1963 No. 1493

MALAYSIA

The Sabah, Sarawak and Singapore (State Constitutions) Order in Council 1963

Made - - - - 29th August 1963

At the Court at Balmoral, the 29th day of August 1963

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers in that behalf by section 1 of the Malaysia Act 1963(a) 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. This Order may be cited as the Sabah, Sarawak and Singapore (State Constitutions) Order in Council 1963.

Scheduled constitutions to come into effect.

2.—(1) The constitution set out in schedule 1 to this Order shall come into effect in North Borneo, which shall thereupon be known as the State of Sabah.

(2) The constitution set out in schedule 2 to this Order shall come into effect in Sarawak, which shall thereupon be known as the State of Sarawak.

(3) The constitution set out in schedule 3 to this Order shall come into effect in the State of Singapore.

E. N. Landale.

(a) 1963 c. 35.

SCHEDULE 1

S. 2(1).

THE CONSTITUTION OF THE STATE OF SABAH

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THE CONSTITUTION OF THE STATE OF SABAH

PART I

THE STATE GOVERNMENT

Chapter 1—The Head of State

Yang di-Pertua Negara.

1. (1) There shall be a Head of State for Sabah, to be called the Yang di-Pertua Negara, who shall be appointed by the Yang di-Pertuan Agong acting in his discretion but after consultation with the Chief Minister.

(2) The Yang di-Pertua Negara shall be appointed for a term of four years but may at any time resign his office by writing under his hand addressed to the Yang di-Pertuan Agong, and may be removed from office by the Yang di-Pertuan Agong in pursuance of an address by the Legislative Assembly supported by the votes of not less than two-thirds of the total number of the members thereof.

(3) The Yang di-Pertuan Agong, acting in his discretion but after consultation with the Chief Minister, may appoint a person to exercise the functions of the Yang di-Pertua Negara during any period during which the Yang di-Pertua Negara is unable to do so himself owing to illness, absence or any other cause; but no person shall be so appointed unless he would be qualified to be appointed as Yang di-Pertua Negara.

(4) A person appointed under clause (3) may take the place of the Yang di-Pertua Negara as a member of the Conference of Rulers during any period during which, under that clause, he may exercise the functions of the Yang di-Pertua Negara.

Qualifications and disabilities of Yang di-Pertua Negara.

2. (1) A person who is not a citizen or is a citizen by naturalisation shall not be appointed as Yang di-Pertua Negara.

(2) The Yang di-Pertua Negara shall not hold any office of profit and shall not actively engage in any commercial enterprise.

Civil List of Yang di-Pertua Negara.

3. The Legislature shall by law provide a Civil List of the Yang di-Pertua Negara, which shall be a charge on and paid out of the Consolidated Fund and shall not be diminished during his continuance in office.

Oath of office of Yang di- Pertua Negara.

4. The Yang di-Pertua Negara, and any person appointed under Clause (3) of Article 1, shall before exercising his functions take and subscribe in the presence of the Chief Justice or of a Judge of the High Court an oath in the form set out in Part I of the Schedule.

Chapter 2—The Executive

Executive authority.

5. (1) The executive authority of the State shall be vested in the Yang di-Pertua Negara but executive functions may by law be conferred on other persons.

State Cabinet.

6. (1) There shall be a State Cabinet to advise the Yang di-Pertua Negara in the exercise of his functions.

(2) The Cabinet shall consist of—

(*a*) a Chief Minister and not more than eight nor less than four other members appointed in accordance with clause (3); and

(*b*) three *ex officio* members, namely the State Secretary, the State Attorney-General and the State Financial Secretary.

(3) The Yang di-Pertua Negara shall appoint as Chief Minister a member of the Legislative Assembly who in his judgment is likely to command the confidence of a majority of the members of the Assembly and shall appoint the other members mentioned in paragraph (*a*) of clause (2) in accordance with the advice of the Chief Minister from among the members of the Assembly:

Provided that if an appointment is made while the Legislative Assembly is dissolved a person who was a member of the last Assembly may be appointed but shall not continue to hold office after the first sitting of the next Legislative Assembly unless he is a member thereof.

(4) Notwithstanding anything in this Article, a person who is a citizen by naturalisation shall not be appointed Chief Minister.

(5) The Chief Minister shall not hold any office of profit and shall not actively engage in any commercial enterprise.

(6) The Cabinet shall be collectively responsible to the Legislative Assembly.

Tenure of office of members of Cabinet.

7. (1) If the Chief Minister ceases to command the confidence of a majority of the members of the Legislative Assembly, then, unless at his request the Yang di-Pertua Negara dissolves the Assembly, the Chief Minister shall tender the resignation of the members of the Cabinet other than the *ex officio* members.

(2) A member of the Cabinet other than an *ex officio* member may at any time resign his office by writing under his hand addressed to the Yang di-Pertua Negara, and a member of the Cabinet other than the Chief Minister or an *ex officio* member shall also vacate his office if his appointment thereto is revoked by the Yang di-Pertua Negara acting in accordance with the advice of the Chief Minister.

(3) Subject to clauses (1) and (2), a member of the Cabinet other than the Chief Minister or an *ex officio* member shall hold office at the pleasure of the Yang di-Pertua Negara.

Oaths of member of Cabinet.

8. Before a member of the Cabinet exercises the functions of his office he shall take and subscribe in the presence of the Yang di-Pertua Negara the oath set out in Part II of the Schedule.

Allocation of portfolios and provision regarding private business interests.

9. (1) The Yang di-Pertua Negara may, in accordance with the advice of the Chief Minister, assign to a member of the Cabinet responsibility for any business of the government of the State, including the administration of any department of government, and any member of the Cabinet, other than an *ex officio* member, to whom such responsibility is assigned shall be styled " Minister ".

(2) A member of the Cabinet shall not engage in any trade, business or profession connected with any subject or department of government for which he is responsible, and shall not, so long as he is engaged in any trade, business or profession, take part in any decision of the Cabinet relating to that trade, business or profession or in any decision likely to affect his pecuniary interests therein.

Yang di-Pertua Negara to act on advice.

10. (1) In the exercise of his functions under this Constitution or any other law, or as a member of the Conference of Rulers, the Yang di-Pertua Negara shall act in accordance with the advice of the Cabinet or of a member thereof acting under the general authority of the Cabinet, except as otherwise provided by the Federal Constitution or this Constitution; but shall be entitled, at his request, to any information concerning the government of the State which is available to the Cabinet.

(2) The Yang di-Pertua Negara may act in his discretion in the performance of the following functions—

(*a*) the appointment of a Chief Minister;

(*b*) the withholding of consent to a request for the dissolution of the Legislative Assembly.

(3) The Legislature may by law make provision for requiring the Yang di-Pertua Negara to act after consultation with, or on the recommendation of, any person or body of persons other than the Cabinet in the exercise of any of his functions except—

(*a*) functions, exercisable in his discretion; and

(*b*) functions with respect to the exercise of which provision is made in the Federal Constitution or any other Article of this Constitution.

State Secretary, State Attorney-General and State Financial Secretary.

11. (1) The offices of State Secretary, State Attorney-General and State Financial Secretary are hereby constituted, and appointments thereto shall be made by the Yang di-Pertua Negara acting in accordance with the advice of the Chief Minister, who shall select for appointment a person whose name is included in a list submitted for the purpose by the Commission and shall, before tendering his advice, consult the Government of the Federation.

(2) The State Secretary, the State Attorney-General and the State Financial Secretary shall not be removed from office or suspended from the exercise of the functions of his office except on the like grounds and in the like manner as a member of the Commission.

Chapter 3—Capacity as respects property, contracts and suits

Capacity of State as respects property, contracts and suits.

12. (1) The State shall have power to acquire, hold and dispose of property of any kind and to make contracts.

(2) The State may sue and be sued.

PART II

THE LEGISLATURE

Constitution of Legislature.

13. The Legislature of the State shall consist of the Yang di-Pertua Negara and one House, to be known as the Legislative Assembly.

Composition of Legislative Assembly.

14. (1) The Legislative Assembly shall consist of—

(*a*) the Speaker;

(*b*) three *ex officio* members, namely, the State Secretary, the State Attorney-General and the State Financial Secretary;

(*c*) such number of elected members as the Legislature may by law prescribe, elected in such manner as may be provided by Federal or State law;

(*d*) such number of other members (hereinafter referred to as "nominated members"), not being more than six, as the Yang di-Pertua Negara may appoint.

(2) Until the Legislature otherwise prescribes the number of elected members shall be eighteen.

The Speaker.

15. (1) The Speaker shall be appointed by the Yang di-Pertua Negara from among persons not subject to any of the disqualifications for appointment as nominated members of the Legislative Assembly set out in Article 17.

(2) The Speaker shall hold office for such period as may be specified in the instrument by which he is appointed, shall vacate his office—

(*a*) if he resigns it by writing under his hand addressed to the Yang di-Pertua Negara; or

(*b*) if he becomes subject to any of the disqualifications for appointment as a nominated member of the Legislative Assembly set out in Article 17.

(3) Any question whether a person is qualified to be appointed as Speaker shall be determined by the Yang di-Pertua Negara whose decision shall be final.

(4) During any absence of the Speaker from a sitting of the Legislative Assembly or any vacancy in the office of Speaker such member of the Assembly as may be determined by the Standing Orders of the Assembly shall act as Speaker.

(5) The Legislature shall by law provide for the remuneration of the Speaker, and the remuneration so provided shall be a charge on and paid out of the Consolidated Fund, and shall not be diminished as respects any holder of the office of Speaker after his appointment.

Qualifications of members.

16. Every citizen of or over the age of twenty-one years who is resident in the State is qualified to be elected as an elected member or appointed as a nominated member of the Legislative Assembly, unless he is disqualified for being a member by the Federal Constitution or this Constitution or by any such law as is mentioned in Article 17.

Disqualification for membership of Legislative Assembly.

17. (1) Subject to the provisions of this Article, a person is disqualified for being elected as an elected member or appointed as a nominated member of the Legislative Assembly if—

(*a*) he is and has been found or declared to be of unsound mind;

(*b*) he is an undischarged bankrupt;

(*c*) he holds an office of profit other than that of Native Chief;

(*d*) having been nominated for election to either House of Parliament or to the Legislative Assembly, or having acted as election agent to a person so nominated, he has failed to lodge any return of election expenses required by law within the time and in the manner so required;

(*e*) he has been convicted of an offence by a court of law in any part of the Federation and sentenced to imprisonment for a term of not less than one year or to a fine of not less than two thousand dollars and has not received a free pardon in respect thereof;

(*f*) he is disqualified under any law relating to offences in connection with elections to either House of Parliament or to the Legislative Assembly by reason of having been convicted of such an offence, or having in proceedings relating to such an election been proved guilty of an act constituting such an offence; or

(*g*) he has voluntarily acquired citizenship of, or exercised rights of citizenship in, a foreign country or has made a declaration of allegiance to a foreign country.

(2) Paragraph (*c*) of clause (1) shall not apply to the appointment of a person as a nominated member.

(3) The disqualification of a person under paragraph (*d*) or paragraph (*e*) of clause (1) may be removed by the Yang di-Pertua Negara and shall, if not so removed, cease at the end of the period of five years beginning with the date on which the return mentioned in paragraph (*d*) of that clause was required to be lodged, or, as the case may be, the date on which the person convicted as mentioned in paragraph (*e*) of that clause was released from custody, or the date on which the fine mentioned in that paragraph was imposed; and a person shall not be disqualified under paragraph (*g*) of clause (1) by reason only of anything done by him before he became a citizen.

(4) In paragraph (*g*) of clause (1) "foreign country" has the same meaning as in the Federal Constitution.

Tenure of seats of members.

18. (1) Every elected or nominated member of the Legislative Assembly shall vacate his seat in the Assembly on a dissolution of the Assembly.

(2) An elected or nominated member shall also vacate his seat in the Assembly if—

(*a*) he ceases to be qualified for election or appointment as such a member of the Assembly;

(*b*) he resigns his seat by writing under his hand addressed to the Speaker; or

(*c*) he is absent without the leave of the Speaker from every sitting of the Assembly for three consecutive meetings.

(3) for the purposes of paragraph (*c*) of clause (2), "meeting" means any sitting or sittings of the Assembly commencing when the Assembly first meets after being summoned at any time and terminating when the Assembly is adjourned *sine die* or at the conclusion of a session.

Decision as to disqualification.

19. If any question arises whether the Speaker or a member of the Legislative Assembly has ceased to be qualified for appointment or election as such, the decision of the Assembly shall be taken and shall be final:

Provided that this Article shall not be taken to prevent the practice of the Council postponing a decision in order to allow for the taking or determination of any proceedings that may affect the decision (including proceedings for the removal of the disqualification).

Penalty for unqualified person sitting or voting in the Legislative Assembly.

20. Any person who sits or votes in the Legislative Assembly, knowing or having reasonable ground for knowing that he is not entitled to do so, shall be liable to a penalty not exceeding two hundred dollars for each day on which he so sits or votes, which penalty shall be recoverable as a civil debt in the High Court at the suit of the State Attorney-General.

Summoning, prorogation and dissolution of Legislative Assembly.

21. (1) The Yang di-Pertua Negara may from time to time summon the Legislative Assembly, and shall not allow six months to elapse between the last sitting in one session and the date appointed for its first sitting in the next session.

(2) The Yang di-Pertua Negara may prorogue or dissolve the Legislative Assembly.

(3) The Legislative Assembly shall, unless sooner dissolved, continue for five years from the date of its first sitting and shall then stand dissolved.

(4) Whenever the Legislative Assembly is dissolved, a general election shall be held within sixty days from the date of the dissolution and the new Legislative Assembly shall be summoned to meet on a date not later than ninety days from that date.

(5) Whenever the seat of an elected member has become vacant for any reason other than a dissolution, the vacancy shall, within sixty days from the date on which it is established that there is a vacancy, be filled by election in accordance with the provisions of this Constitution.

Oath of Speaker and members.

22. (1) The Speaker shall before exercising the functions of his office take and subscribe before the Yang di-Pertua Negara the oath set out in Part III of the Schedule and every member of the Legislative Assembly shall before taking his seat take and subscribe the said oath before the Speaker.

(2) If a member has not taken his seat within three months from the date on which the Legislative Assembly first sits after his election or appointment, or within such further period as the Assembly may allow, his seat shall become vacant.

Address by Yang di-Pertua Negara.

23. The Yang di-Pertua Negara may address the Legislative Assembly and may send messages thereto.

Procedure of Legislative Assembly.

24. (1) Subject to the provisions of this Constitution, the Legislative Assembly shall regulate its own procedure and may make Standing Orders for that purpose.

(2) The Legislative Assembly may act notwithstanding any vacancy in its membership, and the presence or participation of any person not entitled to be present or to participate shall not invalidate any proceedings.

(3) Subject to clauses (5) and (6) and to clause (2) of Article 43, the Legislative Assembly shall, if not unanimous, take its decision by a simple majority of members voting; and if the Speaker is absent the member presiding shall cast his vote whenever necessary to avoid an equality of votes but shall not vote in any other case, and if the Speaker is present and there is an equality of votes upon any question the motion shall be lost.

(4) Members absent from the Legislative Assembly shall not be allowed to vote.

(5) The Standing Orders of the Legislative Assembly may provide, as respects any decision relating to its proceedings, that it shall not be made except by a specified majority or by a specified number of votes.

(6) No Bill making provision for controlling or restricting the propagation of any religious doctrine or belief among persons professing the Muslim religion shall be passed by the Legislative Assembly unless it has been supported on the second and third readings by the votes of not less than two thirds of the total number of the members thereof.

(7) No Bill or amendment involving expenditure from the Consolidated Fund may be introduced or moved in the Legislative Assembly except by a member of the Cabinet.

(8) For a period of ten years after Malaysia Day, and thereafter until the Legislature by law otherwise provides, all proceedings in the Legislative Assembly may be in the English language.

(9) If objection is taken by any member present that there are present (besides the Speaker or member presiding) fewer than one quarter of the total number of members and after such interval as may be prescribed in the Standing Orders of the Legislative Assembly, the person presiding ascertains that the number of members present is still less than one quarter of the total number of members, he shall thereupon adjourn the Assembly.

Privileges of the Legislative Assembly and members.

25. Subject to Article 72 of the Federal Constitution, it shall be lawful for the Legislature by law to determine and regulate the privileges, immunities or powers of the Legislative Assembly; but no such privileges, immunities or powers shall exceed those of the Federal House of Representatives.

Exercise of legislative power.

26. (1) The power of the Legislature to make laws shall be exercised by Bills passed by the Legislative Assembly and assented to by the Yang di-Pertua Negara.

(2) All laws passed by the Legislature shall be styled Enactments and the words of enactment shall be "Enacted by the Legislature of the State of Sabah".

(3) A Bill shall become law on being assented to by the Yang di-Pertua Negara, but no law shall come into force until it has been published in the Gazette, without prejudice, however, to the power of the Legislature to postpone the operation of any law or to make laws with retrospective effect.

Supremacy of Constitution.

27. Any Enactment passed on or after Malaysia Day which is inconsistent with this Constitution shall, to the extent of the inconsistency, be void.

PART III

FINANCIAL PROVISIONS

No taxation unless authorised by law.

28. No tax or rate shall be levied by or for the purposes of the State except by or under the authority of law.

Consolidated Fund.

29. (1) All revenues and moneys howsoever raised or received by the State from whatsoever source shall, subject to this Constitution and any law, be paid into and form one fund to be known as "the Consolidated Fund".

(2) There shall be charged on and paid out of the Consolidated Fund, in addition to any grant, remuneration or other moneys so charged by any other provision of this Constitution or by State law—

(*a*) all debt charges for which the State is liable; and

(*b*) any moneys required to satisfy any judgment, decision or award against the State by any court or tribunal.

(3) For the purposes of this Article, "debt charges" include interest, sinking fund charges, repayment or amortisation of debt and all expenditure in connection with the raising of loans on the security of the Consolidated Fund and the service and redemption of debt created thereby.

Annual financial statement.

30. (1) The Yang di-Pertua Negara shall, in respect of every financial year, cause to be laid before the Legislative Assembly a statement of the estimated receipts and expenditure of the State for that year, and, unless the Legislature in respect of any year otherwise provides, that statement shall be so laid before the commencement of that year.

(2) The estimates of expenditure shall show separately—

(*a*) the total sums required to meet expenditure charged on the Consolidated Fund ; and

(*b*) subject to clause (3), the sums respectively required to meet the heads of other expenditure proposed to be met from the Consolidated Fund.

(3) The sums referred to in paragraph (*b*) of clause (2) do not include—

(*a*) sums representing the proceeds of any loan raised by the State for specific purposes and appropriated for those purposes by the law authorising the raising of the loan ;

(*b*) sums representing any money or interest on money received by the State subject to a trust and to be applied in accordance with the terms of the trust ; and

(*c*) sums representing any money held by the State which has been received or appropriated for the purpose of any trust fund established by or in accordance with State law.

(4) The statement of estimated receipts and expenditures shall also show, so far as is practicable, the assets and liabilities of the State at the end of the last completed financial year, the manner in which those assets are invested or held and the general heads in respect of which those liabilities are outstanding.

Supply Bills.

31. The heads of expenditure to be met from the Consolidated Fund in respect of any financial year but not charged thereon, other than expenditure to be met by such sums as are mentioned in clause (3) of Article 30, shall be included in a Bill, to be known as a Supply Bill, providing for the issue from the Consolidated Fund of the sums necessary to meet the expenditure and the appropriation of those sums for the purposes specified therein.

Supplementary and excess expenditure.

32. If in respect of any financial year it is found—

(*a*) that the amount appropriated by the Supply Enactment for any purpose is insufficient, or that a need has arisen for expenditure for a purpose for which no amount has been appropriated by the Supply Enactment ; or

(*b*) that any moneys have been expended for any purpose in excess of the amount, if any, appropriated for that purpose by the Supply Enactment,

a supplementary estimate showing the sums required or spent shall be laid before the Legislative Assembly, and the heads of any such expenditure shall be included in a Supply Bill.

Withdrawals from Consolidated Fund.

33. (1) Subject to the following provisions of this Article, no moneys shall be withdrawn from the Consolidated Fund unless they are—

(*a*) charged on the Consolidated Fund ; or

(*b*) authorised to be issued by a Supply Enactment.

(2) No moneys shall be withdrawn from the Consolidated Fund except in the manner provided by Federal law.

(3) Clause (1) shall not apply to any such sums as are mentioned in clause (3) of Article 30.

(4) The Legislature may, in respect of any financial year, by law authorise, before the passing of the Supply Enactment, expenditure for part of the year and the issue from the Consolidated Fund of any moneys required to meet that expenditure.

Public Accounts Committee.

34. The Legislative Assembly shall appoint a committee of the Assembly, to be called the Public Accounts Committee, which shall examine the accounts in respect of each financial year showing the appropriation of the sums granted by the Legislature to meet the expenditure of the State and such other accounts as may be laid before the Assembly.

Financial year.

35. For the purposes of this Part "financial year" means the period of twelve months ending on the thirty-first day of December in any year or such other day as the Legislature may by law prescribe.

PART IV

THE PUBLIC SERVICE

The Public Service Commission.

36. (1) There shall be a Public Service Commission for the State which shall consist of a Chairman and not less than three or more than eight other members, each of whom shall be appointed by the Yang di-Pertua Negara after consultation with the Chief Minister.

(2) The Yang di-Pertua Negara may after consultation with the Chief Minister, designate any member of the Commission, other than the Chairman, as a deputy chairman of the Commission:

Provided that the number of members of the Commission so designated shall not at any time exceed two.

(3) A person shall not be appointed to be a member of the Commission if he is, and shall cease to be such a member if he becomes—

(*a*) a public officer:

Provided that a public officer may be appointed to be a member of the Commission if he is on leave prior to retirement;

(*b*) a member of either House of Parliament or of the Legislative Assembly;

(*c*) a member, officer or employee of any local authority;

(*d*) a member of any trade union, or of any body or association affiliated to a trade union; or

(*e*) the holder of any office in any political association.

(4) Subject to clauses (3) and (5), every member of the Commission shall, unless he earlier resigns his office by writing under his hand addressed to the Yang di-Pertua Negara, hold office for a period of

five years from the date of his appointment or for such shorter period as may be specified in the instrument by which he is appointed.

(5) If the Chief Minister, or the Chairman of the Commission after consulting with the Chief Minister, represents to the Yang di-Pertua Negara that a member of the Commission ought to be removed from office for inability to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour, the Yang di-Pertua Negara shall appoint a tribunal in accordance with clause (6) and shall refer the representation to it; and, if the tribunal so recommends, the Yang di-Pertua Negara shall remove that member from office by writing under his hand.

(6) A tribunal appointed under clause (5) shall consist of not less than three persons who hold or have held office as Judge of the Federal Court or of any High Court in the Federation or, if it appears to the Yang di-Pertua Negara expedient to make such appointment, persons who hold or have held equivalent office in any other part of the Commonwealth.

(7) A tribunal appointed under clause (5) shall regulate its own procedure and may make rules for that purpose.

(8) Where a representation has been made to the Yang di-Pertua Negara under clause (5), he may on the recommendation of the Chief Minister suspend the member concerned from the exercise of his functions pending the report of the tribunal on that representation.

(9) Where, during any period, a member of the Commission has been granted leave of absence by the Yang di-Pertua Negara or is unable, owing to his absence from the State, illness or any other cause, to discharge his functions as such a member, the Yang di-Pertua Negara may appoint as a temporary member of the Commission to exercise his functions during that period, any person who would be qualified to be appointed in his place; and the appointment of any such temporary member shall be made in the same manner as that of any other member of the Commission.

(10) Before exercising the functions of his office every member of the Commission shall take and subscribe before the Chief Justice or some other Judge of the High Court the oath in the form set out in Part IV of the Schedule.

(11) Members of the Commission shall be paid such remuneration as the Legislature may by law provide, and such remuneration shall be a charge on and paid out of the Consolidated Fund.

(12) Subject to the provisions of this Constitution, the terms of service of the members of the Commission—

(*a*) shall be such as the Legislature may by law prescribe; and

(*b*) in so far as they are not so prescribed, shall be determined by the Yang di-Pertua Negara.

(13) The remuneration and other terms of service of any member of the Commission shall not be altered to his disadvantage after his appointment.

(14) For the purposes of Clause (13), in so far as the terms of service of a member of the Commission depend upon his option, any terms for which he opts shall be taken to be more advantageous to him than any others for which he might have opted.

Functions of Commission.

37. (1) Subject to the provisions of the Federal Constitution and of this Constitution, it shall be the duty of the Commission to appoint, confirm, emplace on the permanent or pensionable establishment, promote, transfer and exercise disciplinary control over members of the public service.

(2) The Legislature may by law provide for the exercise of other functions by the Commission.

(3) In clause (1), " member of public service " does not include any person whose remuneration is calculated at a daily rate, and " transfer " does not include transfer without a change of rank within a department of Government.

(4) The Yang di-Pertua Negara may designate as special posts any posts in the public service held by the head or deputy head of a department or by an officer who in his opinion is of similar status, and an appointment to any post so designated shall not be made in accordance with clause (1) but shall be made by the Yang di-Pertua Negara on the recommendation of the Commission.

(5) Before acting, in accordance with clause (4), on the recommendation of the Commission, the Yang di-Pertua Negara shall consider the advice of the Chief Minister and may once refer the recommendation back to the Commission in order that it may be reconsidered.

(6) State law and, subject to the provisions of any such law, regulations made by the Yang di-Pertua Negara may provide for the exercise by any public officer, or by any board of public officers, of any of the functions of the Commission under clause (1):

Provided that—

(*a*) no such law or regulations may provide for the exercise by any such officer or board of officers of any power of first appointment to the permanent or pensionable establishment or of any power of promotion (other than promotion to an acting appointment); and

(*b*) any person aggrieved by the exercise by any such officer or board of officers of any power of disciplinary control may appeal to the Commission within such time and in such manner as may be prescribed by any such law or regulations, and the Commission may make such order thereon as it may consider just.

(7) The Commission may, by directions in writing and subject to such conditions as it thinks fit, delegate to any public officer, or to any board of public officers appointed by it, any of its functions under clause (1) in respect of any grade of members of the public service, and that officer or board shall exercise those functions under the direction and control of the Commission.

(8) In respect of members of the public service who are employed in posts ancillary to the police force, or in respect of any grade of members of the public service who are so employed, functions of the Commission may, under clause (6) or (7), be made exercisable by an officer or board of officers of the police force as if he or they were a public officer or board of public officers.

(9) No person shall be appointed under this Article to or to act in any office on the personal staff of the Yang di-Pertua Negara without the concurrence of the Yang di-Pertua Negara acting in his discretion; and the offices which are to constitute the personal staff of the Yang di-Pertua Negara for the purposes of this clause shall be such offices in the public Service as the Yang di-Pertua Negara, after consultation with the Chief Minister, may by order prescribe.

(10) The Commission shall make an annual report on the discharge of its functions to the Yang di-Pertua Negara, who shall cause copies of the report to be laid before the Legislative Assembly.

Procedure of Commission.

38. (1) At any meeting of the Commission three members, who shall include the Chairman or Deputy Chairman, shall form a quorum.

(2) Subject to clause (1), the Commission may act notwithstanding any vacancy in its membership, and any proceeding of the Commission shall be valid notwithstanding that some person not entitled to do so took part therein.

(3) The Commission may, subject to the provisions of this Constitution, regulate its procedure and make rules for that purpose, and, with the consent of the Yang di-Pertua Negara, may, in connection with the discharge of its functions, confer powers and impose duties on any public officer or any authority of the Government of the State.

Impartial treatment of State employees.

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

Regulations regarding the public service.

40. Subject to the provisions of any State law, the Yang di-Pertua Negara may make regulations for all or any of the following matters, that is to say—

(*a*) the division of offices in the public service into Divisions and Services;

(*b*) the prescribing of Schemes regulating the recruitment, service and promotion of public officers;

(*c*) the conduct and discipline of the public service.

PART V

GENERAL PROVISIONS

Safeguarding position of Natives.

41. (1) It shall be the responsibility of the Yang di-Pertua Negara to safeguard the special position of the Natives and the legitimate interests of other communities in accordance with the provisions of this Article.

(2) The Yang di-Pertua Negara shall exercise his functions under this Constitution and under State law in such manner as may be

necessary to safeguard the special position of the Natives, and to ensure such degree of participation by Natives as he may deem reasonable in the public service of the State, and in the receipt of scholarships, exhibitions and other similar educational or training privileges or special facilities given or accorded by or with the approval of the State Government and, when any permit or licence for the operation of any trade or business is required by State law, then, subject to the provisions of that law and this Article, in such trade or business.

(3) The Yang di-Pertua Negara may, in order to ensure in accordance with clause (2) the participation by Natives in the public service and in the receipt of scholarships, exhibitions and other educational or training privileges or special facilities, give such general directions as may be required for that purpose to the Commission, or to any authority charged with responsibility for the grant of such scholarships, exhibitions or other educational or training privileges or special facilities; and the Commission or authority shall duly comply with the directions.

(4) In exercising his functions under this Constitution and under State law in accordance with clauses (1), (2) and (3), the Yang di-Pertua Negara shall not deprive any person of any office in the public service held by him or of the continuance of any scholarship, exhibition or other educational or training privileges or special facilities enjoyed by him.

(5) This Article does not derogate from the provisions of Article 39.

(6) Where by any existing State law a permit or licence is required for the operation of any trade or business the Yang di-Pertua Negara may exercise his functions under that law in such manner, or give such general directions to any authority charged under that law with the grant of such permits or licences, as may be required to ensure such degree of participation in such trade or business by Natives as the Yang di-Pertua Negara may deem reasonable; and the authority shall duly comply with the directions.

(7) Nothing in this Article shall operate to deprive or authorise the deprivation of any person of any right, privilege, permit or licence accrued to or enjoyed or held by him or to authorise a refusal to renew to any person any such permit or licence or a refusal to grant to the heirs, successors or assigns of a person any permit or licence when the renewal or grant thereof might reasonably be expected in the ordinary course of events.

(8) Where by any State law any permit or licence is required for the operation of any trade or business, that law may make provision to ensure participation by Natives in such trade or business; but no such law shall for the purpose of ensuring such participation—

(*a*) deprive or authorise the deprivation of any person of any right, privilege, permit or licence accrued to or enjoyed or held by him; or

(*b*) authorise a refusal to renew to any person any such permit or licence or a refusal to grant to the heirs, successors or assigns of any person any permit or licence when the renewal or grant might in accordance with the other provisions of the law reasonably be expected in the ordinary course of events, or prevent any person from transferring together with his business any transferable licence to operate that business; or

(*c*) where no permit or licence was previously required for the operation or the trade or business, authorise a refusal to grant a permit or licence to any person for the operation of any trade or business which immediately before the coming into force of the law he had been *bona fide* carrying on, or authorise a refusal subsequently to renew to any such person any permit or licence, or a refusal to grant to the heirs, successors or assigns of any such person any such permit or licence when the renewal or grant might in accordance with the other provisions of that law reasonably be expected in the ordinary course of events.

(9) Nothing in this Article shall empower the Legislature to restrict any trade or business solely to Natives.

(10) In this Article, "Native" means a person who is a citizen, is the child or grandchild of a person indigenous to the State, and was born (whether on or after Malaysia Day or not) either in the State or to a father domiciled in the State at the time of the birth.

The Public Seal.

42. The Yang di-Pertua Negara shall keep and use the Public Seal of the State for all things that shall pass that Seal; and, until a Seal shall be provided for the State, a stamp bearing the inscription "State of Sabah: Public Seal of the State" may be used as the Public Seal of the State.

Amendment of Constitution.

43. (1) Subject to the following provisions of this Article the provisions of this Constitution may be amended by an Enactment passed by the Legislature but may not be amended by any other means.

(2) Subject to clause (3), a Bill for making an amendment to this Constitution shall not be passed by the Legislative Assembly unless it has been supported on the second or third readings by the votes of not less than two-thirds of the total number of members thereof.

(3) Clause (2) shall not apply to a Bill for making—

(*a*) any amendment consequential on a law prescribing the number of elected members of the Legislative Assembly; or

(*b*) any amendment for the purpose of bringing this Constitution into accord with any of the provisions of the Eighth Schedule to the Federal Constitution as for the time being in force.

(4) In this article "amendment" includes addition and repeal.

Authorised reprints of Constitution.

44. The Legislative Assembly may from time to time by resolution authorise the Government Printer to print copies of this Constitution including all amendments in force at the date of such authorisation; and any such copy so printed be deemed for all purposes to be a true and correct copy.

Re-appointment and re-election.

45. Where any person has vacated any office established by this Constitution he may, if qualified, again be appointed or elected to that office in accordance with the provisions of this Constitution.

Interpretation.

46. (1) In this Constitution, unless the context otherwise requires—

" the Cabinet " means the State Cabinet;

" citizen " means a citizen of the Federation;

" the Conference of Rulers " means the Conference of Rulers constituted by the Federal Constitution;

" the Commission " means the Public Service Commission of the State;

" existing law " means any law having effect as part of the law of the Colony of North Borneo or any part thereof immediately before the commencement of this Constitution;

" the Federal Constitution " means the Constitution of the Federation and includes the Malaysia Act of the Federation;

" Federal law " means—

(*a*) any existing law continuing to have effect as part of the law of the State or any part thereof after the commencement of this Constitution to the extent that it is by virtue of the provisions of the Federal Constitution treated as a Federal law; and

(*b*) any Act of Parliament, or other law of the Federation relating to matters about which Parliament has power to make laws, which extends to the State;

" the Federation " means the Federation to be known, on and after Malaysia Day, by the name Malaysia;

" the Gazette " means the official Gazette of the State;

" the High Court " means the High Court in Borneo constituted by the Federal Constitution;

" the Legislature " means the Legislature of the State;

" Malaysia Day " means the day referred to as Malaysia Day in the Malaysia Act;

" office of profit " has the same meaning as in the Federal Constitution;

" Parliament " means the Parliament of the Federation;

" public officer " means a person holding or acting in any office of emolument in the public service;

" the public service " means, subject to the provisions of clause (2), the public service of the State:

" session " means, in relation to the Legislative Assembly, the sittings of the Assembly commencing when it first meets after its prorogation or dissolution and terminating when it is prorogued or is dissolved without having been prorogued ;

" sitting " means, in relation to the Legislative Assembly, a period during which the Assembly is sitting continuously without adjournment, and includes any period during which the Assembly is in committee ;

" the State " means the State of Sabah ;

" State law " means—

(*a*) any existing law continuing to have effect as part of the law of the State or any part thereof after the commencement of this Constitution to the extent that it is by virtue of the provisions of the Federal Constitution treated as a State law ; and

(*b*) any law made by the Legislature ;

" the Yang di-Pertuan Agong " means the Yang di-Pertuan Agong of the Federation.

(2) In this Constitution references to an office in the public service shall not be construed as including references to the office of—

(*a*) Yang di-Pertua Negara, Chief Minister or other Minister or member of the Executive Council Speaker or Member of the Legislative Assembly, a member of the Commission, a member of the Pardons Board constituted for the State under the Federal Constitution ; or

(*b*) save in so far as the legislature may by law prescribe, a member of any council, board, panel, committee or other similar body (whether incorporated or not) established by or under any law.

(3) In this Constitution, unless the context otherwise requires, a reference to the holder of an office by the terms designating his office shall be construed as including a reference to any person for the time being acting in that office.

(4) Unless the context otherwise requires, any reference in this Constitution to a specified Part or Article or to the Schedule is a reference to that Part or Article of, or to the Schedule to, this Constitution and any reference to a clause or paragraph is a reference to that clause of the Article or paragraph of the clause in which the reference occurs.

(5) The Interpretation Ordinance, as in force at the commencement of this Constitution, shall apply for the purpose of interpreting this Constitution and otherwise in relation thereto as it applies for the purpose of interpreting and otherwise in relation to a written law within the meaning of that Ordinance.

Commencement.

47. Subject to the provisions of Part VI, this Constitution shall come into operation immediately before Malaysia Day.

PART VI

TRANSITIONAL PROVISIONS

Existing laws.

48. (1) Subject to the provisions of this Article and to any provision made on or after Malaysia Day by or under Federal law or State law, all existing laws shall on and after the commencement of this Constitution continue to have effect but shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with the provisions of this Constitution.

(2) Subject as aforesaid and without prejudice to the generality of clause (1), references in any existing law to the colony of North Borneo or any officer holding office under the Government of the colony or to any authority or body constituted in or for the colony shall be construed on and after the commencement of this Constitution as references to the State or to the corresponding officer, authority or body respectively.

(3)(*a*) The Governor of the colony of North Borneo may by order made at any time before Malaysia Day make such modifications in any existing law as appear to him to be necessary or expedient in consequence of the promulgation of this Constitution or the passing of the Malaysia Act.

(*b*) This clause shall come into operation on the publication of this Constitution in the Gazette.

(*c*) An order made under this clause shall have effect from such date, not being later than the commencement of this Constitution, as may be specified therein.

(4)(*a*) The Yang di-Pertua Negara may by order at any time during the period of two years after the commencement of this Constitution make such modification in any existing law, to the extent that it is by virtue of the provisions of the Federal Constitution treated as a State Law, as appear to him to be necessary or expedient in consequence of the promulgation of this Constitution or the passing of the Malaysia Act.

(*b*) An order made under this clause shall have effect from such date, not being earlier than the commencement of this Constitution, as may be specified therein.

(5) Any provision made by an order under this Article with respect to any law may be amended or repealed in like manner as that law.

(6) An order made under clause (3) shall be laid before the Legislative Assembly as soon as may be on or after Malaysia Day and an order made under clause (4) shall be so laid as soon as may be after it is made.

(7) In clauses (3) and (4) "modification" includes amendment, adaptation and repeal.

Succession to property.

49. (1) Subject to the provisions of this Article, all property and assets which immediately before the commencement of this Constitution were vested in Her Majesty for the purposes of the colony of North Borneo shall on the commencement of this Constitution vest in the State.

(2) Any land in the State which immediately before the commencement of this Constitution was vested in Her Majesty shall on the commencement of this Constitution vest in the State.

(3) Any property which was immediately before the commencement of this Constitution liable to escheat to Her Majesty shall on the commencement of this Constitution be liable to escheat to the State.

Rights, liabilities and obligations.

50. (1) All rights, liabilities and obligations of Her Majesty in respect of the government of the colony of North Borneo shall on the commencement of this Constitution become rights, liabilities and obligations of the State.

(2) In this Article rights, liabilities and obligations include rights, liabilities and obligations arising from contract or otherwise, other than rights to which Article 49 applies.

First Yang di-Pertua Negara.

51. The first Yang di-Pertua Negara shall be a person nominated before Malaysia Day by Her Majesty and the Yang di-Pertuan Agong, and appointed by the Yang di-Pertuan Agong; and the appointment shall be for a term of two years beginning with Malaysia Day.

Transitional provisions relating to the Legislature.

52. (1) Subject to the provisions of this Article, the Legislative Council established by the North Borneo (Legislative Council) Orders in Council 1950 to 1961(a) shall remain in being on and after Malaysia Day and shall, unless sooner dissolved by the Yang di-Pertua Negara, stand dissolved on 1st June 1964.

(2) The Legislative Council continued in being by this Article shall be known as the Legislative Council of the State of Sabah, and until its dissolution the Legislative Assembly provided for by Article 14 shall not be established and, subject to the provisions of this Article, references in the other provisions of this Constitution to the Legislative Assembly shall, so far as the composition of the Legislative Council so admits, be construed as references to the Legislative Council.

(3) In place of the Governor as President of the Legislative Council there shall be a Speaker of the Legislative Council appointed in accordance with Article 15.

(4) A person who is a Temporary Member of the Legislative Council immediately before the commencement of this Constitution shall vacate his seat in the Council on its commencement.

(5) Where a vacancy occurs among the Official or Nominated Members of the Legislative Council the Yang di-Pertua Negara after consultation with the Chief Minister may appoint a person to fill the vacancy.

(a) S.I. 1950/1643, 1960/1372, 1961/2464 (1950 II, p. 85; 1960 II, p. 2611; 1961 III, p. 4519).

(6) A person who is an Official or Nominated Member of the Legislative Council immediately before the commencement of this Constitution shall remain a member of the Council irrespective of whether he is a citizen of Malaysia and consequently, while he is such a member by virtue of this clause, the provision of Article 16 that only citizens of Malaysia shall be qualified for membership of the Legislative Assembly shall not apply in relation to such a member of the Legislative Council.

(7) Notwithstanding the provisions of clause (3) of Article 17 (which, among other things, exempts from the operation of paragraph (*g*) of clause (1) of that Article anything done before he becomes a citizen of Malaysia) if, while he is not a citizen of Malaysia, an Official or Nominated Member of the Legislative Council does any of the things referred to in the said paragraph (*g*) he shall vacate his seat in the Council.

(8) A person is disqualified for being appointed as an Official Member of the Legislative Council if he does not hold an office in the public service and paragraph (*c*) of clause (1) of Article 17 shall not apply to the appointment of a person as such a Member, but notwithstanding clause (2) of that Article, the said paragraph (*c*) shall apply to the appointment of a person as a Nominated Member of the Legislative Council.

(9) Subject to clause (8) the provisions of this Constitution shall apply in relation to Official Members of the Legislative Council as they apply in relation to Nominated Members of the Council.

(10) The Standing Orders of the Legislative Council as in force immediately before the commencement of this Constitution shall, until they are replaced by Standing Orders made on or after Malaysia Day by the Legislative Council or the Legislative Assembly be the Standing Orders of the Legislative Council and the Legislative Assembly respectively but shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with the provisions of this Constitution.

Transitional financial provisions.

53. (1) Part III, except Article 28, shall not come into operation until 1st January 1964.

(2) Until the coming into operation of Part III, any sums which under this Constitution (including Part III) are a charge on the Consolidated Fund shall be a charge on the revenues and other funds of the State and payment thereof shall be made by virtue of this clause without further authority of any law.

(3) Nothing in clause (1) shall prevent the making of any provisions or doing of any other thing before 1st January 1964 for the purposes of Part III in respect of the financial year beginning on that date.

Transitional provisions relating to Public Service Commission.

54. (1) Any person who, immediately before the commencement of this Constitution, holds office as Chairman, Deputy Chairman or any other member of the Public Service Commission established by the North Borneo (Public Service Commission) Order in Council 1963(a) shall, as from the commencement of this Constitution, hold the

(a) S.I. 1963/172 (1963 I, p. 157).

like office as a member of the Commission established by this Constitution as if he had been appointed thereto under Article 36 for a period of two years from the commencement of this Constitution.

(2) Any regulation made by the Governor under the North Borneo (Public Service Commission) Order in Council 1963 and in force immediately before the commencement of this Constitution shall—

(*a*) to the extent that they make provision in relation to the Commission established by the North Borneo (Public Service Commission) Order in Council 1963 or the public service of the colony of North Borneo for matters for which, in relation to the Commission established by the Constitution or the public service of the State, provision may be made under clause (6) of Article 37, Article 38 or Article 40, have effect as from the commencement of this Constitution as if they were regulations or rules made under that clause or Article 38 or Article 40, as the case may be and

(*b*) subject to paragraph (*a*), shall be treated as an existing law for the purposes of Article 48.

Existing Officers.

55. (1) Subject to the provisions of the Federal Constitution and this Constitution, any person who immediately before the commencement of this Constitution is in the service of the Crown in respect of the government of the colony of North Borneo shall—

(*a*) on the commencement of this Constitution cease to be in such service and become a person in the service of the State of Sabah ;

(*b*) so long as he continues in such service, be entitled to terms and conditions of service not less favourable than those applicable to him immediately before the commencement of this Constitution ;

(*c*) be deemed to have been appointed on the commencement of this Constititution to hold or to act in any office in the service of the State corresponding to that which he holds or is acting in immediately before the commencement of this Constitution and to have taken any oath in connection therewith required by law.

(2) For the purposes of clause (1)—

(*a*) any terms or conditions of service for which, on or after Malaysia Day, a person opts shall be deemed to be not less favourable than those applicable to him immediately before the commencement of this Constitution ;

(*b*) the offices of State Secretary, State Attorney-General and State Financial Secretary shall be regarded as corresponding respectively to the offices of Chief Secretary, Attorney-General and Financial Secretary of the colony of North Borneo ; and

(*c*) the Yang di-Pertua Negara may by order declare that any other office specified in such order shall be regarded as corresponding to another office so specified.

(3) Clause (1) does not apply to the Governor of the colony of North Borneo.

Secondment of members of the public service to Federal service.

56. (1) All persons who on the commencement of this Constitution are members of the police force in the State (and are not on leave pending retirement) shall on Malaysia Day be seconded to the police force of the Federation.

(2) Where on Malaysia Day any post in the judicial and legal branch of the public service becomes a post in the judicial and legal service of the Federation any person serving in that post on the commencement of this Constitution shall on Malaysia Day be seconded to the judicial and legal service of the Federation.

(3) Subject to Clause (4), where on Malaysia Day or any day thereafter any post in the public service becomes a post in the general public service of the Federation any person serving in that post immediately before that day shall on that day be seconded to the general public service of the Federation.

(4) Clause (3) shall not apply to persons in such grades of service as the Yang di-Pertua Negara may, with the consent of the Yang di-Pertuan Agong, direct.

(5) The power conferred on the Yang di-Pertua Negara by clause (4) may be exercised by the Governor of the colony of North Borneo at any time after the publication of this Constitution in the Gazette.

Compulsory retirement to facilitate appointment of local candidates.

57. (1) If the Chief Minister so requests, the Commission shall consider whether there are more local candidates suitably qualified for appointment to, or promotion in, any branch of the public service specified by the Chief Minister than there are vacancies in that branch that could appropriately be filled by such local candidates; the Commission, if satisfied that such is the case, shall, if so requested by the Chief Minister, select officers in that branch to whom this Article applies and whose retirement would in the opinion of the Commission cause vacancies that could appropriately be filled by such suitably qualified local candidates as are available and fit for appointment and inform the Chief Minister of the number of officers so selected; and if the Chief Minister specified a number of officers to be called upon to retire (not exceeding the number of officers so selected) the Commission shall nominate that number of officers from among the officers so selected and by notice in writing require them to retire from the public service; and any officer who is so required to retire shall retire accordingly.

(2) An officer who has been given notice by or on behalf of the Government of the State or of the colony of North Borneo that he will continue to be employed in the public service for a minimum period specified in the notice shall not be required to retire under clause (1) before the expiry of that period.

(3) This Article applies to—

(*a*) any entitled officer as defined in the Schedule to the North Borneo (Compensation and Retiring Benefits) Order in Council 1963(**a**); and

(**a**) S.I. 1963/1492 (1963 II, p. 2637).

(*b*) any officer on probation who, if he had been confirmed in his appointment, would have been such an entitled officer.

Police Board.

58. (1) There shall be a Police Board for the State which shall consist of—

(*a*) the Chairman of the Commission, who shall be the Chairman of the Board ;

(*b*) the State Attorney-General ;

(*c*) the senior officer of police in the State ; and

(*d*) a person designated by the Officer of Police in general command of the Police Force.

(2) Notwithstanding clause (1) of Article 37, it shall be the duty of the Police Board to exercise disciplinary control over members of the public service who are seconded to the police force.

(3) The Police Board may, by directions in writing and subject to such conditions as it thinks fit, delegate to any police officer, or to any board of police officers appointed by it, any of its functions under clause (2) in respect of any rank in the police force, and that officer or board shall exercise those functions under the direction and control of the Police Board.

(4) The functions conferred by this Article shall be exercised in accordance with the provisions of any Federal law prescribing offences against police force discipline and the punishment that may be imposed for any such offence.

(5) At any meeting of the Police Board two members including the Chairman or, if the Chairman is not present, three members shall form a quorum ; and if on any question the votes of the members present are equally divided the Chairman may exercise a casting vote.

(6) Subject to clause (5), the Police Board may act notwithstanding any vacancy in its membership, and any proceeding of the Board shall be valid notwithstanding that some person not entitled to do so took part therein.

(7) Subject to the provisions of this Article, the Police Board may regulate its procedure and make rules for that purpose.

Modification of form of oath in certain cases.

59. When a person who is not a citizen is required by this Constitution to take an oath on becoming an *ex officio* member of the Cabinet, the Speaker or an *ex officio* member of the Legislative Assembly, an Official or Nominated Member of the Legislative Council or the Chairman of the Commission, the words " and allegiance " shall be omitted from the oath.

(Articles 4, 8, 22 and 36 (10))

THE SCHEDULE

FORMS OF OATHS AND AFFIRMATIONS

PART I

Oath of Office of Yang di-Pertua Negara

I, , having been appointed as (or to exercise the functions of) Yang di-Pertua Negara of the State of Sabah, do solemnly swear (or affirm) that I will faithfully discharge my duties as such to the best of my ability, that I will bear true faith and allegiance to the State of Sabah and to the Federation of Malaysia and that I will preserve, protect and defend the Constitution of the State of Sabah.

PART II

Oath of Member of State Cabinet

I , having been appointed to the office of (or having become an *ex officio* member of the Cabinet) do solemnly swear (or affirm) that I will faithfully discharge the duties of that office to the best of my ability, that I will bear true faith and allegiance to the State of Sabah and to the Federation of Malaysia, that I will preserve, protect and defend the Constitution of the State of Sabah, and that I will not directly or indirectly communicate or reveal to any person any matter which shall be brought under my consideration or shall become known to me as a member of the Cabinet of the State of Sabah except as may be required for the due discharge of my duties as such or may be specially permitted by the Yang di-Pertua Negara.

PART III

Oath of Member of the Legislative Assembly

I, , having been elected (or appointed) as a member (or having become an *ex officio* member) of the Legislative Assembly of the State of Sabah, do solemnly swear (or affirm) that I will faithfully discharge my duties as such to the best of my ability, that I will bear true faith and allegiance to the State of Sabah and to the Federation of Malaysia and that I will preserve, protect and defend the Constitution of the State of Sabah.

PART IV

Oath of Member of Public Service Commission

I, , having been appointed to the office of a member of the Public Service Commission of the State of Sabah do solemnly swear (or affirm) that I will faithfully discharge the duties of that office to the best of my ability, and that I will bear true faith and allegiance to the State of Sabah and to the Federation of Malaysia and that I will preserve, protect and defend the Constitution of the State of Sabah.

S. 2(2). SCHEDULE 2

THE CONSTITUTION OF THE STATE OF SARAWAK

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THE CONSTITUTION OF THE STATE OF SARAWAK

PART I

THE STATE GOVERNMENT

Chapter 1—The Governor

Governor of the State.

1. (1) There shall be a Governor of the State, who shall be appointed by the Yang di-Pertuan Agong acting in his discretion but after consultation with the Chief Minister.

(2) The Governor shall be appointed for a term of four years but may at any time resign his office by writing under his hand addressed to the Yang di-Pertuan Agong, and may be removed from office by the Yang di-Pertuan Agong in pursuance of an address by the Council Negri supported by the votes of not less than two-thirds of the total number of the members thereof.

(3) The Yang di-Pertuan Agong, acting in his discretion but after consultation with the Chief Minister, may appoint a person to exercise the functions of the Governor during any period during which the Governor is unable to do so himself owing to illness, absence or any other cause; but no person shall be so appointed unless he would be qualified to be appointed as Governor.

(4) A person appointed under clause (3) may take the place of the Governor as a member of the Conference of Rulers during any period during which, under that clause, he may exercise the functions of the Governor.

Qualifications and disabilities of Governor.

2. (1) A person who is not a citizen or is a citizen by naturalisation shall not be appointed as Governor.

(2) The Governor shall not hold any office of profit and shall not actively engage in any commercial enterprise.

Civil List of Governor.

3. The Legislature shall by law provide a Civil List of the Governor, which shall be a charge on and paid out of the Consolidated Fund and shall not be diminished during his continuance in office,

Oath of office of Governor.

4. The Governor, and any person appointed under Clause (3) of Article 1, shall before exercising his functions take and subscribe in the presence of the Chief Justice or of a Judge of the High Court an oath in the form set out in Part I of the Schedule.

Chapter 2—The Executive

Executive authority.

5. The executive authority of the State shall be vested in the Governor but executive functions may by law be conferred on other persons.

The Supreme Council.

6. (1) There shall be a Supreme Council to advise the Governor in the exercise of his functions.

(2) The Supreme Council shall consist of—

(*a*) a Chief Minister and five other members appointed in accordance with clause (3); and

(*b*) three *ex officio* members, namely, the State Secretary, the State Attorney-General and the State Financial Secretary.

(3) The Governor shall appoint as Chief Minister a member of the Council Negri who in his judgment is likely to command the confidence of a majority of the members of the Council Negri and shall appoint the other members mentioned in paragraph (*a*) of clause (2) in accordance with the advice of the Chief Minister from among the members of the Council Negri:

Provided that if an appointment is made while the Council Negri is dissolved a person who was a member of the last Council may be appointed but shall not continue to hold office after the first sitting of the next Council Negri unless he is a member thereof.

(4) Notwithstanding anything in this Article, a person who is a citizen by naturalization shall not be appointed Chief Minister.

(5) The Chief Minister shall not hold any office of profit and shall not actively engage in any commercial enterprise.

(6) The Supreme Council shall be collectively responsible to the Council Negri.

Tenure of office of members of Supreme Council.

7. (1) If the Chief Minister ceases to command the confidence of a majority of the members of the Council Negri, then, unless at his request the Governor dissolves the Council Negri, the Chief Minister shall tender the resignation of the members of the Supreme Council other than the *ex officio* members.

(2) A member of the Supreme Council other than an *ex officio* member may at any time resign his office by writing under his hand addressed to the Governor, and a member of the Supreme Council other than the Chief Minister or an *ex officio* member shall also vacate his office if his appointment thereto is revoked by the Governor acting in accordance with the advice of the Chief Minister.

(3) Subject to clauses (1) and (2), a member of the Supreme Council other than the Chief Minister or an *ex officio* member shall hold office at the Governor's pleasure.

Oaths of member of Supreme Council.

8. Before a member of the Supreme Council exercises the functions of his office he shall take and subscribe in the presence of the Governor the oath set out in Part II of the Schedule.

Allocation of portfolio and provision regarding private business interests.

9. (1) The Governor may, in accordance with the advice of the Chief Minister, assign to a member of the Supreme Council responsibility for any business of the government of the State including the administration of any department of government, and any member of the Supreme Council other than an *ex officio* member to whom such responsibility is assigned shall be styled "Minister".

(2) A member of the Supreme Council shall not engage in any trade, business or profession connected with any subject or department of

government for which he is responsible and shall not, so long as he is engaged in any trade, business or profession, take part in any decision of the Supreme Council relating to that trade, business or profession or in any decision likely to affect his pecuniary interests therein.

Governor to act on advice.

10. (1) In the exercise of his functions under this Constitution or any other law, or as a member of the Conference of Rulers, the Governor shall act in accordance with the advice of the Supreme Council or of a member thereof acting under the general authority of the Council, except as otherwise provided by the Federal Constitution or this Constitution; but shall be entitled, at his request, to any information concerning the government of the State which is available to the Supreme Council.

(2) The Governor may act in his discretion in the performance of the following functions—

(*a*) the appointment of a Chief Minister;

(*b*) the withholding of consent to a request for the dissolution of the Council Negri.

(3) The Legislature may by law make provision for requiring the Governor to act after consultation with, or on the recommendation of, any person or body of persons other than the Supreme Council in the exercise of any of his functions except—

(*a*) functions, exercisable in his discretion; and

(*b*) functions with respect to the exercise of which provision is made in the Federal Constitution or any other Article of this Constitution.

Appointment of State Secretary, State Attorney-General and State Financial Secretary.

11. The offices of State Secretary, State Attorney-General and State Financial Secretary are hereby constituted, and appointments thereto shall be made by the Governor acting in accordance with the advice of the Chief Minister, who shall select for appointment a person whose name is included in a list submitted for the purpose by the Commission and shall, before tendering his advice, consult the Government of the Federation.

Chapter 3—*Capacity as respects property, contracts and suits*

Capacity of State as respects property, contracts and suits.

12. (1) The State shall have power to acquire, hold and dispose of property of any kind and to make contracts.

(2) The State may sue and be sued.

PART II

THE LEGISLATURE

Constitution of Legislature.

13. The Legislature of the State shall consist of the Governor and one House, to be known as the Council Negri.

Composition of Council Negri.

14. (1) The Council Negri shall consist of—

(*a*) the Speaker;

(*b*) three *ex-officio* members, namely, the State Secretary, the State Attorney-General and the State Financial Secretary;

(*c*) such number of elected members as the Legislature may by law prescribe, elected in such manner as may be provided by Federal or State law;

(*d*) such number of other members (hereinafter referred to as "nominated members"), not being more than three, as the Governor, acting in his discretion after consultation with the Chief Minister, may appoint; and

(*e*) subject to clause (4) of Article 18, one standing member, namely the person who, immediately before the commencement of this Constitution, is the standing member of the Council Negri established by the existing Orders.

(2) Until the Legislature otherwise prescribes the number of elected members shall be thirty-six.

The Speaker.

15. (1) The Speaker shall be appointed by the Governor acting in his discretion after consultation with the Chief Minister from among persons qualified to be appointed as nominated members of the Council Negri under Article 16.

(2) The Speaker shall hold office for such period as may be specified in the instrument by which he is appointed, but shall vacate his office—

(*a*) if he resigns it by writing under his hand addressed to the Governor; or

(*b*) if he becomes disqualified for appointment as a nominated member of the Council Negri.

(3) Any question whether a person is qualified to be appointed as Speaker shall be determined by the Governor, acting in his discretion, whose decision shall be final.

(4) During any absence of the Speaker from a sitting of the Council or any vacancy in the office of Speaker such member of the Council as may be determined by the Standing Orders of the Council shall act as Speaker.

(5) The Legislature shall by law provide for the remuneration of the Speaker, and the remuneration so provided shall be a charge on and paid out of the Consolidated Fund, and shall not be diminished as respects any holder of the office of Speaker after his appointment.

Qualifications of members.

16. Every citizen of or over the age of twenty-one years who is resident in the State is qualified to be elected as an elected member or appointed as a nominated member of the Council Negri, unless he is disqualified for being such a member by the Federal Constitution or this Constitution or by any such law as is mentioned in Article 17.

Disqualifications for membership.

17. (1) Subject to the provisions of this Article, a person is disqualified for being elected as an elected member or appointed as a nominated member of the Council Negri if—

(*a*) he is and has been found or declared to be of unsound mind;

(*b*) he is an undischarged bankrupt;

(*c*) he holds an office of profit other than that of Native Chief;

(*d*) having been nominated for election to either House of Parliament or to the Council Negri, or having acted as election agent to a person so nominated, he has failed to lodge any return of election expenses required by law within the time and in the manner so required;

(*e*) he has been convicted of an offence by a court of law in any part of the Federation and sentenced to imprisonment for a term of not less than one year or to a fine of not less than two thousand dollars and has not received a free pardon in respect thereof;

(*f*) he is disqualified under any law relating to offences in connection with elections to either House of Parliament or to the Council Negri by reason of having been convicted of such an offence, or having in proceedings relating to such an election been proved guilty of an act constituting such an offence; or

(*g*) he has voluntarily acquired citizenship of, or exercised rights of citizenship in, a foreign country or has made a declaration of allegiance to a foreign country.

(2) Paragraph (*c*) of clause (1) shall not apply to the appointment of a person as a nominated member.

(3) The disqualification of a person under paragraph (*d*) or paragraph (*e*) of clause (1) may be removed by the Governor and shall, if not so removed, cease at the end of the period of five years beginning with the date on which the return mentioned in paragraph (*d*) of that clause was required to be lodged, or, as the case may be, the date on which the person convicted as mentioned in paragraph (*e*) of that clause was released from custody, or the date on which the fine mentioned in that paragraph was imposed; and a person shall not be disqualified under paragraph (*g*) of clause (1) by reason only of anything done by him before he became a citizen.

(4) In paragraph (*g*) of clause (1) "foreign country" has the same meaning as in the Federal Constitution.

Tenure of seats of members.

18. (1) Every elected or nominated member of the Council Negri shall vacate his seat in the Council on a dissolution of the Council.

(2) An elected or nominated member shall also vacate his seat in the Council if—

(*a*) he ceases to be qualified for election or appointment as such a member of the Council;

(*b*) he resigns his seat by writing under his hand addressed to the Speaker; or

(*c*) he is absent without the leave of the Speaker from every sitting of the Council for three consecutive meetings.

(3) For the purposes of paragraph (*c*) of clause (2), "meeting" means any sitting or sittings of the 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.

(4) The standing member of the Council Negri shall vacate his seat in the Council if he resigns it by writing under his hand addressed to the Speaker or if he ceases to be President of the Majlis Islam or to hold an office of emolument in the public service; and upon the seat of the standing member becoming vacant paragraph (e) of clause (1) of Article 14 shall cease to have effect.

Decision as to disqualification.

19. If any question arises whether the Speaker or a member of the Council Negri has ceased to be qualified for appointment or election as such, the decision of the Council shall be taken and shall be final:

Provided that this Article shall not be taken to prevent the practice of the Council postponing a decision in order to allow for the taking or determination of any proceedings that may affect the decision (including proceedings for the removal of the disqualification).

Penalty for unqualified person sitting or voting in the Council Negri.

20. Any person who sits or votes in the Council Negri, knowing or having reasonable ground for knowing that he is not entitled to do so, shall be liable to a penalty not exceeding two hundred dollars for each day on which he so sits or votes, which penalty shall be recoverable as a civil debt in the High Court at the suit of the State Attorney-General.

Summoning, prorogation and dissolution of Council Negri.

21 (1) The Governor may from time to time summon the Council Negri, and shall not allow six months to elapse between the last sitting in one session and the date appointed for its first sitting in the next session.

(2) The Governor may prorogue or dissolve the Council Negri.

(3) The Council Negri shall, unless sooner dissolved, continue for five years from the date of its first sitting and shall then stand dissolved.

(4) Whenever the Council Negri is dissolved, a general election shall be held within sixty days from the date of the dissolution and the new Council Negri shall be summoned to meet on a date not later than ninety days from that date.

(5) Whenever the seat of an elected member has become vacant for any reason other than a dissolution, the vacancy shall, within sixty days from the date on which it is established that there is a vacancy, be filled by election in accordance with the provisions of this Constitution.

Oath of Speaker and members.

22. The Speaker shall before exercising the functions of his office take and subscribe before the Governor the oath set out in Part III of the Schedule and every member of the Council Negri shall before taking his seat take and subscribe the said oath before the Speaker.

Address by Governor.

23. The Governor may address the Council Negri and may send messages thereto.

Procedure of Council Negri.

24. (1) Subject to the provisions of this Constitution, the Council Negri shall regulate its own procedure and may make Standing Orders for that purpose.

(2) The Council Negri shall not be disqualified for the transaction of business by reason of any vacancy in its membership, and the

presence or participation of any person not entitled to be present or to participate shall not invalidate any proceedings.

(3) Subject to clauses (5) and (6) and to clause (2) of Article 41, the Council Negri shall, if not unanimous, take its decision by a simple majority of members voting; and the Speaker or member presiding shall cast a vote whenever necessary to avoid an equality of votes but shall not vote in any other case.

(4) Members absent from the Council Negri shall not be allowed to vote.

(5) The Standing Orders of the Council Negri may provide, as respects any decision relating to its proceedings, that it shall not be made except by a specified majority or by a specified number of votes.

(6) No Bill making provision for controlling or restricting the propagation of any religious doctrine or belief among persons professing the Muslim religion shall be passed by the Council Negri unless it has been supported on the second and third readings by the votes of not less than two-thirds of the total number of the members thereof.

(7) No Bill or amendment involving expenditure from the Consolidated Fund may be introduced or moved in the Council Negri except by a member of the Supreme Council.

(8) For a period of ten years after Malaysia Day, and thereafter until the Legislature by law otherwise provides, all proceedings in the Council may be in the English language and, subject to the Standing Orders of the Council Negri, members may use any Native language in addressing the Council.

(9) If objection is taken by any member present that there are present (besides the Speaker or member presiding) fewer than one-third of the total number of members and after such interval as may be prescribed in the Standing Orders of the Council, the person presiding ascertains that the number of members present is still less than one-third of the total number of members, he shall thereupon adjourn the Council.

Privileges of the Council Negri and members.

25. Subject to Article 72 of the Federal Constitution, it shall be lawful for the Legislature by law to determine and regulate the privileges, immunities or powers of the Council Negri; but no such privileges, immunities or powers shall exceed those of the Federal House of Representatives.

Exercise of legislative power.

26. (1) The power of the Legislature to make laws shall be exercised by Bills passed by the Council Negri and assented to by the Governor.

(2) All laws enacted by the Legislature shall be styled Ordinances and the words of enactment shall be " Enacted by the Legislature of Sarawak ".

(3) A Bill shall become law on being assented to by the Governor, but no law shall come into force until it has been published in the Gazette, without prejudice, however, to the power of the Legislature to postpone the operation of any law or to make laws with retrospective effect.

Supremacy of Constitution.

27. Any Ordinance passed on or after Malaysia Day which is inconsistent with this Constitution shall, to the extent of the inconsistency, be void.

PART III

FINANCIAL PROVISIONS

No taxation unless authorized by law.

28. No tax or rate shall be levied by or for the purposes of the State except by or under the authority of law.

Consolidated Fund.

29. (1) All revenues and moneys howsoever raised or received by the State from whatsoever source shall, subject to this Constitution and any law, be paid into and form one fund to be known as " the Consolidated Fund ".

(2) There shall be charged on and paid out of the Consolidated Fund, in addition to any grant, remuneration or other moneys so charged by any other provision of this Consititution or by State law—

(*a*) all debt charges for which the State is liable ; and

(*b*) any moneys required to satisfy any judgment, decision or award against the State by any court or tribunal.

(3) For the purposes of this Article, " debt charges " include interest, sinking fund charges, repayment or amortisation of debt and all expenditure in connection with the raising of loans on the security of the Consolidated Fund and the service and redemption of debt created thereby.

Annual financial statement.

30. (1) The Governor shall, in respect of every financial year, cause to be laid before the Council Negri a statement of the estimated receipts and expenditure of the State for that year, and, unless the Legislature in respect of any year otherwise provides, that statement shall be so laid before the commencement of that year.

(2) The estimates of expenditure shall show separately—

(*a*) the total sums required to meet expenditure charged on the Consolidated Fund ; and

(*b*) subject to clause (3), the sums respectively required to meet the heads of other expenditure proposed to be met from the Consolidated Fund.

(3) The sums referred to in paragraph (*b*) of clause (2) do not include—

(*a*) sums representing the proceeds of any loan raised by the State for specific purposes and appropriated for those purposes by the law authorizing the raising of the loan ;

(*b*) sums representing any money or interest on money received by the State subject to a trust and to be applied in accordance with the terms of the trust ; and

(*c*) sums representing any money held by the State which has been received or appropriated for the purpose of any trust fund established by or in accordance with State law.

(4) The statement of estimated receipts and expenditure shall also show, so far as is practicable, the assets and liabilities of the State at the end of the last completed financial year, the manner in which those assets are invested or held and the general heads in respect of which those liabilities are outstanding.

Supply Bills

31. The heads of expenditure to be met from the Consolidated Fund in respect of any financial year but not charged thereon, other than expenditure to be met by such sums as are mentioned in clause (3) of Article 30, shall be included in a Bill, to be known as a Supply Bill, providing for the issue from the Consolidated Fund of the sums necessary to meet that expenditure and the appropriation of those sums for the purposes specified therein.

Supplementary and excess expenditure.

32. If in respect of any financial year it is found—

(*a*) that the amount appropriated by the Supply Ordinance for any purpose is insufficient, or that a need has arisen for expenditure for a purpose for which no amount has been appropriated by the Supply Ordinance;

(*b*) that any moneys have been expended for any purpose in excess of the amount, if any, appropriated for that purpose by the Supply Ordinance,

a supplementary estimate showing the sums required or spent shall be laid before the Council Negri, and the heads of any such expenditure shall be included in a Supply Bill.

Withdrawals from Consolidated Fund.

33. (1) Subject to the following provisions of this Article, no moneys shall be withdrawn from the Consolidated Fund unless they are—

(*a*) charged on the Consolidated Fund; or

(*b*) authorized to be issued by a Supply Ordinance.

(2) No moneys shall be withdrawn from the Consolidated Fund except in the manner provided by Federal law.

(3) Clause (1) shall not apply to any such sums as are mentioned in clause (3) of Article 30.

(4) The Legislature may, in respect of any financial year, by law authorize, before the passing of the Supply Ordinance, expenditure for part of the year and the issue from the Consolidated Fund of any moneys required to meet that expenditure.

Financial year.

34. For the purposes of this Part "financial year" means the period of twelve months ending on the thirty-first day of December in any year or such other day as the Legislature may by law prescribe.

PART IV

THE PUBLIC SERVICE

The Public Service Commission.

35. (1) There shall be a Public Service Commission for the State which shall consist of a Chairman, a Deputy Chairman and not less than two or more than four other members, each of whom shall be appointed by the Governor after consultation with the Chief Minister.

(2) A person shall not be appointed to be a member of the Commission if he is, and shall cease to be such a member if he becomes—

(*a*) a public officer:

Provided that a public officer may be appointed to be a member of the Commission if he is on leave prior to retirement;

(*b*) a member of either House of Parliament or of the Council Negri;

(*c*) a member, officer or employee of any local authority;

(*d*) a member of any trade union, or of any body or association affiliated to a trade union; or

(*e*) the holder of any office in any political association.

(3) Subject to clauses (2) and (4), every member of the Commission shall, unless he earlier resigns his office, by writing under his hand addressed to the Governor hold office for a period of five years from the date of his appointment or for such shorter period as may be specified in the instrument by which he is appointed.

(4) If the Chief Minister, or the Chairman of the Commission after consulting with the Chief Minister, represents to the Governor that a member of the Commission ought to be removed from office for inability to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour, the Governor shall appoint a tribunal in accordance with clause (5) and shall refer the representation to it; and, if the tribunal so recommends, the Governor shall remove that member from office by writing under his hand.

(5) A tribunal appointed under clause (4) shall consist of not less than three persons who hold or have held office as Judge of the Federal Court or of any High Court in the Federation or, if it appears to the Governor expedient to make such appointment, persons who hold or have held equivalent office in any other part of the Commonwealth.

(6) A tribunal appointed under clause (4) shall regulate its own procedure and may make rules for that purpose.

(7) Where a representation has been made to the Governor under Clause (4), he may on the recommendation of the Chief Minister suspend the member concerned from the exercise of his functions pending the report of the tribunal on that representation.

(8) Where, during any period, a member of the Commission has been granted leave of absence by the Governor or is unable, owing to his absence from the State, illness or any other cause, to discharge his functions as such a member the Governor may appoint as a temporary member of the Commission to exercise his functions during that period, any person who would be qualified to be appointed in his place; and the appointment of any such temporary member shall be made in the same manner as that of any other member of the Commission.

(9) Before exercising the functions of his office every member of the Commission shall take and subscribe before the Chief Justice or some other Judge of the High Court the oath in the form set out in Part IV of the Schedule.

(10) Members of the Commission shall be paid such remuneration as the Legislature may by law provide, and such remuneration shall be a charge on and paid out of the Consolidated Fund.

(11) Subject to the provisions of this Constitution, the terms of service of the members of the Commission—

(*a*) shall be such as the Legislature may by law prescribe; and

(*b*) in so far as they are not so prescribed, shall be determined by the Governor.

(12) The remuneration and other terms of service of any member of the Commission shall not be altered to his disadvantage after his appointment.

(13) For the purposes of clause (12), in so far as the terms of service of a member of the Commission depend upon his option, any terms for which he opts shall be taken to be more advantageous to him than any others for which he might have opted.

Functions of Commission.

36. (1) Subject to the provisions of the Federal Constitution and of this Constitution, it shall be the duty of the Commission to appoint, confirm, emplace on the permanent or pensionable establishment, promote, transfer and exercise disciplinary control over members of the public service.

(2) The Legislature may by law provide for the exercise of other functions by the Commission.

(3) In clause (1), " member of the public service " does not include any person whose remuneration is calculated at a daily rate, and " transfer " does not include transfer without a change of rank within a department of Government.

(4) The Governor may designate as special posts any posts in the public service held by the head or deputy head of a department or by an officer who in his opinion is of similar status, and an appointment to any post so designated shall not be made in accordance with clause (1) but shall be made by the Governor on the recommendation of the Commission.

(5) Before acting, in accordance with clause (4), on the recommendation of the Commission, the Governor shall consider the advice of the Chief Minister and may once refer the recommendation back to the Commission in order that it may be reconsidered.

(6) The Commission may, by directions in writing and subject to such conditions as it thinks fit, delegate to any public officer, or to any board of public officers appointed by it, any of its functions under clause (1) in respect of any grade of members of the public service, and that officer or board shall exercise those functions under the direction and control of the Commission.

(7) In respect of members of the public service who are employed in posts ancillary to the police force, or in respect of any grade of members of the public service who are so employed, functions of the Commission may, under Clause (6), to be made exercisable by an officer or board of officers of the police force as if he or they were a public officer or board of public officers.

(8) The Commission shall make an annual report on the discharge of its functions to the Governor, who shall cause copies of the report to be laid before the Council Negri.

Procedure of Commission.

37. (1) At any meeting of the Commission three members, who shall include the Chairman or Deputy Chairman, shall form a quorum.

(2) Subject to clause (1), the Commission may act notwithstanding any vacancy in its membership, and any proceeding of the Commission shall be valid notwithstanding that some person not entitled to do so took part therein.

(3) The Commission may, subject to the provisions of this Constitution, regulate its procedure and make rules for that purpose, and, with the consent of the Governor, may, in connection with the discharge of its functions, confer powers and impose duties on any public officer or any authority of the Government of the State.

Impartial treatment of State employees.

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

PART V

GENERAL PROVISIONS

Reservation of quotas in respect of the public service and educational facilities for Natives.

39. (1) It shall be the responsibility of the Governor to safeguard the special position of the Natives and the legitimate interests of other communities in accordance with the provisions of this Article.

(2) The Governor shall exercise his functions under this Constitution and under State law in such manner as may be necessary to safeguard the special position of the Natives and to ensure the reservation for Natives of such proportion as he may deem reasonable of offices in the public service and of scholarships, exhibitions and other similar educational or training privileges, or special facilities, given or accorded by or with the approval of the State Government.

(3) The Governor may, in order to ensure in accordance with clause (2) the reservation to Natives of offices in the public service and of scholarships, exhibitions and other educational or training privileges or special facilities, give such general directions as may be required for that purpose to the Commission, or to any authority charged with responsibility for the grant of such scholarships, exhibitions or other educational or training privileges or special facilities ; and the Commission or authority shall duly comply with the directions.

(4) In exercising his functions under this Constitution and under State law in accordance with clauses (1), (2) and (3), the Governor shall

not deprive any person of any office in the public service held by him or of the continuance of any scholarship, exhibition or other educational or training privileges or special facilities enjoyed by him.

(5) This Article does not derogate from the provisions of Article 38.

The Public Seal.

40. The Governor shall keep and use the Public Seal of Sarawak for all things that shall pass that Seal; and, until a Seal shall be provided for the State, a stamp bearing the inscription "State of Sarawak: Public Seal of the State" may be used as the Public Seal of Sarawak.

Amendment of Constitution.

41. (1) Subject to the following provisions of this Article, the provisions of this Constitution may be amended by an Ordinance enacted by the Legislature but may not be amended by any other means.

(2) Subject to clause (3), a Bill for making an amendment to this Constitution shall not be passed by the Council Negri unless it has been supported on the second and third readings by the votes of not less than two-thirds of the total number of members thereof.

(3) Clause (2) shall not apply to a Bill for making—

(*a*) any amendment consequential on a law prescribing the number of elected members of the Council Negri; or

(*b*) any amendment for the purpose of bringing this Constitution into accord with any of the provisions of the Eighth Schedule to the Federal Constitution as for the time being in force.

(4) In this Article "amendment" includes addition and repeal.

Authorized reprints of Constitution.

42. The Council Negri may from time to time by resolution authorize the Government Printer to print copies of this Constitution including all amendments in force at the date of such authorization; and any such copy so printed shall be deemed for all purposes to be a true and correct copy.

Re-appointment and re-election.

43. Where any person has vacated any office established by this Constitution he may, if qualified, again be appointed or elected to that office, in accordance with the provisions of this Constitution.

Interpretation.

44. (1) In this Constitution, unless the context otherwise requires—

"citizen" means a citizen of the Federation;

"the Conference of Rulers" means the Conference of Rulers constituted by the Federal Constitution;

"the Commission" means the Public Service Commission of the State;

"existing law" means any law having effect as part of the law of the Colony of Sarawak or any part thereof immediately before the commencement of this Constitution;

"the existing Orders" means the Sarawak (Constitution) Orders in Council 1956 to 1963(a);

"the Federal Constitution" means the Constitution of the Federation and includes the Malaysia Act of the Federation;

(a) S.I. 1956 II, pp. 3044, 3066; 1959 II, p. 3524; 1962 II, p. 2411; 1963 II, p. 2764.

" Federal law " means—

(*a*) any existing law continuing to have effect as part of the law of the State or any part thereof after the commencement of this Constitution to the extent that it is by virtue of the provisions of the Federal Constitution treated as a Federal law ; and

(*b*) any Act of Parliament or other law of the Federation relating to matters about which Parliament has power to make laws, which extends to the State ;

" the Federation " means the Federation to be known, on and after Malaysia Day, by the name Malaysia ;

" the Gazette " means the official Gazette of the State ;

" the Governor " means the Governor of the State ;

" the High Court " means the High Court in Borneo constituted by the Federal Constitution ;

" the Legislature " means the Legislature of the State ;

" Malaysia Day " means the day referred to as Malaysia Day in the Malaysia Act of the Federation ;

" Native " has the same meaning as it has in the Federal Constitution for the purposes of the application of Article 153 thereof to Natives of the State ;

" office of profit " has the same meaning as in the Federal Constitution ;

" Parliament " means the Parliament of the Federation ;

" public officer " means a person holding or acting in any office of emolument in the public service ;

" the public service " means, subject to the provisions of Clause (2), the public service of the State ;

" session " means, in relation to the Council Negri, the sittings of the Council commencing when it first meets after its prorogation or dissolution and terminating when it is prorogued or is dissolved without having been prorogued ;

" sitting " means, in relation to the Council Negri, a period during which the Council is sitting continuously without adjournment, and includes any period during which the Council is in committee ;

" the State " means the State of Sarawak ;

" State law " means—

(*a*) any existing law continuing to have effect as part of the law of the State or any part thereof after the commencement of this Constitution to the extent that it is by virtue of the provisions of the Federal Constitution treated as a State law ; and

(*b*) any law made by the Legislature ;

" the Yang di-Pertuan Agong " means the Yang di-Pertuan Agong of the Federation.

(2) In this Constitution references to an office in the public service shall not be construed as including references to the office of—

(*a*) Governor, Chief Minister or other Minister or member of the Supreme Council, Speaker or member of the Council Negri, a member of the Commission, a member of the Pardons Board constituted for the State under the Federal Constitution, the President of the Majlis Islam, the Mufti, or any Headman as defined in the Local Authority Ordinance; or

(*b*) save in so far as the Legislature may by law prescribe, a member of any council, board, panel, committee or other similar body (whether incorporated or not) established by or under any law.

(3) In this Constitution, unless the context otherwise requires, a reference to the holder of an office by the terms designating his office shall be construed as including a reference to any person for the time being acting in that office.

(4) Unless the context otherwise requires, any reference in this Constitution to a specified Part or Article or to the Schedule is a reference to that Part or Article of, or to the Schedule to, this Constitution and any reference to a clause or paragraph is a reference to that clause of the Article or paragraph of the clause in which the reference occurs.

(5) The Interpretation Ordinance, as in force at the commencement of this Constitution, shall apply for the purpose of interpreting this Constitution and otherwise in relation thereto as it applies for the purpose of interpreting and otherwise in relation to a written law within the meaning of that Ordinance.

45. Subject to the provisions of Part VI, this Constitution shall come into operation immediately before Malaysia Day. Commencement.

PART VI

TRANSITIONAL PROVISIONS

46. (1) Subject to the provisions of this Article and to any provision made on or after Malaysia Day by or under Federal law or State law, all existing laws shall on and after the commencement of this Constitution continue to have effect but shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with the provisions of this Constitution. Existing laws.

(2) Subject as aforesaid and without prejudice to the generality of clause (1), references in any existing law to the Colony of Sarawak or any officer holding office under the Government of the Colony or to any authority or body constituted in or for the Colony shall be construed on and after the commencement of this Constitution as references to the State or to the corresponding officer, authority or body respectively.

(3) (*a*) The Governor of the Colony of Sarawak may by order made at any time before Malaysia Day make such modifications in any existing law as appear to him to be necessary or expedient in consequence of the promulgation of this Constitution or the passing of the Malaysia Act.

(*b*) This clause shall come into operation on the publication of this Constitution in the Gazette.

(*c*) An order made under this clause shall have effect from such date, not being later than the commencement of this Constitution, as may be specified therein.

(4) (*a*) The Governor may by order at any time during the period of two years after the commencement of this Constitution make such modifications in any existing law, to the extent that it is by virtue of the provisions of the Federal Constitution treated as a State law, as appear to him to be necessary or expedient in consequence of the promulgation of this Constitution or the passing of the Malaysia Act.

(*b*) An order made under this clause shall have effect from such date, not being earlier than the commencement of this Constitution, as may be specified therein.

(5) Any provision made by an order under this Article with respect to any law may be amended or repealed in like manner as that law.

(6) An order made under clause (3) shall be laid before the Council Negri as soon as may be on or after Malaysia Day and an order made under clause (4) shall be so laid as soon as may be after it is made.

(7) In clauses (3) and (4) " modification " includes amendment, adaptation and repeal.

Succession to property.

47. (1) Subject to the provisions of this Article, all property and assets which immediately before the commencement of this Constitution were vested in Her Majesty for the purposes of the Colony of Sarawak shall on the commencement of this Constitution vest in the State.

(2) Any land in the State which immediately before the commencement of this Constitution was vested in Her Majesty shall on the commencement of this Constitution vest in the State.

(3) Any property which was immediately before the commencement of this Constitution liable to escheat to Her Majesty shall on the commencement of this Constitution be liable to escheat to the State.

Rights, liabilities and obligations.

48. (1) All rights, liabilities and obligations of Her Majesty in respect of the government of the colony of Sarawak shall on the commencement of this Constitution become rights, liabilities and obligations of the State.

(2) In this Article rights, liabilities and obligations include rights, liabilities and obligations arising from contract or otherwise, other than rights to which Article 47 applies.

First Governor.

49. The first Governor shall be a person nominated before Malaysia Day by Her Majesty and the Yang di-Pertuan Agong, and appointed by the Yang di-Pertuan Agong; and the appointment shall be for a term of two years beginning with Malaysia Day.

50. The persons who, immediately before the commencement of this Constitution, hold the offices of Chief Minister and other members (not being the offices of *ex officio* members) of the Supreme Council established by the existing Orders shall, as from the commencement of this Constitution, be deemed to have been appointed to hold the like offices as members of the Supreme Council under Article 6. Transitional provisions relating to Supreme Council.

51. (1) Notwithstanding the provisions of Article 15, the person who, immediately before the commencement of this Constitution, holds office as Speaker of the existing Council Negri shall be the first Speaker of the new Council Negri, and shall hold office until 31st August 1965 unless before that date he resigns his office by writing under his hand addressed to the Governor or becomes subject to any of the disqualifications for appointment as a nominated member of the new Council set out in Article 17. Transitional provisions relating to the Legislature.

(2) (*a*) Any person who, immediately before the commencement of this Constitution, is an elected or nominated member of the existing Council Negri and is not subject to any of the disqualifications set out in Article 17 for being elected as an elected member or, as the case may be, appointed as a nominated member of the new Council Negri shall, as from the commencement of this Constitution, be deemed to have been elected as an elected member or, as the case may be, appointed as a nominated member of the new Council Negri in accordance with the provisions of this Constitution and, subject to paragraphs (*b*) and (*c*), shall hold his seat in the new Council Negri in accordance with those provisions.

(*b*) Such a person as is referred to in paragraph (*a*) shall be a member of the new Council Negri by virtue of that paragraph irrespective of whether he is a citizen and consequently, while he is such a member by virtue of that paragraph, the provision of Article 16 that only citizens shall be qualified for membership of the Council Negri shall not apply in relation to him.

(*c*) Notwithstanding the provisions of clause (3) of Article 17 (which, among other things, exempts from the operation of paragraph (*g*) of clause (1) of that Article anything done by a person before he becomes a citizen), if, while he is a member of the new Council Negri by virtue of paragraph (*a*), a person who is not a citizen does any of the things referred to in the said paragraph (*g*), he shall vacate his seat in the Council.

(3) The Standing Orders of the existing Council Negri as in force immediately before the commencement of this Constitution shall, until they are replaced by Standing Orders made by the new Council Negri, be the Standing Orders of the new Council but shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with the provisions of this Constitution.

(4) In this Article " the existing Council Negri " means the Council Negri established by the existing Orders and " the new Council Negri " means the Council Negri established by this Constitution.

Transitional financial provisions.

52. (1) Part III, except Article 28, shall not come into operation until 1st January 1964.

(2) Until the coming into operation of Part III, any sums which under this Constitution (including Part III) are a charge on the Consolidated Fund shall be a charge on the revenues and other funds of the State and payment thereof shall be made by virtue of this clause without further authority of any law.

(3) Nothing in clause (1) shall prevent the making of any provision or doing of any other thing before 1st January 1964 for the purposes of Part III in respect of the financial year beginning on that date.

Transitional provisions relating to Public Service Commission.

53. Any person who, immediately before the commencement of this Constitution, holds office as Chairman, Deputy Chairman or any other member of the Public Service Commission established by the Sarawak (Public Service Commission) Order in Council 1961(a) shall, as from the commencement of this Constitution, hold the like office as a member of the Commission established by this Constitution as if he had been appointed thereto under Article 35 for a period of two years from the commencement of this Constitution.

Existing Officers.

54. (1) Subject to the provisions of the Federal Constitution and this Constitution, any person who immediately before the commencement of this Constitution is in the service of Her Majesty in respect of the government of the colony of Sarawak shall—

(*a*) on the commencement of this Constitution cease to be in such service and become a person in the service of the State;

(*b*) so long as he continues in such service, be entitled to terms and conditions of service not less favourable than those applicable to him immediately before the commencement of this Constitution;

(*c*) be deemed to have been appointed on the commencement of this Constitution to hold or to act in any office in the service of the State corresponding to that which he holds or is acting in immediately before the commencement of this Constitution and to have taken any oath in connection therewith required by law.

(2) For the purposes of clause (1)—

(*a*) any terms or conditions of service for which, on or after Malaysia Day, a person opts shall be deemed to be not less favourable than those applicable to him immediately before the commencement of this Constitution;

(*b*) the offices of State Secretary, State Attorney-General and State Financial Secretary shall, unless the Governor of the colony of Sarawak otherwise directs, be regarded as corresponding respectively to the offices of Chief Secretary, Attorney-General and Financial Secretary of the colony of Sarawak; and

(a) S.I. 1961 II, p. 3373.

(c) The Governor may by order declare that any other office specified in such order shall be regarded as corresponding to another office so specified.

(3) Clause (1) does not apply to the Governor of the colony of Sarawak.

Secondment of members of the Public Service to Federal Service.

55. (1) All persons who on the commencement of this Constitution are members of the police force in the State (and are not on leave pending retirement) shall on Malaysia Day be seconded to the police force of the Federation.

(2) Where on Malaysia Day any post in the judicial and legal branch of the public service becomes a post in the judicial and legal service of the Federation any person serving in that post on the commencement of this Constitution shall on Malaysia Day be seconded to the judicial and legal service of the Federation.

(3) Subject to Clause (4), where on Malaysia Day or any day thereafter any post in the public service becomes a post in the general public service of the Federation any person serving in that post immediately before that day shall on that day be seconded to the general public service of the Federation.

(4) Clause (3) shall not apply to persons in such grades of service as the Governor may, with the consent of the Yang di-Pertuan Agong, direct.

(5) The power conferred on the Governor by clause (4) may be exercised by the Governor of the colony of Sarawak at any time after the publication of this Constitution in the Gazette.

Compulsory retirement to facilitate appointment of local candidates.

56. (1) If the Chief Minister so requests, the Commission shall consider whether there are more local candidates suitably qualified for appointment to, or promotion in, any branch of the public service specified by the Chief Minister than there are vacancies in that branch that could appropriately be filled by such local candidates; and the Commission, if satisfied that such is the case, shall, if so requested by the Chief Minister, select officers in that branch to whom this Article applies and whose retirement would in the opinion of the Commission cause vacancies that could appropriately be filled by such suitably qualified local candidates as are available and fit for appointment and inform the Chief Minister of the number of officers so selected; and if the Chief Minister specified a number of officers to be called upon to retire (not exceeding the number of officers so selected) the Commission shall nominate that number of officers from among the officers so selected and by notice in writing require them to retire from the public service; and any officer who is so required to retire shall retire accordingly.

(2) An officer who has been given notice by or on behalf of the Government of the State or of the colony of Sarawak that he will continue to be employed in the public service for a minimum period specified in the notice shall not be required to retire under clause (1) before the expiry of that period.

(3) This Article applies to—

(*a*) any entitled officer as defined in the Schedule to the Sarawak (Compensation and Retiring Benefits) Order in Council 1963; and

(*b*) any officer on probation who, if he had been confirmed in his appointment, would have been such an entitled officer.

Police Board.

57. (1) There shall be a Police Board for the State which shall consist of—

(*a*) the Chairman of the Commission, who shall be the Chairman of the Board;

(*b*) the State Attorney-General;

(*c*) the senior officer of police in the State; and

(*d*) a person designated by the Officer of Police in general command of the Police Force.

(2) Notwithstanding clause (1) of Article 36, it shall be the duty of the Police Board to exercise disciplinary control over members of the public service who are seconded to the police force.

(3) The Police Board may, by directions in writing and subject to such conditions as it thinks fit, delegate to any police officer, or to any board of police officers appointed by it, any of its functions under clause (2) in respect of any rank in the police force, and that officer or board shall exercise those functions under the direction and control of the Police Board.

(4) The functions conferred by this Article shall be exercised in accordance with the provisions of any Federal law prescribing offences against police force discipline and the punishment that may be imposed for any such offence.

(5) At any meeting of the Police Board two members including the Chairman or, if the Chairman is not present, three members shall form a quorum; and if on any question the votes of the members present are equally divided the Chairman may exercise a casting vote.

(6) Subject to clause (5), the Police Board may act notwithstanding any vacancy in its membership, and any proceeding of the Board shall be valid notwithstanding that some person not entitled to do so took part therein.

(7) Subject to the provisions of this Article, the Police Board may regulate its procedure and make rules for that purpose.

Modification of form of oath in certain cases.

58. When a person who is not a citizen is required by this Constitution to take an oath on becoming an *ex officio* member of the Supreme Council or the Council Negri, the Speaker or a nominated member of the Council Negri or the Chairman of the Commission, the words "and allegiance" shall be omitted from the oath.

THE SCHEDULE

(Articles 4, 8, 22 and 35 (8))

FORMS OF OATHS AND AFFIRMATIONS

PART I

Oath of Office of Governor

I, , having been appointed as (or to exercise the functions of) Governor of the State of Sarawak, do solemnly swear (or affirm) that I will faithfully discharge my duties as such to the best of my ability, that I will bear true faith and allegiance to the State of Sarawak and to the Federation of Malaysia and that I will preserve, protect and defend the Constitution of the State of Sarawak.

PART II

Oath of Member of Supreme Council

I, , having been appointed to the office of (or having become an *ex officio* member of the Supreme Council) do solemnly swear (or affirm) that I will faithfully discharge the duties of that office to the best of my ability, that I will bear true faith and allegiance to the State of Sarawak and to the Federation of Malaysia, that I will preserve, protect and defend the Constitution of the State of Sarawak, and that I will not directly or indirectly communicate or reveal to any person any matter which shall be brought under my consideration or shall become known to me as a member of the Supreme Council of the State of Sarawak except as may be required for the due discharge of my duties as such or may be specially permitted by the Governor.

PART III

Oath of Speaker or Member of the Council Negri

I, , having been elected (or appointed) as a member (or Speaker) (or having become an *ex officio* member) of the Council Negri of the State of Sarawak, do solemnly swear (or affirm) that I will faithfully discharge my duties as such to the best of my ability, that I will bear true faith and allegiance to the State of Sarawak and to the Federation of Malaysia and that I will preserve, protect and defend the Constitution of the State of Sarawak.

PART IV

Oath of Member of Public Service Commission

I, , having been appointed to the office of a member of the Public Service Commission of the State of Sarawak do solemnly swear (or affirm) that I will faithfully discharge the duties of that office to the best of my ability, and that I will bear true faith and allegiance to the State of Sarawak and will preserve, protect and defend its Constitution.

S.2(3) SCHEDULE 3

Constitution of the State of Singapore

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PART I

THE STATE GOVERNMENT

Chapter 1—Yang di-Pertuan Negara

The Yang di-Pertuan Negara.

1. (1) There shall be a Yang di-Pertuan Negara of the State, who shall be appointed by the Yang di-Pertuan Agong acting in his discretion but after consultation with the Prime Minister.

(2) The Yang di-Pertuan Negara shall be appointed for a term of four years but may at any time resign his office by writing under his hand addressed to the Yang di-Pertuan Agong and may be removed from office by the Yang di-Pertuan Agong in pursuance of an address by the Legislative Assembly supported by the votes of not less than two-thirds of the total number of the Members thereof.

(3) The Yang di-Pertuan Agong, acting in his discretion but after consultation with the Prime Minister, may appoint a person to exercise the functions of the Yang di-Pertuan Negara during any period during which the Yang di-Pertuan Negara is unable to do so himself owing to illness, absence or any other cause; but no person shall be so appointed unless he would be qualified to be appointed as Yang di-Pertuan Negara.

(4) A person appointed under clause (3) of this Article may take the place of the Yang di-Pertuan Negara as a member of the Conference of Rulers during any period during which, under that clause, he may exercise the functions of Yang di-Pertuan Negara.

Qualifications and disabilities of Yang di-Pertuan Negara.

2. (1) A person who is not a citizen of Malaysia born in Malaya shall not be appointed Yang di-Pertuan Negara.

(2) The Yang di-Pertuan Negara shall not hold any office of profit and shall not actively engage in any commercial enterprise.

Oath of office of Yang di-Pertuan Negara.

3. The Yang di-Pertuan Negara or person appointed to exercise the functions of the Yang di-Pertuan Negara under clause (3) of Article 1 of this Constitution shall before exercising his functions take and subscribe in the presence of the Chief Justice of Singapore or of another Judge of the High Court an oath in the form set out in the First Schedule to this Constitution.

Civil List and Personal Staff of Yang di-Pertuan Negara and remuneration of acting Yang di-Pertuan Negara.

4. (1) The Legislature shall by law provide a Civil List for the Yang di-Pertuan Negara.

(2) Any other person authorised under this Constitution to exercise the functions of the office of Yang di-Pertuan Negara shall, during any period during which he exercises those functions, be entitled to such remuneration as the Legislature may by law provide.

(3) The Civil List of the Yang di-Pertuan Negara and the remuneration to which any person is entitled under the preceding clause shall be charged on and paid out of the Consolidated Fund and shall not be diminished during the continuance in office of the Yang di-Pertuan Negara or, as the case may be, during the period during which the said person exercises the functions of the office of Yang di-Pertuan Negara.

(4) Subject to the provisions of the following clause, the appointment, terms of service, disciplinary control, termination of appointment and dismissal of the personal staff of the Yang di-Pertuan Negara shall be matters for the Yang di-Pertuan Negara acting in his discretion.

(5) The Yang di-Pertuan Negara, if he so desires, may appoint to his personal staff such public officers as he may select, after consultation with the Prime Minister, from a list submitted by the Public Service Commission and the provisions of the preceding Clause (except in so far as they relate to appointment) shall apply in relation to a person so appointed as respects his service on the personal staff of the Yang di-Pertuan Negara but not as respects his service as a public officer.

(6) The remuneration of the personal staff of the Yang di-Pertuan Negara, other than a person appointed under the preceding clause, shall be defrayed out of the Civil List of the Yang di-Pertuan Negara.

Yang di-Pertuan Negara to act on advice.

5. (1) In the exercise of his functions under this Constitution or any law or as a member of the Conference of Rulers the Yang di-Pertuan Negara shall act in accordance with the advice of the Cabinet or of a Minister acting under the general authority of the Cabinet, except as otherwise provided by the Federal Constitution or this Constitution ; but shall be entitled, at his request, to any information concerning the Government of the State which is available to the Cabinet.

(2) The Yang di-Pertuan Negara may act in his discretion in the performance of the following functions (in addition to those in the performance of which he may act in his discretion under the Federal Constitution or the other provisions of this Constitution) that is to say—

(*a*) the appointment of the Prime Minister ;

(*b*) the withholding of consent to a request for the dissolution of the Legislative Assembly.

(3) The Legislature may by law make provision for requiring the Yang di-Pertuan Negara to act after consultation with or on the recommendation of any person or body of persons other than the Cabinet in the exercise of his functions other than—

(*a*) functions exercisable in his discretion ;

(*b*) functions with respect to the exercise of which provision is made in any other provision of this Constitution or in the Federal Constitution.

Chapter 2—Muslim Religion

Muslim religion.

6. (1) The Yang di-Pertuan Agong shall be the Head of the Muslim religion in the State.

(2) The Legislature shall by law make provision for regulating Muslim religious affairs and for constituting a Council to advise the Yang di-Pertuan Agong in matters relating to the Muslim religion.

Chapter 3—The Executive

Executive authority of the State.

7. (1) The executive authority of the State shall be vested in the Yang di-Pertuan Negara and exercisable subject to the provisions of this Constitution by him or by the Cabinet or any Minister authorised by the Cabinet.

(2) The Legislature may by law confer executive functions on other persons.

Cabinet.

8. (1) There shall be in and for the State a Cabinet which shall consist of the Prime Minister and such other Ministers as may be appointed in accordance with the provisions of the following Article.

(2) Subject to the provisions of the Federal Constitution and of this Constitution, the Cabinet shall have the general direction and control of the Government of the State and shall be collectively responsible to the Legislative Assembly.

Appointment of Ministers.

9. (1) The Yang di-Pertuan Negara shall appoint as Prime Minister a Member of the Legislative Assembly who in his judgment is likely to command the confidence of the majority of the Members of the Legislative Assembly, and shall, acting in accordance with the advice of the Prime Minister, appoint other Ministers from among the Members of the Legislative Assembly:

Provided that, if an appointment is made while the Legislative Assembly is dissolved, a person who was a member of the last Legislative Assembly may be appointed but shall not continue to hold office after the first sitting of the next Legislative Assembly unless he is a member thereof.

(2) Appointments under this Article shall be made by the Yang di-Pertuan Negara by instrument under the public seal.

Tenure of office of Ministers.

10. (1) The Yang di-Pertuan Negara shall, by writing under the public seal, declare the office of Prime Minister vacant—

(*a*) if the Prime Minister resigns his office by writing under his hand addressed to the Yang di-Pertuan Negara; or

(*b*) if the Yang di-Pertuan Negara acting in his discretion is satisfied that the Prime Minister has ceased to command the confidence of a majority of the Members of the Legislative Assembly:

Provided that, before declaring the office of Prime Minister vacant under this paragraph, the Yang di-Pertuan Negara

shall inform the Prime Minister that he is satisfied as aforesaid, and, if the Prime Minister so requests, the Yang di-Pertuan Negara may dissolve the Legislative Assembly instead of making such a declaration.

(2) A Minister other than the Prime Minister shall vacate his office—

(*a*) if his appointment to that office is revoked by the Yang di-Pertuan Negara, acting in accordance with the advice of the Prime Minister, by instrument under the public seal; or

(*b*) if he resigns his office by writing under his hand addressed to the Yang di-Pertuan Negara.

(3) A person who has vacated his office as Minister may, if qualified, be again appointed as Minister from time to time.

(4) (*a*) Whenever the Prime Minister is ill or absent from the Federation or has been granted leave of absence from his duties under Article 16 of this Constitution, the functions conferred on him by this Constitution shall be exercisable by any other Minister authorized by the Yang di-Pertuan Negara, by instrument under the public seal, in that behalf.

(*b*) The Yang di-Pertuan Negara may, by instrument under the public seal, revoke any authority given under this clause.

(*c*) The powers conferred upon the Yang di-Pertuan Negara by this clause shall be exercised by him acting in his discretion, if in his opinion it is impracticable to obtain the advice of the Prime Minister owing to the Prime Minister's illness or absence, and in any other case shall be exercised by the Yang di-Pertuan Negara in accordance with the advice of the Prime Minister.

(*d*) The Prime Minister shall not, for the purpose of this clause, be regarded as absent from the Federation at any time during his passage from one part of the Federation to another.

Oath.

11. The Prime Minister and every other Minister shall, before entering on the duties of his office, take and subscribe before the Yang di-Pertuan Negara the Oath of Allegiance and the appropriate Oath for the due execution of his office in the forms set out in the First Schedule to this Constitution.

Summoning of and presiding in the Cabinet.

12. (1) The Cabinet shall not be summoned except by the authority of the Prime Minister.

(2) The Prime Minister shall, so far as is practicable, attend and preside at meetings of the Cabinet and, in his absence, such other Minister shall preside as the Prime Minister shall appoint.

Validity of proceedings in the Cabinet.

13. Any proceedings in the Cabinet shall be valid notwithstanding that some person who was not entitled so to do sat or voted therein or otherwise took part in the proceedings.

Assignment of responsibility to Ministers.

14. (1) The Prime Minister may, by directions in writing—

(*a*) charge any Minister with responsibility for any department or subject;

(*b*) revoke or vary any directions given under this clause.

(2) The Prime Minister may retain in his charge any department or subject.

Parliamentary Secretaries.

15. (1) The Yang di-Pertuan Negara, acting in accordance with the advice of the Prime Minister, may by instrument under the public seal, appoint Parliamentary Secretaries from among the Members of the Legislative Assembly to assist Ministers in the discharge of their duties and functions:

Provided that, if an appointment is made while the Legislative Assembly is dissolved, a person who was a member of the last Legislative Assembly may be appointed a Parliamentary Secretary but shall not continue to hold office after the first sitting of the next Legislative Assembly unless he is a member thereof.

(2) The provisions of clauses (2) and (3) of Article 10 and the provisions of Article 11 of this Constitution shall apply to Parliamentary Secretaries as they apply to Ministers.

Leave of absence for Ministers and Parliamentary Secretaries.

16. The Yang di-Pertuan Negara, acting in accordance with the advice of the Prime Minister, may grant leave of absence from his duties to the Prime Minister, to any other Minister and to any Parliamentary Secretary.

Disabilities of Ministers and Parliamentary Secretaries.

17. A member of the Cabinet or Parliamentary Secretary shall not hold any office of profit and shall not actively engage in any commercial enterprise.

Permanent Secretaries.

18. (1) There shall be for each Ministry one or more Permanent Secretaries who shall be persons who are public officers.

(2) (*a*) Appointments to the grade of Permanent Secretary shall be made by the Yang di-Pertuan Negara acting in accordance with the advice of the Prime Minister, from a list of names submitted by the Public Service Commission.

(*b*) The responsibility for the allocation of each Permanent Secretary to a Ministry shall be vested in the Prime Minister.

(3) Every Permanent Secretary shall, subject to the general direction and control of the Minister, exercise supervision over the department or departments to which he is allocated.

State Advocate-General.

19. (1) The office of State Advocate-General is hereby constituted and appointments thereto shall be made by the Yang di-Pertuan Negara, acting in accordance with the advice of the Prime Minister, from among persons who are qualified for appointment as a Judge of the High Court.

(2) When it is necessary to make an appointment to the office of State Advocate-General otherwise than by reason of the death of the

holder of that office or his removal from office under clause (6) of this Article, the Prime Minister shall, before tendering advice to the Yang di-Pertuan Negara under the preceding clause, consult the person holding the office of State Advocate-General or, if that office is then vacant, the person who has last vacated it, and the Prime Minister shall, in every case, before tendering such advice, consult the Chief Justice of Singapore and the Chairman of the Public Service Commission.

(3) The Prime Minister shall not be obliged to consult any person under the provisions of the preceding clause if he is satisfied that by reason of the infirmity of body or mind of that person or for any other reason it is impracticable so to do.

(4) The State Advocate-General may be appointed for a specific period and, if he was so appointed, shall, subject to the provisions of clause (6) of this Article, vacate his office (without prejudice to his eligibility for re-appointment) at the expiration of that period, but, subject as aforesaid, shall otherwise hold office until he attains the age of fifty-five years:

Provided that—

(*a*) he may at any time resign his office by writing under his hand addressed to the Yang di-Pertuan Negara ; and

(*b*) the Yang di-Pertuan Negara, acting in accordance with the advice of the Prime Minister, may permit a State Advocate-General who has attained the age of fifty-five years to remain in office for such fixed period as may have been agreed between the State Advocate-General and the Government.

(5) Nothing done by the State Advocate-General shall be invalid by reason only that he has attained the age at which he is required by this Article to vacate his office.

(6) (*a*) The State Advocate-General may be removed from office by the Yang di-Pertuan Negara, acting in accordance with the advice of the Prime Minister, but the Prime Minister shall not tender such advice except for inability of the State Advocate-General to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour and except with the concurrence of a tribunal consisting of the Chief Justice of Singapore and two other Judges of the High Court nominated for that purpose by the Chief Justice of Singapore.

(*b*) The tribunal constituted under this clause shall regulate its own procedure and may make rules for that purpose.

(7) It shall be the duty of the State Advocate-General to advise the Government upon such legal matters and to perform such other duties of a legal character, as may from time to time be referred or assigned to him by the Yang di-Pertuan Negara or the Cabinet and to discharge the functions conferred on him by or under this Constitution, the Federal Constitution, or any other written law.

(8) The State Advocate-General shall be paid such remuneration and allowances as may from time to time be determined and such remuneration and allowances shall be charged on and paid out of the Consolidated Fund.

(9) Subject to the provisions of this Article, the terms of service of the State Advocate-General shall either—

(*a*) be determined by or under any law made under this Constitution ; or

(*b*) (in so far as they are not determined by or under any such law) be determined by the Yang di-Pertuan Negara.

(10) The terms of service of the State Advocate-General shall not be altered to his disadvantage during his continuance in office.

(11) For the purposes of the preceding clause, in so far as the terms of service of the State Advocate-General depend upon his option, any terms for which he opts shall be taken to be more advantageous to him than any for which he might have opted.

Secretary to the Cabinet.

20. (1) The Yang di-Pertuan Negara acting in accordance with the advice of the Prime Minister may appoint a public officer to be the Secretary to the Cabinet.

(2) The Secretary to the Cabinet shall be responsible, in accordance with such instructions as may be given to him by the Prime Minister, for arranging the business for, and keeping the minutes of, the meetings of the Cabinet and for conveying the decisions of the Cabinet to the appropriate person or authority and shall have such other functions as the Prime Minister may from time to time direct.

Chapter 4—Capacity as regards property, contracts and suits

Capacity of State as regards property, contracts and suits.

21. (1) The State shall have power to acquire, hold and dispose of property of any kind and to make contracts.

(2) The State may sue and be sued.

PART II

THE LEGISLATURE

Legislature of the State.

22. The Legislature of the State shall consist of the Yang di-Pertuan Negara and the Legislative Assembly.

Legislative Assembly.

23. (1) The Legislative Assembly shall consist of such number of elected Members as the Legislature may by law provide, and until other provision is so made, the number of Members shall be fifty-one.

(2) If any person who is not a Member of the Legislative Assembly is elected as Speaker, he shall by virtue of holding the office of Speaker, be a Member of the Legislative Assembly in addition to the Members aforesaid, except for the purposes of Chapter 3 of Part I and of Article 30 of this Constitution.

Speaker.

24. (1) When the Legislative Assembly first meets after any general election and before it proceeds to the despatch of any other business, it shall elect a person to be Speaker, and, whenever the office of Speaker is vacant otherwise than by reason of a dissolution of the Legislative Assembly, shall not transact any business other than the election of a person to fill that office.

(2) The Speaker may be elected, in such manner as the Legislative Assembly may from time to time decide, either from among the Members of the Legislative Assembly who are neither Ministers nor Parliamentary Secretaries or from among persons who are not Members of the Legislative Assembly:

Provided that a person who is not a Member of the Legislative Assembly shall not be elected as Speaker if, under any of the provisions of this Constitution, he is not qualified for election as a Member of the Legislative Assembly.

(3) Upon the Speaker being elected and before he enters upon the duties of his office, he shall (unless he has already done so in accordance with the provisions of Article 45 of this Constitution) take and subscribe before the Legislative Assembly the Oath of Allegiance in the form set out in the First Schedule to this Constitution.

(4) The Speaker may at any time resign his office by writing under his hand addressed to the Clerk of the Legislative Assembly, and shall vacate his office—

(*a*) when the Legislative Assembly first meets after a general election; or

(*b*) in the case of a Speaker elected from among the Members of the Legislative Assembly, if he ceases to be a Member of the Legislative Assembly otherwise than by reason of a dissolution thereof or if he is appointed to be a Minister or a Parliamentary Secretary; or

(*c*) in the case of a Speaker elected from among persons who are not Members of the Legislative Assembly, if any circumstance arises that, if he had been elected to a seat in the Legislative Assembly, would cause him to vacate his seat by virtue of paragraph (*a*) or paragraph (*e*) of clause (2) of Article 30 of this Constitution.

Remuneration of Speaker.

25. The Speaker shall be paid such salary as the Legislative Assembly may from time to time determine, and that salary, which is hereby charged on the Consolidated Fund, shall not be diminished during his continuance in office.

Deputy Speaker.

26. (1) When the Legislative Assembly first meets after any general election, it shall, as soon as practicable, elect a Member thereof, not being a Minister or a Parliamentary Secretary to be Deputy Speaker; and whenever the office of Deputy Speaker becomes vacant otherwise than by reason of a dissolution of the Legislative Assembly, the Legislative Assembly shall, as soon as convenient, elect another such Member thereof to that office.

(2) The Deputy Speaker may at any time resign his office, by writing under his hand addressed to the Clerk of the Legislative Assembly, and shall vacate his office—

(*a*) if he ceases to be a Member of the Legislative Assembly; or

(*b*) if he is appointed to be a Minister or a Parliamentary Secretary; or

(*c*) if he is elected as Speaker.

(3) The Deputy Speaker shall be paid such salary or allowance as the Legislative Assembly may from time to time determine, and that salary or allowance, which is hereby charged on the Consolidated Fund, shall not be diminished during his continuance in office.

Performance of functions of Speaker.

27. The functions conferred by this Constitution upon the Speaker shall, if there is no person holding the office of Speaker or if the Speaker is absent from a sitting of the Legislative Assembly or is otherwise unable to perform those functions, be performed by the Deputy Speaker, or if there be no Deputy Speaker or if he is likewise absent or unable to perform those functions, by some other person to be elected by the Legislative Assembly for the purpose.

Qualifications for membership of Legislative Assembly.

28. (1) Members of the Legislative Assembly shall be persons qualified for election in accordance with the provisions of this Constitution and elected in the manner provided by or under any law for the time being in force in the State.

(2) A person shall be qualified to be elected as a Member of the Legislative Assembly if—

(*a*) he is a citizen of Singapore;

(*b*) he is of the age of twenty-one years or upwards on the day of nomination;

(*c*) his name appears in a current register of electors;

(*d*) he is resident in the State at the date of his nomination for election;

(*e*) he is able, with a degree of proficiency sufficient to enable him to take an active part in the proceedings of the Legislative Assembly, to speak and, unless incapacitated by blindness or other physical cause, to read and write at least one of the following languages, that is to say, English, Malay, Mandarin and Tamil; and

(*f*) he is not disqualified from being a Member of the Legislative Assembly under the provisions of Article 29 of this Constitution.

(3) Any question whether any person possesses the qualifications mentioned in paragraph (*e*) of the preceding clause shall be determined in such manner as may be prescribed by or under any law for the time being in force in the State or, in so far as not so prescribed, as may be provided by Order made by the Yang di-Pertuan Negara and published in the Gazette.

Disqualification for membership of Legislative Assembly.

29. (1) Subject to the provisions of this Article, a person shall not be qualified to be a Member of the Legislative Assembly who—

(*a*) is and has been found or declared to be of unsound mind;

(*b*) is an undischarged bankrupt;

(*c*) holds an office of profit;

(*d*) having been nominated for election to either House of Parliament or to the Legislative Assembly or having acted as election agent to a person so nominated, has failed to lodge any return of election expenses required by law within the time and in the manner so required;

(*e*) has been convicted of an offence by a court of law in any part of the Federation and sentenced to imprisonment for a term of not less than one year or to a fine of not less than two thousand dollars and has not received a free pardon;

(*f*) has voluntarily acquired citizenship of, or exercised rights of citizenship in a foreign country or has made a declaration of allegiance to a foreign country;

(*g*) is disqualified under any law relating to offences in connection with elections to either House of Parliament or to the Legislative Assembly by reason of having been convicted of such an offence or having in proceedings relating to such an election been proved guilty of an act constituting such an offence.

(2) The disqualification of a person under paragraph (*d*) or paragraph (*e*) of clause (1) of this Article may be removed by the Yang di-Pertuan Negara and shall, if not so removed, cease at the end of five years beginning from the date on which the return mentioned in the said paragraph (*d*) was required to be lodged or, as the case may be, the date on which the person convicted as mentioned in the said paragraph (*e*) was released from custody or the date on which the fine mentioned in the said paragraph (*e*) was imposed on such person; and a person shall not be disqualified under paragraph (*f*) of clause (1) of this Article by reason only of anything done by him before he became a citizen.

(3) In paragraph (*f*) of clause (1) of this Article "foreign country" has the same meaning as in the Federal Constitution.

Tenure of office of Members.

30. (1) Every Member of the Legislative Assembly shall cease to be a Member at the next dissolution of the Legislative Assembly after he has been elected, or previously thereto if his seat becomes vacant, under the provisions of this Constitution.

(2) The seat of a Member of the Legislative Assembly shall become vacant—

(*a*) if he ceases to be a citizen of Singapore; or

(*b*) in the case of a Member elected after the coming into force of this constitution, if he ceases to be a member of, or is expelled or resigns from, the political party for which he stood in the election; or

(*c*) if, by writing under his hand addressed to the Speaker, he resigns his seat in the Legislative Assembly; or

(*d*) if during two consecutive months in each of which sittings of the Legislative Assembly (or any committee of the Legislative Assembly to which he has been appointed) are held, he is absent from all such sittings without having obtained from the Speaker before the termination of any such sitting permission to be or to remain absent therefrom; or

(*e*) if he becomes subject to any of the disqualifications specified in Article 29 of this Constitution.

(3) Any person whose seat in the Legislative Assembly has become vacant may, if qualified, again be elected as a Member of the Legislative Assembly from time to time.

Provision against double membership.

31. A person shall not be at the same time a Member of the Legislative Assembly for more than one constituency.

Decision of questions as to disqualification.

32. Any question whether—

(*a*) any Member of the Legislative Assembly has vacated his seat therein;

(*b*) in the case of any person who has been elected as Speaker from among persons who are not Members of the Legislative Assembly, any circumstance has arisen that, if he had been elected to a seat in the Legislative Assembly, would cause him to vacate his seat by virtue of paragraph (*a*) or paragraph (*e*) of clause (2) of Article 30 of this Constitution,

shall be determined by the Legislative Assembly whose decision shall be final:

Provided that this Article shall not be taken to prevent the practice of the Legislative Assembly postponing a decision in order to allow for the taking or determination of any proceedings that may affect the decision (including proceedings for the removal of the disqualification).

Filling of vacancies.

33. Whenever the seat of a Member has become vacant for any reason other than a dissolution, the vacancy shall within three months from the date on which it is established that there is a vacancy be filled by election in the manner provided by or under any law for the time being in force in the State.

Penalty for unqualified persons sitting or voting in the Legislative Assembly.

34. (1) Any person who sits or votes in the Legislative Assembly, knowing or having reasonable ground for knowing that he is not entitled to do so, shall be liable to a penalty not exceeding two hundred dollars for each day on which he so sits or votes.

(2) The said penalty shall be recoverable by action in the High Court at the suit of the State Advocate-General.

Staff of Legislative Assembly.

35. (1) The staff of the Legislative Assembly shall consist of a Clerk of the Legislative Assembly, and such other officers as may from time to time be appointed under Part IV of this Constitution to assist him.

(2) The Clerk of the Legislative Assembly shall be appointed by the Yang di-Pertuan Negara after consultation with the Speaker and the Public Service Commission.

(3) The Clerk of the Legislative Assembly may at any time resign his office by writing under his hand addressed to the Speaker and, subject to the provisions of the following clause, may be removed from office by the Yang di-Pertuan Negara after consultation with the Speaker.

(4) The Clerk of the Legislative Assembly shall not be removed from office under the preceding clause unless the Legislative Assembly, by a resolution which has received the affirmative vote of not less than two-thirds of all the Members thereof, has resolved that he ought to be so removed for inability to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour.

(5) The staff of the Legislative Assembly shall not be eligible for promotion or transfer to any other office in the public service without the consent of the Speaker.

(6) Subject to the provisions of Article 101 of this Constitution, the terms of service of the staff of the Legislative Assembly may be determined by the Legislative Assembly after receiving the advice of a Commission consisting of the following persons, that is to say: —

(*a*) the Speaker, as Chairman;

(*b*) not more than three Ministers nominated by the Prime Minister, of whom one shall be the Minister responsible for finance; and

(*c*) a member of the Public Service Commission.

Standing Orders.

36. Subject to the provisions of this Constitution, the Legislative Assembly may from time to time make, amend and revoke Standing Orders for the regulation and orderly conduct of its own proceedings and the despatch of business.

Use of languages in Legislative Assembly.

37. Until the Legislature otherwise provides all debates and discussions in the Legislative Assembly shall be conducted in the Malay, English, Mandarin or Tamil languages.

Presiding in Legislative Assembly.

38. The Speaker shall preside at each sitting of the Legislative Assembly.

Validity of proceedings of Legislative Assembly.

39. The Legislative Assembly shall not be disqualified for the transaction of business by reason of any vacancy among the Members thereof, including any vacancy not filled when the Legislative Assembly is first constituted or is reconstituted at any time; and any proceedings therein shall be valid notwithstanding that some person who was not entitled so to do sat or voted in the Legislative Assembly or otherwise took part in the proceedings.

Quorum.

40. If objection is taken by any Member present that there are present (besides the Speaker or other Member presiding) fewer than one-quarter of the total number of Members and, after such interval as may be prescribed in the Standing Orders of the Legislative Assembly, the

Speaker or other Member presiding ascertains that the number of Members present is still less than one quarter of the total number of Members, he shall thereupon adjourn the Legislative Assembly.

Voting.

41. (1) Save as otherwise provided in this Constitution, all questions proposed for decision in the Legislative Assembly shall be determined by a majority of the votes of the Members present and voting; and if, upon any question before the Legislative Assembly, the votes of the Members are equally divided, the motion shall be lost.

(2) If the Speaker has been elected from among persons who are not Members of the Legislative Assembly, he shall not vote, but, subject to this provision, the Speaker or other person presiding shall have an original vote but no casting vote.

Exercise of legislative power.

42. (1) The power of the Legislature to make laws shall be exercised by Bills passed by the Legislative Assembly and assented to by the Yang di-Pertuan Negara.

(2) A Bill shall become law on being assented to by the Yang di-Pertuan Negara and such law shall come into operation on the date of its publication in the Gazette or, if it is enacted either in such law or in any other law for the time being in force in the State that it shall come into operation on some other date, on that date.

Introduction of Bills.

43. (1) Subject to the provisions of this Constitution and of Standing Orders of the Legislative Assembly, any Member may introduce any Bill or propose any motion for debate in, or may present any petition to, the Legislative Assembly, and the same shall be debated and disposed of according to the Standing Orders of the Legislative Assembly.

(2) A Bill or amendment making provision (whether directly or indirectly) for—

(*a*) imposing or increasing any tax or abolishing, reducing or remitting any existing tax; or

(*b*) the borrowing of money, or the giving of any guarantee, by the State, or the amendment of the law relating to the financial obligations of the State;

(*c*) the custody of the Consolidated Fund, the charging of any money on the Consolidated Fund or the abolition or alteration of any such charge;

(*d*) the payment of moneys into the Consolidated Fund or the payment, issue or withdrawal from the Consolidated Fund of any moneys not charged thereon, or any increase in the amount of such a payment, issue or withdrawal;

(*e*) the receipt of any moneys on account of the Consolidated Fund or the custody or issue of such moneys;

being provision as respects which the Minister charged with responsibility for finance signifies that it goes beyond what is incidental only and not of a substantial nature having regard to the purposes of the Bill or amendment, shall not be introduced or moved except on the recommendation of the Yang di-Pertuan Negara signified by a Minister.

(3) A Bill or amendment shall not be deemed to make provision for any of the said matters by reason only that it provides for the imposition or alteration of any fine or other pecuniary penalty or for the payment or demand of a licence fee or a fee or charge for any service rendered.

Words of enactment of laws.

44. In every Bill presented for assent the words of enactment shall be as follows :—

"Be it enacted by the Yang di-Pertuan Negara with the advice and consent of the Legislative Assembly of Singapore, as follows :— ".

Oath of Allegiance.

45. No Member of the Legislative Assembly shall be permitted to take part in the proceedings thereof (other than proceedings necessary for the purpose of this Article) until he has taken and subscribed before the Legislative Assembly the Oath of Allegiance in the form set out in the First Schedule to this Constitution :

Provided that the election of a Speaker may take place before the Members of the Legislative Assembly have taken and subscribed such Oath.

Address by Yang di-Pertuan Negara.

46. The Yang di-Pertuan Negara may address the Legislative Assembly and may send messages thereto.

Privileges of the Legislative Assembly and Members.

47. Subject to the provisions of the Federal Constitution, it shall be lawful for the Legislature by law to determine and regulate the privileges, immunities or powers of the Legislative Assembly ; but no such privileges, immunities or powers shall exceed those of the Federal House of Representatives.

Sessions of the Legislative Assembly.

48. (1) There shall be a session of the Legislative Assembly once at least in every year and a period of six months shall not intervene between the last sitting of the Legislative Assembly in any one session and the first sitting thereof in the next session.

(2) The sessions of the Legislative Assembly shall be held in such places and shall commence at such times as the Yang di-Pertuan Negara may from time to time appoint by Proclamation in the Gazette.

Prorogation and dissolution.

49. (1) The Yang di-Pertuan Negara may at any time, by Proclamation in the Gazette, prorogue the Legislative Assembly.

(2) If, at any time, the office of Prime Minister is vacant, the Yang di-Pertuan Negara shall, by Proclamation in the Gazette, dissolve the Legislative Assembly as soon as he is satisfied, acting in his discretion, that a reasonable period has elapsed since that office was last vacated and that there is no Member of the Legislative Assembly likely to command the confidence of a majority of the Members thereof.

(3) The Yang di-Pertuan Negara may at any time, by Proclamation in the Gazette, dissolve the Legislative Assembly if he is advised

by the Prime Minister so to do, but he shall not be obliged to act in this respect in accordance with the advice of the Prime Minister unless he is satisfied that, in tendering that advice, the Prime Minister commands the confidence of a majority of the Members of the Legislative Assembly.

(4) The Legislative Assembly unless sooner dissolved shall continue for five years from the date of its first sitting and shall then stand dissolved.

General elections.

50. There shall be a general election at such time within three months after every dissolution of the Legislative Assembly as the Yang di-Pertuan Negara shall appoint by Proclamation published in the Gazette.

Remuneration of Members.

51. The Legislature may by law make provision for the remuneration of Members of the Legislative Assembly.

Supremacy of Constitution.

52. Any law enacted by the Legislature after the coming into operation of this Constitution which is inconsistent with this Constitution shall, to the extent of the inconsistency, be void.

PART III

CITIZENSHIP

Status of citizen of Singapore.

53. (1) There shall be a status known as "citizen of Singapore".

(2) The status of a citizen of Singapore may be acquired—

(*a*) by birth;

(*b*) by descent;

(*c*) by registration or enrolment; or

(*d*) under the provisions of the Federal Constitution by naturalisation.

(3) In accordance with the position of the State within the Federation every person who is a citizen of Singapore enjoys by virtue of that citizenship and in accordance with the provisions of the Federal Constitution the status of a citizen of Malaysia.

Citizenship by birth.

54. (1) Subject to the provisions of this Article, every person born in the State after the coming into operation of this Constitution shall be a citizen of Singapore by birth.

(2) A person shall not be a citizen of Singapore by virtue of clause (1) of this Article if at the time of his birth—

(*a*) his father, not being a citizen of Malaysia, possessed such immunity from suit and legal process as is accorded to an envoy of a sovereign power accredited to the Yang di-Pertuan Agong; or

(*b*) his father was an enemy alien and the birth occurred in a place then under the occupation of the enemy; or

(*c*) neither of his parents was a citizen of Singapore and neither of them was a permanent resident in the Federation:

Provided that paragraph (*c*) of this clause shall not apply to any person if, as a result of the application of that paragraph, he would not be a citizen of any country.

Citizenship by descent.

55. (1) A person born outside the Federation after the coming into operation of this Constitution shall be a citizen of Singapore by descent if at the time of the birth his father is a citizen of Singapore:

Provided that such person shall not be such a citizen unless his birth is registered at a Consulate of the Federation or with the Government in the prescribed manner within one year of its occurrence or with the permission of the Government later.

(2) A person born in the Federation outside the State on or after the date of the coming into operation of this Constitution shall be a citizen of Singapore by descent if one at least of his parents is at the time of his birth a citizen of Singapore and he is not born a citizen of Malaysia otherwise than by virtue of this clause.

Transfer of citizenship.

56. (1) Subject to the provisions of this Constitution, a person of or over the age of twenty-one years, not being a citizen of Singapore, who is a citizen of Malaysia may on making application therefor to the Government in the prescribed form be enrolled as a citizen of Singapore if he satisfies the Government that he—

(*a*) is of good character;

(*b*) has resided in the State throughout the twelve months immediately preceding the date of his application;

(*c*) has during the twelve years immediately preceding the date of his application resided in the State for periods amounting in the aggregate to not less than ten years;

(*d*) intends to reside permanently in the State; and

(*e*) has an elementary knowledge of the national language:

Provided that the Government may exempt an applicant who has attained the age of forty-five years or who is deaf or dumb from compliance with the provisions of paragraph (e) of this clause.

(2) In relation to citizens of Malaysia who are not citizens of Singapore, clause (2) of Article 57 and Article 58 of this Constitution shall apply to allow them to be enrolled as citizens of Singapore in the same way as those provisions apply in relation to persons who are not citizens of Malaysia to allow them to be registered as citizens of Singapore.

Citizenship by registration.

57. (1) Subject to the provisions of this Constitution, any person of or over the age of twenty-one years, not being a citizen of Malaysia, who was resident in the State on the coming into operation of this Constitution may, on application being made therefor in the prescribed form be registered with the concurrence of the Govern-

ment of the Federation as a citizen of Singapore if he satisfies the Government that he—

(*a*) is of good character;

(*b*) has resided in the State throughout the twelve months immediately preceding the date of his application;

(*c*) has during the twelve years immediately preceding the date of his application resided in the State for periods amounting in the aggregate to not less than ten years;

(*d*) intends to reside permanently in the State; and

(*e*) has an elementary knowledge of the national language:

Provided that the Government may exempt an applicant who has attained the age of forty-five years or who is deaf or dumb from compliance with the provisions of paragraph (*e*) of this clause.

(2) Subject to the provisions of this Constitution any woman, not being a citizen of Malaysia, who is married to a citizen of Singapore may, on making application therefor in the prescribed manner, be registered as a citizen of Singapore if she satisfies the Government—

(*a*) that she has resided continuously in the State for a period of not less than two years immediately preceding the date of the application;

(*b*) that she intends to reside permanently in the State; and

(*c*) that she is of good character.

Registration of minors.

58. (1) The Government may if satisfied that a child under the age of twenty-one years who is not a citizen of Malaysia—

(*a*) is the child of a citizen of Singapore; and

(*b*) is residing in the State,

cause such child to be registered as a citizen of Singapore on application being made therefor in the prescribed manner by the parent or guardian of such child.

(2) The Government may, in such special circumstances as it thinks fit, cause any child under the age of twenty-one years, who is not a citizen of Malaysia, to be registered as a citizen of Singapore.

Effect of enrolment and registration.

59. Subject to the provisions of Article 60 of this Constitution a person enrolled or registered as a citizen of Singapore under Article 56, 57 or 58 of this Constitution shall be a citizen of Singapore from the date on which he is so enrolled or registered.

General provisions as to registration.

60. (1) No person shall be registered as a citizen of Singapore under Article 57 of this Constitution until he has taken the oath of allegiance and loyalty in the form prescribed in the Second Schedule to this Constitution.

(2) Except with the approval of the Government of the Federation, no person who has renounced or has been deprived of citizenship of Singapore or of citizenship of the Federation of Malaya or of citizenship of Malaysia under this Constitution or the Singapore Citizenship Ordinance, 1957 or the Federal Constitution or the Federation of

Malaya Agreement 1948, as the case may be, shall be registered as a citizen of Singapore under the provisions of this Constitution.

Deprivation of citizenship.

61. (1) A citizen of Singapore who is a citizen by registration or by naturalization shall cease to be such a citizen if he is deprived of his citizenship by an order of the Government made in accordance with the provisions of this Article.

(2) The Government may, by order, deprive any such citizen of his citizenship if the Government is satisfied that the registration or certificate of naturalization—

(*a*) was obtained by means of fraud, false representation or the concealment of any material fact; or

(*b*) was effected or granted by mistake.

(3) The Government may, by order, deprive any such citizen of his citizenship if the Government is satisfied that that citizen has, within the period of five years after registration or naturalization, been sentenced in any country to imprisonment for a term of not less than twelve months or to a fine of not less than five thousand dollars or the equivalent in the currency of that country and has not received a free pardon in respect of the offence for which he was so sentenced.

(4) No person shall be deprived of citizenship under this Article unless the Government is satisfied that it is not conducive to the public good that that person should continue to be a citizen of Singapore; and no person shall be deprived of citizenship under paragraph (*b*) of clause (2) or under clause (3) of this Article if the Government is satisfied that as a result of the deprivation he would not be a citizen of any country.

(5) This Article shall not apply to any person who has been naturalized as a citizen of Singapore under the provisions of the Federal Constitution.

Cancellation of enrolment as citizen.

62. (1) Where a person has been enrolled as a citizen of Singapore under the provisions of Article 56 of this Constitution and the Government is satisfied that the enrolment—

(*a*) was obtained by means of fraud, false representation or the concealment of any material fact; or

(*b*) was effected by mistake,

the Government may by order cancel the enrolment.

(2) Where under this Article a person's enrolment as a citizen of Singapore is cancelled that shall not discharge him from liability in respect of anything done or omitted before the cancellation, but except as regards anything so done or omitted he shall as provided in the Federal Constitution revert to his former status as a citizen of Malaysia.

Procedure for deprivation.

63. (1) Before making an order under Article 61 or 62 of this Constitution, the Government shall give the person against whom the order is proposed to be made notice in writing informing him of the ground on which the order is proposed to be made and of his right to have the case referred to a committee of inquiry under this Article.

(2) If any person to whom such notice is given applies within such time as may be prescribed to have the case referred to a committee of inquiry, the Government shall, and in any other case may, refer the case to a committee of inquiry consisting of a Chairman, who shall be a person qualified to be appointed as a Judge of the High Court, and two other members appointed by the Government in that behalf.

(3) The committee of inquiry shall, on such reference, hold an inquiry in such manner as may be prescribed and submit a report to the Government and the Government shall have regard to such report in making the order.

Termination of citizenship of Malaysia.

64. Where a person who is a citizen of Singapore has renounced his citizenship of Malaysia or been deprived of his citizenship of Malaysia by the Government of the Federation such person shall be deemed to have renounced or been deprived of his citizenship of Singapore under this Constitution and such person shall cease to be a citizen of Singapore.

Deprivation of citizenship or cancellation of enrolment of child of person losing citizenship.

65. (1) Where a person has been deprived of his citizenship or his enrolment as a citizen has been cancelled under the provisions of this Part of this Constitution, the Government may by order deprive of his citizenship or, as the case may be, cancel the enrolment of any child of that person under the age of twenty-one years who has been registered or enrolled as a citizen under the provisions of this Constitution or the Singapore Citizenship Ordinance, 1957, and was so registered or enrolled as being the child of that person or of that person's wife or husband.

(2) No person shall be deprived of his citizenship under clause (1) of this Article unless the Government is satisfied that it is not conducive to the public good that he should continue to be a citizen; and no person shall be deprived of his citizenship under clause (1) of this Article if the Government is satisfied that as a result of such deprivation he would not be a citizen of any country.

Grant of certificate of citizenship in cases of doubt.

66. Upon application made in that behalf in the prescribed manner the Government may grant in the form prescribed a certificate of citizenship to a person with respect to whose citizenship a doubt exists, whether of fact or of law.

Information to be given to Federal Government.

67. Where under this Constitution a person becomes a citizen of Singapore by registration or is enrolled as a citizen of Singapore or is deprived of his citizenship or a certificate of citizenship is granted to any person under Article 66 of this Constitution the Government shall notify the Government of the Federation of that fact.

Application of Third Schedule.

68. Until the Legislature otherwise provides by law, the supplementary provisions contained in the Third Schedule to this Constitution shall have effect for the purposes of this Part of this Constitution.

69. (1) The Singapore Citizenship Ordinance, 1957, is hereby repealed. Repeal.

(2) Any person who immediately before the coming into operation of this Constitution, was by virtue of the Singapore Citizenship Ordinance, 1957, a citizen of Singapore by birth, descent, registration or naturalisation, shall as from the coming into operation of this Constitution continue, subject to the provisions of this Constitution, to possess that status.

(3) Where a person would have been a citizen of Singapore by descent immediately before the coming into operation of this Constitution if his birth had been registered under the provisions of the Singapore Citizenship Ordinance, 1957, he shall become a citizen of Singapore by descent if his birth is registered at a consulate of the Federation or with the Government in the prescribed manner within one year of its occurrence or with the permission of the Government later.

(4) Notwithstanding the repeal of the Singapore Citizenship Ordinance, 1957, where a person who has become a citizen of Singapore was liable in respect of things done before the coming into operation of this Constitution to be deprived of that status under the Ordinance, then the Government may, in exercise of the powers delegated by the Government of the Federation, by order deprive him of his citizenship, if proceedings for that purpose are begun during the period of two years after the commencement of this Constitution.

(5) Where a person is liable to be deprived of citizenship under clause (4) of this Article and proceedings had before the coming into operation of this Constitution been begun to deprive him of citizenship of Singapore under the provisions of the Singapore Citizenship Ordinance, 1957, those proceedings shall be treated as proceedings to deprive him of citizenship under that clause and shall be continued as such in accordance with the provisions of the Singapore Citizenship Ordinance, 1957, in force immediately before the coming into operation of this Constitution.

PART IV

THE PUBLIC SERVICE

70. For the purposes of this Part of this Constitution the expression "public office" shall not include any office the remuneration of the holder of which is calculated on a daily rate. Interpretation.

71. (1) There shall be in and for Singapore a Public Service Commission which shall consist of a Chairman and not less than two and not more than four other members, each of whom shall be appointed by writing under his hand by the Yang di-Pertuan Negara, acting in accordance with the advice of the Prime Minister. Public Service Commission.

(2) The Chairman shall be a citizen of Malaysia born in Malaya.

(3) There shall be a Deputy Chairman who shall be a person chosen by the members of the Public Service Commission from among their own number.

(4) A person appointed to be a member of the Public Service Commission shall thereafter be ineligible for appointment to any public office.

(5) At any meeting of the Public Service Commission three members who shall include either the Chairman or Deputy Chairman, and may include both of them, shall form a quorum. If the quorum is present, the Commission shall not be disqualified for the transaction of business by reason of any vacancy among its members, and any proceeding of the Commission shall be valid notwithstanding that some person not entitled so to do took part therein.

(6) Before assuming the duties of his office, the Chairman and every other member of the Public Service Commission shall take and subscribe before the Chief Justice of Singapore or some other Judge of the High Court the appropriate Oath for the due execution of his office in the form set out in the First Schedule to this Constitution.

Disqualification for appointment to the Commission.

72. A person shall not be appointed to be a member of the Public Service Commission if he is, and shall cease to be a member if he becomes—

(*a*) a public officer;

(*b*) a member of, or in the employment of, any corporation incorporated directly by the provisions of any law for the time being in force in the State;

(*c*) a Member of either House of Parliament or of the Legislative Assembly or a duly nominated candidate for election as such Member;

(*d*) a member of any trade union or of any body or association affiliated to a trade union; or

(*e*) the holder of any office in any political association.

Tenure of office.

73. (1) Subject to the provisions of Article 72 of this Constitution every member of the Public Service Commission shall, unless he earlier resigns his office by writing under his hand addressed to the Yang di-Pertuan Negara or is removed therefrom under this Article, hold office for a period of five years from the date of his appointment, but shall be eligible for re-appointment.

(2) If the Prime Minister, or the Chairman of the Public Service Commission after consulting with the Prime Minister, represents to the Yang di-Pertuan Negara that a Member of the Public Service Commission ought to be removed from office for inability to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour, the Yang di-Pertuan Negara shall refer that representation to a tribunal consisting of the Chief Justice of Singapore and two other Judges of the High Court

nominated for that purpose by the Chief Justice of Singapore and shall, if that tribunal so recommends, remove that member from office by writing under his hand.

(3) The tribunal constituted under the preceding clause shall regulate its own procedure and may make rules for that purpose.

Terms of service of Chairman and members of the Commission.

74. (1) The Chairman and other members of the Public Service Commission shall be paid such salary and allowances as may from time to time be determined, and such salary and allowances shall be charged on and paid out of the Consolidated Fund.

(2) Subject to the provisions of this Constitution, the terms of service of the members of the Public Service Commission may either—

(*a*) be prescribed by or under any law made under this Constitution; or

(*b*) (in so far as they are not prescribed by or under any such law) be prescribed by the Yang di-Pertuan Negara.

(3) The terms of service of any member of the Public Service Commission shall not be altered to his disadvantage during his continuance in office.

(4) For the purposes of the preceding clause, in so far as the terms of service of a member of the Public Service Commission depend upon his option, any terms for which he opts shall be taken to be more advantageous to him than any for which he might have opted.

Appointment etc. of public officers.

75. (1) Subject to the provisions of this Constitution and the Federal Constitution it shall be the duty of the Public Service Commission to appoint, confirm, emplace on the permanent or pensionable establishment, promote, transfer and exercise disciplinary control over public officers.

(2) In clause (1) of this Article—

"appoint" does not include an appointment to act in an office for two months or less;

"transfer" does not include transfer without a change of rank within a department of Government.

(3) The promotion of public officers shall be on the basis of official qualifications, experience and merit.

Protection of pension rights.

76. (1) The law applicable to any pension, gratuity or other like allowance (in this Article referred to as an "award") granted to any public officer or to his widow, children, dependant or personal representatives shall be that in force on the relevant day or any later law not less favourable to the person concerned.

(2) For the purposes of this Article the relevant day is—

(*a*) in relation to an award made before Malaysia Day, the date on which the award was made;

(*b*) in relation to an award made after Malaysia Day to or in respect of any person who was a public officer before that day, the day immediately before that day;

(*c*) in relation to an award made to or in respect of any person who first became a public officer on or after Malaysia Day, the date on which he first became a public officer.

(3) For the purposes of this Article, where the law applicable to an award depends on the option of the person to whom it is made, the law for which he opts shall be taken to be more favourable to him than any other law for which he might have opted.

Power of Public Service Commission in relation to pensions, etc.

77. (1) Where under any law any person or authority has a discretion—

(*a*) to decide whether or not any award shall be made; or

(*b*) to withhold, reduce in amount or suspend any such award that has been made,

that award shall be made and may not be withheld, reduced in amount or suspended unless the Public Service Commission concurs in the refusal to grant the award or, as the case may be, in the decision to withhold it, reduce it in amount or suspend it.

(2) Where the amount of any award that may be made to any person is not fixed by law, the amount of the award to be made to him shall be the greatest amount for which he is eligible unless the Public Service Commission concurs in the making of an award of a smaller amount.

(3) In this Article "award" has the same meaning as in Article 76 of this Constitution.

Pensions etc. to be charged on the Consolidated Fund.

78. Pensions, gratuities and other like allowances granted in respect of the public service shall be charged on and paid out of the Consolidated Fund.

Pension rights on transfer.

79. (1) Notwithstanding any provision of this Constitution relating to the circumstances in which a public officer may vacate his office, any public officer may, with the consent of the Government (which consent shall not be unreasonably withheld), relinquish his office for the the purpose of transfer to some other public office or to an office in any other public service, and if he so relinquishes his office, his claim to any pension, gratuity or other like allowance shall not thereby be prejudiced.

Ord. 22 of 1956.

(2) For the purposes of this Article, the expression "other public service" has the meaning given to it by the Pensions Ordinance, 1956, as in force immediately before the date of the coming into operation of this Constitution.

Regulations regarding Commission.

80. (1) Subject to the provisions of any State law, the Yang di-Pertuan Negara may make regulations for all or any of the following matters, that is to say—

(*a*) the division of public offices into Divisions and Services;

(*b*) the prescribing of Schemes regulating the recruitment, service and promotion of members of such Services; and

(*c*) the conduct and discipline of the public service.

(2) The Public Service Commission may, subject to the provisions of this Constitution, regulate its procedure and make rules for that purpose, and may, in connection with the discharge of its functions, confer powers and impose duties on any public officer or any authority of the Government.

(3) The Public Service Commission may, by directions in writing and subject to such conditions as it thinks fit, delegate to any public officer or to any board of public officers appointed by it, any of its functions under clause (1) of Article 75 of this Constitution in respect of any grade of the public service and that officer or board shall exercise those functions under the direction and control of the Public Service Commission.

Performance by Public Service Commission of other functions.

81. The Legislature may by law provide for the exercise of other functions by the Public Service Commission.

PART V

FINANCIAL PROVISIONS

No taxation unless authorized by law.

82. No tax or rate shall be levied by or for the purposes of the State except by or under the authority of law.

The Consolidated Fund.

83. There shall be in and for the State a Consolidated Fund into which, subject to the provisions of any law for the time being in force in the State, shall be paid all revenues of the State not allocated to specific purposes.

Estimates.

84. (1) The Minister responsible for finance shall, before the end of each financial year, cause to be prepared annual estimates of revenue and expenditure for public services of the State during the succeeding financial year which, when approved by the Cabinet, shall be laid before the Legislative Assembly.

(2) The estimates of expenditure shall show separately—

(*a*) the total sums required to meet expenditure charged in the Consolidated Fund; and

(*b*) subject to clause (3) of this Article the sums respectively required to meet the heads of other expenditure proposed to be met from the Consolidated Fund.

(3) The estimates of revenue to be shown in the estimates shall not include any sums received by way of Zakat, Fitrah and Bait-ul-Mal or similar Muslim revenue; and the sums to be shown under paragraph (*b*) of clause (2) of this Article shall not include—

(*a*) sums representing the proceeds of any loan raised by the State for specific purposes and appropriated for those purposes by the law authorizing the raising of the loan;

(*b*) sums representing any money or interest on money received by the State subject to a trust and to be applied in accordance with the terms of the trust;

(*c*) sums representing any money held by the State which has been received or appropriated for the purpose of any trust fund established by or in accordance with State law.

(4) The Minister responsible for finance shall also lay before the Legislative Assembly together with the estimates of expenditure, a statement showing as far as is practicable the assets and liabilities of the State at the end of the last completed financial year, the manner in which those assets are invested or held and the general heads in respect of which those liabilities are outstanding.

Authorization of expenditure.

85. (1) The heads of expenditure to be met from the Consolidated Fund other than statutory expenditure and other than expenditure to be met by such sums as are mentioned in clause (3) of Article 84 of this Constitution shall be included in a Bill to be known as a Supply Bill, providing for the issue from the Consolidated Fund of the sums necessary to meet that expenditure and the appropriation of those sums for the purposes specified therein.

(2) Whenever—

(*a*) any moneys are expended or are likely to be expended in any financial year upon any service which are in excess of the sum provided for that service by the Supply law relating to that year, or

(*b*) any moneys are expended or are likely to be expended (otherwise than by way of statutory expenditure) in any financial year upon any new service not provided for by the Supply law relating to that year,

supplementary estimates (or, as the case may be, statements of excess) shall be prepared by the Minister responsible for finance and, when approved by the Cabinet, shall be laid before and voted on by the Legislative Assembly; in respect of all supplementary expenditure so voted the Minister responsible for finance may, at any time before the end of the financial year, introduce into the Legislative Assembly a Supplementary Supply Bill containing, under appropriate heads, the estimated sums so voted and shall, as soon as possible after the end of each financial year, introduce into the Legislative Assembly a Final Supply Bill containing any such sums which have not yet been included in any Supply Bill.

(3) That part of any estimate of expenditure laid before the Legislative Assembly which shows statutory expenditure shall not be voted on by the Legislative Assembly, and such expenditure shall, without further authority of the Legislative Assembly, be paid out of the Consolidated Fund.

(4) For the purposes of this Article and the preceding Article statutory expenditure means expenditure charged on the Consolidated Fund or on the general revenues and assets of Singapore by virtue of the provisions of clause (3) of Article 4, clause (8) of Article 19, Article 25, clause (3) of Article 26, clause (1) of Article 74, Article 78 and Article 88 of this Constitution or by virtue of the provisions of any other law for the time being in force in Singapore.

Meeting expenditure from the Consolidated Fund.

86. (1) Subject to the following provisions of this Article, no moneys shall be withdrawn from the Consolidated Fund unless they are—

(*a*) charged on the Consolidated Fund; or

(*b*) authorised to be issued by a Supply or Supplementary Supply law.

(2) No moneys shall be withdrawn from the Consolidated Fund except in the manner provided by Federal law.

(3) Clause (1) of this Article shall not apply to any such sums as are mentioned in clause (3) of Article 84 of this Constitution.

(4) The Legislative Assembly may, by resolution approving estimates containing a vote on account, authorise expenditure for part of any year before the passing of the Supply law for that year, but the aggregate sums so voted shall be included, under the appropriate heads, in the Supply Bill for that year.

(5) If a Supply Bill has not become law by the first day of the financial year to which it relates, the Minister responsible for finance may, with the prior approval of the Cabinet, authorise such expenditure (not otherwise authorised by law) from the Consolidated Fund or other Government funds as he may consider essential for the continuance of the public services shown in the estimates until the Supply Bill becomes law:

Provided that the expenditure so authorised for any service shall not exceed one-quarter of the amount voted for that service in the Supply law for the preceding year.

Contingencies Fund.

87. (1) The Legislature may by law create a Contingencies Fund and authorise the Minister responsible for finance to make advances from that Fund if he is satisfied that there is an urgent and unforeseen need for expenditure for which no provision or no sufficient provision has been made by a Supply law.

(2) Where any advance is made by virtue of the authority conferred under the preceding clause, a supplementary estimate of the sum required to replace the amount so advanced shall as soon as practicable be laid before and voted on by the Legislative Assembly and the sum so voted shall be included in a Supplementary Supply Bill or a Final Supply Bill.

Debt charges and moneys required to satisfy judgments.

88. (1) The following are hereby charged on the Consolidated Fund—

(*a*) all debt charges for which the State is liable; and

(*b*) any moneys required to satisfy any judgment, decision or award against the State by any court or tribunal.

(2) For the purposes of this Article debt charges include interest, sinking fund charges, repayment or amortisation of debt and all expenditure in connection with the raising of loans on the security of the Consolidated Fund and the service and redemption of debt created thereby.

PART VI

GENERAL PROVISIONS

Minorities and special position of the Malays.

89. (1) It shall be the responsibility of the Government constantly to care for the interests of the racial and religious minorities in the State.

(2) The Government shall exercise its functions in such manner as to recognise the special position of the Malays, who are the indigenous people of the State, and accordingly it shall be the responsibility of the Government to protect, safeguard, support, foster and promote their political, educational, religious, economic, social and cultural interests and the Malay language.

Amendment of Constitution.

90. (1) Subject to the provisions of the Federal Constitution and to the following provisions of this Article, the provisions of this Constitution may be amended by a law enacted by the Legislature.

(2) A Bill for making an amendment to this Constitution (other than an amendment excepted from the provisions of this clause) shall not be passed by the Legislative Assembly unless it has been supported on Second and Third Readings by the votes of not less than two-thirds of the total number of members thereof.

(3) The following amendments are excepted from the provisions of clause (2) of this Article, that is to say—

(*a*) any amendment consequential on such a law as is mentioned in Article 23 of this Constitution;

(*b*) any amendment the effect of which is to bring the Constitution of the State into accord with any of the essential provisions contained in the Eighth Schedule to the Federal Constitution.

(4) In this Article "amendment" includes addition and repeal.

Interpretation.

91. (1) In this Constitution unless it is otherwise provided or the context otherwise requires—

"Cabinet" means the Cabinet constituted under this Constitution;

"Civil List" means the provision made under Article 4 of this Constitution for the maintenance of the Yang di-Pertuan Negara;

"citizen of Singapore" means any person who, under the provisions of this Constitution, has the status of a citizen of Singapore;

"citizen of Malaysia" means any person who under the provisions of the Federal Constitution has the status of a citizen of the Federation;

"Conference of Rulers" means the Conference of Rulers constituted by the Federal Constitution;

"Consolidated Fund" means the Consolidated Fund established by this Constitution;

"existing law" means any law having effect as part of the law of the State immediately before the coming into operation of this Constitution;

"Federal Constitution" means the Constitution of the Federation and includes the Malaysia Act of the Federation;

"Federal law" means—

(*a*) any existing law continuing to have effect as part of the law of the State after the coming into operation of this Constitution to the extent that it is by virtue of the provisions of the Federal Constitution treated as a Federal law; and

(*b*) any Act of Parliament, or other law of the Federation relating to matters about which Parliament has power to make laws, which extend to the State.

"Federation" means the Federation to be known on and after Malaysia Day by the name "Malaysia";

"Government" means the Government of the State of Singapore;

"High Court" means the High Court in Singapore constituted by the Federal Constitution;

"law" includes written law and any legislation of the United Kingdom or other enactment or instrument whatsoever which is in operation in the State and the common law in so far as it is in operation in the State and any custom or usage having the force of law in the State;

"Legislative Assembly" means the Legislative Assembly constituted under this Constitution;

"Legislature" means the Legislature of the State;

"Malaya" means Singapore and the Malay Peninsula;

"Malaysia Day" means the day referred to as Malaysia Day in the Malaysia Act of the Federation;

"Minister" means a Minister appointed under this Constitution;

"office of profit" has the same meaning as in the Federal Constitution;

"Parliament" means the Parliament of the Federation;

"Prime Minister" means the Prime Minister of Singapore appointed under the provisions of this Constitution;

"public office" means, subject to the provisions of clause (5) of this Article, an office of emolument in the public service;

"public officer" means the holder of any public office;

"the public seal" means the public seal of the State;

"public service" means service under the Government;

"Public Service Commission" means the Public Service Commission constituted under this Constitution;

"register of electors" means the register of electors prepared under the provisions of any written law for the time being in force relating to election;

"remuneration" in respect of any public officer means only the emoluments of that officer, the whole or any part of which count for pension in accordance with the provisions of any law relating to the grant of pensions in respect of the public service;

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

"Singapore" means the State of Singapore;

"sitting" means a period during which the Legislative Assembly is sitting continuously without adjournment, including any period during which the Legislative Assembly is in committee;

"Speaker" and "Deputy Speaker" mean, respectively, the Speaker and Deputy Speaker of the Legislative Assembly;

"State" means the State of Singapore;

"State law" means—

(*a*) any existing law continuing to have effect as part of the law of the State after the coming into operation of this Constitution to the extent that it is by virtue of the provisions of the Federal Constitution treated as a State law; and

(*b*) any law made by the Legislature.

"terms of service" in respect of any officer include the remuneration to which that officer is entitled by virtue of his office, and any pension, gratuity or other like allowance payable to or in respect of that officer;

"written law" means this Constitution and the Federal Constitution and all Federal and State laws and subsidiary legislation for the time being in force in the State and includes rules and regulations made under the Singapore (Constitution) Order in Council 1958(a) so long as they are in force in the State;

"Yang di-Pertuan Agong" means the Yang di-Pertuan Agong or Supreme Head of the Federation and includes the Deputy Supreme Head of the Federation;

"Yang di-Pertuan Negara" means the Yang di-Pertuan Negara of Singapore and includes any person for the time being appointed to perform the functions of the Yang di-Pertuan Negara;

(2) Save where this Constitution otherwise provides or where the context otherwise requires—

(*a*) the person or authority having power to make substantive appointments to any public office may appoint a person to perform the functions of that office during any period during which it is vacant or during which the holder thereof is unable (whether by reason of absence or infirmity of body or mind or any other cause) to perform those functions;

(a) S.I. 1958/1956 (1958 II, p. 2156).

(*b*) every appointment to perform the functions of an office made under the preceding paragraph shall be made in the same manner as and subject to the same conditions as apply to a substantive appointment to that office;

(*c*) any reference in this Constitution to the holder of any office by the term designating his office shall be construed as including a reference to any person for the time being lawfully performing the functions of that office;

(*d*) any reference in this Constitution to an appointment to any office shall be construed as including a reference to an appointment to perform the functions of that office.

(3) Where in this Constitution power is conferred on any person or authority to appoint a person to perform the functions of any office if the holder thereof is unable himself to perform its functions, any such appointment shall not be called in question on the ground that the holder of that office was not unable to perform those functions.

(4) For the purposes of this Constitution, the resignation of a member of any body or the holder of any office constituted by this Constitution that is required to be addressed to any person shall be deemed to have effect from the time that it is received by that person:

Provided that, in the case of a resignation that is required to be addressed to the Speaker, the resignation shall, if the office of Speaker is vacant or the Speaker is absent from the State, be deemed to have effect from the time that it is received by the Deputy Speaker on behalf of the Speaker.

(5) For the purposes of this Constitution a person shall not be considered as holding a public office by reason of the fact that he is in receipt of any remuneration or allowances (including a pension or other like allowance) in respect of his tenure of the office of Prime Minister, Speaker, Deputy Speaker, Minister, Parliamentary Secretary, Political Secretary or Member of the Legislative Assembly.

(6) (*a*) Without prejudice to the provisions of clause (2) of this Article, when the holder of any public office is on leave of absence pending relinquishment of that office, the person or authority having power to make appointments to that office may appoint another person thereto.

(*b*) Where two or more persons are holding the same office by reason of an appointment made pursuant to the preceding paragraph, the person last appointed shall, in respect of any function conferred on the holder of that office, be deemed to be the sole holder of that office.

(7) Where a person is required by the Constitution to take an oath, he shall be permitted, if he so desires, to comply with that requirement by making an affirmation.

(8) References in this Constitution to any period shall, so far as the context admits be construed as including references to a period beginning before the date of the coming into operation of this Constitution.

Cap. 2 (1955 Edition).

(9) Subject to the provisions of this Article, the Interpretation and General Clauses Ordinance, as in force immediately before the date of the coming into operation of this Constitution, shall apply for the purpose of interpreting this Constitution and otherwise in relation thereto as it applies for the purpose of interpreting and otherwise in relation to any written law within the meaning of that Ordinance.

Impartial treatment of State employees.

92. Subject to the provisions of this Constitution, all persons of whatever race in the same grade of the service of the State shall, subject to the terms and conditions of their employment, be treated impartially.

Authorised reprints of the constitution.

93. The Yang di-Pertuan Negara may from time to time authorise the Government Printer to print copies of this Constitution including all amendments in force at the date of such authorisation; and any such copy so printed shall be deemed for all purposes to be a true and correct copy.

Date of coming into operation.

94. Subject to the provisions of Part VII of this Constitution, this Constitution shall come into operation immediately before Malaysia Day.

PART VII

TEMPORARY AND TRANSITIONAL PROVISIONS

Yang di-Pertuan Negara.

95. (1) The person holding the office of Yang di-Pertuan Negara on the coming into operation of this Constitution shall continue to hold the office and to carry out the functions of the Yang di-Pertuan Negara under this Constitution, as if appointed under this Constitution for a term of years expiring on the 3rd of December 1963.

(2) The person holding the office of Yang di-Pertuan Negara shall before exercising the functions of the Yang di-Pertuan Negara under this Constitution take and subscribe in the presence of the Chief Justice of Singapore or a Judge of the High Court the oath in the form set out in the First Schedule to this Constitution.

Legislative Assembly.

96. (1) The Legislative Assembly established by the Singapore (Constitution) Order in Council 1958 shall remain in being and shall be deemed to be the Legislative Assembly established by this Constitution, and accordingly—

(*a*) the persons who immediately before the coming into operation of this Constitution hold the offices of Speaker and Deputy Speaker or Members of the Legislative Assembly shall, on the coming into operation of this Constitution, continue to hold those offices or their seats as Members in accordance with the provisions of this Constitution; and

(*b*) the Legislative Assembly shall, unless sooner dissolved, stand dissolved on the expiration of five years from the date of the first sitting of the Legislative Assembly under the Singapore (Constitution) Order in Council 1958.

(2) The Speaker shall not exercise the functions of his office and no member of the Legislative Assembly shall take part in the proceedings thereof after the coming into operation of this Constitution (other than proceedings necessary for the purposes of this clause) until he has taken and subscribed before the Legislative Assembly an oath of allegiance in the form set out in the First Schedule to this Constitution.

Existing Standing Orders.

97. The Standing Orders of the Legislative Assembly established by the Singapore (Constitution) Order in Council 1958 which are in force immediately before the coming into operation of this Constitution shall, subject to amendment or revocation under Article 36 of the Constitution, be the Standing Orders of the Legislative Assembly established by this Constitution, but shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with the provisions of this Constitution.

The Cabinet.

98. (1) The Cabinet established by the Singapore (Constitution) Order in Council 1958 shall remain in being and shall be deemed to be the Cabinet established by this Constitution, and accordingly the persons who immediately before the coming into operation of this Constitution hold the office of Prime Minister and other Ministers shall on the coming into operation of this Constitution continue to hold those offices in accordance with the provisions of this Constitution.

(2) Any person who continues to hold the office of Prime Minister or other Minister as from the coming into operation of this Constitution by virtue of clause (1) of this Article shall, before entering on the duties of his office after the coming into operation of this Constitution, take and subscribe before the Yang di-Pertuan Negara an oath of allegiance in the form set out in the First Schedule to the Constitution.

The Public Service Commission.

99. The persons who, immediately before the coming into operation of this Constitution, were the Chairman and other members of the Public Service Commission established by the Singapore (Constitution) Order in Council 1958 shall on the coming into operation of this Constitution be deemed to have been appointed as Chairman and members of the Commission under Article 71 of this Constitution and shall hold their offices in accordance with the provisions of this Constitution and in relation to any such person, the reference in Clause (1) of Article 73 of this Constitution to the date of his appointment shall be construed as a reference to the date of his appointment to the Public Service Commission established by the Singapore (Constitution) Order in Council 1958.

Public officers to continue in office.

100. Subject to the provisions of this Constitution and the Federal Constitution, every person who immediately before the coming into operation of this Constitution holds a public office shall on its coming into operation continue to hold the like office in the public service.

Terms of service of persons who continue in office.

101. (1) Save where other provision is made by this Constitution, any person who, under the provisions of this Part of this Constitution, holds any office as from the coming into operation of this Constitution by virtue of having been the holder of any office immediately before its coming into operation shall, as from its coming into operation, be entitled to the same terms of service as were applicable to him immediately before its coming into operation, and those terms, in so far as they relate to remuneration, shall not be altered to his disadvantage during his continuance in the public service thereafter.

(2) For the purposes of this Article, in so far as the terms of service of any person depend upon his option, any terms for which he opts shall be taken to be more advantageous to him than any for which he might have opted.

Secondment of members of the public service to Federal service.

102. (1) Where on Malaysia Day or any day thereafter any post in the public service becomes a post in the general public service or the judicial and legal service of the Federation any person serving in that post immediately before that day shall on that day be seconded to the general public service or the judicial and legal service of the Federation, as the case may be.

(2) Clause (1) of this Article shall not apply to persons in such grades of service as the Yang di-Pertuan Negara may, with the consent of the Yang di-Pertuan Agong, direct.

(3) The power conferred by clause (2) of this Article may be exercised at any time after the publication of this Constitution in the Gazette.

(4) A person seconded to the General Public Service or the Judicial and Legal Service of the Federation under this Article, shall not, unless and until he elects to the contrary, be liable to be transferred without his consent to a post outside the State.

Succession to property.

103. (1) Subject to the provisions of this Article, all property and assets which immediately before the coming into operation of this Constitution were vested in Her Majesty for the purposes of the State shall on its coming into operation vest in the State.

(2) Subject to the provisions of the Federal Constitution any land in the State which immediately before the coming into operation of this Constitution was vested in Her Majesty shall on its coming into operation vest in the State.

(3) Any property which was immediately before the coming into operation of this Constitution liable to escheat to Her Majesty in respect of the Government shall on its coming into operation be liable to escheat to the State.

Rights, liabilities and obligations.

104. (1) All rights, liabilities and obligations of Her Majesty in respect of the Government shall on and after the coming into operation of this Constitution be rights, liabilities and obligations of the State.

(2) In this Article, rights, liabilities and obligations include rights, liabilities and obligations arising from contract or otherwise, other than rights to which Article 103 of this Constitution applies.

105. (1) Subject to the provisions of this Article and to any provision made on or after Malaysia Day by or under Federal law or State law, all existing laws shall continue in force on and after the coming into operation of this Constitution and all laws which have not been brought into force by the coming into operation of this Constitution may, subject as aforesaid, be brought into force on or after its coming into operation, but all such laws shall, subject to the provisions of this Article, be construed as from the coming into operation of this Constitution with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with this Constitution and the Malaysia Act. Existing laws.

(2) (*a*) The Yang di-Pertuan Negara may, by order made at any time during the period of two years after the commencement of this Constitution and published in the Gazette, make such modifications in any existing law to the extent that it is by virtue of the provisions of the Federal Constitution treated as a State law as appear to him to be necessary or expedient in consequence of the promulgation of this Constitution or the passing of the Malaysia Act.

(*b*) Any order made under this clause may be amended or repealed by a further order so made.

(*c*) An Order made under this clause shall have effect from such date, not being earlier than the date of the coming into operation of this Constitution, as may be specified therein.

(*d*) An Order made under this clause shall be presented to the Legislative Assembly as soon as may be after it is made.

(3) In clause (2) of this Article "modification" includes amendment, adaptation and repeal.

(4) In this Article, "existing law" includes the Retirement from the Public Service (Compensation) Ordinance, 1956, as modified by subsection (1) of Section 118 of the Singapore (Constitution) Order in Council 1958.

THE SCHEDULES

First Schedule

Forms of Oaths

1. *Oath of office of Yang di-Pertuan Negara*

I, ..., having been appointed Yang di-Pertuan Negara of the State of Singapore, do solemnly swear that I will faithfully discharge my duties as such to the best of my ability, and that I will bear true faith and allegiance to the State of Singapore and to the Federation of Malaysia, and that I will preserve, protect and defend the Constitution of the State of Singapore. So help me God.

2. *Oath of Allegiance*

I, ..., having been appointed to the office of ....., do solemnly swear that I will bear true faith and allegiance to the State of Singapore and to the Federation of Malaysia, and that I will preserve, protect and defend the Constitution of the State of Singapore. So help me God.

3. *Oath as Member of the Legislative Assembly*

I, ..., having been elected as a member of the Legislative Assembly of the State of Singapore, do solemnly swear that I will faithfully discharge my duties as such to the best of my ability, that I will bear true faith and allegiance to the State of Singapore and to the Federation of Malaysia, and that I will preserve, protect and defend the Constitution of the State of Singapore. So help me God.

4. *Oath for due execution of office of Prime Minister of other Minister or Parliamentary Secretary*

I, ..., being chosen and appointed Prime Minister/Minister/Parliamentary Secretary of the State of Singapore do swear that I will to the best of my judgment at all times when so required freely give my counsel and advice to the Yang di-Pertuan Negara (or any person for the time being lawfully performing the functions of that office) for the good management of the public affairs of the State of Singapore, and I do further swear that I will not on any account, at any time whatsoever, disclose the counsel, advice, opinion or vote of any particular Minister or Parliamentary Secretary and that I will not, except with the authority of the Cabinet and to such extent as may be required for the good management of the affairs of the State of Singapore, directly or indirectly reveal the business or proceedings of the Cabinet or the nature or contents of any document communicated to me as a Minister/Parliamentary Secretary or any matter coming to my knowledge in my capacity as such and that in all things I will be a true and faithful Prime Minister/Minister/Parliamentary Secretary. So help me God.

5. *Oath for the due execution of the office of Chairman or other member of the Public Service Commission*

I, ..., having been appointed to be Chairman/a Member of the Public Service Commission do swear that I will freely and without fear or favour, affection or ill-will, give my counsel and advice in connection with all matters that may be referred to the Public Service Commission and that I will not directly or indirectly reveal any such matters to any unauthorised person or otherwise than in the course of duty. So help me God.

Second Schedule

Oath of Allegiance and Loyalty

I, ..., do swear that I will be faithful and bear true allegiance to His Majesty the Yang di-Pertuan Agong and to His Excellency the Yang di-Pertuan Negara and that I will observe the laws and be a true, loyal and faithful citizen of Singapore. So help me God.

Third Schedule

Citizenship

1. The functions of the Government under Part III of the Constitution shall be exercised by such Minister as the Yang di-Pertuan Negara may from time to time direct and references in this Schedule to the Minister shall be construed accordingly.

2. A decision of the Government under Part III of the Constitution shall not be subject to appeal or review in any court.

3. The Minister may delegate to any public officer of the Government any of his functions under Part III of the Constitution or this Schedule relating to citizenship by registration and enrolment and the keeping

of registers and, in relation to orders under Article 61 or Article 62 of the Constitution any of his functions under Article 63 of the Constitution prior to determining whether to make such an order; but any person aggrieved by the decision of a person to whom the functions of the Minister are so delegated may appeal to the Minister.

4. The Minister may make rules and prescribe forms for the purpose of the exercise of his functions under Part III of the Constitution and of this Schedule.

5. The power of the Government under Articles 55 and 69 of the Constitution to allow a longer period for the registration of a birth may be exercised either before or after the registration has been effected.

6. Any notice to be given by the Minister to any person under clause (1) of Article 63 of the Constitution may be sent to that person at his last known address or, in the case of a person under the age of twenty-one years (not being a married woman) to his parent or guardian at the last known address of the parent or guardian; and if an address at which the notice may be sent to any person under this paragraph is not known and cannot after reasonable inquiry be ascertained, the notice may be given by publication in the Gazette.

7. It shall be the duty of the Minister to compile and maintain—

(*a*) a register of citizens of Singapore by registration;

(*b*) a register of citizens of Singapore by naturalization whether under the provisions of the Singapore Citizenship Ordinance or the Federal Constitution;

(*c*) a register of persons to whom certificates of citizenship of Singapore have been issued under Article 66 of the Constitution, or under Article 30 of the Federal Constitution;

(*d*) a register of persons who have been deprived or deemed to have been deprived of citizenship under any provision of Part III of the Constitution;

(*e*) a register of citizens of Singapore who have renounced citizenship under the provisions of the Singapore Citizenship Ordinance, 1957, or the Federal Constitution;

(*f*) a register of persons enrolled under the provisions of the Constitution;

(*g*) a register of persons whose enrolment has been cancelled under the provisions of the Constitution;

(*h*) an alphabetical index of all persons referred to in the preceding paragraphs of this section.

8. If the Minister has reason to believe that an error appears in any register compiled under section 7 of this Schedule he shall after giving notice to the persons concerned and after considering such representations from him as he may choose to make, make such alteration on the register as appears to the Minister to be necessary to correct the error.

9. Subject to section 8 of this Schedule, the said register shall be conclusive evidence of the matters therein contained.

10.—(1) It shall be an offence punishable with imprisonment for two years or a fine of one thousand dollars or both for any person—

(*a*) knowingly to make any false statement with a view to inducing the Minister to grant or refuse any application under Part III of the Constitution;

(*b*) to forge or without lawful authority, alter any certificate or without any lawful authority use or have in his possession any certificate which has been so forged or altered;

(*c*) to fail to comply with any requirement imposed upon him by any rules made under section 4 of this Schedule with respect to the delivering up of certificates;

(*d*) to personate or falsely represent himself to be or not to be a person to whom a certificate has been duly issued.

(2) In this section certificate means—

(*a*) any certificate of enrolment or registration as a citizen granted under Article 56, 57 or 58 of the Constitution;

(*b*) any certificate of registration of birth granted under Article 55 or 69 of the Constitution;

(*c*) any certificate of registration or naturalization granted under the provisions of the Singapore Citizenship Ordinance, 1957;

(*d*) any certificate of citizenship issued under the Singapore Citizenship Ordinance or Article 66 of the Constitution.

Persons born on ships or aircraft.

11. For the purposes of Part III of the Constitution, a person born on board a registered ship or aircraft, or on board an unregistered ship or aircraft of the Government of any country, shall be deemed to have been born in the place in which the ship or aircraft was registered or, as the case may be, in that country.

Posthumous persons.

12. Any reference in Part III of the Constitution to the status or description of the father of a person at the time of that person's birth shall, in relation to a person born after the death of his father, be construed as a reference to the status or description of the father at the time of the death of the father; and where that death occurred before and the birth occurs on or after the date of the coming into operation of the Constitution the status or description which would have been applicable to the father had he died after the date of such coming into operation shall be deemed to be the status or description applicable to him at the time of his death.

Foundlings.

13. Any new born child found exposed in the State of unknown and unascertainable parentage, shall until the contrary is proved, be deemed to be a citizen of Singapore by birth; and the date of finding shall be taken to be the date of birth of such child.

Citizenship at birth.

14. For the purposes of Part III of the Constitution, a person is to be treated as having at birth any citizenship which he acquires within one year afterwards by virtue of any provision corresponding to the proviso to clause (1) of Article 55 of the Constitution or otherwise.

Illegitimate children and adopted children.

15.—(1) For the purposes of Part III of the Constitution, references to a person's father or to his parent or to one of his parents shall in relation to a person who is illegitimate be construed as references to his mother and accordingly section 12 of this Schedule shall not apply to such a person.

(2) In relation to an adopted child who has been adopted by an order of a court in accordance with the provisions of any law in force in the State or in any other part of the Federation or whose adoption has been registered under any written law in force in the Federation, references to a person's father or to his parent or to one of his parents shall be construed as references to the adopter.

Permanent residence.

16.—(1) For the purposes of paragraph (*c*) of clause (2) of Article 54 of the Constitution a person shall be treated as having been at any time a permanent resident in the Federation, if, but only if, he was then resident in the Federation and either—

(*a*) he then had permission, granted without limit of time under any Federal law, to reside there; or

(*b*) it is certified by the Government of the Federation that he is to be treated for the purposes of the said paragraph (*c*) of

clause (2) of Article 54 of the Constitution as a permanent resident in the Federation.

(2) A certificate of the Government of the Federation that a person is or was excluded from the application of paragraph (*c*) of clause (2) of Article 54 of the Constitution by the proviso to that clause shall be conclusive evidence of the matter certified.

Periods of absence to be treated as periods of residence.

17. In calculating for the purposes of Part III of the Constitution a period of residence in the State—

(*a*) a period of absence from the State of less than six months in the aggregate; and

(*b*) a period of absence from the State exceeding six months in the aggregate for any cause generally or specially approved by the Government; and

(*c*) a period of absence from the State while the person is in any part of the Federation,

may be treated as residence in the State and a person shall be deemed to be resident in the State on a particular day if he had been resident in the State before that day and that day is included in any such period of absence as aforesaid.

Certain period of residence not to be taken into account.

18. In calculating for the purposes of Part III of the Constitution any period of residence in the State no account shall be taken—

(*a*) of any period of residence in the State whilst a person was or was the member of the family of—

(i) a person recruited outside the Federation serving on full pay in any naval, military or air force other than the naval, military or air force of the Federation;

(ii) a person recruited outside the Federation serving in a civil capacity in any department of any Government operating in the State other than a department of the Government or of the Government of the Federation; or

(*b*) of any period during which a person was not lawfully resident in the State;

(*c*) of any period spent as an inmate of any prison or as a person detained in lawful custody in any other place other than a mental hospital or opium treatment centre under the provisions of any written law of the State;

(*d*) save with the consent of the Minister, of any period during which a person is allowed to remain temporarily in the State under the authority of any Pass issued under the provisions of any written law of the State or of any other part of the Federation relating to immigration.

Discretion of the Minister.

19.—(1) The Minister shall not be required to assign any reason for the grant or refusal of any application under Part III of the Constitution the decision on which is at his discretion and the decision of the Minister on any such application shall be final.

(2) Before refusing such an application the Minister shall refer the case to an advisory committee consisting of three persons appointed for the purpose, either generally or specially, by the Yang di-Pertuan Negara and in making his decision shall have regard to any report made to him by the advisory committee.

EXPLANATORY NOTE

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

This Order enacts new constitutions for North Borneo (which will be known as the State of Sabah), Sarawak (which will be known as the State of Sarawak) and the State of Singapore.