the Federal Court of Malaysia as they apply in relation to appeals from the Supreme Court of the Federation of Malaya.

Transitional provisions.

3.—(1) The provisions of the principal Order shall apply in relation to appeals brought after 16th September 1963 from decisions of the Supreme Court of Sarawak, North Borneo and Brunei or the Supreme Court or Court of Criminal Appeal of Singapore given before 16th September 1963 (not being appeals to the Federal Court of Malaysia) as if such decisions were decisions of the Federal Court.

(2) Appeals and applications for leave to appeal to Her Majesty from any such decisions as are referred to in paragraph (1) of this article that were pending immediately before 16th September 1963 shall be disposed of as if they were appeals or, as the case may be, applications for leave to appeal, from the Federal Court to the Head of Malaysia.

(a) 5 & 6 Eliz. 2. c. 60. (b) 1963 c. 35.
(c) S.I. 1958/426 (1958 I, p. 1322).

(3) The reference in paragraph (1) of this article to decisions of the Supreme Court of Sarawak, North Borneo and Brunei does not include a reference to decisions of that Court in the exercise of jurisdiction derived from any law of the State of Brunei.

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order makes provision for conferring jurisdiction on the Judicial Committee of the Privy Council in respect of appeals from the Federal Court of Malaysia.