

A BILL

*i n t i t u l e d*

An Act to amend the Federal Constitution.

[ ]

**ENACTED** by the Parliament of Malaysia as follows:

**Short title and commencement**

**1.** (1) This Act may be cited as the Constitution (Amendment) Act 2021.

(2) This Act comes into operation on a date to be appointed by the Yang di-Pertuan Agong by notification in the *Gazette*.

**Amendment of Article 1**

**2.** The Federal Constitution is amended in Article 1 by substituting for Clause (2) the following Clause:

“(2) The States of the Federation shall be—

(a) the States of Malaya, namely, Johore, Kedah, Kelantan, Malacca, Negeri Sembilan, Pahang, Penang, Perak, Perlis, Selangor and Terengganu; and

(b) the Borneo States, namely, Sabah and Sarawak.”.

**Amendment of Article 160**

3. Article 160 of the Federal Constitution is amended in Clause (2)—

(a) by inserting after the definition of “Malay” the following definition:

‘ “Malaysia Day” means the sixteenth day of September, nineteen hundred and sixty-three;’; and

(b) by substituting for the definition of “the Federation” the following definition:

‘ “the Federation” means the Federation that was first established under the Federation of Malaya Agreement 1957 and further pursuant to an Agreement concluded on the ninth day of July, nineteen hundred and sixty-three between the United Kingdom of Great Britain and Northern Ireland, the Federation of Malaya, North Borneo, Sarawak and Singapore, the Federation is called Malaysia with the Colonies of North Borneo and Sarawak and the State of Singapore federated with the existing States of the Federation of Malaya as the States of Sabah, Sarawak and Singapore in accordance with the constitutional instruments annexed thereto but under and by virtue of the Agreement relating to the separation of Singapore from Malaysia as an independent and sovereign State dated seventh day of August, nineteen hundred and sixty-five, Singapore has ceased to be a state of Malaysia.’.

**Amendment of Article 161A**

4. Article 161A of the Federal Constitution is amended—

(a) in Clause (6), by substituting for paragraph (a) the following paragraph—

“(a) in relation to Sarawak, a person who is a citizen and belongs to one of the races specified by State law as indigenous to the State; and”; and

(b) by deleting Clause (7).

EXPLANATORY STATEMENT

This Bill seeks to amend the Federal Constitution.

2. *Clause 1* of this Bill provides for the short title of the proposed Act and the power of the Yang di-Pertuan Agong to appoint the date of coming into operation of the proposed Act.

3. *Clause 2* of this Bill seeks to substitute Clause (2) of Article 1 of the Federal Constitution to specify all the constituent States of the Federation by restoring, with modifications, the position of Clause (2) of Article 1 of the Federal Constitution during the formation of Malaysia in 1963 except the reference to Singapore.

4. *Clause 3* of this Bill seeks to introduce the definition of “Malaysia Day”, and to substitute the definition of “the Federation” in accordance with the spirit of the Agreement Relating to Malaysia dated ninth day of July, nineteen hundred and sixty-three and by virtue of the Agreement relating to the separation of Singapore from Malaysia as an independent and sovereign State dated seventh day of August, nineteen hundred and sixty-five.

5. *Clause 4* of this Bill seeks to amend Article 161A of the Federal Constitution.

*Subclause 4(a)* seeks to substitute for paragraph (a) of Clause (6) of Article 161A of the Federal Constitution to provide that, in relation to Sarawak, the races considered to be indigenous to Sarawak are as provided by State law.

*Subclause 4(b)* seeks to delete Clause (7) of Article 161A.

*FINANCIAL IMPLICATIONS*

This Bill will not involve the Government in any extra financial expenditure.

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