



Federation of Malaya Independence Act 1957

1957 CHAPTER 60 5 and 6 Eliz 2

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

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

- (1) Subject to the provisions of this section, the approval of Parliament is hereby given to the conclusion between Her Majesty and the Rulers of the Malay States of such agreement as appears to Her Majesty to be expedient for the establishment of the Federation of Malaya as an independent sovereign country within the Commonwealth.
- (2) Any such agreement as aforesaid may make provision—
 - (a) for the formation of the Malay States and of the Settlements of Penang and Malacca into a new independent Federation of States under a Federal Constitution specified in the agreement and for the application to those Settlements, as States of the new Federation, of State Constitutions so specified;
 - (b) for the termination of Her Majesty's sovereignty and jurisdiction in respect of the said Settlements, and of all other Her power and jurisdiction in and in respect of the Malay States or the Federation as a whole, and the revocation or modification of all or any of the provisions of the Federation of Malaya Agreement, 1948, and of any other agreements in force between Her Majesty and the Rulers of the Malay States.
- (3) Any such agreement shall be conditional upon the approval of the new Federal Constitution by enactments of the existing Federal Legislature and of each of the Malay States; and upon such approval being given Her Majesty by Order in Council may direct that the said Federal and State Constitutions shall have the force of law within the said Settlements, and, so far as She has jurisdiction in that behalf, elsewhere

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within the Federation, and may make such other provision as appears to Her to be necessary for giving effect to the agreement.

- (4) Any Order in Council under this section shall be laid before Parliament after being made.
- (5) In this Act “the appointed day” means such day as may be specified by Order in Council under this section as the day from which the said Federal Constitution has the force of law as aforesaid.

Modifications etc. (not altering text)

C1 31.8.1957 specified under s. 1(5) by [S.I. 1957/1533](#) (1957 I, p. 832), art. 2

2 Operation of existing laws.

- (1) On and after the appointed day, all existing law to which this section applies shall, until otherwise provided by the authority having power to amend or repeal that law, continue to apply in relation to the Federation or any part thereof, and to persons and things in any way belonging thereto or connected therewith, in all respects as if no such agreement as is referred to in subsection (1) of section one of this Act had been concluded:

Provided that—

- (a) the enactments referred to in the First Schedule to this Act shall have effects as from the appointed day subject to the amendments made by that Schedule (being amendments for applying in relation to the Federation certain statutory provisions applicable to Commonwealth countries having fully responsible status within Her Majesty’s dominions);
- (b) Her Majesty may by Order in Council make such further adaptations in any Act of the Parliament of the United Kingdom passed before the appointed day, or in any instrument having effect under any such Act, as appear to Her necessary or expedient in consequence of the agreement referred to in subsection (1) of section one of this Act;
- (c)^{F1}
- (d) nothing in this section shall be construed as continuing in force any enactment or rule of law limiting or restricting the legislative powers of the Federation or any part thereof.
- (2) An Order in Council made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) An Order in Council made under this section may be varied or revoked by a subsequent Order in Council so made and may, though made after the appointed day, be made so as to have effect from that day.
- (4) In this section “existing law” means any Act of Parliament or other enactment or instrument whatsoever, and any rule of law, which is in force on the appointed day or, having been passed or made before the appointed day, comes into force after that day; and the existing law to which this section applies is law which operates as law of, or of any part of, the United Kingdom, Southern Rhodesia, or any colony, protectorate or United Kingdom trust territory except that this section—
- (a) does not apply to any law passed by the Federal Legislature of Rhodesia and Nyasaland;

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- (b) applies to other law of, or of any part of, Southern Rhodesia so far only as concerns law which can be amended neither by a law passed by the Legislature thereof nor by a law passed by the said Federal Legislature; and
 - (c) applies to other law of, or of any part of, Northern Rhodesia or Nyasaland so far only as concerns law which cannot be amended by a law passed by the said Federal Legislature.
- (5) References in subsection (4) of this section to a colony, a protectorate and a United Kingdom trust territory shall be construed as if they were references contained in the ^{M1}British Nationality Act 1948.

Textual Amendments

F1 S. 2(1)(c) repealed by [Statute Law \(Repeals\) Act 1976 \(c. 16\)](#), s. 1, **Sch. 1 Pt. XIII**

Marginal Citations

M1 1948 c. 56.

[^{F2}3 **Appeals from Supreme Court of Federation.**

- (1) Her Majesty may by Order in Council confer on the Judicial Committee of the Privy Council such jurisdiction in respect of appeals from the Supreme Court of the Federation as appears to Her to be appropriate for giving effect to any arrangements made after the appointed day between Her Majesty and the Head of the Federation for the reference of such appeals to that Committee.
- (2) An order in Council under this section may determine the classes of cases in which, and the conditions as to leave and otherwise subject to which, any such appeal may be entertained by the said Committee, and the practice and procedure to be followed on any such appeal, and may in particular make such provision with respect to the form of the report of recommendation to be made by the Committee in respect of any such appeal, and the transmission to the Head of the Federation of such reports or recommendations, as appears to Her Majesty to be appropriate having regard to the said arrangements.
- (3) Except so far as otherwise provided by Order in Council under this section, and subject to such modifications as may be so provided, the ^{M2}Judicial Committee Act 1833, shall apply in relation to appeals under this section as it appears in relation to appeals to Her Majesty in Council.
- (4) Arrangements made in pursuance of this section may apply to any appeal to Her Majesty in Council, or any application for leave to bring such an appeal, which is pending on the appointed day; but except as aforesaid nothing in this Act shall be construed as continuing in force any right of appeal to Her Majesty in Council from any court in the Federation.
- (5) An Order in Council made under this section may be varied or revoked by a subsequent Order in Council so made.]

Textual Amendments

F2 S. 3 repealed (*prosp.*) by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#) ss. 1(1), 3(2), Sch. 1 Pt. VI

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Modifications etc. (not altering text)

C2 S. 3 extended by Malaysia Act 1963 (c. 35), s. 5(2)(3)

C3 S. 3(1) amended by Malaysia Act 1963 (c. 35), s. 5(1)(3)

Marginal Citations

M2 1833 c. 41.

4 Interpretation, repeal and short title.

(1) References in this Act to any other enactment are references thereto as amended or extended by any subsequent enactment.

(2) ^{F3}

(3) This Act may be cited as the Federation of Malaya Independence Act 1957.

Textual Amendments

F3 S. 4(2) repealed by Statute Law (Repeals) Act 1974 (c. 22), Sch. Pt. XI

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SCHEDULES

FIRST SCHEDULE

Section 2.

CONSEQUENTIAL AMENDMENTS OF ENACTMENTS

Modifications etc. (not altering text)

C4 Sch. 1 explained by [Malaysia Act 1963 \(c. 35\)](#), [Sch. 2 para. 1\(a\)](#)

1 **F4**

Textual Amendments

F4 Sch. 1 para. 1 repealed by [British Nationality Act 1981 \(c. 61, SIF 87\)](#), [Sch. 9](#)

Armed forces

- 2 (1) References in the ^{M3}Army Act 1955, the ^{M4}Air Force Act 1955, and the ^{M5}Naval Discipline Act 1957, to a colony or to territory under Her Majesty's protection shall not include any part of the Federation, and section two hundred and eighteen of the ^{M6}Army Act 1955, section two hundred and sixteen of the ^{M7}Air Force Act 1955, and subsection (3) of section one hundred and twenty-seven of the ^{M8}Naval Discipline Act 1957, shall cease to have effect.
- (2) In the definitions of "Commonwealth force" in subsection (1) of section two hundred and twenty-five of the ^{M9}Army Act, 1955, and in subsection (1) of section two hundred and twenty-three of the ^{M10}Air Force Act, 1955, and in the definition of "Commonwealth country" in subsection (1) of section one hundred and thirty-five of the ^{M11}Naval Discipline Act, 1957, for the words "or Ghana" there shall be substituted the words "Ghana or the Federation of Malaya".
- (3) Until the coming into force of the ^{M12}Naval Discipline Act, 1957, sub-paragraph (2) of this paragraph shall have effect as if for the reference to the definition of "Commonwealth country" in subsection (1) of section one hundred and thirty-five of that Act there were substituted a reference to the definition of "Commonwealth force" in section eighty-six of the Naval Discipline Act, as amended by the ^{M13}Revision of the Army and Air Force Acts (Transitional Provisions) Act, 1955.

Modifications etc. (not altering text)

C5 The text of Sch. 1 paras. 2(2)(3), 6, 10, is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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Marginal Citations

- M3** 1955 c. 18.
- M4** 1955 c. 19.
- M5** 1957 c. 53.
- M6** 1955 c. 18.
- M7** 1955 c. 19.
- M8** 1957 c. 53.
- M9** 1955 c. 18.
- M10** 1955 c. 19.
- M11** 1957 c. 53.
- M12** 1957 c. 53.
- M13** 1955 c. 20.

- 3 Section four of the ^{M14}Visiting Forces (British Commonwealth) Act 1933 (which deals with attachment and mutual powers of command), and the definition of “visiting force” for the purposes of that Act which is contained in section eight of that Act, shall apply in relation to forces raised in the Federation as they apply in relation to forces raised in Dominions within the meaning of the ^{M15}Statute of Westminster 1931.

Marginal Citations

- M14** 1933 c. 6.
- M15** 1931 c. 4 (22 & 23 Geo. 5).

- 4 (1) In subsection (1) of section one of the ^{M16}Visiting Forces Act 1952 (which specifies the countries to which that Act applies), for the words “or Ghana” there shall be substituted the words “Ghana or the Federation of Malaya”; and in paragraph (a) of subsection (1) of section ten of that Act the expression “colony” shall not include any part of the Federation.
- (2) Until express provision with respect to the Federation is made by Order in Council under section eight of the said Act of 1952 (which relates to the application to visiting forces of law relating to home forces), any such Order for the time being in force shall be deemed to apply to visiting forces of the Federation.

Marginal Citations

- M16** 1952 c. 67.

- 5 F5

Textual Amendments

- F5** Sch. 1 para. 5 repealed by Finance Act 1969 (c. 32), Sch. 21 Pt. IX

- 6 In subsection (6) of section one of the ^{M17}Diplomatic Immunities (Commonwealth Countries and Republic of Ireland) Act, 1952, after the word “Ghana” there shall be inserted the words “the Federation of Malaya”.

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Modifications etc. (not altering text)

C6 The text of Sch. 1 paras. 2(2)(3), 6, 10, is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M17 1952 c. 18

7 F6

Textual Amendments

F6 Sch. 1 para. 7 repealed by Statute Law (Repeals) Act 1977 (c. 18), Sch. 1 Pt. XV

8 F7

Textual Amendments

F7 Sch. 1 para. 8 repealed by Trustee Investments Act 1961 (c. 62), Sch. 5

Ships and aircraft

9 The Merchant Shipping Acts, 1894 to 1954, shall apply in relation to the Federation as they apply in relation to the Commonwealth countries mentioned in subsection (3) of section one of the ^{M18}British Nationality Act 1948.

Marginal Citations

M18 1948 c. 56.

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

(a) in subsection (2) of section four hundred and twenty-seven of the ^{M19}Merchant Shipping Act, 1894, as substituted by section two of the ^{M20}Merchant Shipping (Safety Convention) Act, 1949, for the words “or Ghana” there shall be substituted the words “Ghana or the Federation of Malaya”; and

(b) in the proviso to subsection (2) of section six of the ^{M21}Merchant Shipping Act, 1948, for the words “or Ghana” there shall be substituted the words “Ghana or the Federation of Malaya”.

Modifications etc. (not altering text)

C7 The text of Sch. 1 paras. 2(2)(3), 6, 10, is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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Marginal Citations

M19 1894 c. 60

M20 1949 c. 43

M21 1948 c. 44

11 F8

Textual Amendments

F8 Sch. 1 para. 11 repealed by Emergency Laws (Repeals) Act 1959 (c. 19), Sch. 4 Pt. I

12 F9

Textual Amendments

F9 Sch. 1 para. 12 repealed by Statute Law (Repeals) Act 1977 (c. 18), Sch. 1 Pt. XV

13 In the ^{M22}Whaling Industry (Regulation) Act 1934, the expression “British ship to which this Act applies” shall not include a British ship registered in the Federation.

Marginal Citations

M22 1934 c. 49.

Copyright

14, 15. F10

Textual Amendments

F10 Sch. 1 paras. 14, 15 repealed by Copyright, Designs and Patents Act 1988 (c. 48, SIF 67A), s. 303(2), Sch. 8

^{F11}F11 SECOND SCHEDULE

Textual Amendments

F11 Sch. 2 repealed by Statute Law (Repeals) Act 1974 (c. 22), Pt. XI

..... F11

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