

THE CONSTITUTION OF THE STATE OF SARAWAK

ASSIGNMENT OF PORTFOLIOS

(G.N. 3132/99)

(Article 9(1))

**CONSTITUTION OF THE STATE OF
SARAWAK**

(G.N.S. 163/63)

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**CONSTITUTION OF THE STATE OF
SARAWAK**

(G.N.S. 163/63)

PART I

STATE GOVERNMENT

**Chapter 1 — The Yang di-Pertua Negeri*

Yang di-Pertua Negeri of the State

*1.—(1) There shall be a Yang di-Pertua Negeri of the State, who shall be appointed by the Yang di-Pertuan Agong acting in his discretion but after consultation with the Chief Minister.

* (2) The Yang di-Pertua Negeri shall be appointed for a term of four years but may at any time resign his office by writing under his hand addressed to the Yang di-Pertuan Agong, and may be removed from office by the Yang di-Pertuan Agong in pursuance of an address

by the Dewan Undangan Negeri supported by the votes of not less than two-thirds of the total number of the members thereof.

(3) The Yang di-Pertuan Agong, acting in his discretion but after consultation with the Chief Minister, may appoint a person to exercise the functions of the Yang di-Pertua Negeri during any period during which the Yang di-Pertua Negeri is unable to do so himself owing to illness, absence or any other cause; but no person shall be so appointed unless he would be qualified to be appointed as Yang di-Pertua Negeri.

(4) A person appointed under clause (3) may take the place of the Yang di-Pertua Negeri as a member of the Conference of Rulers during any period during which, under that clause, he may exercise the functions of the Yang di-Pertua Negeri.

†(5) The Yang di-Pertua Negeri may, acting on the advice of the Chief Minister and with the consent of the Yang di-Pertuan Agong, appoint a person to take his place as a member of the Conference of Rulers in respect of any particular meeting thereof and to represent him thereat.

* This symbol indicates the existence of a note on an unnumbered page opposite. See **hard copy** for details of the notes.

† Inserted by Cap. A47 w.e.f. 26.5. 97.

Qualifications and disabilities of Yang di-Pertua Negeri

*2.—(1) A person who is not a citizen or is a citizen by naturalization shall not be appointed as Yang di-Pertua Negeri.

(2) The Yang di-Pertua Negeri shall not hold any office of profit and shall not actively engage in any commercial enterprise.

* This symbol indicates the existence of a note on an unnumbered page opposite. See **hard copy** for details of the notes.

Civil List of Yang di-Pertua Negeri

***3.** The Legislature shall by law provide a Civil List of the Yang di-Pertua Negeri, which shall be a charge on and paid out of the Consolidated Fund and shall not be diminished during his continuance in office.

* This symbol indicates the existence of a note on an unnumbered page opposite. See **hard copy** for details of the notes.

Oath of office of Yang di-Pertua Negeri

***4.** The Yang di-Pertua Negeri, and any person appointed under clause (3) of Article 1, shall before exercising his functions take and subscribe in the presence of the Chief Judge or of a Judge of the High Court an oath in the form set out in Part I of the Schedule.

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**Chapter 2 — Religion of Islam*

Religion of Islam

***4A.—(1)** The Yang di-Pertuan Agong shall be the Head of the Religion of Islam in the State.

(2) The Dewan Undangan Negeri shall by law make provision for regulating the Islamic religious affairs and for constituting a Council to advise the Yang di-Pertuan Agong in matters relating to the religion of Islam.

* This symbol indicates the existence of a note on an unnumbered page opposite. See **hard copy** for details of the notes.

**Chapter 3 — The Executive*

Executive authority

***5.** The executive authority of the State shall be vested in the Yang di-Pertua Negeri but executive functions may by law be conferred on other persons.

* This symbol indicates the existence of a note on an unnumbered page opposite. See **hard copy** for details of the notes.

The Majlis Mesyuarat Kerajaan Negeri

***6.—(1)** There shall be a Majlis Mesyuarat Kerajaan Negeri to advise the Yang di-Pertua Negeri in the exercise of his functions.

***(2)** (*Repealed*).

***(3)** The Majlis Mesyuarat Kerajaan Negeri shall be appointed as follows, that is to say—

(a) the Yang di-Pertua Negeri shall first appoint as Chief Minister a member of the Dewan Undangan Negeri who in his judgment is likely to command the confidence of a majority of the members of the Dewan Undangan Negeri; and

***(b)** he shall on the advice of the Chief Minister appoint not more than ten nor less than four other members from among the members of the Dewan Undangan Negeri:

†Provided that—

(i) if an appointment is made while the Dewan Undangan Negeri is dissolved a person who was a member of the last Dewan may be appointed but shall not continue to hold office after the first sitting of the next Dewan Undangan Negeri unless he is a member thereof; and

(ii) if a person, after having been appointed as a member of the Majlis Mesyuarat Kerajaan Negeri ceases to be a member of the Dewan Undangan Negeri for reasons other than having been disqualified as a member under Article 17, he may continue to hold office as a member of

the Majlis Mesyuarat Kerajaan Negeri unless he fails to be returned as a member of the Dewan Undangan Negeri within a period of sixty days from the date when he ceases to be a member of the Dewan.

(4) Notwithstanding anything in this Article, a person who is a citizen by naturalization shall not be appointed Chief Minister.

(5) The Chief Minister shall not hold any office of profit and shall not actively engage in any commercial enterprise.

(6) The Majlis Mesyuarat Kerajaan Negeri shall be collectively responsible to the Dewan Undangan Negeri.

* This symbol indicates the existence of a note on an unnumbered page opposite. See **hard copy** for details of the notes.

† Substituted by Cap. A47 w.e.f. 26.5.97.

Tenure of office of members of Majlis Mesyuarat Kerajaan Negeri

*7.—(1) If the Chief Minister ceases to command the confidence of a majority of the members of the Dewan Undangan Negeri, then, unless at his request the Yang di-Pertua Negeri dissolves the Dewan Undangan Negeri, the Chief Minister shall tender the resignation of the members of the Majlis Mesyuarat Kerajaan Negeri.

* (2) A member of the Majlis Mesyuarat Kerajaan Negeri may at any time resign his office by writing under his hand addressed to the Yang di-Pertua Negeri, and a member of the Majlis Mesyuarat Kerajaan Negeri other than the Chief Minister shall also vacate his office if his appointment thereto is revoked by the Yang di-Pertua Negeri acting in accordance with the advice of the Chief Minister.

* (3) Subject to clauses (1) and (2), a member of the Majlis Mesyuarat Kerajaan Negeri other than the Chief Minister shall hold office at the Yang di-Pertua Negeri's pleasure.

* This symbol indicates the existence of a note on an unnumbered page opposite. See **hard copy** for details of the notes.

Assistant Ministers

*†7A.—(1) The Yang di-Pertua Negeri shall on the advice of the Chief Minister appoint Assistant Ministers from among the members of the Dewan Undangan Negeri but the Assistant Ministers so appointed shall not be members of the Majlis Mesyuarat Kerajaan Negeri:

*†Provided that—

(i) if an appointment is made while the Dewan Undangan Negeri is dissolved a person who was a member of the last Dewan may be appointed but shall not continue to hold office after the first sitting of the next Dewan Undangan Negeri unless he is a member thereof; and

(ii) if a person, after having been appointed as an Assistant Minister ceases to be a member of the Dewan Undangan Negeri for reasons other than having been disqualified as a member under Article 17, he may continue to hold office as an Assistant Minister unless he fails to be returned as a member of the Dewan Undangan Negeri within a period of sixty days from the date when he ceases to be member of the Dewan.

*(2) Assistant Ministers shall assist the Chief Minister and Ministers in the discharge of their duties and functions, and for such purpose shall, subject to any general or special directions of the Ministers, have all the powers of the Ministers.

*(3) The provisions of clauses (2) and (3) of Article 7 and Article 8 shall apply to Assistant Ministers as they apply to members of the Majlis Mesyuarat Kerajaan Negeri.

* This symbol indicates the existence of a note on an unnumbered page opposite. See **hard copy** for details of the notes.

† Substituted by Cap. A47 w.e.f. 26.5.97.

Oaths of members of Majlis Mesyuarat Kerajaan Negeri

***8.** Before a member of the Majlis Mesyuarat Kerajaan Negeri exercises the functions of his office he shall take and subscribe in the presence of the Yang di-Pertua Negeri the oath set out in Part II of the Schedule.

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* This symbol indicates the existence of a note on an unnumbered page opposite.
See **hard copy** for details of the notes.

Allocation of portfolio and provision regarding private business interests

***9.—**(1) The Yang di-Pertua Negeri may, in accordance with the advice of the Chief Minister, assign to a member of the Majlis Mesyuarat Kerajaan Negeri responsibility for any business of the government of the State including the administration of any department of government, and any member of the Majlis Mesyuarat Kerajaan Negeri to whom such responsibility is assigned shall be styled “Minister”.

***(2)** A member of the Majlis Mesyuarat Kerajaan Negeri shall not engage in any trade, business or profession connected with any subject or department of government for which he is responsible and shall not, so long as he is engaged in any trade, business or profession, take part in any decision of the Majlis Mesyuarat Kerajaan Negeri relating to that trade, business or profession or in any decision likely to affect his pecuniary interests therein.

* This symbol indicates the existence of a note on an unnumbered page opposite.
See **hard copy** for details of the notes.

Yang di-Pertua Negeri to act on advice

***10.—**(1) In the exercise of his functions under this Constitution or any other law, or as a member of the Conference of Rulers, the Yang di-Pertua Negeri shall act in accordance with the advice of the Majlis Mesyuarat Kerajaan Negeri or of a member thereof acting under

the general authority of the Majlis, except as otherwise provided by the Federal Constitution or this Constitution; but shall be entitled, at his request, to any information concerning the government of the State which is available to the Majlis Mesyuarat Kerajaan Negeri.

***(2)** The Yang di-Pertua Negeri may act in his discretion in the performance of the following functions—

(a) the appointment of a Chief Minister;

(b) the withholding of consent to a request for the dissolution of the Dewan Undangan Negeri.

***(3)** The Legislature may by law make provision for requiring the Yang di-Pertua Negeri to act after consultation with, or on the recommendation of, any person or body of persons other than the Majlis Mesyuarat Kerajaan Negeri in the exercise of any of his functions except—

(a) functions, exercisable in his discretion; and

(b) functions with respect to the exercise of which provision is made in the Federal Constitution or any other Article of this Constitution.

* This symbol indicates the existence of a note on an unnumbered page opposite. See **hard copy** for details of the notes.

Appointment of State Secretary, State Attorney-General and State Financial Secretary

***11.** The offices of State Secretary, State Attorney-General and State Financial Secretary are hereby constituted, and appointments thereto shall be made by the Yang di-Pertua Negeri acting in accordance with the advice of the Chief Minister, who shall select for appointment a person whose name is included in a list submitted for the purpose by the Commission and shall, before tendering his advice, consult the Government of the Federation.

* This symbol indicates the existence of a note on an unnumbered page opposite.
See **hard copy** for details of the notes.

Capacity of State as respects property, contracts and suits

12.—(1) The State shall have power to acquire, hold and dispose of property of any kind and to make contracts.

(2) The State may sue and be sued.

PART II

*THE LEGISLATURE

Constitution of Legislature

***13.** The Legislature of the State shall consist of the Yang di-Pertua Negeri and one House, to be known as the Dewan Undangan Negeri.

* This symbol indicates the existence of a note on an unnumbered page opposite.
See hard copy for details of the notes.

Composition of Dewan Undangan Negeri

***14.**—(1) The Dewan Undangan Negeri shall consist of—

(a) *(Repealed)*;

(b) such number of elected members as the Legislature may by law prescribe, elected in such manner as may be provided by Federal or State law;

(c) *(Re-numbered as (b))*;

(d) *(Repealed)*;

(e) *(Repealed)*.

***(2)** Until the Legislature otherwise prescribes the number of elected members shall be forty-eight†.

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- * This symbol indicates the existence of a note on an unnumbered page opposite. See **hard copy** for details of the notes.
- † Now Sixty-two see the Dewan Undangan Negeri (Composition of Membership) Ordinance, 1995 (Chapter 16).

The Speaker and Deputy Speaker

***15.—(1)** The Yang di-Pertua Negeri shall, acting on the advice of the Chief Minister, appoint—

(a) a Speaker from among persons who either are members, or qualified to be elected as elected members, of the Dewan Undangan Negeri under Article 16; and

(b) a Deputy Speaker from among persons who are members of the Dewan Undangan Negeri.

***(2)** The Speaker and the Deputy Speaker shall hold office for such period as may be specified in the instrument by which the Speaker or Deputy Speaker is appointed, but shall vacate his office—

***(a)** if the Speaker or Deputy Speaker resigns it by writing under his hand addressed to the Yang di-Pertua Negeri; or

***(b)** if the Speaker or Deputy Speaker becomes disqualified for election as an elected member of the Dewan Undangan Negeri; or

***(c)** if the Speaker or Deputy Speaker becomes disqualified under clause (3A); or

***(d)** if the Yang di-Pertua Negeri, acting on the advice of the Chief Minister, so resolves.

***(3)** Any question whether a person is qualified to be appointed as Speaker shall be determined by the Yang di-Pertua Negeri, acting in his discretion, whose decision shall be final.

***(3A)** A person who is appointed to be the Speaker shall be disqualified from holding such office if after three months of his appointment to such office or at any time thereafter he is or becomes a

member of any board of directors or board of management, or an officer or employee, or engages in the affairs or business, of any organisation or body, whether corporate or otherwise, or of any commercial, industrial or other undertaking, whether or not he receives any remuneration, reward, profit or benefit from it:

Provided that such disqualification shall not apply where such organisation or body carries out any welfare or voluntary work or objective beneficial to the community or any part thereof, or any other work or objective of a charitable or social nature, and the Speaker does not receive any remuneration, reward, profit or benefit from it.

*(3B) Where any question arises regarding the disqualification of the Speaker under clause (3A) or Deputy Speaker under clause (4)(b), the decision of the Dewan Undangan Negeri shall be taken and shall be final.

*†(4) (a) During any vacancy in the office of Speaker or during any absence of the Speaker or any period during which the Speaker is unable for any reason to exercise his functions, the Deputy Speaker or, if the Deputy Speaker is also absent or unable to exercise his functions or if his office is also vacant, such other member of the Dewan as may be determined by Standing Orders of the Dewan, shall act as Speaker.

†(b) Any person who is appointed to be a Deputy Speaker under clause (1)(b) shall not be disqualified from engaging in any trade, business or profession but shall not preside over any sitting of the Dewan when it is deliberating on a matter which is likely to affect his personal or pecuniary interests.

*(5) The Legislature shall by law provide for the remuneration of the Speaker or Deputy Speaker, and the remuneration so provided shall be a charge on and paid out of the Consolidated Fund, and shall not be diminished as respects any holder of the office of Speaker or Deputy Speaker after his appointment.

* This symbol indicates the existence of a note on an unnumbered page opposite. See **hard copy** for details of the notes.

† Amended by Cap. A47 w.e.f. 26.5.97.

Qualifications of members

***16.** Every citizen of or over the age of twenty-one years who is resident in the State is qualified to be elected as an elected member of the Dewan Undangan Negeri, unless he is disqualified for being such a member by the Federal Constitution or this Constitution or by any such law as is mentioned in Article 17.

Provision against double membership

***16A.** A person shall not at the same time be a member of the Dewan Undangan Negeri for more than one constituency.

* This symbol indicates the existence of a note on an unnumbered page opposite. See **hard copy** for details of the notes.

Disqualifications for membership

***17.—(1)** Subject to the provisions of this Article, a person is disqualified for being elected as an elected member of the Dewan Undangan Negeri if—

(a) he is and has been found or declared to be of unsound mind;

(b) he is an undischarged bankrupt;

(c) he holds an office of profit other than that of a Native Chief;

(d) having been nominated for election to either House of Parliament or to the Dewan Undangan Negeri, or having acted as election agent to a person so nominated, he has failed to lodge any return of election expenses required by law within the time and in the manner so required;

(e) he has been convicted of an offence by a Court of law in any part of the Federation and sentenced to imprisonment for a

term of not less than one year or to a fine of not less than two thousand ringgit and has not received a free pardon in respect thereof;

(f) he is disqualified under any law relating to offences in connection with elections to either House of Parliament or to the Dewan Undangan Negeri by reason of having been convicted of such an offence, or having in proceedings relating to such an election been proved guilty of an act constituting such an offence; or

*(g) he has voluntarily acquired citizenship of, or exercised rights of citizenship in, any country outside the Federation or has made a declaration of allegiance to any country outside the Federation.

*(2) (*Repealed*).

*(3) The disqualification of a person under paragraph (d) or paragraph (e) of clause (1) may be removed by the Yang di-Pertua Negeri and shall, if not so removed, cease at the end of the period of five years beginning with the date on which the return mentioned in paragraph (d) of that clause was required to be lodged, or, as the case may be, the date on which the person convicted as mentioned in paragraph (e) of that clause was released from custody, or the date on which the fine mentioned in that paragraph was imposed; and a person shall not be disqualified under paragraph (g) of clause (1) by reason only of anything done by him before he became a citizen.

*(4) Notwithstanding anything contained in the foregoing provisions of this Article, where a member of the Dewan Undangan Negeri becomes disqualified from continuing to be a member thereof pursuant to paragraph (e) of clause (1), or under a law as is referred to in paragraph (f) of clause (1)—

(a) the disqualification shall take effect upon the expiry of fourteen days from the date on which he was—

(i) convicted and sentenced as specified in the aforesaid paragraph (e); or

(ii) convicted of an offence or proved guilty of an act under a law as is referred to in the aforesaid paragraph (f); or

(b) if within the period of fourteen days specified in paragraph (a) an appeal or any other court proceeding is brought in respect of such conviction or sentence, or in respect of being so convicted or proved guilty, as the case may be, the disqualification shall take effect upon the expiry of fourteen days from the date on which such appeal or other court proceeding is disposed of by the court; or

(c) if within the period specified in paragraph (a) or the period after the disposal of the appeal or other court proceeding specified in paragraph (b) there is filed a petition for a pardon, such disqualification shall take effect immediately upon the petition being disposed of.

* (5) Clause (4) shall not apply for the purpose of nomination or election of any person to the Dewan Undangan Negeri, for which purpose the disqualification shall take effect immediately upon the occurrence of the event referred to in paragraph (e) or (f), as the case may be, of clause (1).

* (6) A person who resigns his membership of the Dewan Undangan Negeri of this State or the Legislative Assembly of any other State, shall, for a period of five years beginning with the date on which his resignation takes effect, be disqualified from being a member of the Dewan Undangan Negeri of this State.

* (7) (a) Any person who has voluntarily given an undertaking to the Speaker in writing that he will not resign his membership from the political party for which he stood or to which he belonged when he is elected to the Dewan Undangan Negeri, shall, if he resigns from the political party after being elected, be disqualified in the interest of public integrity and morality from continuing to be a member of the Dewan Undangan Negeri with effect from the date he resigned from the political party.

(b) For the avoidance of any doubt, it is hereby declared that this clause shall not be taken as imposing restrictions on any person

from becoming a member of any political party, permanently or otherwise.

* This symbol indicates the existence of a note on an unnumbered page opposite. See **hard copy** for details of the notes.

Tenure of seats of members

***18.**—(1) Every elected member of the Dewan Undangan Negeri shall vacate his seat in the Dewan on a dissolution of the Dewan.

***(2)** An elected member shall also vacate his seat in the Dewan if—

***(a)** he ceases to be qualified for election as such a member of the Dewan;

***(b)** he resigns his seat by writing under his hand addressed to the Speaker;

***(c)** he is absent without the leave of the Speaker from every sitting of the Dewan for three consecutive meetings;

***(d)** (*Repealed*);

***(e)** (*Repealed*).

***(3)** For the purposes of paragraph (c) of clause (2), “meeting” means any sitting or sittings of the Dewan commencing when the Dewan first meets after being summoned at any time and terminating when the Dewan is adjourned *sine die* or at the conclusion of a Session.

***(4)** (*Repealed*).

* This symbol indicates the existence of a note on an unnumbered page opposite. See **hard copy** for details of the notes.

Decision as to disqualification

***19.—(1)** If any question arises whether the Speaker or a member of the Dewan Undangan Negeri has ceased to be qualified for appointment or election as such, the decision of the Dewan shall be taken and shall be final:

*Provided that this Article shall not be taken to prevent the practice of the Dewan postponing a decision in order to allow for the taking or determination of any proceedings that may affect the decision (including proceedings for the removal of the disqualification).

***(2)** Where a member of the Dewan Undangan Negeri becomes disqualified under paragraph *(e)* of clause (1) of Article 17, or under a law as is referred to in paragraph *(f)* of clause (1) of Article 17, the foregoing clause (1) shall not apply, and he shall cease to be a member of the Dewan Undangan Negeri, and his seat shall become vacant, immediately upon his disqualification taking effect in accordance with clause (4) of Article 17.

* This symbol indicates the existence of a note on an unnumbered page opposite. See **hard copy** for details of the notes.

Penalty for unqualified person sitting or voting in the Dewan Undangan Negeri

***20.** Any person who sits or votes in the Dewan Undangan Negeri, knowing or having reasonable ground for knowing that he is not entitled to do so, shall be liable to a penalty not exceeding two hundred ringgit for each day on which he so sits or votes, which penalty shall be recoverable as a civil debt in the High Court at the suit of the State Attorney-General.

* This symbol indicates the existence of a note on an unnumbered page opposite. See **hard copy** for details of the notes.

Summoning, prorogation and dissolution of Dewan Undangan Negeri

***21.—**(1) The Yang di-Pertua Negeri may from time to time summon the Dewan Undangan Negeri, and shall not allow six months to elapse between the last sitting in one session and the date appointed for its first sitting in the next session.

(2) The Yang di-Pertua Negeri may prorogue or dissolve the Dewan Undangan Negeri.

(3) The Dewan Undangan Negeri shall, unless sooner dissolved, continue for five years from the date of its first sitting and shall then stand dissolved.

***(3A)** Notwithstanding the provisions of clause (3) of Article 21 of the Constitution, the Dewan Undangan Negeri existing at the date of commencement of the Federal Constitution (Amendment) Act, 1968 [*Act No. 27 of 1968*], shall not be subject to the prescribed period of five years for it to stand dissolved but shall stand dissolved on the date on which the Federal Parliament is next dissolved or next stands dissolved after the date of commencement of that Act.

***(4)** Whenever the Dewan Undangan Negeri is dissolved, a general election shall be held within sixty days from the date of the dissolution and the new Dewan Undangan Negeri shall be summoned to meet on a date not later than one hundred and twenty days from that date.

***(5)** Whenever the seat of an elected member has become vacant for any reason other than a dissolution, the vacancy shall, within sixty days from the date on which it is established by the Election Commission that there is a vacancy, be filled by election in accordance with the provisions of this Constitution:

***Provided** that if a casual vacancy is established on a date within two years of the date the Dewan Undangan Negeri shall, in accordance with clause (3), stand dissolved, such casual vacancy shall not be filled unless the Speaker notifies the Election Commission in writing that the numerical strength of the party that constitutes a majority of all the members of the Dewan Undangan Negeri is being affected by such

vacancy, in which event such vacancy shall be filled within sixty days from the date of the receipt of that notification.

* This symbol indicates the existence of a note on an unnumbered page opposite. See **hard copy** for details of the notes.

Oaths of Speaker, Deputy Speaker and members

***22.** The Speaker or the Deputy Speaker shall before exercising the functions of his office take and subscribe before the Yang di-Pertua Negeri the oath set out in Part III of the Schedule and every member of the Dewan Undangan Negeri shall before taking his seat take and subscribe the said oath before the Speaker.

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* This symbol indicates the existence of a note on an unnumbered page opposite. See **hard copy** for details of the notes.

Secretary and Deputy Secretary to Dewan Undangan Negeri.

***†22A.—(1)** There shall be a Secretary and Deputy Secretary to the Dewan Undangan Negeri who shall be appointed by the Yang di-Pertua Negeri from among members of the public service of the State.

†(2) Before the Secretary or the Deputy Secretary to the Dewan Undangan Negeri exercises the functions of his office, he shall take and subscribe in the presence of the Speaker or Deputy Speaker the oath set out in Part IIIA of the Schedule.

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†(3) Notwithstanding clause (1), during any vacancy in the office of the Secretary or during any period in which the Secretary and Deputy Secretary are unable for any reason to exercise their functions,

the Speaker may appoint any fit and proper person to discharge temporarily the duties of the Secretary.

* This symbol indicates the existence of a note on an unnumbered page opposite. See **hard copy** for details of the notes.

† Inserted by Cap. A47 w.e.f. 26.5.97.

Affirmation may be made instead of oath

*†**22B.** In every case in which an oath is prescribed under this Constitution an affirmation may be made instead of an oath.

* This symbol indicates the existence of a note on an unnumbered page opposite. See **hard copy** for details of the notes.

† Amended by Cap. A47 w.e.f. 26.5.97.

Address by Yang di-Pertua Negeri

***23.** The Yang di-Pertua Negeri may address the Dewan Undangan Negeri and may send messages thereto.

* This symbol indicates the existence of a note on an unnumbered page opposite. See **hard copy** for details of the notes.

† Inserted by Cap. A47 w.e.f. 26.5.97.

Procedure of Dewan Undangan Negeri

***24.—(1)** Subject to the provisions of this Constitution, the Dewan Undangan Negeri shall regulate its own procedure and may make Standing Orders for that purpose.

(2) The Dewan Undangan Negeri shall not be disqualified for the transaction of business by reason of any vacancy in its membership, and the presence or participation of any person not entitled to be present or to participate shall not invalidate any proceedings.

*⁽³⁾ Subject to clauses (5) and (6) and to clause (2) of Article 41, the Dewan Undangan Negeri shall, if not unanimous, take its decision by a simple majority of members voting; and the Speaker shall cast a vote whenever necessary to avoid an equality of votes but shall not vote in any other case.

(4) Members absent from the Dewan Undangan Negeri shall not be allowed to vote.

(5) The Standing Orders of the Dewan Undangan Negeri may provide, as respects any decision relating to its proceedings, that it shall not be made except by a specified majority or by a specified number of votes.

*⁽⁶⁾ (*Repealed*).

*⁽⁷⁾ No Bill or amendment involving expenditure from the Consolidated Fund may be introduced or moved in the Dewan Undangan Negeri except by a member of the Majlis Mesyuarat Kerajaan Negeri.

(8) For a period of ten years after Malaysia Day, and thereafter until the Legislature by law otherwise provides, all proceedings in the Dewan may be in the English language and, subject to the Standing Orders of the Dewan Undangan Negeri, members may use any Native language in addressing the Dewan.

*⁽⁹⁾ If objection is taken by any member present that there are present (besides the Speaker) fewer than one-third of the total number of members and after such interval as may be prescribed in the Standing Orders of the Dewan, the person presiding ascertains that the number of members present is still less than one-third of the total number of members, he shall thereupon adjourn the Dewan.

*⁽¹⁰⁾ In this Constitution, except where it is expressly provided otherwise, the expression "Speaker" includes any person presiding or taking the Chair under the provisions of clause (4) of Article 15.

* This symbol indicates the existence of a note on an unnumbered page opposite. See **hard copy** for details of the notes.

Privileges of the Dewan Undangan Negeri and members

***25.** Subject to Article 72 of the Federal Constitution, it shall be lawful for the Legislature by law to determine and regulate the privileges, immunities or powers of the Dewan Undangan Negeri; but no such privileges, immunities or powers shall exceed those of the Federal House of Representatives.

* This symbol indicates the existence of a note on an unnumbered page opposite.
See **hard copy** for details of the notes.

Exercise of legislative power

***26.—(1)** The power of the Legislature to make laws shall be exercised by Bills passed by the Dewan Undangan Negeri and assented to by the Yang di-Pertua Negeri.

(2) All laws enacted by the Legislature shall be styled Ordinances and the words of enactment shall be “Enacted by the Legislature of Sarawak”.

(3) A Bill shall become law on being assented to by the Yang di-Pertua Negeri, but no law shall come into force until it has been published in the *Gazette*, without prejudice, however, to the power of the Legislature to postpone the operation of any law or to make laws with retrospective effect.

* This symbol indicates the existence of a note on an unnumbered page opposite.
See **hard copy** for details of the notes.

Supremacy of Constitution

27. Any Ordinance passed on or after Malaysia Day which is inconsistent with this Constitution shall, to the extent of the inconsistency, be void.

*PART III
FINANCIAL PROVISIONS

No taxation unless authorized by law

28. No tax or rate shall be levied by or for the purposes of the State except by or under the authority of law.

* This symbol indicates the existence of a note on an unnumbered page opposite.
See **hard copy** for details of the notes.

Consolidated Fund

29.—(1) All revenues and moneys howsoever raised or received by the State from whatsoever source shall, subject to this Constitution and any law, be paid into and form one fund to be known as “the Consolidated Fund”.

(2) There shall be charged on and paid out of the Consolidated Fund, in addition to any grant, remuneration or other moneys so charged by any other provision of this Constitution or by State law—

(a) all debt charges for which the State is liable; and

(b) any moneys required to satisfy any judgment, decision or award against the State by any court or tribunal.

(3) For the purposes of this Article, “debt charges” include interest, sinking fund charges, repayment or amortisation of debt and all expenditure in connection with the raising of loans on the security of the Consolidated Fund and the service and redemption of debt created thereby.

Annual financial statement

***30.—(1)** The Yang di-Pertua Negeri shall, in respect of every financial year, cause to be laid before the Dewan Undangan Negeri a statement of the estimated receipts and expenditure of the State for

that year, and, unless the Legislature in respect of any year otherwise provides, that statement shall be so laid before the commencement of that year.

(2) The estimates of expenditure shall show separately—

(a) the total sums required to meet expenditure charged on the Consolidated Fund; and

(b) subject to clause (3), the sums respectively required to meet the heads of other expenditure proposed to be met from the Consolidated Fund.

(3) The sums referred to in paragraph (b) of clause (2) do not include—

(a) sums representing the proceeds of any loan raised by the State for specific purposes and appropriated for those purposes by the law authorizing the raising of the loan;

(b) sums representing any money or interest on money received by the State subject to a trust and to be applied in accordance with the terms of the trust; and

(c) sums representing any money held by the State which has been received or appropriated for the purpose of any trust fund established by or in accordance with State law.

(4) The statement of estimated receipts and expenditure shall also show, so far as is practicable, the assets and liabilities of the State at the end of the last completed financial year, the manner in which those assets are invested or held and the general heads in respect of which those liabilities are outstanding.

* This symbol indicates the existence of a note on an unnumbered page opposite. See **hard copy** for details of the notes.

Supply Bills

31. The heads of expenditure to be met from the Consolidated Fund in respect of any financial year but not charged thereon, other than expenditure to be met by such sums as are mentioned in clause (3) of Article 30, shall be included in a Bill, to be known as a Supply Bill, providing for the issue from the Consolidated Fund of the sums necessary to meet that expenditure and the appropriation of those sums for the purposes specified therein.

Supplementary and excess expenditure

***32.** If in respect of any financial year it is found—

(a) that the amount appropriated by the Supply Ordinance for any purpose is insufficient, or that a need has arisen for expenditure for a purpose for which no amount has been appropriated by the Supply Ordinance;

(b) that any moneys have been expended for any purpose in excess of the amount, if any, appropriated for that purpose by the Supply Ordinance,

a supplementary estimate showing the sums required or spent shall be laid before the Dewan Undangan Negeri, and the heads of any such expenditure shall be included in a Supply Bill.

* This symbol indicates the existence of a note on an unnumbered page opposite. See **hard copy** for details of the notes.

Withdrawals from Consolidated Fund

33.—(1) Subject to the following provisions of this Article, no moneys shall be withdrawn from the Consolidated Fund unless they are—

(a) charged on the Consolidated Fund; or

(b) authorized to be issued by a Supply Ordinance.

(2) No moneys shall be withdrawn from the Consolidated Fund except in the manner provided by Federal law.

(3) Clause (1) shall not apply to any such sums as are mentioned in clause (3) of Article 30.

(4) The Legislature may, in respect of any financial year, by law authorize, before the passing of the Supply Ordinance, expenditure for part of the year and the issue from the Consolidated Fund of any moneys required to meet that expenditure.

Financial year

34. For the purposes of this Part “financial year” means the period of twelve months ending on the thirty-first day of December in any year or such other day as the Legislature may by law prescribe.

PART IV

THE PUBLIC SERVICE

The Public Service Commission

***35.—**(1) There shall be a Public Service Commission for the State which shall consist of a Chairman, a Deputy Chairman and not less than four or more than nine other members, each of whom shall be appointed by the Yang di-Pertua Negeri on the advice of the Chief Minister.

***(2)** A person shall not be appointed to be a member of the Commission if he is, and shall cease to be such a member if he becomes—

(a) a public officer:

Provided that a public officer may be appointed to be a member of the Commission if he is on leave prior to retirement;

(b) a member of either House of Parliament or of the Dewan Undangan Negeri;

(c) a member, officer or employee of any local authority;

(d) a member of any trade union, or of any body or association affiliated to a trade union;

(e) the holder of any office in any political association; or

(f) a member of any board of directors or board of management, or an officer or employee, or engages in the affairs or business, of any organisation or body, whether corporate or otherwise, or of any commercial, industrial or other undertaking, whether or not he receives any remuneration, reward, profit or benefit from it.

*(2A) The disqualification in paragraph (f) of clause (2) shall not apply where such organisation or body carries out any welfare or voluntary work or objective beneficial to the community or any part thereof, or any other work or objective of a charitable or social nature, and the member does not receive any remuneration, reward, profit or benefit from it.

*(3) Subject to clauses (2) and (4), every member of the Commission shall, unless he earlier resigns his office, by writing under his hand addressed to the Yang di-Pertua Negeri hold office for a period of five years from the date of his appointment or for such shorter period as may be specified in the instrument by which he is appointed.

*(4) If the Chief Minister, or the Chairman of the Commission after consulting with the Chief Minister, represents to the Yang di-Pertua Negeri that a member of the Commission ought to be removed from office for inability to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour, the Yang di-Pertua Negeri shall appoint a tribunal in accordance with clause (5) and shall refer the representation to it; and, if the tribunal so recommends, the Yang di-Pertua Negeri shall remove that member from office by writing under his hand.

* (5) A tribunal appointed under clause (4) shall consist of not less than three persons who hold or have held office as Judge of the Federal Court or of any High Court in the Federation or, if it appears to the Yang di-Pertua Negeri expedient to make such appointment, persons who hold or have held equivalent office in any other part of the Commonwealth.

(6) A tribunal appointed under clause (4) shall regulate its own procedure and may make rules for that purpose.

* (7) Where a representation has been made to the Yang di-Pertua Negeri under clause (4), he may on the recommendation of the Chief Minister suspend the member concerned from the exercise of his functions pending the report of the tribunal on that representation.

* (8) Where, during any period, a member of the Commission has been granted leave of absence by the Yang di-Pertua Negeri or is unable, owing to his absence from the State, illness or any other cause, to discharge his functions as such a member the Yang di-Pertua Negeri may appoint as a temporary member of the Commission to exercise his functions during that period, any person who would be qualified to be appointed in his place; and the appointment of any such temporary member shall be made in the same manner as that of any other member of the Commission.

* (9) Before exercising the functions of his office every member of the Commission shall take and subscribe before the Chief Judge or some other Judge of the High Court the oath in the form set out in Part IV of the Schedule.

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* (10) Members of the Commission shall be paid such remuneration as the Legislature may by law provide, and such remuneration shall be a charge on and paid out of the Consolidated Fund.

* (11) Subject to the provisions of this Constitution, the terms of service of the members of the Commission—

(a) shall be such as the Legislature may by law prescribe;
and

(b) in so far as they are not so prescribed, shall be determined by the Yang di-Pertua Negeri.

(12) The remuneration and other terms of service of any member of the Commission shall not be altered to his disadvantage after his appointment.

(13) For the purposes of clause (12), in so far as the terms of service of a member of the Commission depend upon his option, any terms for which he opts shall be taken to be more advantageous to him than any others for which he might have opted.

* This symbol indicates the existence of a note on an unnumbered page opposite. See **hard copy** for details of the notes.

Functions of Commission

***36.**—(1) Subject to the provisions of the Federal Constitution and of this Constitution, it shall be the duty of the Commission to appoint, confirm, emplace on the permanent or pensionable establishment, promote, transfer and exercise disciplinary control over members of the public service.

(2) The Legislature may by law provide for the exercise of other functions by the Commission.

(3) In clause (1), “member of the public service” does not include any person whose remuneration is calculated on a daily rate, and “transfer” does not include transfer without a change of rank within a department of Government.

***4)** The Yang di-Pertua Negeri may designate as special posts any posts in the public service held by the head or deputy head of a department or by an officer who in his opinion is of similar status, and an appointment to any post so designated shall not be made in

accordance with clause (1) but shall be made by the Yang di-Pertua Negeri on the recommendation of the Commission.

*⁽⁵⁾ Before acting, in accordance with clause (4), on the recommendation of the Commission, the Yang di-Pertua Negeri shall consider the advice of the Chief Minister and may once refer the recommendation back to the Commission in order that it may be reconsidered.

*⁽⁶⁾ The Commission may, by directions in writing and subject to such conditions as it thinks fit, delegate to any public officer, or to any board consisting of at least one member of the Commission and such number of public officers appointed by it, any of its functions under clause (1) in respect of any grade of members of the public service, and that officer or board shall exercise those functions under the direction and control of the Commission.

⁽⁷⁾ In respect of members of the public service who are employed in posts ancillary to the police force, or in respect of any grade of members of the public service who are so employed, functions of the Commission may, under clause (6), be made exercisable by an officer or board of officers of the police force as if he or they were a public officer or board of police officers.

*⁽⁸⁾ The Commission shall make an annual report on the discharge of its functions to the Yang di-Pertua Negeri, who shall cause copies of the report to be laid before the Dewan Undangan Negeri.

* This symbol indicates the existence of a note on an unnumbered page opposite. See **hard copy** for details of the notes.

Procedure of Commission

*³⁷—⁽¹⁾ At any meeting of the Commission five members, who shall include the Chairman or Deputy Chairman, shall form a quorum.

⁽²⁾ Subject to clause (1), the Commission may act notwithstanding any vacancy in its membership, and any proceeding of

the Commission shall be valid notwithstanding that some person not entitled to do so took part therein.

***(3)** The Commission may, with the consent of the Yang di-Pertua Negeri, make rules to regulate its procedures or that of any board appointed by the Commission or the exercise of any of its functions. Such rules may impose duties on any public officer or authority of the State Government.

* This symbol indicates the existence of a note on an unnumbered page opposite. See **hard copy** for details of the notes.

Impartial treatment of State employees

38. All persons of whatever race in the same grade of the service of the State shall, subject to the terms and conditions of their employment, be treated impartially.

PART V

GENERAL PROVISIONS

Reservation of quotas in respect of the public service and educational facilities for Natives

***39.—(1)** It shall be the responsibility of the Yang di-Pertua Negeri to safeguard the special position of the Natives and the legitimate interests of other communities in accordance with the provisions of this Article.

***(2)** The Yang di-Pertua Negeri shall exercise his functions under this Constitution and under State law in such manner as may be necessary to safeguard the special position of the Natives and to ensure the reservation for Natives of such proportion as he may deem reasonable of offices in the public service and of scholarships, exhibitions and other similar educational or training privileges, or special facilities, given or accorded by or with the approval of the State Government.

*⁽³⁾ The Yang di-Pertua Negeri may, in order to ensure in accordance with clause (2) the reservation to Natives of offices in the public service and of scholarships, exhibitions and other educational or training privileges or special facilities, give such general directions as may be required for that purpose to the Commission, or to any authority charged with responsibility for the grant of such scholarships, exhibitions or other educational or training privileges or special facilities; and the Commission or authority shall duly comply with the directions.

*⁽⁴⁾ In exercising his functions under this Constitution and under State law in accordance with clauses (1), (2) and (3), the Yang di-Pertua Negeri shall not deprive any person of any office in the public service held by him or of the continuance of any scholarship, exhibition or other educational or training privileges or special facilities enjoyed by him.

(5) This Article does not derogate from the provisions of Article 38.

* This symbol indicates the existence of a note on an unnumbered page opposite. See **hard copy** for details of the notes.

The Public Seal

*⁴⁰. The Yang di-Pertua Negeri shall keep and use the Public Seal of Sarawak for all things that shall pass that Seal; and, until a Seal shall be provided for the State, a stamp bearing the inscription “State of Sarawak: Public Seal of the State” may be used as the Public Seal of Sarawak.

* This symbol indicates the existence of a note on an unnumbered page opposite. See **hard copy** for details of the notes.

Amendment of Constitution

***41.**—(1) Subject to the following provisions of this Article, the provisions of this Constitution may be amended by an Ordinance enacted by the Legislature but may not be amended by any other means.

(2) Subject to clause (3), a Bill for making an amendment to this Constitution shall not be passed by the Dewan Undangan Negeri unless it has been supported on the second and third readings by the votes of not less than two-thirds of the total number of members thereof.

(3) Clause (2) shall not apply to a Bill for making—

(a) any amendment consequential on a law prescribing the number of elected members of the Dewan Undangan Negeri; or

(b) any amendment for the purpose of bringing this Constitution into accord with any of the provisions of the Eighth Schedule to the Federal Constitution as for the time being in force.

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(4) In this Article “amendment” includes addition and repeal.

* This symbol indicates the existence of a note on an unnumbered page opposite.
See **hard copy** for details of the notes.

Authorized reprints of Constitution

***42.** The Dewan Undangan Negeri may from time to time by resolution authorize the Government Printer to print copies of this Constitution including all amendments in force at the date of such authorization; and any such copy so printed shall be deemed for all purposes to be a true and correct copy.

* This symbol indicates the existence of a note on an unnumbered page opposite.
See **hard copy** for details of the notes.

Re-appointment and re-election

43. Where any person has vacated any office established by this Constitution he may, if qualified, again be appointed or elected to that office, in accordance with the provisions of this Constitution.

Interpretation

***44.—(1)** In this Constitution, unless the context otherwise requires—

“citizen” means a citizen of the Federation;

“the Commission” means the Public Service Commission of the State;

“the Conference of Rulers” means the Conference of Rulers constituted by the Federal Constitution;

“existing law” means any law having effect as part of the law of the Colony of Sarawak or any part thereof immediately before the commencement of this Constitution;

*“the existing Orders” means the Sarawak (Constitution) Orders in Council 1956 to 1963;

“the Federal Constitution” means the Constitution of the Federation and includes the Malaysia Act of the Federation;

“Federal law” means—

(a) any existing law continuing to have effect as part of the law of the State or any part thereof after the commencement of this Constitution to the extent that it is by virtue of the provisions of the Federal Constitution treated as a Federal law; and

(b) any Act of Parliament, or other law of the Federation relating to matters about which Parliament has power to make laws, which extends to the State;

“the Federation” means the Federation to be known, on and after Malaysia Day, by the name Malaysia;

“the *Gazette*” means the official *Gazette* of the State;

*“the Governor” (*Substituted by Ord. No. 9/76—see definition of “the Yang di-Pertua Negeri”*);

*“the High Court” means the High Court in Sabah and Sarawak constituted by the Federal Constitution;

“the Legislature” means the Legislature of the State;

*“Malaysia Day” means the day referred to as Malaysia Day in the Malaysia Act of the Federation;

“Native” has the same meaning as it has in the Federal Constitution for the purposes of the application of Article 153 thereof to Natives of the State;

“office of profit” has the same meaning as in the Federal Constitution;

“Parliament” means the Parliament of the Federation;

“public officer” means a person holding or acting in any office of emolument in the public service;

“the public service” means, subject to the provisions of clause (2), the public service of the State;

*“session” means, in relation to the Dewan Undangan Negeri, the sittings of the Dewan commencing when it first meets after its prorogation or dissolution and terminating when it is prorogued or is dissolved without having been prorogued;

*“sitting” means, in relation to the Dewan Undangan Negeri, a period during which the Dewan is sitting continuously

without adjournment, and includes any period during which the Dewan is in committee;

“the State” means the State of Sarawak;

“State law” means—

(a) any existing law continuing to have effect as part of the law of the State or any part thereof after the commencement of this Constitution to the extent that it is by virtue of the provisions of the Federal Constitution treated as a State law; and

(b) any law made by the Legislature;

*“the Yang di-Pertua Negeri” means the Yang di-Pertua Negeri of the State;

“the Yang di-Pertuan Agong” means the Yang di-Pertuan Agong of the Federation.

*⁽²⁾ In this Constitution references to an office in the public service shall not be construed as including references to the office of—

(a) Yang di-Pertua Negeri, Chief Minister or other Minister or Assistant Minister or member of the Majlis Mesyuarat Kerajaan Negeri, Speaker, Deputy Speaker or other member of the Dewan Undangan Negeri, a member of the Commission, a member of the Pardons Board constituted for the State under the Federal Constitution, the President of the Majlis Islam, the Mufti, or any Headman as defined in the Local Authority Ordinance; or

Cap. 117. (1958 Ed.).

†^(b) save in so far as the Legislature may by law prescribe, a member of any local authority, council, board, panel, committee or other similar body (whether incorporated or not) established by or under any law.

(3) In this Constitution, unless the context otherwise requires, a reference to the holder of an office by the terms designating his office

shall be construed as including a reference to any person for the time being acting in that office.

(4) Unless the context otherwise requires, any reference in this Constitution to a specified Part or Article or to the Schedule is a reference to that Part or Article of, or to the Schedule to, this Constitution and any reference to a clause or paragraph is a reference to that clause of the Article or paragraph of the clause in which the reference occurs.

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(5) The Interpretation Ordinance [*Cap. 1. (1958 Ed.)*], as in force at the commencement of this Constitution, shall apply for the purpose of interpreting this Constitution and otherwise in relation thereto as it applies for the purpose of interpreting and otherwise in relation to a written law within the meaning of that Ordinance.

* This symbol indicates the existence of a note on an unnumbered page opposite.
See **hard copy** for details of the notes.

† Amended by Cap. A47 w.e.f. 26.5.97.

Commencement

***45.** Subject to the provisions of Part VI, this Constitution shall come into operation immediately before Malaysia Day.

* This symbol indicates the existence of a note on an unnumbered page opposite.
See **hard copy** for details of the notes.

PART VI

*TRANSITIONAL PROVISIONS

Existing laws

***46.—(1)** Subject to the provisions of this Article and to any provision made on or after Malaysia Day by or under Federal law or State law, all existing laws shall on and after the commencement of this Constitution continue to have effect but shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with the provisions of this Constitution.

(2) Subject as aforesaid and without prejudice to the generality of clause (1), references in any existing law to the Colony of Sarawak or any officer holding office under the Government of the Colony or to any authority or body constituted in or for the Colony shall be construed on and after the commencement of this Constitution as references to the State or to the corresponding officer, authority or body respectively.

***(3)** (a) The Governor of the Colony of Sarawak may by order made at any time before Malaysia Day make such modifications in any existing law as appear to him to be necessary or expedient in consequence of the promulgation of this Constitution or the passing of the Malaysia Act.

***(b)** This clause shall come into operation on the publication of this Constitution in the *Gazette*.

***(c)** An order made under this clause shall have effect from such date, not being later than the commencement of this Constitution, as may be specified therein.

***(4)** (a) The Governor may by order at any time during the period of two years after the commencement of this Constitution make such modifications in any existing law, to the extent that it is by virtue of the provisions of the Federal Constitution treated as a State law, as appear to him to be necessary or expedient in consequence of the promulgation of this Constitution or the passing of the Malaysia Act.

(b) An order made under this clause shall have effect from such date, not being earlier than the commencement of this Constitution, as may be specified therein.

(5) Any provision made by an order under this Article with respect to any law may be amended or *Repealed* in like manner as that law.

(6) An order made under clause (3) shall be laid before the Council Negri as soon as may be on or after Malaysia Day and an order made under clause (4) shall be so laid as soon as may be after it is made.

(7) In clauses (3) and (4) “modification” includes amendment, adaptation and repeal.

* This symbol indicates the existence of a note on an unnumbered page opposite. See **hard copy** for details of the notes.

Succession to property

47.—(1) Subject to the provisions of this Article, all property and assets which immediately before the commencement of this Constitution were vested in Her Majesty for the purposes of the Colony of Sarawak shall on the commencement of this Constitution vest in the State.

(2) Any land in the State which immediately before the commencement of this Constitution was vested in Her Majesty shall on the commencement of this Constitution vest in the State.

(3) Any property which was immediately before the commencement of this Constitution liable to escheat to Her Majesty shall on the commencement of this Constitution be liable to escheat to the State.

Rights, liabilities and obligations

48.—(1) All rights, liabilities and obligations of Her Majesty in respect of the Government of the Colony of Sarawak shall on the commencement of this Constitution become rights, liabilities and obligations of the State.

(2) In this Article rights, liabilities and obligations include rights, liabilities and obligations arising from contract or otherwise, other than rights to which Article 47 applies.

First Governor

49. The first Governor shall be a person nominated before Malaysia Day by Her Majesty and the Yang di-Pertuan Agong, and appointed by the Yang di-Pertuan Agong; and the appointment shall be for a term of two years beginning with Malaysia Day.

Transitional provisions relating to Supreme Council

50. The persons who, immediately before the commencement of this Constitution, hold the offices of Chief Minister and other members (not being the offices of *ex officio* members) of the Supreme Council established by the existing Orders shall, as from the commencement of this Constitution, be deemed to have been appointed to hold the like offices as members of the Supreme Council under Article 6.