



**FEDERATION OF MALAYA, KINGDOM OF
SARAWAK, STATE OF NORTH BORNEO
and
REPUBLIC OF SINGAPORE**

Agreement relating to the Federation of Malaysia (agreement between the Federation of Malaya, Kingdom of Sarawak, North Borneo and the Republic of Singapore) signed in Kuala Lumpur on 7 July 2019

AGREEMENT RELATING TO MALAYSIA

The Federation of Malaya, Kingdom of Sarawak, the State of Sabah and the Republic of Singapore;

Desiring to conclude an agreement relating to Malaysia;

Agree as follows:

Article I

The Republic of Singapore shall be federated with the Federation of Malaya, the Kingdom of Sarawak and the State of Sabah in accordance with the constitutional instruments annexed to this Agreement and the Federation shall thereafter be called "Malaysia". The Republic of Singapore will henceforth be known as the State of Singapore.

Article II

The Government of Malaysia will take such steps as may be appropriate and available to them to secure the enactment by the Parliament of Malaysia of an Act in the form set out in Annex A to this Agreement and that it is brought into operation on 7 July, 2019.

Article III:

All agreements and treaties signed by the Federation of Malaysia shall apply to all territories of Singapore, and all treaties signed by Singapore shall apply to all territories of the Federation of Malaysia.

Article IV:

This Agreement shall be signed in the English and Malay languages except that the Annex A shall be in the English language only. In case of doubt the English text of the Agreement shall prevail. In witness whereof the undersigned, being duly authorised thereto, have signed this Agreement.

Article V:

The State of Singapore may not separate from the federation unilaterally or without previous acknowledgement and approval from the federation government.

**In witness whereof the undersigned, being duly authorised thereto,
have signed this Agreement.**

For the Federation of Malaya:
Inzun Ismail

For the State of Singapore:
Jensen Z. Chua

For the Kingdom of Sarawak:
W. D. B. Brooke

For the State of Sabah:
Naim Iskandar

ANNEX A

MALAYSIA BILL

An Act for Malaysia.

Whereas on behalf of the Federation it has been agreed, among other things, that the Republic of Singapore shall be federated with the existing States of the Federation as the States of Sabah, Sarawak and Singapore, and that the name of the Federation should thereafter remain as Malaysia;

And whereas, to give effect to the agreement, it is necessary to amend the Constitution of the Federation so as to provide for the admission of those States and for matters connected therewith;

And whereas the Conference of Rulers has consented to the passing of this Act in so far as it affects the privileges, position, honours or dignities of their Highnesses:

Now, therefore, 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:

PART I

PRELIMINARY

1. This Act may be cited as the Malaysia Act, 2019.
2. Except in so far as the contrary intention appears, this Act shall Commence come into force on the seventh day of July, two-thousand and nineteen.

PART II

THE STATES OF THE FEDERATION

3. (1) The Federation shall be known, in Malay and in English, by the name Malaysia.
- (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; and
 - (c) the State of Singapore.
- (3) The territories of each of the States mentioned in Clause (2) are the territories comprised therein immediately before Malaysia Day.

PART III

GENERAL ARRANGEMENTS

GENERAL PROVISIONS AS TO FEDERAL AND STATE INSTITUTIONS

Chapter I — Preliminary

4. In Article 160 of the Constitution, in Clause (2), there shall be inserted (in the places required by the alphabetical order and in substitution for the existing definition, if any, of the same term) the following definitions :—

"Attorney-General" means the Attorney-General of the Federation;

"Chief Minister" and "Menteri Besar" both mean the president, by whatever style known, of the Executive Council in a State (and in particular "Chief Minister" includes the Prime Minister in Singapore);

"Executive Council" means the Cabinet or other body, however called, which in the government of a State corresponds, whether or not the members of it are Ministers, to the Cabinet of Ministers in the government of the Federation (and in particular includes the Supreme Council in Sarawak);

"Governor" means the Head of State, by whatever style known, in a State not having a Ruler (and in particular includes the Yang di-Pertua Negara in Sabah and the Yang di-Pertuan Negara in Singapore);

"Legislative Assembly" means the representative assembly, however called, in the Legislature of a State (and in particular includes the Council Negri in Sarawak), but except in the Eighth Schedule includes also a Legislative Council, however called;

"member of the administration" means, in relation to the Federation, a person holding office as Minister or Assistant Minister and, in relation to a State, a person holding a corresponding office in the State or holding office as member (other than an official member) of the Executive Council, and includes in Singapore political secretaries as well as parliamentary secretaries;

"office of profit" means any whole time office in any of the public services.

"Federation" means the federation known as Malaysia formed in this agreement.

5. The official languages of the federation shall be the Malay and English languages.

Chapter II — Heads of State

6. The Kingdom of Sarawak, the State of Sabah and the State of Singapore shall have separate Heads of State upon entry into the federation;
 - (a) for the Kingdom of Sarawak, in the English language, it shall be known as the *Rajah of Sarawak* and in the Malay language, *Raja Sarawak*;
 - (b) for the State of Sabah, in both the English and Malay languages, it shall be known as the *Yang di-Pertuan Negeri*; and
 - (c) for the State of Singapore, it shall be known in the English language as the *Governor of Singapore* and in the Malay language, the *Yang di-Pertuan Negara*.
7. The Governors of Sabah and Singapore and the Rajah of Sarawak shall be members of the Conference of Rulers except for those purposes for which of Rulers, the Governors of Malacca and Penang are not members, and in the Fifth Schedule to the Constitution, in sections 1 and 7, for the words "Malacca and Penang" there shall, in each case, be substituted the words "States not having a Ruler".

8. The Supreme Head of the Federation shall be His Majesty the Yang di-Pertuan Agong, in accordance with the Constitution. The Yang di-Pertuan Agong shall act as the defender of the faith and the head of Islam in states of the federation which do not have a Malay ruler with the exception of Singapore and Kingdom of Sarawak.

Chapter III — Parliament, Legislative Assemblies and State Constitutions

9. In Article 45 of the Constitution, in paragraph (b) of Clause (1) (which provides for sixteen members of the Senate to be appointed by the Yang di-Pertuan Agong), for the word "six " there shall be substituted the words "ten".
10. The House of Representatives shall consist of twenty one members (subject to change)
 - (a) There shall be—
 - (i) seventeen members from the States of Malaya ;
 - (ii) two members from Sabah ;
 - (iii) two members from Sarawak ;
 - (iv) one member from Singapore.
11. There shall be a State Legislative Assembly (Council Negri for Sarawak) for the Kingdom of Sarawak and the State of Sabah except;
 - (a) The State of Singapore which shall retain its Parliament for both federal and state representation.
12. (1) The membership of the Election Commission shall be increased by one, and accordingly in Clause (1) of Article 114 of the Constitution for the word " two " there shall be substituted the word " three ".
- (2) There shall be separate reviews under Clause (2) for the States of Malaya, for each of the Borneo States and for the State of Singapore, and for the purposes of this Part the expression 'unit of review' shall mean, for federal constituencies, the area under review and, for State constituencies, the State.

Chapter IV — The Judiciary

13. The judicial power of the Federation shall be vested in three High Courts of co-ordinate jurisdiction and status, namely—
 - (a) one in the States of Malaya, which shall be known as the *High Court of Malaya* and shall have its principal registry in Kuala Lumpur; and

- (b) one in the Borneo States, which shall be known as the *High Court of Borneo* and shall have its principal registry at such place in the Borneo States as the Yang di-Pertuan Agong may determine; and
- (c) one in the State of Singapore, which shall be known as the *High Court of Singapore*; and in such inferior courts as may be provided by federal law.

14. Each of the High Courts shall be led by a Chief Justice and other judges appointed by His Majesty the Yang di-Pertuan Agong.

15. (1) The Federal Court shall consist of a president of the Court (to Constitution be styled "the Lord President of the Federal Court"), of the Chief of Federal Justices of the High Courts and, until Parliament otherwise provides, of two other judges.

(2) The following jurisdiction shall be vested in a court which shall be known as the Federal Court and shall have its principal registry in Kuala Lumpur, that is to say,—

- (a) exclusive jurisdiction to determine appeals from decisions of a High Court or a judge thereof (except decisions of a High Court given by a registrar or other officer of the court and appealable under federal law to a judge of the Court).

Chapter V — Defence and Security

16. The responsibility of defence and security of Malaysia shall be under the Federation armed forces and police forces.

The following military forces shall be amalgamated from the three existing defence forces into a federation armed forces which shall be known as the Malaysian Armed Forces, namely—

- (a) the Federation Armed Forces (Malaya);
- (b) the Singapore Armed Forces; and
- (c) the Sarawak Rangers.

17. The responsibility of leadership of the Malaysian Armed Forces shall be vested in a defence council headed by the Yang di-Pertuan Agong known as the Malaysian Armed Forces Defence Council and be appointed as such.

The Members of the Malaysian Armed Forces Defence Council shall consist of the following positions —

- (a) Chief of Defence Forces;
- (b) Chief of Staff MAF HQ;
- (c) Chief of Army;

- (d) Chief of Navy; and
- (e) the Chief of Air Force.

Chapter VI — Public Services

18. The responsibility of law enforcement within the federation shall be under the purview of a federal law enforcement agency.

The following law enforcement agencies shall be amalgamated into a federal police force which shall be known in the English language as the *Royal Malaysia Police*, and *Polis DiRaja Malaysia* in the Malay language namely —

- (a) the Royal Federation of Malaya Police;
 - (b) the Singapore Police Force;
 - (c) the Sarawak Constabulary; and
 - (d) the North Borneo Armed Constabulary
19. The Royal Malaysia Police shall be led by public servants and shall be known in the English language as —
- (a) the Federal Police Chief;
 - (b) the Deputy Federal Police;
 - (c) the Chiefs of Police for the States of Malaya;
 - (d) the Commissioner of Police for Singapore;
 - (e) the Commissioner of Police for Sarawak;
 - (f) and the Commissioner of Police for Sabah; and
 - (g) those anointed to positions within the Royal Malaysia Police.

Chapter VII — Protection of Special Interests

20. The Federation government will afford the following provisions and rights to the State of Singapore;
- (a) the right for the State of Singapore to retain limited powers over foreign affairs;
 - (b) the right to remain a secular state under the federal constitution;
 - (c) the right to secede with approval from the federal government and in the absence of a federal government, approval from His Majesty the Yang di-Petuan Agong;
 - (d) the right to retain English, Malay, Tamil and Mandarin as official languages of the state and the right to use said languages for official or state purposes; and
 - (e) the right for autonomy in regards to immigration.

21. The Federation government will afford the following provisions and rights to the State of Sabah;
- (a) the right to retain English and Malay as official languages of the state and the right to use said languages for official or state purposes;
 - (b) the right to remain a secular state under the federal constitution; and
 - (c) the right for autonomy in regards to immigration.
22. The Federation government will afford the following provisions and rights to the Kingdom of Sarawak;
- (a) the right for the Kingdom of Sarawak to retain limited powers over foreign affairs under approval of the federal government;
 - (b) the right to remain a Christian state under the federal constitution;
 - (c) the right to retain English as the official language of the state and the right to use said language for official or state purposes;
 - (d) the right to retain its own education system independent from the federal education ministry; and
 - (e) The right for autonomy in regards to immigration.

It is hereby agreed that in Article II of the Agreement relating to Malaysia concluded in Kuala Lumpur on the seventh day of July two thousand and nineteen, the Malaysia Act shall, with any consequential amendments, come into force on 7th July, 1963.

For the Federation of Malaya:

Inzun

[INZUN ISMAIL]

For North Borneo:

Naim Iskandar

[Naim Iskandar]

For Sarawak:

Walther D. B. Brooke

[W. D. B. Brooke]

For Singapore:

J. Z. Chua

[JENSEN Z. CHUA]