

UNDANG-UNDANG MALAYSIA
AKTA A206
AKTA PERLEMBAGAAN (PINDAAN) (NO. 2),
1973

SENARAI PINDAAN :

BIL.	PINDAAN	TARIKH	CATITAN
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UNDANG-UNDANG MALAYSIA

Akta A206

AKTA PERLEMBAGAAN (PINDAAN) (No. 2), 1973

Tarikh Persetujuan Diraja ... 20hb Ogos. 1973

Tarikh diterbitkan dalam *Warta* ... 23hb Ogos, 1973

UNDANG-UNDANG MALAYSIA

Akta A206

AKTA PERLEMBAGAAN (PINDAAN) (No. 2), 1973

Suatu Akta bagi meminda Perlembagaan Persekutuan untuk membuat peruntukan-peruntukan bagi penubuhan Wilayah Persekutuan, bagi pengantikan ahli-ahli Dewan Rakyat mengikut Negeri-negeri dan bagi perkara-perkara yang berkaitan dengannya.

[Bahagian I dan Jadual—
1hb Februari, 1974;

Bahagian II dan III—

.]

MAKA INILAH DIPERBUAT UNDANG-UNDANG oleh Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong dengan nasihat dan persetujuan Dewan Negara dan Dewan Rakyat yang bersidang dalam Parlimen, dan dengan kuasa daripadanya, seperti berikut:

1. (1) Akta ini bolehlah dinamakan Akta Perlembagaan (Pindaan) (No. 2), 1973 dan hendaklah mula berkuatkuasa sebagaimana yang diperuntukkan dalam seksyen-kecil (2) dan (3). Tajuk ringkas dan mula berkuatkuasa.

(2) Kecuali mengenai Bahagian I dan Jadual, Akta ini hendaklah mula berkuatkuasa pada tarikh Akta ini disiarkan dalam *Warta*.

(3) Bahagian I dan Jadual hendaklah mula berkuatkuasa pada 1 haribulan Februari, 1974.

BAHAGIAN I

WILAYAH PERSEKUTUAN

2. (1) Sempadan- sempadan bagi Negeri Selangor adalah dengan ini diubah dengan dikeluarkan darinya Wilayah Persekutuan yang diperihalkan di bawah ini. Perubahan sempadan- sempadan bagi Negeri Selangor dan perwujudan Wilayah Persekutuan.

(2) Wilayah Persekutuan ini hendaklah terdiri daripada kawasan-kawasan yang ditunjukkan dalam plan yang

didepositkan yang dikenali dengan rujukan Plan *Warta* No. 383 iaitu plan—

(a) yang diperakui oleh Ketua Jurukur Selangor sebagai suatu plan yang benar dan betul bagi kawasan-kawasan itu; dan

(b) yang bertarikh dan didepositkan di pejabat Ketua Jurukur Selangor.

Terkeluar-
nya Wilayah
Persekutuan
dari
Selangor
dan
pelepasan
kuasa-kuasa,
dsb. oleh
Selangor.

3. Wilayah Persekutuan itu hendaklah berhenti daripada menjadi sebahagian daripada Negeri Selangor dan Raja bagi Negeri Selangor hendaklah melepaskan dan berhenti daripada menjalankan apa-apa kedaulatan ke atas Wilayah Persekutuan itu dan segala kuasa dan bidangkuasa Raja dan Dewan Negeri bagi Negeri Selangor dalam atau berkenaan dengan Wilayah Persekutuan itu hendaklah berakhir.

Bidangkuasa
ke atas
Wilayah
Persekutuan.

4. Persekutuan hendaklah menjalankan kedaulatan ke atas Wilayah Persekutuan itu dan segala kuasa dan bidangkuasa dalam atau berkenaan dengan Wilayah Persekutuan itu hendaklah terletak pada Persekutuan.

Perletakkan
tanah-
tanah di
dalam
Wilayah
Persekutuan.

5. (1) Seluruh kepunyaan dan kawalan mengenai semua tanah dalam Wilayah Persekutuan itu yang sebelum sahaja mula berkuatkuasanya Akta ini telah terletak pada Negeri Selangor dan segala galian dan bahan batu di dalam atau di atas mana-mana tanah di dalam Wilayah Persekutuan itu yang hak-hak terhadapnya belum lagi dilepaskan secara tertentu hendaklah, apabila mula berkuatkuasanya Akta ini, tanpa apa-apa pindahmilik atau pindahhak, diletakkan semata-mata pada Persekutuan dan boleh dilepaskan atau dibuat apa-apa urusan mengenai-nya mengikut peruntukan-peruntukan Kanun Tanah Negara, Enakmen Lombong, Enakmen Hutan dan segala atau apa-apa undang-undang yang meminda atau memansuhkan Kanun yang tersebut itu atau Enakmen-enakmen yang tersebut itu.

(2) Segala sebutan mengenai Negeri atau Pihakberkuasa Negeri yang terdapat dalam undang-undang yang tersebut dalam seksyen-kecil (1) hendaklah, berkenaan dengan Wilayah Persekutuan itu, ditafsirkan sebagai sebutan mengenai Kerajaan Persekutuan.

(3) Peruntukan-peruntukan Kanun Tanah Negara, Enakmen Lombong, Enakmen Hutan dan kaedah-kaedah yang dibuat di bawahnya hendaklah, dalam pemakaiannya berkenaan dengan Wilayah Persekutuan itu, berkuatkuasa tertakluk kepada seksyen ini dan kepada apa-apa ubahsuaian sebagaimana yang ditentukan dari semasa ke semasa dalam suatu Perintah yang dibuat oleh Yang di-Pertuan Agong.

(4) Segala harta dan kepentingan mengenai apa-apa tanah, hak lombong dan hak hutan di dalam Wilayah Persekutuan yang dipegang dari Negeri Selangor oleh mana-mana orang sebelum sahaja mula berkuatkuasanya Akta ini hendaklah dipegang seterusnya dari Kerajaan Persekutuan mengikut had-had dan syarat-syarat sama seperti ianya telah dipegang dari Negeri itu.

6. (1) Tanpa menyentuh peruntukan-peruntukan seksyen 5 dan tertakluk kepada peruntukan-peruntukan yang berikut dalam seksyen ini, undang-undang Negeri yang sedia ada dan berkuatkuasa di dalam Wilayah Persekutuan itu hendaklah berkuatkuasa seterusnya di dalamnya sehingga dimansuhkan, dipinda atau digantikan dengan undang-undang yang diluluskan oleh Parlimen.

Undang-undang Negeri yang sedia ada di dalam Wilayah Persekutuan.

(2) Jika apa-apa kuasa atau tugas adalah diletakhak pada Raja Negeri Selangor atau pada mana-mana pihakberkuasa bagi Negeri itu oleh mana-mana undang-undang yang berkuatkuasa di dalam Wilayah Persekutuan itu, maka kuasa atau tugas itu berhubung dengan Wilayah Persekutuan itu hendaklah diletakhak pada dan dijalankan atau dilaksanakan oleh Yang di-Pertuan Agong atau Menteri yang bertanggungjawab bagi Wilayah Persekutuan itu atau oleh mana-mana orang atau pihakberkuasa lain sebagaimana yang diarahkan dengan perintah oleh Yang di-Pertuan Agong:

Dengan syarat bahawa Yang di-Pertuan Agong boleh mengarahkan dengan persetujuan Pihakberkuasa Negeri dengan perintah bahawa mana-mana kuasa atau tugas itu boleh dijalankan atau dilaksanakan bagi pihak Kerajaan Persekutuan oleh pihakberkuasa bagi Negeri yang padanya kuasa atau tugas itu telah diletakhak dahulunya; dan semasa arahan itu masih berkuatkuasa pihakberkuasa bagi Negeri itu hendaklah, berkenaan dengan penjalanan dan

pelaksanaan kuasa atau tugas itu, disifatkan sebagai suatu pihakberkuasa bagi Kerajaan Persekutuan.

(3) Undang-undang-kecil yang sedia ada dan berkuatkuasa dalam mana-mana kawasan pihakberkuasa tempatan atau mana-mana bahagian daripadanya yang menjadi sebahagian daripada Wilayah Persekutuan itu selepas lulusnya Akta ini hendaklah berkuatkuasa seterusnya tertakluk kepada seksyen ini.

(4) Yang di-Pertuan Agong boleh, apabila jua didapati oleh Yang di-Pertuan Agong perlu atau mustahak berbuat sedemikian samada bagi maksud menghapuskan kesulitan-kesulitan atau oleh sebab lulusnya Akta ini, dengan perintah membuat apa-apa ubahsuaian sebagaimana yang difikirkan patut oleh Yang di-Pertuan Agong kepada mana-mana peruntukan dalam mana-mana undang-undang yang sedia ada.

(5) Dalam seksyen-kecil (4), perbahaasan "undang-undang yang sedia ada" ertinya undang-undang persekutuan atau Negeri dan termasuklah apa-apa perundangan kecil yang dibuat di bawahnya.

Bahagian-
bahagian
Pilihanraya.

7. (1) Apabila mula berkuatkuasanya Akta ini, bahagian-bahagian pilihanraya Negeri di dalam Wilayah Persekutuan itu hendaklah berakhir; bagaimanapun dengan syarat bahawa sehingga Dewan Negeri bagi Negeri Selangor dibubarkan pada kali yang pertama selepas lulusnya Akta ini, ahli-ahli bagi Dewan Negeri tersebut itu yang dipilih dari bahagian-bahagian pilihanraya tersebut itu adalah masih lagi menjadi ahli-ahli Dewan Negeri yang tersebut itu walaupun bahagian-bahagian pilihanraya itu dihapuskan.

(2) Sehingga Parlimen dibubarkan pada kali yang pertama selepas lulusnya Akta ini, bahagian-bahagian pilihanraya persekutuan di dalam Wilayah Persekutuan itu dan Negeri Selangor hendaklah masih lagi wujud dan begitu juga ahli-ahli yang dipilih dari bahagian-bahagian pilihanraya tersebut itu adalah masih lagi menjadi ahli-ahli Parlimen.

8. Wilayah Persekutuan itu hendaklah ditadbirkan mengikut Akta Ibu Kota Persekutuan, 1960 sebagaimana dipinda dari semasa ke semasa oleh Parlimen:

Kecualian dan kuatkuasa Akta 35 tahun 1960.

Dengan syarat bahawa kawasan Perbandaran Kuala Lumpur hendaklah diperluaskan mengikut cara yang dinyatakan dalam perintah oleh Yang di-Pertuan Agong di bawah seksyen 15 (2) Akta Ibu Kota Persekutuan, 1960 itu:

Dengan syarat selanjutnya bahawa walau apa-apa jua dalam Akta Ibu Kota Persekutuan, 1960, Yang di-Pertuan Agong hendaklah melantik dua orang yang dinamakan oleh Raja bagi Negeri Selangor untuk menjadi ahli-ahli Lembaga Penasihat di bawah seksyen 6 Akta itu, atau di bawah mana-mana undang-undang lain yang menggantikan Akta itu.

9. (1) Segala hak, tanggungan dan kewajipan berhubung dengan apa-apa perkara yang sebelum sahaja mula berkuatkuasanya Akta ini telah menjadi tanggungjawab Kerajaan Negeri Selangor tetapi yang pada hari itu menjadi tanggungjawab Kerajaan Persekutuan, hendaklah pada hari itu berpindah kepada Persekutuan, melainkan jika selainnya dipersetujui antara Kerajaan Persekutuan dengan Kerajaan Negeri itu.

Pewarisan hak, tanggungan dan kewajipan.

(2) Jika apa-apa wang yang dikehendaki dibayar menurut apa-apa tanggungan atau kewajipan sebagaimana yang disebutkan dalam seksyen-kecil (1) telah sebelum sahaja mula berkuatkuasanya Akta ini dipertanggung kepada Kumpulanwang Disatukan bagi Negeri Selangor, maka, setakat mana tanggungan atau kewajipan itu berpindah kepada Persekutuan pada hari itu, wang-wang yang dikehendaki bagi membayarnya hendaklah menjadi suatu pertanggungan kepada Kumpulanwang Disatukan bagi Persekutuan, tetapi setakat mana tanggungan atau kewajipan itu masih lagi menjadi tanggungjawab Negeri Selangor wang itu hendaklah masih lagi dipertanggung kepada Kumpulanwang Disatukan bagi Negeri itu.

(3) Peguam Negara hendaklah atas permintaan mana-mana pihak yang ada kepentingan dalam apa-apa pembicaraan undang-undang, lain daripada pembicaraan antara Persekutuan dengan Negeri Selangor, memperakui samada, menurut seksyen ini, apa-apa hak, tanggungan atau kewajipan adalah suatu hak, tanggungan atau kewajipan bagi Persekutuan atau Negeri itu; dan sesuatu perakuan itu

adalah bagi maksud-maksud pembicaraan itu muktamad dan mengikati semua mahkamah, tetapi perakuan itu tidaklah berkuatkuasa menyentuh hak-hak dan kewajipan-kewajipan Persekutuan dan Negeri itu di antara sesamanya sendiri.

Pewarisan
pembicaraan
sivil.

10. (1) Dalam apa-apa pembicaraan undang-undang berhubung dengan perkara-perkara sivil yang belum selesai pada mula berkuatkuasanya Akta ini maka hendaklah digantikan satu pihak dengan satu pihak lain sebagaimana yang perlu memandangi kepada apa-apa pemindahan pada hari itu mengenai bidangkuasa atau kuasa pemerintah atau kepada apa-apa pemindahan di bawah Akta ini mengenai hak, tanggungan atau kewajipan.

(2) Apa-apa rayuan yang dibawa pada atau selepas mula berkuatkuasanya Akta ini terhadap sesuatu keputusan yang diberi dalam sesuatu pembicaraan undang-undang sebelum hari itu boleh dibawa oleh atau terhadap pihak yang, menurut seksyen-kecil (1), sepatutnya menjadi pihak merayu atau pihak menjawab jika pembicaraan itu diteruskan selepas hari itu, tetapi jika rayuan itu tidak dibawa sedemikian, seksyen-kecil (1) hendaklah dipakai baginya sebagaimana ianya dipakai bagi pembicaraan-pembicaraan yang belum selesai pada hari itu.

(3) Seksyen-kecil (2) hendaklah dipakai dengan ubahsuaian-ubahsuaian yang perlu bagi pembicaraan-pembicaraan untuk mendapatkan kebenaran merayu sebagaimana ianya dipakai bagi sesuatu rayuan.

(4) Peguam Negara hendaklah, atas permintaan sesuatu pihak dalam sesuatu pembicaraan, memperakui samada apa-apa, dan jika ada apakah, nenggantian mengenai satu pihak dengan satu pihak yang lain hendak dibuat menurut seksyen-seksyen-kecil (1) hingga (3) dalam pembicaraan itu atau bagi maksud sesuatu rayuan yang berbangkit daripadanya; dan sesuatu perakuan itu adalah bagi maksud-maksud pembicaraan itu atau sesuatu rayuan itu muktamad dan mengikati semua mahkamah, tetapi perakuan itu tidaklah berkuatkuasa menyentuh hak-hak dan kewajipan-kewajipan Persekutuan dan Negeri itu di antara sesamanya sendiri.

Pindaan-
pindaan
berbangkit
kepada
Perlem-
bagaan.

11. Pindaan-pindaan yang dinyatakan dalam Jadual kepada Akta ini berhubung dengan Wilayah Persekutuan hendaklah berkuatkuasa.

BAHAGIAN II

AHLI-AHLI DEWAN RAKYAT

12. Perlembagaan adalah dengan ini dipinda dengan menggantikan Perkara 46 dengan Perkara baharu 46 yang berikut—

Pindaan bagi Perkara 46.

"Keanggotaan Dewan Rakyat.

46. (1) Dewan Rakyat hendaklah mengandungi seratus lima puluh empat orang ahli yang dipilih.

(2) Daripada bilangan itu—

(a) seratus empat puluh sembilan orang ahli ialah dari Negeri-negeri dalam Malaysia seperti berikut—

- (i) enam belas orang ahli dari Johor;
- (ii) tiga belas orang ahli dari Kedah;
- (iii) dua belas orang ahli dari Kelantan;
- (iv) empat orang ahli dari Melaka;
- (v) enam orang ahli dari Negeri Sembilan;
- (vi) lapan orang ahli dari Pahang;
- (vii) sembilan orang ahli dari Pulau Pinang;
- (viii) dua puluh satu orang ahli dari Perak;
- (ix) dua orang ahli dari Perlis;
- (x) enam belas orang ahli dari Sabah;
- (xi) dua puluh empat orang ahli dari Sarawak;
- (xii) sebelas orang ahli dari Selangor;
- (xiii) tujuh orang ahli dari Trengganu; dan

(b) lima orang ahli dari Wilayah Persekutuan."

13. Perlembagaan adalah dengan ini dipinda dengan memasukkan yang berikut selepas sahaja Fasal (7) Perkara 113—

Pindaan bagi Perkara 113.

"(8) Walau apa pun peruntukan Fasal (7) Perkara ini tempoh bagi ulangkaji-ulangkaji di bawah Fasal (2) untuk yunit ulangkaji bagi Negeri-negeri Tanah Melayu yang dijalankan selepas lulusnya Akta Perlembagaan (Pindaan) (No. 2), 1973 hendaklah dikira mulai

dari persempadanan yang pertama bagi bahagian-bahagian-pilihanraya bagi yunit itu selepas sahaja lulusnya Akta itu.”.

Pindaan bagi
Perkara 116.

14. Perlembagaan adalah dengan ini dipinda dengan menggantikan perkataan-perkataan “Jadual Ketiga belas” yang terdapat dalam Fasal (2) Perkara 116 dengan perkataan-perkataan “Perkara 46 dan Jadual Ketiga belas”.

Pindaan bagi
Jadual
Ketiga belas.

15. (1) Perenggan (c) seksyen 2 dalam Jadual Ketiga belas kepada Perlembagaan adalah dengan ini dipinda dengan—

(a) menggantikan perkataan-perkataan “bilangan pemilih² dalam tiap² satu bahagian-pilihanraya patut-lah lebeh kurang sama banyak-nya di-seluruh yunit ulangkaji” dengan perkataan-perkataan “bilangan pemilih-pemilih dalam tiap-tiap satu bahagian-pilihanraya dalam sesuatu Negeri patutlah lebeh kurang sama banyaknya”; dan

(b) memotong semua perkataan selepas sahaja perkataan-perkataan “luas-nya bahagian²-pilihanraya itu patut-lah di-beri pertimbangan”.

(2) Maka hendaklah dimasukkan seksyen baharu 3A yang berikut selepas sahaja seksyen 3 dalam Jadual Ketiga belas—

“3A. Bagi maksud-maksud Bahagian ini, dalam apa-apa ulangkaji mengenai bahagian-bahagian-pilihanraya bagi maksud pilihanraya bagi Dewan Rakyat, Wilayah Persekutuan hendaklah dikira sebagai suatu Negeri.”.

BAHAGIAN III

AM

Ulangkaji
di bawah
Perkara 113.

16. (1) Walau apa pun yang terkandung dalam Fasal (2) Perkara 113 dalam Perlembagaan, Suruhanjaya Pilihanraya hendaklah dengan seberapa segera yang boleh selepas lulusnya Akta ini menjalankan ulangkaji mengenai pembahagian Negeri-negeri Tanah Melayu kepada bahagian-bahagian-pilihanraya dan mengesyorkan apa-apa perubahan yang difikirkannya perlu untuk mematuhi peruntukan-peruntukan Akta ini dan peruntukan-peruntukan Perkara 46 dan Jadual Ketiga belas kepada Perlembagaan, sebagaimana dipinda oleh Akta ini.

(2) Apa-apa lapuran dan syor-syor yang disedia atau dikemukakan oleh Suruhanjaya Pilihanraya menurut Perkara 113 (2) dan seksyen 8 dalam Jadual Ketiga belas kepada Perlembagaan tidaklah, apabila Akta ini diluluskan, mempunyai apa-apa kuatkuasa atau kesan dan kehendak-kehendak seksyen-seksyen 9 hingga 12, termasuk keduanya, dalam Jadual Ketiga belas tidaklah dipakai bagi lapuran atau syor-syor itu.

17. Mengikut seksyen 12 dalam Jadual Ketiga belas kepada Perlembagaan, syor-syor Suruhanjaya Pilihanraya berikutan dengan ulangkaji yang dijalankan menurut seksyen-kecil (1) seksyen 16 Akta ini tidaklah menyentuh mana-mana pilihanraya bagi Dewan Rakyat atau sesuatu Dewan Negeri sehingga pembubaran yang pertama bagi Parlimen atau Dewan Negeri itu, mengikut mana yang berkenaan, yang berlaku pada atau selepas tarikh yang dinyatakan dalam perintah di bawah seksyen 12 dalam Jadual yang tersebut di-atas.

Kesan
lapuran
ulangkaji.

JADUAL

(Seksyen 11)

PINDAAN-PINDAAN BERBANGKIT KEPADA PERLEMBAGAAN

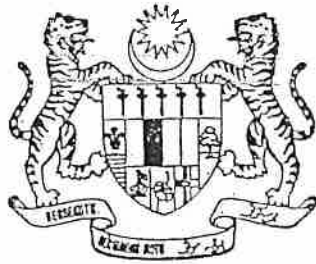
- | Perkara | Pindaan |
|---------|--|
| 1 ... | <p>(a) Dalam Fasal (3) masukkan sebelum sahaja perkataan-perkataan "Wilayah² bagi tiap² satu Negeri" perkataan "Tertakluk kepada Fasal (4)".</p> <p>(b) Tambah Fasal baru (4) yang berikut—</p> <p style="padding-left: 40px;">“(4) Wilayah bagi Negeri Selangor tidaklah termasuk Wilayah Persekutuan yang ditubuhkan di bawah Akta Perlembagaan (Pindaan) (No. 2). 1973.”.</p> |
| 3 ... | <p>Masukkan suatu Fasal baru (5) seperti berikut—</p> <p style="padding-left: 40px;">“(5) Walau apa-apa jua dalam Perlembagaan ini. Yang di-Pertuan Agong hendaklah menjadi Ketua ugama Islam dalam Wilayah Persekutuan; dan bagi maksud ini Parlimen boleh dengan undang-undang membuat peruntukan-peruntukan bagi mengadakan peraturan mengenai hal-ehwal ugama Islam dan bagi menubuhkan suatu Majlis untuk menasihatkan Yang di-Pertuan Agong mengenai perkara-perkara berhubung dengan ugama Islam.”.</p> |
| 11 | <p>Dalam Fasal (4) masukkan selepas sahaja perkataan-perkataan “Undang² Negeri”, perkataan-perkataan “dan mengenai Wilayah Persekutuan, undang-undang persekutuan”.</p> |

Perkara	Pindaan
42	<p>... (a) Dalam Fasal (1) masukkan selepas sahaja perkataan "mahkamah-tentera", perkataan-perkataan "dan segala kesalahan yang dilakukan dalam Wilayah Persekutuan";</p> <p>(b) Dalam Fasal (2) masukkan selepas sahaja perkataan "mahkamah-tentera", perkataan-perkataan "atau oleh sesuatu mahkamah sivil yang menjalankan bidangkuasa dalam Wilayah Persekutuan";</p> <p>(c) Dalam Fasal (3) tambah yang berikut diujung Fasal itu— "Bagi maksud Fasal ini, Wilayah Persekutuan hendaklah disifatkan sebagai suatu Negeri.";</p> <p>(d) Dalam Fasal (10) masukkan selepas sahaja perkataan-perkataan "Melaka atau Pulau Pinang", perkataan-perkataan "atau Wilayah Persekutuan";</p> <p>(e) Tambah suatu Fasal baru (11) seperti berikut— "(11) Bagi maksud Perkara ini maka hendaklah ditubuhkan suatu Jumaah Pengampunan bagi Wilayah Persekutuan dan peruntukan-peruntukan Fasal-fasal (5), (6), (7), (8) dan (9) Perkara ini hendaklah dipakai <i>mutatis mutandis</i> bagi Jumaah Pengampunan di bawah Fasal ini kecuali bahawa sebutan mengenai 'Raja atau Gabnor' hendaklah ditafsirkan sebagai sebutan mengenai Yang di-Pertuan Agong dan sebutan mengenai 'Ketua Menteri Negeri itu' hendaklah ditafsirkan sebagai sebutan mengenai Menteri yang bertanggungjawab bagi Wilayah Persekutuan."</p>
97	<p>... Dalam Fasal (3)—</p> <p>(a) masukkan selepas sahaja perkataan-perkataan "mengikut undang² Negeri" perkataan-perkataan "atau mengenai Wilayah Persekutuan, mengikut undang-undang persekutuan";</p> <p>(b) masukkan selepas perkataan-perkataan "undang² Negeri" di hujung ayat itu, perkataan-perkataan "atau undang-undang persekutuan, mengikut mana yang berkenaan".</p>
Jadual Ke-sembilan	<p>Dalam Senarai Persekutuan gantikan butiran 6 (e) dengan yang berikut—</p> <p>"(e) Kerajaan dan pentadbiran Wilayah Persekutuan termasuk hukum Syarak di dalamnya setakat yang sama seperti yang diperuntukkan dalam butiran 1 dalam Senarai Negeri.";</p> <p>Dalam Senarai Negeri—</p> <p>(a) masukkan di permulaan butiran 1 perkataan-perkataan "Kecuali mengenai Wilayah Persekutuan,";</p>

Perkara

Pindaan

- (b) masukkan di permulaan butiran 2 perkataan-perkataan "Kecuali mengenai Wilayah Persekutuan,";
- (c) masukkan di permulaan butiran 3 perkataan-perkataan "Kecuali mengenai Wilayah Persekutuan,";
- (d) gantikan perkataan-perkataan "ibu kota persekutuan" yang terdapat dalam butiran 4, dengan perkataan-perkataan "Wilayah Persekutuan";
- (e) masukkan di permulaan butiran 5 perkataan-perkataan "Kecuali mengenai Wilayah Persekutuan," dan potong perkataan-perkataan "kecuali di-ibu kota persekutuan" dalam butiran 5 (a).



LAWS OF MALAYSIA

Act A206

CONSTITUTION (AMENDMENT) (No. 2) ACT, 1973

Date of Royal Assent ... 20th August, 1973

Date of publication in *Gazette* ... 23rd August, 1973

LAWS OF MALAYSIA

Act A206

CONSTITUTION (AMENDMENT) (No. 2) ACT, 1973

An Act to amend the Federal Constitution to make provisions for the establishment of the Federal Territory, for the allocation of members of the House of Representatives by States and for matters connected therewith.

[Part I and Schedule—
1st February, 1974;
Parts II and III—
.]

BE IT ENACTED by the Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Rakyat in Parliament assembled, and by the authority of the same, as follows:

1. (1) This Act may be cited as the Constitution (Amendment) (No. 2) Act, 1973 and shall come into force as provided in subsections (2) and (3).

Short title
and
commence-
ment.

(2) Except with respect to Part I and the Schedule, this Act shall come into force on the date of the publication of this Act in the *Gazette*.

(3) Part I and the Schedule shall come into force on the 1st day of February, 1974.

PART I

THE FEDERAL TERRITORY

2. (1) The boundaries of the State of Selangor are hereby altered by the exclusion of the Federal Territory described hereunder.

Alteration of
boundaries
of the State
of Selangor
and the
creation of
Federal
Territory.

(2) The Federal Territory shall consist of the areas shown in the deposited plan identified by reference to *Gazette* Plan No. 383 being the plan—

(a) certified by the Chief Surveyor Selangor as a true and correct plan of the areas; and

(b) dated and deposited in the office of the Chief Surveyor, Selangor.

Excision of Federal Territory from Selangor and relinquishment of powers etc. by Selangor. 3. The Federal Territory shall cease to form part of the State of Selangor and the Ruler of the State of Selangor shall relinquish and cease to exercise any sovereignty over the Federal Territory and all power and jurisdiction of the Ruler and the Legislative Assembly of the State of Selangor in or in respect of the Federal Territory shall come to an end.

Jurisdiction over Federal Territory. 4. The Federation shall exercise sovereignty over the Federal Territory and all power and jurisdiction in or in respect of the Federal Territory shall be vested in the Federation.

Vesting of lands within the Federal Territory. 5. (1) The entire property in and control of all lands within the Federal Territory which immediately before the coming into force of this Act was vested in the State of Selangor and all minerals and rock material within or upon any land within the Federal Territory the rights to which have not been specifically disposed of shall, upon the commencement of this Act without any transfer or conveyance, be vested solely in the Federation and may be disposed of or dealt with in accordance with the provisions of the National Land Code, the Mining Enactment, the Forest Enactment and all or any laws amending or repealing the said Code or the said Enactments.

(2) All references to the State or State Authority appearing in the laws mentioned in subsection (1) shall in respect of the Federal Territory be construed as references to the Government of the Federation.

(3) The provisions of the National Land Code, the Mining Enactment, the Forest Enactment and rules made thereunder shall in their application in respect of the Federal Territory have effect subject to this section and to such modifications as may from time to time be specified in an Order made by the Yang di-Pertuan Agong.

(4) All estates and interests in any land, mining rights and forest rights within the Federal Territory which are held by any person from the State of Selangor immediately before the coming into force of this Act shall continue to be held from the Government of the Federation on the same terms and conditions as they were held from the State.

6. (1) Without prejudice to the provisions of section 5 and subject to the following provisions of this section, ~~State laws~~ Existing State laws in Federal Territory. existing and in force in the Federal Territory shall continue to be in force therein until repealed, amended or replaced by laws passed by Parliament.

(2) Where by any such law in force in the Federal Territory any power or function is vested in the Ruler of the State of Selangor or in any authority of the State, that power or function in relation to the Federal Territory shall be vested in and exercised or performed by the Yang di-Pertuan Agong or the Minister responsible for the Federal Territory or such other persons or authorities as the Yang di-Pertuan Agong may by order direct:

Provided that the Yang di-Pertuan Agong may with the concurrence of the State Authority by order direct that any such power or function may be exercised or performed on behalf of the Government of the Federation by the authority of the State in which it was previously vested; and while that direction remains in force the authority of the State shall, in regard to the exercise or performance of that power or function be deemed to be an authority of the Government of the Federation.

(3) By-laws existing and in force in any local authority area or part thereof which after the passing of this Act becomes part of the Federal Territory shall continue to be in force subject to this section.

(4) The Yang di-Pertuan Agong may, whenever it appears to him necessary or expedient so to do whether for the purpose of removing difficulties or in consequence of the passing of this Act, by order make such modifications to any provisions in any existing laws as he may think fit.

(5) In subsection (4), the expression "existing laws" means federal or State laws and includes any subsidiary legislation made thereunder.

7. (1) Upon the commencement of this Act, State constituencies within the Federal Territory shall come to an end; provided, however, that until the dissolution of the Legislative Assembly of the State of Selangor next following the passing of this Act the members of the said Assembly elected from the said constituencies shall notwithstanding their abolition continue to be members of the said Assembly. Constituencies.

(2) Until the dissolution of Parliament next following the passing of this Act the federal constituencies within the Federal Territory and the State of Selangor shall continue to exist and likewise the members elected from the said constituencies shall continue to be members of Parliament.

Saving and
operation of
Act 35 of
1960.

8. The Federal Territory shall be administered in accordance with the Federal Capital Act, 1960 as may from time to time be amended by Parliament:

Provided that the area of the Municipality of Kuala Lumpur shall be extended in the manner set out in the order by the Yang di-Pertuan Agong under section 15 (2) of the Federal Capital Act, 1960:

Provided further that notwithstanding anything in the Federal Capital Act, 1960, the Yang di-Pertuan Agong shall appoint two persons nominated by the Ruler in Council of the State of Selangor to be members of the Advisory Board under section 6 of that Act, or under any other law replacing that Act.

Succession
to rights,
liabilities
and
obligations.

9. (1) All rights, liabilities and obligations relating to any matter which was immediately before the commencement of this Act the responsibility of the Government of the State of Selangor but which on that day becomes the responsibility of the Government of the Federation, shall on that day devolve upon the Federation, unless otherwise agreed between the Federal Government and the Government of the State.

(2) Where any moneys required to be paid pursuant to any such liability or obligation as is referred to in subsection (1) were immediately before the commencement of this Act charged on the Consolidated Fund of the State of Selangor, then, to the extent to which the liability or obligation devolves upon the Federation on that day, the moneys required for the payment thereof shall be a charge on the Consolidated Fund of the Federation, but to the extent to which the liability or obligation continues to be the responsibility of the State of Selangor it shall remain charged on the Consolidated Fund of that State.

(3) The Attorney General shall on the application of any party interested in any legal proceedings, other than proceedings between the Federation and the State of Selangor, certify whether any right, liability or obligation is by virtue of this section a right, liability or obligation of the Federation or of the State; and any such certificate shall for the purposes of those proceedings be final and binding on all courts, but shall not operate to prejudice the rights and obligations of the Federation and the State as between themselves.

10. (1) In any legal proceedings relating to civil matters pending on the commencement of this Act there shall be made such substitution of one party for another as may be necessary to take account of any transfer on that day of jurisdiction or executive authority or of any transfer under this Act of rights, liabilities or obligations.

Succession
as to civil
proceedings.

(2) Any appeal brought on or after the commencement of this Act against a decision given in any legal proceedings before that day may be brought by or against the party who should, by virtue of subsection (1), have been the appellant or respondent if the proceedings had continued after that day, but if it is not so brought, subsection (1) shall apply to it as it applies to proceedings pending on that day.

(3) Subsection (2) shall apply with the necessary modifications to proceedings for leave to appeal as it applies to an appeal.

(4) The Attorney-General shall, on the application of a party to any proceedings, certify whether any, and if so what, substitution of one party for another is to be made by virtue of subsections (1) to (3) in those proceedings or for the purpose of any appeal arising out of them; and any such certificate shall for purposes of the proceedings or any such appeal, be final and binding on all courts, but shall not operate to prejudice the rights and obligations of the Federation and the State as between themselves.

11. The amendments specified in the Schedule hereto relating to the Federal Territory shall have effect.

Conse-
quential
amendments
to the Con-
stitution.

PART II

MEMBERS OF THE HOUSE OF REPRESENTATIVES

Amendment
of
Article 46.

12. The Constitution is hereby amended by substituting for Article 46 the following new Article 46—

"Com-
position of
House of
Represen-
tatives

46. (1) The House of Representatives shall consist of one hundred and fifty-four elected members.

(2) There shall be—

(a) one hundred and forty-nine members from the States in Malaysia as follows—

- (i) sixteen members from Johore;
 - (ii) thirteen members from Kedah;
 - (iii) twelve members from Kelantan;
 - (iv) four members from Malacca;
 - (v) six members from Negri Sembilan;
 - (vi) eight members from Pahang;
 - (vii) nine members from Penang;
 - (viii) twenty-one members from Perak;
 - (ix) two members from Perlis;
 - (x) sixteen members from Sabah;
 - (xi) twenty-four members from Sarawak;
 - (xii) eleven members from Selangor;
 - (xiii) seven members from Trengganu;
- and

(b) five members from the Federal Territory."

Amend-
ment of
Article 113.

13. The Constitution is hereby amended by inserting immediately after Clause (7) of Article 113 the following—

"(8) Notwithstanding Clause (7) of this Article the period for reviews under Clause (2) for the unit of review of the States of Malaya undertaken after the passing of the Constitution (Amendment) (No. 2) Act, 1973 shall be calculated from the first delimitation of constituencies for that unit immediately following the passing of that Act."

Amend-
ment of
Article 116.

14. The Constitution is hereby amended by substituting for the words "the Thirteenth Schedule" appearing in Clause (2) of Article 116 the words "Article 46 and the Thirteenth Schedule".

15. (1) Paragraph (c) of section 2 of the Thirteenth Schedule to the Constitution is hereby amended by—

Amend-
ment of
Thirteenth
Schedule.

- (a) substituting for the words “the number of electors within each constituency ought to be approximately equal throughout the unit of review” the words “the number of electors within each constituency in a State ought to be approximately equal”; and
- (b) deleting all the words immediately following the words “a measure of weightage for area ought to be given to such constituencies”.

(2) There shall be inserted immediately after section 3 of the Thirteenth Schedule the following new section 3A—

“3A. For the purposes of this Part, in any review of constituencies for the purpose of election to the House of Representatives, the Federal Territory shall be regarded as a State.”.

PART III
GENERAL

16. (1) Notwithstanding anything contained in Clause (2) of Article 113 of the Constitution the Election Commission shall as soon as may be after the passing of this Act undertake the review of the division of the States of Malaya into constituencies and recommend such changes as they may think necessary in order to comply with the provisions of this Act and of Article 46 and the Thirteenth Schedule to the Constitution, as amended by this Act.

Review
under
Article 113

(2) Any report and recommendations prepared or submitted by the Election Commission pursuant to Article 113 (2) and section 8 of the Thirteenth Schedule to the Constitution shall, on the passing of this Act, have no force or effect and the requirements of sections 9 to 12 inclusive of the Thirteenth Schedule shall not apply to such report or recommendations.

17. In accordance with section 12 of the Thirteenth Schedule to the Constitution, the recommendations of the Election Commission following the review undertaken pursuant to subsection (1) of section 16 of this Act shall not affect any election to the House of Representatives or a

Effect of
report of
review.

Legislative Assembly until the next dissolution of Parliament or the Assembly, as the case may be, occurring on or after the date specified in the order under section 12 of the Schedule aforesaid.

SCHEDULE
(Section 11)

CONSEQUENTIAL AMENDMENTS TO THE CONSTITUTION

Articles	Amendments
1	<p>(a) In Clause (3) insert immediately before the words "The territories of each of the States" the words "Subject to Clause (4)";</p> <p>(b) Add the following new Clause (4)— “(4) The territory of the State of Selangor shall exclude the Federal Territory established under the Constitution (Amendment) (No. 2) Act, 1973.”.</p>
3	<p>Insert a new Clause (5) as follows— “(5) Notwithstanding anything in this Constitution the Yang di-Pertuan Agong shall be the Head of the Muslim religion in the Federal Territory; and for this purpose Parliament may by law make provisions for regulating Muslim religious affairs and for constituting a Council to advise the Yang di-Pertuan Agong in matters relating to the Muslim religion.”.</p>
11	<p>In Clause (4) insert immediately after the words "State law" the words "and in respect of the Federal Territory, federal law".</p>
42	<p>(a) In Clause (1) insert immediately after the word "court-martial" the words "and all offences committed in the Federal Territory";</p> <p>(b) In Clause (2) insert immediately after the word "court-martial" the words "or by a civil court exercising jurisdiction in the Federal Territory";</p> <p>(c) In clause (3) add at the end of that Clause the following— “For the purpose of this Clause the Federal Territory shall be regarded as a State.”;</p> <p>(d) In Clause (10) insert immediately after the words "Malacca or Penang" the words "or the Federal Territory";</p> <p>(e) Add a new Clause (11) as follows— “(11) For the purpose of this Article there shall be constituted a Pardons Board for the Federal Territory and the provisions of Clauses (5), (6), (7), (8) and (9) of this Article shall apply <i>mutatis mutandis</i> to the</p>

Articles

Amendments

Pardons Board under this Clause except that reference to 'Ruler or Governor' shall be construed as reference to the Yang di-Pertuan Agong and reference to 'Chief Minister of the State' shall be construed as reference to the Minister responsible for the Federal Territory."

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In Clause (3)—

- (a) insert immediately after the words "in accordance with State law" the words "or in respect of the Federal Territory, in accordance with federal law";
- (b) insert after the words "State law" at the end of the sentence the words "or federal law, as the case may be".

Ninth
Schedule

In the Federal List substitute for item 6 (e) the following—

- "(e) Government and administration of the Federal Territory including Muslim law therein to the same extent as provided in item 1 in the State List.";

In the State List—

- (a) insert at the beginning of item 1 the words "Except with respect to the Federal Territory,";
- (b) insert at the beginning of item 2 the words "Except with respect to the Federal Territory,";
- (c) insert at the beginning of item 3 the words "Except with respect to the Federal Territory,";
- (d) substitute for the words "federal capital" appearing in item 4 the words "Federal Territory,";
- (e) insert at the beginning of item 5 the words "Except with respect to the Federal Territory" and delete the words "except in the federal capital" in item 5 (a).

**CONSTITUTION (AMENDMENT) (No. 2)
ACT, 1973**

(Act A206)

ARRANGEMENT OF SECTIONS

Section

1. Short title and commencement.
2. Alteration of boundaries of the State of Selangor and the creation of Federal Territory.
3. Exclusion of Federal Territory from Selangor and relinquishment of powers etc. by Selangor.
4. Jurisdiction over Federal Territory.
5. Vesting of lands within the Federal Territory.
6. Existing State laws in Federal Territory.
7. Constituencies.
8. Saving and operation of *Act 35 of 1960*.
9. Succession to rights, liabilities and obligations.
10. Succession as to civil proceedings.
11. Consequential amendments to the Constitution.
12. Amendment of Article 46.
13. Amendment of Article 113.
14. Amendment of Article 116.
15. Amendment of Thirteenth Schedule.
16. Review under Article 113.
17. Effect of report of review.
Schedule.

**CONSTITUTION (AMENDMENT) (No. 2)
ACT, 1973**

(Act A206)

An Act to amend the Federal Constitution to make provisions for the establishment of the Federal Territory, for the allocation of members of the House of Representatives by States and for matters connected therewith.

*[Part I and Schedule—
1st February, 1974;
Parts II and III—
23rd August, 1984.]*

BE IT ENACTED by the Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Rakyat in Parliament assembled, and by the authority of the same, as follows:

1. Short title and commencement.

(1) This Act may be cited as the Constitution (Amendment) (No. 2) Act, 1973 and shall come into force as provided in subsection (2) and (3).

(2) Except with respect to Part I and the Schedule, this Act shall come into force on the date of the publication of this Act in the *Gazette*.

(3) Part I and the Schedule shall come into force on the 1st day of February, 1974.

**PART I
THE FEDERAL TERRITORY**

2. Alteration of boundaries of the State of Selangor and the creation of Federal Territory.

(1) The boundaries of the State of Selangor are hereby altered by the exclusion of the Federal Territory described hereunder.

(2) The Federal Territory shall consist of the areas shown

in the deposited plan identified by reference to *Gazette* Plan No. 383 being the plan—

- (a) certified by the Chief Surveyor Selangor as a true and correct plan of the areas; and
- (b) dated and deposited in the office of the Chief Surveyor, Selangor.

3. Exclusion of Federal Territory from Selangor and relinquishment of powers etc. by Selangor.

The Federal Territory shall cease to form part of the State of Selangor and the Ruler of the State of Selangor shall relinquish and cease to exercise any sovereignty over the Federal Territory and all power and jurisdiction of the Ruler and the Legislative Assembly of the State of Selangor in or in respect of the Federal Territory shall come to an end.

4. Jurisdiction over Federal Territory.

The Federation shall exercise sovereignty over the Federal Territory and all power and jurisdiction in or in respect of the Federal Territory shall be vested in the Federation.

5. Vesting of lands within the Federal Territory.

(1) The entire property in and control of all lands within the Federal Territory which immediately before the coming into force of this Act was vested in the State of Selangor and all minerals and rock material within or upon any land within the Federal territory the rights to which have not been specifically disposed of shall, upon the commencement of this Act without any transfer or conveyance, be vested solely in the Federation and may be disposed of or dealt with in accordance with the provisions of the National Land Code, the Mining Enactment, the Forest Enactment and all or any laws amending or repealing the said Code or the said Enactments.

(2) All references to the State or State Authority appearing in the laws mentioned in subsection (1) shall in respect of the Federal Territory be construed as references to the Government of the Federation.

(3) The provisions of the National Land Code, the Mining Enactment, the Forest Enactment and rules made thereunder

shall in their application in respect of the Federal Territory have effect subject to this section and to such modifications as may from time to time be specified in an Order made by the Yang di-Pertuan Agong.

(4) All estates and interests in any land, mining rights and forest rights within the Federal Territory which are held by any person from the State of Selangor immediately before the coming into force of this Act shall continue to be held from the Government of the Federation on the same terms and conditions as they were held from the State.

6. Existing State laws in Federal Territory.

(1) Without prejudice to the provisions of section 5 and subject to the following provisions of this section State laws existing and in force in the Federal Territory shall continue to be in force therein until repealed, amended or replaced by laws passed by Parliament.

(2) Where by any such law in force in the Federal Territory any power or function is vested in the Ruler of the State of Selangor or in any authority of the State, that power or function in relation to the Federal Territory shall be vested in and exercised or performed by the Yang di-Pertuan Agong or the Minister responsible for the Federal Territory or such other persons or authorities as the Yang di-Pertuan Agong may by order direct:

Provided that the Yang di-Pertuan Agong may with the concurrence of the State Authority by order direct that any such power or function may be exercised or performed on behalf of the Government of the Federation by the authority of the State in which it was previously vested; and while that direction remains in force the authority of the State shall, in regard to the exercise or performance of that power or function be deemed to be an authority of the Government of the Federation.

(3) By-laws existing and in force in any local authority area or part thereof which after the passing of this Act becomes part of the Federal Territory shall continue to be in force subject to this section.

(4) The Yang di-Pertuan Agong may, whenever it appears to him necessary or expedient so to do whether for the pur-

pose of removing difficulties or in consequence of the passing of this Act, by order make such modifications to any provisions in any existing laws as he may think fit.

(5) In subsection (4), the expression "existing laws" means federal or State laws and includes any subsidiary legislation made thereunder.

7. Constituencies.

(1) Upon the commencement of this Act, State constituencies within the Federal Territory shall come to an end; provided, however, that until the dissolution of the Legislative Assembly of the State of Selangor next following the passing of this Act the members of the said Assembly elected from the said constituencies shall notwithstanding their abolition continue to be members of the said Assembly.

(2) Until the dissolution of Parliament next following the passing of this Act the federal constituencies within the Federal Territory and the State of Selangor shall continue to exist and likewise the members elected from the said constituencies shall continue to be members of Parliament.

8. Saving and operation of Act 35 of 1960.

The Federal Territory shall be administered in accordance with the Federal Capital Act, 1960 as may from time to time be amended by Parliament:

Provided that the area of the Municipality of Kuala Lumpur shall be extended in the manner set out in the order by the Yang di-Pertuan Agong under section 15 (2) of the Federal Capital Act, 1960:

Provided further that notwithstanding anything in the Federal Capital Act, 1960, the Yang di-Pertuan Agong shall appoint two persons nominated by the Ruler in Council of the State of Selangor to be members of the Advisory Board under section 6 of that Act, or under any other law replacing that Act.

9. Succession to rights, liabilities and obligations.

(1) All rights, liabilities and obligations relating to any matters which was immediately before the commencement of this Act the responsibility of the Government of the State of

Selangor but which on that day becomes the responsibility of the Government of the Federation, shall on that day devolve upon the Federation, unless otherwise agreed between the Federal Government and the Government of the State.

(2) Where any moneys required to be paid pursuant to any such liability or obligation as is referred to in subsection (1) were immediately before the commencement of this Act charged on the Consolidated Fund of the State of Selangor, then, to the extent to which the liability or obligation devolves upon the Federation on that day, the moneys required for the payment thereof shall be a charge on the Consolidated Fund of the Federation, but to the extent to which the liability or obligation continues to be the responsibility of the State of Selangor it shall remain charged on the Consolidated Fund of that State.

(3) The Attorney General shall on the application of any party interested in any legal proceedings, other than proceedings between the Federation and the State of Selangor, certify whether any right, liability or obligation is by virtue of this section a right, liability or obligation of the Federation or of the State; and any such certificate shall for the purposes of those proceedings be final and binding on all courts, but shall not operate to prejudice the rights and obligations of the Federation and the State as between themselves.

10. Succession as to civil proceedings.

(1) In any legal proceedings relating to civil matters pending on the commencement of this Act there shall be made such substitution of one party for another as may be necessary to take account of any transfer on that day of jurisdiction or executive authority or of any transfer under this Act of rights, liabilities or obligations.

(2) Any appeal brought on or after the commencement of this Act against a decision given in any legal proceedings before that day may be brought by or against the party who should, by virtue of subsection (1), have been the appellant or respondent if the proceedings had continued after that day, but if it is not so brought, subsection (1) shall apply to it as it applies to proceedings pending on that day.

(3) Subsection (2) shall apply with the necessary modifica-

tions to proceedings for leave to appeal as it applies to an appeal.

(4) The Attorney General shall, on the application of a party to any proceedings, certify whether any, and if so what, substitution of one party for another is to be made by virtue of subsections (1) to (3) in those proceedings or for the purpose of any appeal arising out of them; and any such certificate shall for purposes of the proceedings or any such appeal, be final and binding on all courts, but shall not operate to prejudice the rights and obligations of the Federation and the State as between themselves.

11. Consequential amendments to the Constitution.

The amendments specified in the Schedule hereto relating to the Federal Territory shall have effect.

PART II

MEMBERS OF THE HOUSE OF REPRESENTATIVES

12. Amendment of Article 46.

The Constitution is hereby amended by substituting for Article 46 the following new Article 46—

“Composition of House of Representatives **46. (1)** The House of Representatives shall consist of one hundred and fifty-four elected members.

(2) There shall be—

(a) one hundred and forty-nine members from the States in Malaysia as follows—

- (i) sixteen members from Johor;
- (ii) thirteen members from Kedah;
- (iii) twelve members from Kelantan;
- (iv) four members from Malacca;
- (v) six members from Negri Sembilan;
- (vi) eight members from Pahang;
- (vii) nine members from Penang;
- (viii) twenty-one members from Perak;
- (ix) two members from Perlis;
- (x) sixteen members from Sabah;

- (xi) twenty-four members from Sarawak;
 - (xii) eleven members from Selangor;
 - (xiii) seven members from Terengganu; and
- (b) five members from the Federal Territory.”.

13. Amendment of Article 113.

The Constitution is hereby amended by inserting immediately after Clause (7) of Article 113 the following—

“(8) Notwithstanding Clause (7) of this Article the period for reviews under Clause (2) for the unit of review of the States of Malaya undertaken after the passing of the Constitution (Amendment) (No. 2) Act, 1973 shall be calculated from the first delimitation of constituencies for that unit immediately following the passing of that Act.”

14. Amendment of Article 116.

The Constitution is hereby amended by substituting for the words “the Thirteenth Schedule” appearing in Clause (2) of Article 116 the words “Article 46 and the Thirteenth Schedule.”

15. Amendment of Thirteenth Schedule.

(1) Paragraph (c) of section 2 of the Thirteenth Schedule to the Constitution is hereby amended by—

(a) substituting for the words “the number of electors within each constituency ought to be approximately equal throughout the unit of review” the words “the number of electors within each constituency in a State ought to be approximately equal;” and

(b) deleting all the words immediately following the words “a measure of weightage for area ought to be given to such constituencies.”

(2) There shall be inserted immediately after section 3 of the Thirteenth Schedule the following new section 3A—

“3A. For the purposes of this Part, in any review of constituencies for the purpose of election to the House of

Representatives, the Federal Territory shall be regarded as a State.”

PART III
GENERAL

16. Review under Article 113.

(1) Notwithstanding anything contained in Clause (2) of Article 113 of the Constitution the Election Commission shall as soon as may be after the passing of this Act undertake the review of the division of the States of Malaya into constituencies and recommend such changes as they may think necessary in order to comply with the provisions of this Act and of Article 46 and the Thirteenth Schedule to the Constitution, as amended by this Act.

(2) Any report and recommendations prepared or submitted by the Election Commission pursuant to Article 113 (2) and section 8 of the Thirteenth Schedule to the Constitution shall, on the passing of this Act, have no force or effect and the requirements of sections 9 to 12 inclusive of the Thirteenth Schedule shall not apply to such report or recommendations.

17. Effect of report of review.

In accordance with section 12 of the Thirteenth Schedule to the Constitution, the recommendations of the Election Commission following the review undertaken pursuant to subsection (1) of section 16 of this Act shall not affect any election to the House of Representatives or a Legislative Assembly until the next dissolution of Parliament or the Assembly, as the case may be, occurring on or after the date specified in the order under section 12 of the Schedule aforesaid.

SCHEDULE
(Section 11)

CONSEQUENTIAL AMENDMENTS TO THE CONSTITUTION

- | <i>Article</i> | <i>Amendments</i> |
|----------------|--|
| 1 | ... (a) In Clause (3) insert immediately before the words "The territories of each of the States" the words "Subject to Clause (4);"
(b) Add the following new Clause (4) —
“(4) The territory of the State of Selangor shall exclude the Federal Territory established under the Constitution (Amendment) (No. 2) Act, 1973.” |
| 3 | ... Insert a new Clause (5) as follows —
“(5) Notwithstanding anything in this Constitution the Yang di-Pertuan Agong shall be the Head of the Muslim religion in the Federal Territory; and for this purpose Parliament may by law make provisions for regulating Muslim religious affairs and for constituting a Council to advise the Yang di-Pertuan Agong in matters relating to the Muslim religion.” |
| 11 | ... In Clause (4) insert immediately after the words "State law" the words "and in respect of the Federal Territory, federal law.” |
| 42 | ... (a) In Clause (1) insert immediately after the word "court-martial" the words "and all offences committed in the Federal Territory;"
(b) In Clause (2) insert immediately after the word "court-martial" the words "or by a civil court exercising jurisdiction in the Federal Territory;"
(c) In Clause(3) add at the end of that Clause the following —
“For the purpose of this Clause the Federal Territory shall be regarded as a State.”;
(d) In Clause (10) insert immediately after the words "Malacca or Penang" the words "or the Federal Territory;"
(e) Add a new Clause (11) as follows —
“(11) For the purpose of this Article there shall be constituted a Pardons Board for the Federal Territory and the provisions of Clauses (5), (6), (7), (8) and (9) of this Article shall apply <i>mutatis mutandis</i> to the Pardons Board under this Clause except that reference to 'Ruler or Governor' shall be construed as reference to the Yang di-Pertuan Agong and reference to 'Chief Minister of the State' shall be construed as reference to the Minister responsible for the Federal Territory;" |

97 ... In Clause (3) —

- (a) insert immediately after the words “in accordance with State law” the words “or in respect of the Federal Territory, in accordance with federal law”;
- (b) insert after the words “State law” at the end of the sentence the words “or federal law, as the case may be”.

Ninth
Schedule

In the Federal List substitute for item 6 (e) the following —

- “(e) Government and administration of the Federal Territory including Muslim law therein to the same extent as provided in item 1 in the State List.”;

In the State List —

- (a) insert at the beginning of item 1 the words “Except with respect to the Federal Territory.”;
- (b) insert at the beginning of item 2 the words “Except with respect to the Federal Territory.”;
- (c) insert at the beginning of item 3 the words “Except with respect to the Federal Territory.”;
- (d) substitute for the words “federal capital” appearing in item 4 the words “Federal Territory.”;
- (e) insert at the beginning of item 5 the words “Except with respect to the Federal Territory” and delete the words “except in the federal capital” in item 5 (a).