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(Presented and read a first time in the Dewan Ra'ayat and ordered to be printed, 19th August, 1968.)

## REVISION OF LAWS BILL

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### ARRANGEMENT OF CLAUSES

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A BILL

*intituled*

An Act to provide for the revision and reprinting of laws and subsidiary legislation.

[ ]

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 Ra'ayat in Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Revision of Laws Act, 1968, and shall come into force on the first day of January, 1969.

Short title and commencement.

2. In this Act unless the context otherwise requires—

Interpretation.

“Commissioner” means the Commissioner of Law Revision appointed under section 3;

“Committee” means the Law Revision Committee appointed under section 4;

“enactment” means a law as hereinafter defined or any part of such law;

“law” means any written law relating to a matter with respect to which Parliament has power to make laws, but, except in sections 14 and 15, does not include this Act or any subsidiary legislation.

3. The Yang di-Pertuan Agong shall, by notification in the *Gazette*, appoint a Commissioner of Law Revision for the purpose of revising the laws from time to time as the Commissioner deems it expedient.

Appointment of Commissioner.

4. (1) The Lord President of the Federal Court shall, by notification in the *Gazette*, appoint a Law Revision Committee comprising not less than five and not more than seven members from amongst the Judges and other persons who in his opinion are suitably qualified for the purpose of examining copies of revised laws in draft.

Appointment of Committee.

(2) A member of the Committee shall hold office for a period of two years and shall be eligible for re-appointment:

Provided that the Lord President may terminate the appointment of a member, and any member may resign, at any time.

(3) The Chief Registrar of the Federal Court shall be the Secretary to the Committee.

Printing of  
revised laws.

5. A revised law shall be printed by the Government Printer, or by such other printer as the Commissioner may in any particular case appoint for the purpose.

Powers of  
the Commis-  
sioner.

6. (1) The Commissioner shall have the following powers:

(i) to omit from any revised law—

(a) any repealing enactment and any table or list of repealed enactments, whether contained in a schedule or otherwise;

(b) any preamble to a law;

(c) any introductory words of enactment in any law or provision thereof;

(d) any enactment prescribing the date when a law or part thereof is to come into force or operation:

Provided that the date on which the law or part thereof came into force or operation is inserted by the Commissioner in square brackets immediately following the long title of the revised law;

(e) any amending enactment where the amendments effected thereby are embodied by the Commissioner in the law to which they relate or have been so embodied in any reprint printed in pursuance of any written law;

(f) any enacting clause;

(g) any part of a law which can more conveniently be included as subsidiary legislation;

(h) any interpretation of any expression which is defined in identical or similar terms to those used in the definition of that term contained in the law applicable for the interpretation of the revised law;

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- (i) any provision referring to any matter for which provision is made in identical or similar terms in the law applicable for the interpretation of the revised law:

Provided that the provisions relating to the construction of amending laws contained in the law applicable for the interpretation of laws shall apply to such omissions in the same way as if the provision omitted had been repealed; and

- (j) in the case of a law which refers to matters partly in the Federal List and—

(A) partly in the Concurrent or State List; or

(B) partly in the Concurrent List and partly in the State List,

all provisions other than those which refer to matters in the Federal List:

Provided that the powers contained in this paragraph shall not be exercised except after consultation with the State Attorney-General or the Legal Adviser of the State affected;

- (ii) to arrange the sequence of revised laws and to give chapter, serial or other numbers thereto;
- (iii) to make such formal alterations to any law as are necessary or expedient for the purpose of securing uniformity of expression;
- (iv) to adopt a convenient standard form in all revised laws for—
- (a) the interpretation section;
- (b) any penal section;
- (c) any section giving power to make subsidiary legislation;
- (v) to alter the word “Enactment”, “Ordinance” or “Proclamation” in any law to “Act”;
- (vi) to add a long title or a short title to any law which may require it, and to alter the long title or short title of any law;
- (vii) to supply or alter tables of contents and marginal notes:

Provided that such tables of contents and marginal notes shall not form any part of the law in which they appear;

- (viii) to consolidate into one law any two or more laws or part thereof in *pari materia* relating to matters with respect to which Parliament has power to make laws, by whatever legislature those laws were enacted, making such alterations as are thereby rendered necessary in the consolidated enactment, and making modifications to have effect in particular States where if no such modifications were made it would bring about a substantial change in the law in force in such State and appointing such date for the coming into force thereof as may seem most convenient;
- (ix) to divide any law into two or more laws and to make such amendments, including the supplying of titles, or the alteration of existing titles, as are thereby rendered necessary;
- (x) to add to or omit from any law any provision required to be added or omitted, or to substitute for any provision of any law any provision required to be substituted, in consequence of any amendment made to that law by any other law or by any authority under powers conferred by law;
- (xi) to transfer any provision contained in a law from that law to any other law to which that provision more properly belongs, making any alterations thereby rendered necessary;
- (xii) to alter the order of the provisions in any law, and to re-number the provisions of any law;
- (xiii) to alter the form or arrangement of any provision of any law by transposing words, by combining it in whole or in part with another provision or other provisions or by dividing it into two or more provisions;
- (xiv) to divide any law, whether consolidated or not, into parts or other divisions;
- (xv) to correct grammatical, typographical and similar mistakes and for that purpose to make verbal additions, omissions, or alterations not affecting the meaning of any law;
- (xvi) to alter, insert or omit punctuation marks in any law;
- (xvii) to make such formal alterations as to names, localities, departments, offices, titles and otherwise as may be necessary to bring any law into

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- conformity with the circumstances of the Federation on the date on which the law in its revised form is to come into force;
- (xviii) to make such adaptations or amendments in any law as may appear to be necessary or proper as a consequence of any change in the constitution of the Federation or any part thereof or any part of the Commonwealth;
  - (xix) to correct cross-references including references to the laws of other territories;
  - (xx) to correct references to repealed laws by substituting for such references to any laws by which the repealed laws have been replaced, for which purpose it is declared that a law is deemed to be replaced for another law where it is expressly stated in the subsequent law that it replaces the repealed law, or where the subsequent law re-enacts with or without modification any provisions of a repealed law;
  - (xxi) to repeal or amend any enactment in consequence of the preparation of a revised law;
  - (xxii) to appoint the date on which a revised law shall come into force:  
Provided that such date shall not be earlier than the date on which the revised law is published in the *Gazette*;
  - (xxiii) to do all other things relating to form and method which may be necessary for the perfecting of a revised law.

(2) In sub-section (1) "amendment" includes, where it is used in relation to the powers conferred upon the Commissioner, any variation of any law which is necessary for giving effect to any enactment in any other law whereby the scope, effect or construction of any provision of the first mentioned law is varied, modified, enlarged, restricted, qualified or otherwise affected.

(3) The powers conferred on the Commissioner by sub-section (1) shall not be taken to imply any power in him to make any alteration or amendment in the substance of any law.

7. A revised law shall be made up in such form as the Commissioner deems expedient and shall contain—

Method of  
compiling a  
revised law.

(i) on the front page thereof—

- (a) the expression "Laws of Malaysia";
- (b) the short title and number of the revised law;

- (c) the date up to which it has been revised; and
- (d) the date appointed under section 6 (1) (xxii) on which the revised law is to come into force;
- (ii) a list of the laws by which the law has been amended up to the date of its revision showing the dates on which the amendments came into force;
- (iii) a list of the laws or parts thereof which the revised law supersedes or repeals;
- (iv) a list of the amendments made by the Commissioner in that edition of the law.

Examination  
by the  
Committee.

8. (1) The Commissioner shall transmit ten draft copies of every revised law to the Committee for its examination. The Committee shall examine the draft copies and certify to the Commissioner whether in the opinion of the Committee the amendments made by the Commissioner are or are not within the powers conferred upon him by this Act. If the Committee shall fail so to certify within a period of thirty days from the receipt by the Secretary to the Committee of the draft copies the amendments shall be deemed to have been certified as being within the powers of the Commissioner and the Commissioner may proceed in accordance with section 10 (1).

(2) The validity of any certificate given by the Committee under sub-section (1) shall not be affected by any vacancy in the membership of the Committee or by the inability of any member thereof to give his opinion by reason of temporary absence, indisposition or any other cause.

Revised law  
to comply  
with  
Committee's  
opinion.

9. Where the Committee certifies that an amendment is not within the powers of the Commissioner the Commissioner shall, before proceeding in accordance with section 10 (1), amend the draft of the revised law to comply with the opinion of the Committee.

Publication  
of revised  
law.

10. (1) A revised law containing amendments which have been certified or which are deemed to have been certified by the Committee as being within the powers of the Commissioner shall be published in the *Gazette* and shall come into force as from the date specified pursuant to section 7 (1) (d).

(2) On and after the date from which a revised law comes into force, such revised law shall be deemed to be and shall be without any question whatsoever in all courts and for all purposes whatsoever the sole and only proper law in respect of matters included therein and in force on that date.

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11. So soon as may be, the Commissioner shall, by notification in the *Gazette* (to be published in the Acts Supplement), certify that the revision of all laws enacted before the first day of January, 1969 (except for such laws as may be specified in the notification), which have not been repealed at the date of the notification, has been completed, and thereupon any such law which has not been revised under this Act and which has not been specified in the notification shall be deemed to have been repealed as from the date of publication of the notification.

Completion of revision of pre-1969 laws to be notified in *Gazette*.

12. Subsidiary legislation made under any law and in force on the date on which that law as revised comes into force shall continue in force until otherwise provided; and references in any such subsidiary legislation to the law under which it was made, or to any part thereof, or to any other revised law shall be construed as references to the revised law or to that other law as revised.

Saving of existing subsidiary legislation.

13. (1) There shall be prepared, so soon as may be convenient, as supplementary to each revised law a revised edition of such subsidiary legislation under such revised law as appears to the Commissioner to be of sufficient importance to be included therein.

Revision of subsidiary legislation.

(2) The provisions of this Act relating to the preparation and publication of a revised law shall apply with any necessary modifications to the preparation and publication of revised subsidiary legislation.

14. Where any law, whether revised or not, has been amended, the Government Printer or such other printer as the Commissioner may in any particular case appoint for the purpose may, with the authority of the Commissioner, print copies of the law with the necessary additions, omissions, or substitutions effected by any law amending it; and any copy of it purporting it be so printed shall be deemed, until the contrary is shown, to be the authentic text of the amended law as in force, except in so far as may be specified in the copy, on such date as may be so specified.

Reprint of laws.

15. A reference in any law to the number of a line of any provision of any law shall mean that line in the latest official printed copy of that law at the time of the enactment of the law containing the reference.

Reference to number of line in any law.

16. This Act shall form the first Act of the "Laws of Malaysia" series and shall be numbered as Act 1.

Place of this Act in the Laws of Malaysia series.

Repeal.  
26 of 1965.  
M.U. 7 of  
1948.

17. The Reprint of Federal Laws Act, 1965, is hereby repealed and section 48 of the Interpretation and General Clauses Ordinance, 1948, in so far as it is a federal law, shall cease to have any application after the coming into force of this Act.

#### EXPLANATORY STATEMENT

The purpose of this Bill is to authorise the preparation of a revised edition of the laws of Malaysia.

Law revision since Malaysia Day has consisted of—

- (a) the extension, with necessary modifications, to Sabah and Sarawak of laws of the former Federation of Malaya on federal subjects;
- (b) the modification of laws of Sabah and Sarawak which became federal laws on Malaysia Day, to bring them into conformity with the Federal Constitution; and
- (c) the reprinting of laws so extended and modified.

The time has now arrived for law revision to enter a new phase: the production of a comprehensive consolidation of the federal laws of Malaysia in the form of a revised edition.

*Clauses 1 and 2* of the Bill contain formal preliminaries.

*Clause 3* provides for the appointment, by the Yang di-Pertuan Agong, of a Commissioner of Law Revision (referred to herein as the Commissioner).

*Clause 4* provides for the appointment, by the Lord President, of a Law Revision Committee (referred to herein as the Committee).

*Clause 5* provides for the printing of the revised edition.

*Clause 6* confers upon the Commissioner the powers necessary to enable him to revise the laws without altering their substance. Similar provisions are normal in legislation of this kind. Malaysian precedents have been followed with minor modifications and additions.

*Clause 7* prescribes the format of the revised edition. It refers to the form of "a revised law" rather than "the revised edition" to enable the Commissioner to produce a loose-leaf edition which will be more convenient than the conventional bound volumes produced in the past. It will also make the task more flexible as to the order and timing of printing; the Commissioner will be free to allocate priorities according to needs, and revised laws can be published as soon as they are ready, without waiting for the completion of a whole volume as was the case with the former bound editions.

*Clause 8* is designed to provide a brake on the exercise of the Commissioner's powers. He will be required to submit a draft of every revised law to the Committee for examination. Every copy of a revised law will contain a list of the amendments which he proposes to make in the course of revision, and it will be for the Committee to decide whether these amendments are within his powers. If the Committee certifies that they are, the Commissioner may proceed to have the revised law published.

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*Clause 9* provides that where the Committee certifies that an amendment is not within the Commissioner's powers he shall, before proceeding to publication, amend the revised law to comply with the opinion of the Committee.

*Clause 10* provides for the publication of every revised law in the *Gazette* and confers sole authoritative status upon the revised law when it is so published.

*Clause 11* requires the Commissioner to certify, by notification in the *Gazette*, the completion of the revision of all laws enacted before 1st January, 1969. It is proposed that all laws which have not been revised by the date of the notification shall be deemed to have been repealed, except for such laws as may be specified in the notification. It is common practice in revised editions to have an "Omission Schedule" of laws which though not revised are not repealed: for instance, if the Commissioner knows that a law is soon to be repealed or replaced by an Act of Parliament, it would be a waste of time to include it in the revised edition but it must be kept in force until the law repealing or replacing it is passed.

*Clause 12* is designed to save subsidiary legislation made, before revision, under a law which is included in the revised edition.

*Clause 13* provides for the revision of subsidiary legislation as a supplement to the revision of the law under which it was made. It is proposed to leave both the timing and the content of the subsidiary legislation supplement to the discretion of the Commissioner, in order to avoid delay in the publication of revised statute law and because not all subsidiary legislation would be worth including. It is proposed that revised subsidiary legislation should be referred to the Committee, and the "brake" referred to under *Clause 8* will apply.

*Clause 14* provides for the authorised reprinting, as distinct from revision, of laws.

*Clause 15* provides that references to the number of a line in any law shall mean that line in the law as revised under this Act or the latest reprint of that law.

*Clause 16* is a formality.

*Clause 17* proposes to repeal the Reprint of Federal Laws Act, 1965, and section 48 of the Interpretation and General Clauses Ordinance, 1948, which will no longer be required if this Bill is passed.

[PN. 4589.]