

No. 4550

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**UNITED KINGDOM OF GREAT BRITAIN  
AND NORTHERN IRELAND  
and  
FEDERATION OF MALAYA**

**Agreement for the reference of appeals from the Supreme  
Court of the Federation of Malaya to the Judicial  
Committee of the Privy Council. Signed at Kuala  
Lumpur, on 4 March 1958**

*Official texts: English and Malay.*

*Registered by the United Kingdom of Great Britain and Northern Ireland on  
10 November 1958.*

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**ROYAUME-UNI DE GRANDE-BRETAGNE  
ET D'IRLANDE DU NORD  
et  
FÉDÉRATION DE MALAISIE**

**Accord instituant une procédure d'appel, devant la Com-  
mission judiciaire du Conseil privé, des décisions de  
la Cour suprême de la Fédération de Malaisie. Signé à  
Kuala-Lumpur, le 4 mars 1958**

*Textes officiels anglais et malais.*

*Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le  
10 novembre 1958.*

No. 4550. AGREEMENT<sup>1</sup> BETWEEN HER MAJESTY THE QUEEN AND HIS MAJESTY THE YANG DI-PERTUAN AGONG FOR THE REFERENCE OF APPEALS FROM THE SUPREME COURT OF THE FEDERATION OF MALAYA TO THE JUDICIAL COMMITTEE OF THE PRIVY COUNCIL. SIGNED AT KUALA LUMPUR, ON 4 MARCH 1958

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Her Majesty The Queen of the United Kingdom of Great Britain and Northern Ireland and of Her other Realms and Territories, Head of the Commonwealth, and His Majesty The Yang di-Pertuan Agong of the Federation of Malaya;

Being desirous of making arrangements for the reference to the Judicial Committee of Her Britannic Majesty's Privy Council of appeals from the Supreme Court of the Federation of Malaya;

Have decided to conclude an Agreement to that end and, for that purpose, have appointed as Their Plenipotentiaries :

Her Majesty The Queen of the United Kingdom of Great Britain and Northern Ireland and of Her other Realms and Territories, Head of the Commonwealth, (hereinafter referred to as " Her Britannic Majesty " ) :

Sir Geofroy Tory, K.C.M.G., High Commissioner for the United Kingdom of Great Britain and Northern Ireland in the Federation of Malaya.

His Majesty The Yang di-Pertuan Agong of the Federation of Malaya :

Dato' Abdul Razak Bin Hussein, Deputy Prime Minister and Acting Minister of the Interior and Justice.

Who, having communicated to each other their respective full powers, which were in good and due form, have agreed as follows :

#### PART I.—DEFINITIONS

##### *Article 1*

In this Agreement, unless the context otherwise requires—  
" the Federation " means the Federation of Malaya;

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<sup>1</sup> Came into force on 1 July 1958, in accordance with article 14.

“ the Judicial Committee ” means the Judicial Committee of the Privy Council;

“ leave to appeal ” includes special leave to appeal;

“ the Privy Council ” means Her Britannic Majesty’s Privy Council;

“ the Supreme Court ” means the Supreme Court of the Federation.

## PART II.— JURISDICTION OF JUDICIAL COMMITTEE AND REGULATION OF APPEALS

### *Article 2*

The Judicial Committee shall have such jurisdiction as is necessary to allow it to entertain references made to it by His Majesty The Yang di-Pertuan Agong under this Agreement and as is necessary otherwise to give effect to this Agreement.

### *Article 3*

Appeals shall lie from the Supreme Court to His Majesty The Yang di-Pertuan Agong and shall be referred by Him to the Judicial Committee in the following cases—

(a) In the case of any decision from which an appeal from the Supreme Court would have been entertained by Her Britannic Majesty in Council (with or without special leave) immediately before 31st August, 1957;

(b) in the case of any decision as to the effect of any provision of the Constitution of the Federation, including any opinion pronounced on a reference under Article 130 thereof.

### *Article 4*

In cases under Article 3 (a) of this Agreement in which, before 31st August, 1957, appeals would have lain to Her Britannic Majesty upon leave granted by the Supreme Court and in cases under Article 3 (b) of this Agreement, appeals shall lie to His Majesty the Yang di-Pertuan Agong, if leave of the Supreme Court therefor is granted, and shall be referred by Him to the Judicial Committee.

*Article 5*

Where, before 31st August, 1957, appeals would have lain to Her Britannic Majesty with the special leave of Her Britannic Majesty upon application therefor duly made and in cases under Article 3 (b) of this Agreement in which the leave of the Supreme Court has not been duly obtained, application may be made for special leave to appeal to His Majesty The Yang di-Pertuan Agong and shall be referred to the Judicial Committee; and His Majesty The Yang di-Pertuan Agong shall grant or refuse special leave in those cases as the Judicial Committee may recommend, and, in any case in which special leave is so granted, an appeal shall lie to His Majesty The Yang di-Pertuan Agong, and shall be referred by Him to the Judicial Committee.

*Article 6*

For the avoidance of delays and expense in appeals and applications for leave to appeal which, under this Agreement, are to be referred to the Judicial Committee, every appeal and every application for special leave to appeal shall be lodged, and all other steps incident to the appeal or application (except steps which fall to be taken in the Supreme Court) shall be taken by the parties, in the Registry of the Judicial Committee.

*Article 7*

The following matters shall be provided for and regulated by the law of the Federation—

(a) In cases where appeal lies by leave of the Supreme Court, the time and manner of applying for such leave and the procedure relating to the granting of such leave;

(b) The requirement that steps which would or might otherwise be taken in the Federation shall be taken as provided in Article 6 of this Agreement;

(c) Without prejudice to the provisions of Article 6 of this Agreement, the procedure, as respects things to be done in the Federation, regarding applications for special leave of His Majesty The Yang di-Pertuan Agong;

(d) The giving effect, otherwise than in the United Kingdom, to recommendations of the Judicial Committee in relation to appeals referred to the Judicial Committee, including recommendations as to the costs in any matter so referred.

*Article 8*

The following matters shall be provided for and regulated by the law of the United Kingdom—

(a) Except as provided in paragraphs (b) and (c) of Article 7 of this Agreement, the procedure regarding applications for special leave to appeal to His Majesty The Yang di-Pertuan Agong, and the making of recommendations by the Judicial Committee to His Majesty The Yang di-Pertuan Agong respecting such application;

(b) Proceedings before the Judicial Committee in appeals and applications for special leave to appeal referred to it under this Agreement, including :

- (i) the making of recommendations respecting the disposal of any such appeal;
- (ii) the making of recommendations to His Majesty The Yang di-Pertuan Agong as to things otherwise to be done within the Federation; and
- (iii) the giving of directions as to things to be done within the United Kingdom.

*Article 9*

The provisions of this Agreement shall apply to appeals and applications for leave to appeal as well from decisions given before 31st August, 1957, as from decisions given thereafter.

*Article 10*

Appeals and applications for leave to appeal pending on 31st August, 1957, shall be treated as appeals, or (as the case may be) applications for leave to appeal, to His Majesty The Yang di-Pertuan Agong and shall be dealt with accordingly under this Agreement.

*Article 11*

Reports and recommendations of the Judicial Committee shall be made in whatever form may from time to time appear convenient to the Judicial Committee and shall be sent by the Registrar of the Privy Council to one of Her Britannic Majesty's Principal Secretaries of State for transmission to His Majesty The Yang di-Pertuan Agong.

*Article 12*

On receipt of a report or recommendation of the Judicial Committee, His Majesty The Yang di-Pertuan Agong shall make such order as may be necessary to give effect to it.

*Article 13*

Copies of all orders made by His Majesty The Yang di-Pertuan Agong under this Agreement shall be sent to one of Her Britannic Majesty's Principal Secretaries of State for transmission to the Registrar of the Privy Council.

## PART III—FINAL PROVISIONS

*Article 14*

This Agreement shall enter into force as soon as an Order of Her Britannic Majesty in Council and a law of the Federation for giving effect to this Agreement are both in operation.

IN WITNESS WHEREOF, the above-mentioned Plenipotentiaries have signed this Agreement.

DONE, in duplicate, at Kuala Lumpur, this 4th day of March, 1958, corresponding to the 14th day of Sha'aban 1377, in the English and Malay languages, both texts being equally authoritative except in case of doubt as to the interpretation, in which case the English text shall prevail.

For Her Britannic Majesty :

G. W. TORY

For His Majesty The Yang di-Pertuan Agong :

Abdul RAZAK

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