



LAWS OF KELANTAN

REPRINT

LAWS OF THE CONSTITUTION OF KELANTAN

Incorporating all amendments up to 1 January 2008

PRINTED WITH
THE AUTHORITY OF HIS ROYAL HIGHNESS PURSUANT TO
ARTICLE LXV(1) OF THE FIRST PART OF THE LAWS OF THE
CONSTITUTION OF KELANTAN

LAWS OF THE CONSTITUTION OF KELANTAN

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LAWS OF KELANTAN

LAWS OF THE CONSTITUTION OF KELANTAN

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LAWS OF KELANTAN

LAWS OF THE CONSTITUTION OF KELANTAN

FIRST PART

IBRAHIM
(RULER'S SIGN MANUAL)

(SEAL)

In the name of GOD, the Compassionate, the Merciful, PRAISE be to God, the Lord of the Universe, and may the benediction and peace of GOD be upon OUR Leader Muhammad and upon all His Relations and Friends.

BY THE GRACE OF GOD IBRAHIM, of the State of Kelantan and all its Dependencies, Sultan and Ruler, Sovereign and Chief of the Most Esteemed Royal Family Order, Sovereign and Chief of the Honourable Order of the Crown of Kelantan, Sovereign and Chief of the Honourable Order of the Life of the Crown of Kelantan, Companion of the Most Distinguished Order of St. Micheal and St. George:

WHEREAS WE have undertaken in the Agreement which WE have made with HIS MAJESTY on the twenty-first day of January 1948 (hereinafter called "the Kelantan Agreement 1948"), to govern OUR State of Kelantan subject to the provisions of a written Constitution which shall be in conformity with the said Agreement and also with the further Agreement which WE have made with HIS MAJESTY on the twenty-first day of January 1948 (hereinafter called "the Federation of Malaya Agreement 1948):

AND WHEREAS WE have agreed in the Kelantan Agreement 1948, that the said written Constitution shall be granted and promulgated by US as soon as conveniently may be or, if WE think expedient, in Parts from time to time:

AND WHEREAS in pursuance of OUR undertaking given in the Kelantan Agreement 1948, it is necessary forthwith that WE should empower and appoint two Councils to aid and advise us in the Government of OUR State of Kelantan, that is to say, a Majlis Mesyuarat Kerajaan, to be called in English State Executive

Council, and a Majlis Mesyuarat Negeri, to be called in English Council of State, and WE deemed it expedient that WE should make certain further provisions for the government and well-being of OUR State of Kelantan:

AND WHEREAS WE think it expedient that the empowering and appointment of the said two Councils and the making of the said further provisions should form the First Part of the said written Constitution:

NOW THEREFORE WE, by the rights and powers of OUR prerogatives as Sultan and Ruler of the State of Kelantan and with the advice, concurrence and consent of OUR Principal Malay Officers and of the Chiefs of OUR State of Kelantan, do HEREBY DECLARE AND ORDAIN in OUR name, and on OUR behalf and for and on behalf of OUR Successors, as hereinafter follows:

THE LAWS OF THE CONSTITUTION

First Part of the Laws of the Constitution

I. The Articles herein contained (called hereinafter "this Part") shall be the First Part of the Undang-Undang Perlembagaan Tubuh Kerajaan Kelantan, to be called in English the Laws of the Constitution of Kelantan, and shall be read subject to the Federal Constitution, and shall come into force forthwith.

II. (*Deleted by G.N. No. 181/1959*).

Amendment of the Constitution

III. (1) The following provisions of this Article shall have effect with respect to the amendment of this Part.

(2) The provisions of this Part, other than Articles V and VI, may, subject to Clause (3), be amended by an enactment of the State Legislature, but may not be amended by any other means.

(3) A Bill for making an amendment to this Part shall not be passed by the Legislative Assembly unless it has been supported on Second and Third Readings by the votes of not less than two-thirds of the total number of members thereof.

(3A) The following amendment is excepted from the provisions of Clause (3), that is to say—any amendment to the definition of the territory of the State which is made in consequence of the passing of a law altering the boundaries of the State under Article 2 of the Federal Constitution to which the State Legislative Assembly and the Conference of Rulers have consented under the said Article.

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

Interpretation

IV. (1) In this Part, unless the context otherwise requires—

“citizen of the Federation of Malaya” means a person who is a citizen by virtue of Part III of the Federal Constitution;

“Committee” means a committee of the whole Legislative Assembly or any standing, select, special or other committee of the Legislative Assembly or appointed by that Assembly;

“Consolidated Fund” means the Consolidated Fund of the State;

“election” means an election for the purpose of electing a member of the Legislative Assembly;

“Federal Constitution” means the Constitution of the Federation;

“general election” means collectively the elections consequent on the dissolution of the Legislative Assembly;

“His Royal Highness” means the Sultan of the State and includes His Successors and, where the context admits, His Predecessors; and, in the case of a Regency, includes the Regent, or, if there is a Council of Regency, such Council;

“His Royal Highness in Council” means His Royal Highness acting in accordance with the advice of the State Executive Council;

“Legislative Assembly” means the Legislative Assembly of the State;

“Legislature” means the authority having power under this Constitution to make laws for the State;

“meeting” means any sitting or sittings of an Assembly constituted under this Part commencing when the Assembly first meets after being summoned at any time and terminating when the Assembly is adjourned *sine die* or at the conclusion of a session without adjournment;

“session” means the sittings of the Legislative Assembly commencing when the Assembly first meets after being constituted or after its prorogation or dissolution at any time, and terminating when the Assembly is prorogued or dissolved without having been prorogued;

“State Executive Council” means the Council established under the provisions of this Part;

“subject of His Royal Highness” means any person who under the written law for the time being in force in the State is a subject of His Royal Highness the Ruler of the State of Kelantan;

“the Menteri Besar” means the officer appointed by virtue of Article XII, and shall include the Deputy Menteri Besar;

“the State” means the State of Kelantan and includes all the dependencies, islands and places which, on the first day of December 1941, were administered as part thereof, and the territorial waters adjacent thereto;

“the State Financial Officer” means the officer appointed by virtue of Article XIII;

“the State Legal Adviser” means the Legal Adviser appointed by virtue of Article XIII;

“the State Secretary” means the officer appointed by virtue of Article XIII;

“the Yang di-Pertuan Agong” means the Supreme Head of the Federation, and includes the Deputy Supreme Head of the Federation or a Ruler lawfully exercising the functions of the Yang di-Pertuan Agong.

(1A) (*Deleted by G.N. No. 181/1959*).

(2) Subject to the foregoing provisions of this Article, Clauses (2) and (4) of Article 160 of the Federal Constitution shall apply for the interpretation of this Part as it applies for the interpretation of the Federal Constitution.

(3) Unless the context otherwise requires, any reference in this Part to a specified Article, Part or Schedule is a reference to that Article or Part or to that Schedule to this Part; and any reference to a specified Clause is a reference to that Clause of the Article in which the reference occurs.

(4) Except where the interpretation of any word or expression is expressly provided by this Part or the Federal Constitution or where the context otherwise requires, the *Interpretation and General Clauses Ordinance 1948 [*M.U. 7 of 1948*], shall apply for the interpretation of this Part as it applies for the interpretation of any written law.

Religion of the State

V. The religion of the State shall be the religion of Islam as heretofore professed and practised in the State:

Provided that all other religions may be practised in peace and harmony by the persons professing them in any part of the State.

His Royal Highness the Head of the Religion of the State

VI. (1) The Head of the Religion of the State shall be His Royal Highness and the Majlis Agama Islam and Adat Istiadat Melayu, in English the Council of Religion and Malay Customs, constituted under the existing State law, shall continue to aid and advise His Royal Highness in accordance with such law.

*NOTE—This Ordinance has been consolidated and revised *vide* Interpretation Acts 1948 and 1967 [*Act 388*] w.e.f. 19 October 1989.

(2) Notwithstanding that there is a Regency in the State by reason of the fact that His Royal Highness is elected to the office, or is exercising the functions of Yang di-Pertuan Agong, His Royal Highness shall continue to exercise His functions as Head of the Religion of the State.

(3) His Royal Highness as Head of the Religion of the State shall in accordance with the provisions of the Federal Constitution authorize the Yang di-Pertuan Agong to represent Him in any acts, observances or ceremonies of the religion of Islam which by agreement of the Conference of Rulers extend to the Federation as a whole.

The Ruler to govern according to law

VII. His Royal Highness shall act towards all His subjects and all persons commorant within the State in an impartial manner, governing according to law. No person shall be deprived of his liberty, detained or imprisoned, except in due course of law. The freedom and liberty of all persons who are not restrained by just and impartial action of the law is the basis of all good government.

The State Seal

VIII. His Royal Highness shall keep and use a Public Seal of the State of Kelantan for sealing all things whatsoever that shall pass the said Seal.

The State Motto, Flags and Emblems

VIII_A. The State Motto, namely "*Berserah kepada Tuhan Kerajaan Kelantan*", the Emblems and Arms of the State and the Insignia of Royalty, His Royal Highness's Standards and the Flags of the State shall continue to be used as heretofore in their present shapes and forms.

Representation of His Royal Highness on the Conference of Rulers

IX. (1) His Royal Highness may appoint by Instrument under His Sign Manual and the State Seal any person of the Malay race and professing the religion of Islam to take His place as a member of the Conference of Rulers.

(2) Every such appointment shall be for such period and shall be subject to such conditions and restrictions as may be prescribed therein.

EXECUTIVE AUTHORITY

Executive authority

X. The executive authority of the State shall be vested in His Royal Highness but executive functions may by law be conferred on other persons or authorities.

Executive authority to be in the name of His Royal Highness

XI. All executive authority of the Government of the State shall be expressed to be taken in the name of His Royal Highness.

Appointment of Menteri Besar

XII. (1) His Royal Highness shall appoint, by Instrument under His Sign Manual and the State Seal, a Menteri Besar in accordance with the provisions of paragraph (a) of Clause (2) of Article XVI.

(1A) His Royal Highness shall appoint by Instrument, under His Sign Manual and the State Seal, a Deputy Menteri Besar in accordance with the provisions of paragraph (c) of Clause (2) of Article XVI.

(2) Subject to the provisions of Clause (4) of Article XVI, no person shall be appointed to be Menteri Besar or Deputy Menteri Besar unless he is of the Malay race, a subject of His Royal Highness and professes the religion of Islam.

Appointment of officials

XIII. (1) His Royal Highness shall, on the recommendation of the appropriate Service Commission, by Instrument under His Sign Manual and the State Seal, appoint a person holding wholetime office in the public services to be the State Secretary, the State Legal Adviser and the State Financial Officer respectively:

Provided that before acting on the recommendation of the Service Commission His Royal Highness shall consider the advice of the Menteri Besar and may once refer the recommendation back to the Commission in order that it may be reconsidered:

And provided that in the event of there being no Service Commission having jurisdiction in respect of any appointment of any of the officers mentioned in this Clause, such appointment may be made by His Royal Highness acting in His discretion.

(2) (a) The State Secretary, who shall be of the Malay race and profess the religion of Islam, shall be the principal officer in charge of the administrative affairs of the State.

(b) The State Legal Adviser shall advise on legal matters referred to him by His Royal Highness or the State Government.

(c) The State Financial Officer shall be the principal officer in charge of the financial affairs of the State.

(3) Every such official shall have the right to take part in the proceedings of the State Executive Council and the Legislative Assembly and may be appointed to be a member of any committee thereof but shall not have any vote in the State Executive Council or the Legislative Assembly or in any such committee.

(4) Before any such official first attends a meeting of the State Executive Council he shall take and subscribe in the presence of the Menteri Besar the following oath of secrecy:

“I,....., do solemnly swear (or affirm) that I will not directly or indirectly communicate or reveal to any person any matter which shall be brought under my

consideration or shall become known to me in the course of my attending the State Executive Council except as may be required for the due discharge of my duties as such or as may be specially permitted by the State Executive Council.”.

(5) The person holding the office of the State Secretary, the State Legal Adviser and the State Financial Officer respectively immediately before the coming into operation of this Article shall continue to hold that the office in like manner as if he has been appointed under this Article.

XIII.A. *(Deleted by G.N. No. 181/1959).*

XIV. *(Deleted by G.N. No. 181/1959).*

His Royal Highness to act on advice

XV. (1) In the exercise of His functions under the Constitution of this State or any law or as a member of the Conference of Rulers His Royal Highness shall act in accordance with the advice of the State Executive Council or of a member thereof acting under the general authority of the Council, except as otherwise provided by the Federal Constitution or the State Constitution; but shall be entitled, at His request, to any information concerning the Government of the State which is available to the State Executive Council.

(2) His Royal Highness may act in His discretion in the performance of the following functions (in addition to those in the performance of which He may act in His discretion under the Federal Constitution), that is to say—

- (a) the appointment of a Menteri Besar;
- (b) the withholding of consent to a request for the dissolution of the Legislative Assembly;
- (c) the making of a request for a meeting of the Conference of Rulers concerned solely with the privileges, position, honours and dignities of Their Royal Highnesses or religious acts, observances or ceremonies;
- (d) any function as Head of the religion of Islam or relating to the custom of the Malays;

- (e) the appointment of an Heir or Heirs, Consort, Regent or Council of Regency;
- (f) the appointment of persons to Malay customary ranks, titles, honours and dignities and the designation of the functions appertaining thereto;
- (g) the regulation of royal courts and palaces.

(3) State law may make provision for requiring His Royal Highness to act after consultation with or on the recommendation of any person or body of persons other than the State Executive Council in the exercise of any of His functions other than—

- (a) functions exercisable in His discretion;
- (b) functions with respects to the exercise of which provision is made in the State Constitution or the Federal Constitution.

The State Executive Council

XVI. (1) His Royal Highness shall appoint a State Executive Council.

(2) The State Executive Council shall be appointed as follows, that is to say—

- (a) His Royal Highness shall first appoint as Menteri Besar to preside over the State Executive Council a member of the Legislative Assembly who in His judgment is likely to command the confidence of the majority of the members of the Assembly;
- (b) He shall on the advice of the Menteri Besar appoint not more than ten nor less than four other members from among the members of the Legislative Assembly; and
- (c) He shall on the advice of the Menteri Besar appoint a member of the State Executive Council to be the Deputy Menteri Besar who shall assist the Menteri Besar in the exercise of his powers and the performance of his duties and, on the direction of the Menteri Besar, he shall exercise such powers and perform such duties of the Menteri Besar,

but if an appointment is made while the Legislative Assembly is dissolved a person who was a member of the last Legislative Assembly may be appointed but shall not continue to hold office after the first sitting of the next Legislative Assembly unless he is a member thereof.

(3) Notwithstanding anything in this Article, a person who is a citizen by naturalization or by registration under *Article 17 of the Federal Constitution shall not be appointed Menteri Besar.

(4) In appointing a Menteri Besar His Royal Highness may, in His discretion, dispense with any provision in Article XII restricting His choice of a Menteri Besar, if in His opinion it is necessary to do so in order to comply with the provisions of this Article.

(5) The State Executive Council shall be collectively responsible to the Legislative Assembly.

(6) If the Menteri Besar ceases to command the confidence of the majority of the members of the Legislative Assembly, then, unless at his request His Royal Highness dissolves the Legislative Assembly, he shall tender the resignation of the State Executive Council.

(7) Subject to Clause (6), a member of the State Executive Council other than the Menteri Besar shall hold office at His Royal Highness's pleasure, unless the appointment of any member shall have been revoked by His Royal Highness on the advice of the Menteri Besar but any member of the Council may at any time resign his office.

(8) A member of the State Executive Council shall not engage in any trade, business or profession connected with any subject or department 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 State Executive Council relating to that trade, business or profession or in any decision likely to affect his pecuniary interests therein.

*NOTE—This Article has been deleted *vide* Constitution (Amendment) Act 1962 [Act 14/1962] w.e.f. 1 July 1963.

Oath of office

XVII. Except for the purpose of enabling this Article to be complied with, no member shall sit or vote in the State Executive Council until he shall have taken and subscribed before His Royal Highness, or some person authorized by His Royal Highness in that behalf, the following oath:

“I,....., being chosen and admitted of the Majlis Mesyuarat Kerajaan or State Executive Council of the State of Kelantan do solemnly swear (or affirm) that I will, to the best of my judgment at all times when thereto required, freely give my counsel and advice to His Royal Highness the Sultan for the good management of the public affairs of the State; that I will not directly or indirectly communicate or reveal to any person any matter which shall be brought under my consideration or shall become known to me as a member of the State Executive Council except as may be required for the due discharge of my duties as such or as may be specially permitted by His Royal Highness the Sultan.”,

to which oath shall be added such words as will, according to his religious beliefs, bind the conscience of the person taking the oath.

XVIII. *(Deleted by G.N. No. 181/1959).*

XIX. *(Deleted by G.N. No. 181/1959).*

XX. *(Deleted by G.N. No. 181/1959).*

Quorum of State Executive Council

XXI. The State Executive Council shall not be disqualified for the transaction of business by reason of any vacancy among the members; but no business except that of adjournment shall be transacted if objection is taken by any member present that there are less than four members present besides the member presiding.

XXII. *(Deleted by G.N. No. 181/1959).*

XXIII. (Deleted by G.N. No. 181/1959).

XXIV. (Deleted by G.N. No. 181/1959).

Appeals to His Royal Highness or His Royal Highness in Council

XXV. (1) Subject to the provisions of Clause (3) of Article XV, where under any written law an appeal against the decision of any person lies to His Royal Highness or His Royal Highness in Council, it shall be lawful for His Royal Highness or His Royal Highness in Council, unless the contrary intention appears in such written law, when such appeal is made to Him, to appoint a committee consisting of not less than three persons for the purpose of hearing such appeal and advising Him as to the decision that should be made thereon:

Provided that no person from whose decision the appeal is made shall be appointed a member of such committee.

(2) In considering any advice tendered to Him under the provisions of Clause (1) of this Article His Royal Highness in Council shall not be bound to accept such advice.

Minutes

XXVI. (1) Minutes shall be kept of all the proceedings of the State Executive Council.

(2) At every ordinary meeting of the Council the minutes of the last preceding meeting shall be confirmed, with or without amendment as the case may require, before proceeding to the despatch of any other business.

Language of State Executive Council

XXVII. The official language of the State Executive Council shall be Malay:

Provided that—

(a) notwithstanding the provisions of this Article, the English language may be used for such period and for such

purposes as may, for the time being, be provided by or in accordance with Article 152 of the Federal Constitution; and

- (b) an official English version shall be provided of anything which is required to be printed or reduced into writing, and such version may be published in the *Gazette*.

POWER OF PARDON

Power of pardon

XXVIIA. (1) His Royal Highness may grant a pardon, reprieve or respite in respect of any offence committed in the State (other than any offence which has been tried by court martial); and any power conferred by federal or State law to remit, suspend or commute the sentence for any such offence shall be exercisable by Him.

(2) The powers mentioned in Clause (1) shall be exercised in the manner and subject to conditions prescribed in Article 42 of the Federal Constitution.

SPECIAL PROVISION RELATING TO THE MALAYS

Reservation of quotas in respect of services, permits, etc., for Malays

XXVII B. (1) It shall be the responsibility of His Royal Highness to safeguard the special position of the Malays and the legitimate interests of other communities in accordance with the provisions of this Article.

(2) His Royal Highness shall, subject to the provisions of Article XV, exercise His functions under this Part and State law in such manner as may be necessary to safeguard the special position of the Malays and to ensure the reservation for Malays of such proportion as He may deem reasonable of positions in the public service of the State and of scholarships, exhibitions and other similar educational or training privileges or special facilities given or accorded by the State Government and, when

any permit or licence for the operation of trade or business is required by State law, then, subject to the provisions of that law and this Article, of such permits and licences.

(3) His Royal Highness may, in order to ensure in accordance with Clause (2) of this Article the reservation to Malays of positions 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 any Public Service Commission whose jurisdiction extends to persons in the public service of the State 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 Part and State law in accordance with Clauses (1), (2) and (3) of this Article His Royal Highness shall not deprive any person of any public office 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 LX.

(6) Where by existing State law a permit or licence is required for the operation of any trade or business His Royal Highness may exercise His functions under that law in such manner or give such general directions to any authority charged under that law with the grant of such permits or licences as may be required to ensure the reservation of such proportion of such licences or permits for Malays as His Royal Highness may deem reasonable; and the authority shall duly comply with the directions.

(7) Nothing in this Article shall operate to deprive or authorize the deprivation of any person of any right, privilege, permit or licence accrued to or enjoyed or held by him or to authorize the refusal to renew to any person any such permits or licence or a refusal to grant to the heirs, successors or assigns of a person any permit or licence when the renewal or grant might reasonably be expected in the ordinary course of events.

(8) Notwithstanding anything in this Part, where by any State law any permit or licence is required for the operation of any

trade or business that law may provide for the reservation of a proportion of such permits or licences for Malays; but no such law shall for the purpose of ensuring such a reservation—

- (a) deprive or authorize the deprivation of any person of any right, privilege, permit or licence accrued to or enjoyed or held by him; or
- (b) authorize a refusal to renew to any person any such permit or licence or a refusal to grant to the heirs, successors or assigns of any person any permit or licence when the renewal or grant might in accordance with the other provisions of the law reasonably be expected in the ordinary course of events, or prevent any person from transferring together with his business any transferable licence to operate that business; or
- (c) where no permit or licence was previously required for the operation of the trade or business, authorize a refusal to grant a permit or licence to any person for the operation of any trade or business which immediately before the coming into force of the law he had been *bona fide* carrying on, or authorize a refusal subsequently to renew to any such person any permit or licence or a refusal to grant to the heirs, successors or assigns of any such person any such permit or licence when the renewal or grant might in accordance with the other provisions of that law reasonably be expected in the ordinary course of events.

(9) Nothing in this Article shall empower the Legislature to restrict business or trade solely for the purpose of reservations for Malays.

DEWAN NEGERI
(LEGISLATIVE ASSEMBLY)

Legislature of the State

XXVIII. The Legislature of the State shall consist of His Royal Highness and one House, to be known as the Dewan Negeri (in English, the Legislative Assembly).

Composition of Legislative Assembly

XXIX. The Legislative Assembly shall consist of forty-five elected members.

XXIX_A. (*Deleted by G.N. No. 181/1959*).

XXIX_B. (*Deleted by G.N. No. 181/1959*).

Qualification of members

XXX. Every citizen of or over the age of twenty-one years old who is resident in the State is qualified to be a member of the Legislative Assembly, unless he is disqualified for being a member by the Federal Constitution or this Part or by any such law as is mentioned in Article XXXI.

Disqualification for membership of Legislative Assembly

XXXI. (1) Subject to the provisions of this Article, a person is disqualified for being a member of the Legislative Assembly 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;
- (d) having been nominated for election to either House of Parliament or to the Legislative Assembly, 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 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;

- (f) he is disqualified under any law relating to offences in connection with elections to either House of Parliament or to the Legislative Assembly 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, a foreign country or has made a declaration of allegiance to a foreign country.

(2) The disqualification of a person under paragraph (d) or paragraph (e) of Clause (1) may be removed by His Royal Highness 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 the said paragraph (d) was required to be lodged or, as the case may be, the date on which the person convicted as mentioned in the said paragraph (e) was released from the custody or the date on which the fine mentioned in the said paragraph (e) 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.

(3) A person who resigns his membership of the Legislative Assembly 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 Legislative Assembly.

Vacation of seat due to resignation, etc., from political party

XXXIA. (1) If any member of the Legislative Assembly who is a member of a political party resigns or is expelled from, or for any reasons whatsoever ceases to be a member of such political party, he shall cease to be a member of the Legislative Assembly and his seat shall become vacant.

(2) For the purpose of Clause (1) the Legislative Assembly shall determine whether a seat has become vacant and the determination of the Assembly shall be final and shall not be questioned in any court on any ground whatsoever.

Decision as to the disqualification

XXXII. If any question arises whether a member of the Legislative Assembly has become disqualified for membership the decision of the Assembly shall be taken and shall be final.

Provision against double membership

XXXIII. A person shall not at the same time be a member of the Legislative Assembly for more than one constituency.

Effect of disqualification and prohibition of nomination without consent

XXXIV. (1) If a member of the Legislative Assembly dies or becomes disqualified for membership of the Assembly his seat shall become vacant.

(2) If a person disqualified for being a member of the Legislative Assembly is elected to the Assembly, or if an election is contrary to Article XXXI, the election shall be void.

(3) If the election of any person would or might be void under Clause (2) his nomination for the election shall be void.

(4) A person cannot be validly nominated for election to the Legislative Assembly without his consent.

XXXV. (*Deleted by G.N. No. 181/1959*).

XXXVA. (*Deleted by G.N. No. 181/1959*).

Quorum

XXXVI. No business except that of adjournment shall be transacted by the Legislative Assembly if objection is taken by any member present that there are less than ten members present besides the Speaker or other member presiding.

Resignation of members

XXXVII. A member of the Legislative Assembly may resign his membership by writing under his hand addressed to the Speaker.

Absence of a member

XXXVIII. If a member of the Legislative Assembly is without the leave of the Speaker absent from every sitting thereof for a period of six months the Speaker may declare his seat vacant.

Exercise of legislative power

XXXIX. (1) The power of the Legislature to make laws shall be exercised by Bills passed by the Legislative Assembly and assented to by His Royal Highness.

(2) No Bill or amendment involving expenditure from the Consolidated Fund of the State may be introduced or moved in the Legislative Assembly except by a member of the State Executive Council.

(3) A Bill shall become law on being assented to by His Royal Highness, but no law shall come into force until it has been published, without prejudice, however, to the power of the Legislature to postpone the operation of any law or to make laws with retrospective effect.

Publication of Bills

XL. Every Bill, other than a Private Bill, shall, save in case of urgency to be certified in writing by the Speaker, be published for general information in the *Gazette* at least fourteen days prior to its introduction into the Legislative Assembly.

Words of enactment

XLI. All laws passed by the Legislature shall be styled "Enactments" and the words of enactment shall be "enacted by the Legislature of the State of Kelantan".

Address by His Royal Highness

XLII. His Royal Highness may address the Legislative Assembly and may send messages thereto.

Private Bills

XLIII. Except as otherwise therein provided, a law made under this Part, not being a government measure, intended to affect or benefit some particular person, association, or corporate body, shall not affect the rights of His Royal Highness and His Successors or the rights of any body politic or corporate, or of any other person.

Procedure of Legislative Assembly

XLIV. (1) Subject to the provisions of the Federal Constitution and this Part the Legislative Assembly shall regulate its own procedure and may from time to time make, amend and revoke Standing Rules and Orders for the regulation and orderly conduct of its own proceedings and the conduct of business.

(2) The Legislative Assembly may act notwithstanding any vacancy in its membership, and the presence or participation of any person not entitled thereto shall not invalidate any proceedings.

(3) Subject to Clause (4) and Article III the Assembly shall, if not unanimous, take its decision by a simple majority of members voting; and the member presiding shall cast his vote whenever necessary to avoid an equality of votes, but shall not vote in any other case.

(4) In regulating its procedure the Assembly 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.

(5) Members absent from the Assembly shall not be allowed to vote.

Speaker of the Legislative Assembly

XLV. (1) The Legislative Assembly shall from time to time elect as Speaker such person as the Assembly may determine and shall transact no business when the office of the Speaker is vacant other than the election of the Speaker.

(1A) A person shall not be elected to be the Speaker unless he is a member or qualified to be a member of the Legislative Assembly.

(1B) Any person elected as Speaker who is not a member of the Legislative Assembly—

(a) shall, before he enters upon the duties of his office, take and subscribe before the Assembly an oath of office; and

(b) shall, by virtue of holding his office, be a member of the Assembly additional to the members elected to the Assembly:

Provided that paragraph (b) shall not have effect for the purposes of the provisions of Article XVI and no person shall be entitled by virtue of that paragraph to vote on any matter before the Assembly.

(2) The Speaker may at any time resign his office and shall vacate his office—

(a) when the Legislative Assembly first meets after a general election;

(b) on his ceasing to be a member of the Assembly otherwise than by reason of a dissolution thereof or, if he is a member by virtue only of paragraph (b) of Clause (1B), on his ceasing to be qualified to be a member;

(c) upon being disqualified under Clause (5); or

(d) if the Assembly at any time so resolves.

(2A) The Legislative Assembly may from time to time choose one of its members to be Deputy Speaker.

(2B) A Deputy Speaker may at any time resign his office and shall vacate his office—

(a) on his ceasing to be a member of the Legislative Assembly;
or

(b) if the Legislative Assembly at any time so resolves.

(3) During any absence of the Speaker from a sitting of the Legislative Assembly, the Deputy Speaker or if the Deputy Speaker is absent or if the post of the Deputy Speaker is vacant, such other member as may be determined by the rules of procedure of the Assembly shall act as Speaker.

(4) The Legislature shall by law provide for the remuneration of the Speaker and the Deputy Speaker and the remuneration so provided shall be charged on the Consolidated Fund.

(5) A member who is elected to be the Speaker or the Deputy Speaker shall be disqualified from holding such office if after three months of his election to such office or at any time thereafter he is or becomes a member of any board of directors or board of management, or any officer or employee, or engages in the affairs or business, of any organization 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 organization 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.

(6) Where any question arises regarding the disqualification of the Speaker or the Deputy Speaker under Clause (5) the decision of the Legislative Assembly shall be taken and shall be final.

Summoning, prorogation and dissolution of Legislative Assembly

XLVI. (1) His Royal Highness shall from time to time summon the Legislative Assembly 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) His Royal Highness may prorogue or dissolve the Legislative Assembly.

(3) The Legislative Assembly unless sooner dissolved shall continue for five years from the date of its first sitting and shall then stand dissolved.

(4) Whenever the Legislative Assembly is dissolved a general election shall be held within sixty days from the date of the dissolution and the new Legislative Assembly shall be summoned to meet on a date not later than ninety days from that date.

(5) A casual vacancy shall be filled within sixty days from the date on which it is established by the Election Commission that there is a vacancy:

Provided that if a casual vacancy is established on a date within two years of the date the Legislative Assembly 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 Legislative Assembly 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.

Oath of members

XLVII. (1) Every member of the Legislative Assembly shall before taking his seat take and subscribe before the member presiding in the Assembly the following oath:

“I,....., having been elected as a member of the Legislative Assembly of the State of Kelantan, do solemnly swear (or affirm) that I will faithfully discharge my duties as such to the best of my ability; that I will bear true faith and allegiance to the State of Kelantan and that I will preserve, protect and defend the Constitution of the State of Kelantan.”,

and, if a subject of His Royal Highness, until he shall also have taken and subscribed in similar fashion the following oath of allegiance:

“I,....., do swear that I will be faithful and bear true allegiance to His Royal Highness and His Successors, according to law.”.

(2) To each such oath shall be added such words as will, according to his religious beliefs, bind the conscience of the person taking the oath.

(3) A member may before taking the oath take part in the election of the Speaker.

(4) If a member has not taken his seat within three months from the date on which the Legislative Assembly first sits after his election or such further time as the Assembly may allow, his seat shall become vacant.

Remuneration of members

XLVIII. The Legislature shall by law make provision for the remuneration of the members of the Legislative Assembly.

Minutes

XLIX. (1) Minutes shall be kept of all the proceedings of the Legislative Assembly.

(2) At every meeting of the Legislative Assembly the minutes of the last preceding meeting shall be confirmed, with or without amendment as the case may require, before proceeding to the despatch of any other business.

Language of Legislative Assembly

L. (1) Subject to the provisions of Article 152 of the Federal Constitution, the official language of the Assembly shall be Malay.

(2) Notwithstanding the provisions of Clause (1), for a period of ten years after Merdeka Day and thereafter until Parliament otherwise provides the authoritative texts—

- (a) of all Bills to be introduced or amendments thereto to be moved in the Legislative Assembly; and
- (b) of all Enactments and all subsidiary legislation issued by the Government of the State,

shall be in the English language.

(3) An official version shall be provided of anything which is required to be printed or reduced into writing, and such version may be published in the *Gazette*.

Privileges

LI. The Legislative Assembly shall have the privileges and powers set out in the First Schedule.

FINANCIAL

No taxation unless authorized by law

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

Expenditure charged on Consolidated Fund

LIII. (1) There shall be charged on the Consolidated Fund of the State, in addition to any grant, remuneration or other moneys so charged by any other provision of the Constitution of the State or by State law—

- (a) the Civil List of His Royal Highness and the remuneration of the Speaker of the Legislative Assembly;
- (b) all debt charges for which the State is liable; and
- (c) any moneys required to satisfy any judgment, decision or award against the State by any court or tribunal.

(2) For the purposes of this provision debt charges include interest, sinking fund charges, repayment or amortization 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

LIV. (1) Subject to Clause (3), His Royal Highness shall, in respect of every financial year, cause to be laid before the Legislative Assembly a statement of the estimated receipts and expenditure of the State for that year, and, unless the State 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 estimated receipts to be shown in the said statement do not include any sums received by way of Zakat, Fitrah and Baitulmal or similar Islamic religious revenue; and the sums to be shown under 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;
- (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 the laws.

(4) The said statement 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.

Supply Bills

LV. The heads of expenditure to be met from the Consolidated Fund of the State but not charged thereon, other than the sums mentioned in paragraphs (a) and (b) of Clause (3) of Article LIV, 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

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

- (a) that the amount appropriated by the Supply Enactment for that purpose is insufficient, or that a need has arisen for expenditure for a purpose for which no amount has been appropriated by the Supply Enactment; or
- (b) that any moneys have been expended for any purpose in excess of the amount (if any) appropriated for that purpose by the Supply Enactment,

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

Withdrawals from the Consolidated Fund

LVII. (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 Enactment.

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

(3) Clause (1) does not apply to any such sums as are mentioned in paragraphs (a) and (b) of Clause (3) of Article LIV.

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

LVIII. *(Deleted by G.N. No. 241/1957).*

Capacity of the State as respects property, contracts and suits

LIX. (1) The State has power to acquire, hold and dispose of property of any kind and to make contracts.

(2) The State may sue and be sued.

Impartial treatment of State employees

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

The State Service Commission

LXI. (1) There shall be a State Service Commission whose jurisdiction shall, subject to the following provisions, extend to all persons who are members of the public service of the State.

(2) The State Service Commission shall consist of the following members appointed by His Royal Highness in His discretion, but after considering the advice of the Menteri Besar, that is to say, a Chairman, and not less than two nor more than four other members.

(2A) His Royal Highness in His discretion, after considering the advice of the Menteri Besar, may appoint a Deputy Chairman in addition to the members already appointed under Clause (2) of Article LXI.

(3) Either the Chairman or Deputy Chairman shall be, and both may be, appointed from among persons who are or have at any time within the period of five years immediately preceding the date of his first appointment been members of any of the public services.

(4) A member of the public service of the State appointed Chairman or Deputy Chairman shall not be eligible for any further appointment in the service of the State other than as a member of the Commission.

(5) (i) A member of either House of Parliament or of the Legislative Assembly of the State shall not be appointed to be a member of the Commission.

(ii) Subject to paragraph (iii), a person shall not be appointed to be a member of the Commission if he is, and shall not remain such a member if he becomes—

(a) a member of any of the public services of the Federation or of any State;

(b) an officer or employee of any local authority or of a body corporate or authority established by law for public purposes;

(c) a member of a trade union or a body or association affiliated to a trade union.

(iii) A member of any of the public services may be appointed to be and remain Chairman or Deputy Chairman and, if he is on leave prior to retirement, he may be appointed to be another member of the Commission.

(iv) Where, during any period, a member of the Commission has been granted leave of absence by His Royal Highness or is unable owing to his absence from the Federation, the illness or any other cause, to discharge his functions as a member, His Royal Highness may appoint to exercise his functions during that period any person who would be qualified to be appointed

in his place, and the appointment of such a person shall be made in the same manner as that of the member whose functions he is to exercise.

(v) The Commission may act notwithstanding a vacancy in its membership, and no proceedings of the Commission shall be invalidated by reason only that some person not entitled thereto has taken part in them.

(vi) Before exercising his functions as a member of the Commission or under paragraph (iv), any person shall take and subscribe before the Judge of the Federal Court the oath of office and allegiance as follows:

“I,....., having been appointed to the office of a member of the State Service Commission of the State of Kelantan do solemnly swear (or affirm) that I will faithfully discharge the duties of that office to the best of my ability, and that I will bear true faith and allegiance to the State of Kelantan, and will preserve, protect and defend its Constitution.”.

(6) A member of the Commission—

- (a) shall be appointed for a term of five years or if His Royal Highness acting in His discretion but after considering the advice of the Menteri Besar, in a particular case so determines, for such shorter term as He may so determine;
- (b) may, unless disqualified, be reappointed from time to time; and
- (c) may at any time resign his office but shall not be removed from office except on the like grounds and in the like manner as a Judge of the Federal Court under Clauses (3), (4) and (5) of Article 125 of the Federal Constitution:

Provided that such Clauses shall be construed as if for references therein to the Yang di-Pertuan Agong and the Prime Minister there were substituted references to His Royal Highness and the Menteri Besar.

(7) The Legislative Assembly shall by law provide for the remuneration of any member of the Commission other than a member for whose remuneration as holder of any other office provision is made by State law; and the remuneration so provided shall be charged on the Consolidated Fund.

(8) The remuneration and other terms of office of a member of the Commission shall not be altered to his disadvantage after his appointment.

(9) Subject to the provisions of any existing law and to the provisions of this Part, it shall be the duty of the Commission to appoint, confirm, and place on permanent or pensionable establishment, promote, transfer and exercise disciplinary control over members of the services to which its jurisdiction extends.

(9A) (i) Notwithstanding the provisions of Clause (9), all powers and functions of the Commission other than the power of first appointment to the permanent or pensionable establishment, may be exercised by a Board appointed by His Royal Highness.

(ii) Any person aggrieved by the exercise by the Board of any of the aforesaid powers or functions may appeal to an Appeal Board appointed by His Royal Highness.

(iii) His Royal Highness may by regulations provide for matters relating to the appointments of the members of, and the procedure to be followed by the Board or the Appeal Board under this Clause.

(iv) Where His Royal Highness has appointed the Board under paragraph (i) of this Clause for the purposes of exercising any of the powers or functions referred to under that paragraph, such power or function shall so long as it remains a power or function to be exercised by the Board, cease to be exercisable by the said Commission.

(10) State law may provide for the exercise of other functions by the Commission.

(11) The Commission may delegate to any officer in the public service of the State or to any Board of such officers appointed by it, any of its functions under Clause (9) in respect of any grade of service, and that officer or Board shall exercise those functions under the direction and the control of the Commission.

(12) The Commission may, subject to the provisions of this Constitution and of the State law, make rules regulating its procedure and specifying the number of its members which are to constitute a quorum.

(13) The Commission shall make an annual report of its activities to His Royal Highness and copies of this report shall be laid before the Legislative Assembly.

(14) In this Article—

- (a) “transfer” does not include transfer without change of rank within a department of Government;
- (b) “Commission” means the State Service Commission established under Clause (1);
- (c) “public service of the State” shall bear the same meaning as in Part X of the Federal Constitution; and
- (d) “Chairman” means the Chairman, State Service Commission, and shall include a Deputy Chairman appointed under Clause (2A).

Prerogatives of His Royal Highness reserved

LXII. Except as expressed herein, this Part shall not affect the prerogatives, powers and jurisdiction of His Royal Highness.

INTERPRETATION

Interpretation of the Laws of the Constitution

LXIII. (1) Without prejudice to any appellate or revisional jurisdiction of the Federal Court, where in any proceedings before any other court a question arises as to the effect of any provision of the Laws of the Constitution of the State the Federal Court may, on the application of either party to the proceedings,

determine that question and either dispose of the case or remit it to the other court to be disposed of in accordance with the determination.

(2) His Royal Highness may refer to the Federal Court for its opinion any question as to the effect of any provision of the Laws of the Constitution of the State which has arisen or appears to Him to be likely to arise, and the Federal Court shall pronounce in open court its opinion on any question so referred to it.

TRANSITIONAL PROVISIONS

Transitional provisions as to composition of the State Executive Council

LXIV. (1) After the dissolution of the last Council of State, the State Executive Council shall consist of the Menteri Besar and all those persons who are members of the State Executive Council immediately before the dissolution but no such person shall continue to hold office after the first sitting of the first Legislative Assembly unless he is a member of that Legislative Assembly.

(2) After the dissolution of the first or a subsequent Legislative Assembly the State Executive Council shall consist of the Menteri Besar and all those persons who are members of the State Executive Council immediately before the dissolution of the Legislative Assembly but no such persons shall continue to hold office after the first sitting of the new Legislative Assembly unless he is a member of that Legislative Assembly.

Reprint of the Constitution

LXV. (1) The Government Printer may, with the authority of His Royal Highness, print copies of the Constitution with all additions, repeals and amendments, effected by amending laws, Acts of Parliament or Enactments, and such copies shall be deemed to be authentic copies of the Constitution so amended.

(2) Any reference in any law, Act of Parliament or Enactment to the number of a line of an Article, Clause or paragraph of the Constitution shall mean such line in the latest official printed copy of the Constitution at the time of the passing of the laws, Acts of Parliament or Enactment containing such reference.

FIRST SCHEDULE

TO THE FIRST PART OF THE LAWS
OF THE CONSTITUTION

[Article LI]

PRIVILEGES AND POWERS

Interpretation

1. In this Schedule unless the context otherwise requires—

“Assembly” means the Legislative Assembly;

“Journals” means the minutes of the Assembly or the official records of the proceedings thereof;

“member” means a member of the Assembly;

“officer of the Assembly” and “officer” means the Clerk of Assembly and any person declared by the Speaker to be an officer of the Assembly;

“Standing orders” means the Standing Rules and Orders of the Assembly for the time being in force;

“Speaker” means the Speaker appointed by virtue of Article XLV of this Part and includes any member acting as Speaker.

Freedom of speech and debate

2. There shall be freedom of speech and debate or proceedings in the Assembly and such freedom of speech and debate or proceedings shall not be liable to be impeached or questioned in any court or tribunal out of the Assembly.

Immunity of members from civil or criminal proceedings for anything done or said before the Assembly

3. No member shall be liable to any civil or criminal proceedings, arrest, imprisonment or damages by reason of any matter or thing which he may have brought by petition, Bill, resolution, motion or otherwise, or have said before the Assembly or any committee.

Powers of Assembly to order attendance of witnesses and production of documents

4. The Assembly, and any committee which is duly authorized by an order of the Assembly to send for persons, documents, or papers, may, subject to the provisions of paragraphs 7 and 8, order any person to attend before the

Assembly or before such committee, and to give evidence or to produce any paper, book, record or document in the possession or under the control of such person.

Attendance to be notified by summons

5. Any order to attend, to give evidence or to produce documents before the Assembly or before any committee, shall be notified to the person required to attend or to produce documents, by a summons under the hand of the Clerk of Assembly issued by direction of the Speaker; and in every such summons there shall be stated the time when, and the place where, the person summoned is required to attend and the particular documents which he is required to produce, and the summons shall be served on the person mentioned therein, either by delivering to him a copy thereof or by leaving a copy thereof, at his usual or last known place of abode, with some adult person, and there shall be paid or tendered to the person so summoned, if he does not reside within six miles of the Assembly, such sum for his expenses as may be prescribed by any Standing Order in that behalf.

Examination of witnesses upon oath

6. The Assembly or any committee may require that any facts, matters and things relating to the subject of enquiry before the Assembly or such committee be verified or otherwise ascertained by the oral examination of witnesses, and may cause any such witnesses to be examined upon oath which the Speaker, or the Chairman of the committee or person specially appointed for that purpose may administer.

Exemption from answering question or producing documents

7. If any person ordered to attend, to give evidence or to produce any paper, book, record or document before the Assembly or any committee refuses to answer any question that may be put to him or to produce any such paper, book, record or document on the ground that the same is of a private nature and does not affect the subject of enquiry, the Speaker, or the Chairman of the committee, as the case may be, may report such refusal with the reason therefor, and the Assembly may thereupon excuse the answering of such question or the production of such paper, book, record, or document or may order the answering or production thereof.

Privileges of witnesses

8. (1) Every person ordered to attend, to give evidence or to produce any paper, book, record or document before the Assembly or any committees shall be entitled, in respect of such evidence or the disclosure of any communication or the production of any such paper, book, record or document, to the same right or privilege as before a court of law.

(2) No public officer shall—

- (a) produce before the Assembly or any committee any such paper, book, record or document; or
- (b) give before the Assembly or any committee evidence on any such matter,

as relates to the correspondence of any naval, military, air force or civil department or to any matter affecting the public service, except with the consent of the Yang di-Pertuan Agong in the case of a naval, military, air force department or of a department of the Federal Government or of His Royal Highness or Governor, as the case may be, in the case of a department of a State Government; nor shall secondary evidence be received by or produced before the Assembly or any committee of the contents of any such paper, book, record or document.

Certificate by Speaker that a witness has answered questions put to him by the Assembly

9. Every witness before the Assembly or a committee who shall answer fully and faithfully any question put to him by the Assembly or such committee to its satisfaction shall be entitled to receive a certificate under the hand of the Speaker or the Chairman of the committee, stating that such witness was upon his examination so required to answer and did answer any such questions.

Prohibition to give evidence outside the Assembly of any evidence before the Assembly without the leave of the Assembly

10. No member or officer of the Assembly and no shorthand writer employed to make minutes or evidence before the Assembly or any committee, shall give evidence elsewhere in respect of the content of such evidence or of the content of any manuscript or document laid before the Assembly or any committee or in respect of any proceedings or examination had before the Assembly or any committee without the special leave of the Assembly first had and obtained. Such special leave may be given after a dissolution or during a recess or adjournment by the Speaker or in his absence or other incapacity by the Clerk of the Assembly.

Journals of the Assembly admissible as evidence

11. Upon any enquiry touching the privileges, immunities, and powers of the Assembly or of any member any copy of the journals printed or purporting to be printed by the Government Printer or by or under the authority of the Assembly shall be admitted as evidence of such journals in all courts and places without any proof being given that such copy was so printed.

Certificate of Speaker a defence in proceedings instituted in respect of publications of the Assembly

12. Any person being a defendant in any civil or criminal proceedings instituted for or on account or in respect of the publication by such person or by his servants by order or under the authority of the Assembly or any committee, of any reports, papers, minutes, votes, or proceedings, may, on giving to the plaintiff or prosecutor, as the case may be, twenty-four hours written notice of his intention, bring before the court in which such civil or criminal proceedings are being held, a certificate under the hand of the Speaker or of the Clerk of Assembly, stating that the reports, papers, minutes, votes or proceedings, in respect whereof such civil or criminal proceedings have been instituted, were published by such person or by his servants by order or under the authority of the Assembly or any committee together with an affidavit verifying such certificate, and such court shall thereupon immediately stay such civil or criminal proceedings and the same and every process issued therein shall be deemed to be finally determined.

Privileged publications

13. In any civil or criminal proceedings instituted for publishing any extract from or abstract of any such reports, paper, minutes, votes or proceedings as in the preceding paragraph mentioned, if the court or jury, as the case may be, be satisfied that such extract or abstract was published *bona fide* and without malice, judgment or verdict, as the case may be, shall be entered for the defendant or accused.

Speaker continues to act

14. Notwithstanding the prorogation or dissolution of the Assembly the Speaker shall continue to act as the President of the Assembly for the purposes of this Schedule.

Confirmation

So be it. Such is the First Part of the Laws of the Constitution of the State of Kelantan.

Invocation

May GOD, Lord of the Universe, through the greatness of our Prophet grant His blessing to this First Part of the Laws of the Constitution of the State of Kelantan, for ever and ever.

Amen! O Lord of the Universe!

Done at Our Istana Balai Besar at Kota Bharu, this 21st day of the month of *Rabiulawal*, the *Hijrah* of the Prophet (on whom be benediction and peace of GOD) One thousand three hundred and sixty-seven, corresponding to the 1st day of February, one thousand nine hundred and forty-eight of the Christian era, being the fourth year of Our reign.

IN WITNESS of the granting and confirmation of this Part of the Constitution of the State and of the concurrence and consent of the Principal Malay Officers and Chiefs of the State we have hereunder affixed our respective signatures:

T.Y. PETRA (in *Rumi*)

ABDUL RAHMAN (in *Jawi*)

H. ZAINAL (in *Rumi*)

T. AHMED (in *Rumi*)

MAHMOOD BIN ISMAIL (in *Jawi*)

T.M. YUSUFF (in *Rumi*)

N.A. KAMIL (in *Rumi*)

T. MAHMOOD (in *Rumi*)

AHMED MAHER (in *Jawi*)

AHMED ZAINAL ABIDIN (in *Jawi*)

AHMED HAJI MAHMOOD (in *Jawi*)

MOHAMED DAUD BIN MOHAMED (in *Jawi*)

LAWS OF THE CONSTITUTION OF KELANTAN

SECOND PART

IBRAHIM

(RULER'S SIGN MANUAL)

(SEAL)

In the name of GOD, the Compassionate, the Merciful, PRAISE be to GOD, the Lord of the Universe, and may the benediction and peace of GOD be upon Our Leader Muhammad and upon all His Relations and Friends.

BY THE GRACE OF GOD IBRAHIM, Sultan and Ruler of the State of Kelantan and all its Dependencies, Sovereign and Chief of the Most Esteemed Royal Family Order, Sovereign and Chief of the Honourable Order of the Crown of Kelantan, Sovereign and Chief of the Honourable Order of the Life of the Crown of Kelantan, Member of the Most Esteemed Royal Family Order of Johore, Knight Commander of the Most Distinguished Order of St. Micheal and St. George:

WHEREAS WE granted and promulgated on the 21st day of the month of *Rabiulawal*, the *Hijrah* of the Prophet (on whom be benediction and peace of GOD) one thousand three hundred and sixty-seven, corresponding to the 1st day of February of the Christian era one thousand nine hundred and forty-eight, the First Part of the Undang-Undang Perlembagaan Tubuh Kerajaan Kelantan, called in English the Laws of the Constitution of Kelantan, First Part:

AND WHEREAS WE think it expedient at the present time to grant and promulgate a Second Part of the said Laws:

NOW THEREFORE WE, by the rights and powers of OUR prerogatives as Sultan and Ruler of the State of Kelantan and with the advice, concurrence and consent of the State Executive Council and OUR Principal Malay Officers and of the Chiefs of OUR State of Kelantan, do HEREBY DECLARE AND ORDAIN in OUR name, and on OUR behalf, and for and on behalf of OUR Successors, as hereinafter follows:

THE LAWS OF THE CONSTITUTION

Second Part of the Laws of the Constitution

I. The Articles herein contained (called hereinafter "this Part") shall be the Second Part of the Undang-Undang Perlembagaan Tubuh Kerajaan Kelantan, to be called in English the Laws of the Constitution of Kelantan, Second Part, and shall be read with the Federal Constitution and the First Part of the Laws of the Constitution of Kelantan and shall come into force forthwith.

II. (*Deleted by G.N. No. 182/1959*).

Powers to amend

III. (1) The following provisions of this Article shall have effect with respect to the amendment of this Part of the Constitution of the State.

(2) The provisions affecting—

- (a) the succession to the Throne and Malay customary dignitaries;
- (b) the appointment and attributes of an heir or heirs to the Throne, of the Ruler's Consort or of the Regent or Members of the Council of Regency of the State;
- (c) the removal, withdrawal or abdication of the Sovereign or His Heir or Heirs;
- (d) the appointment and attributes of the Ruling Chiefs or similar Malay customary dignitaries and of members of the Council of Religion and Malay Custom, Council of Succession, Council of Advisers or similar bodies; and
- (e) the establishment, regulation, confirmation and deprivation of Malay customary ranks, titles, honours, dignities and awards and the attributes of the holders thereof and the regulation of the royal courts and palaces,

may be amended by His Royal Highness by Proclamation issued with the consent and concurrence of the Council of Advisers but may not be amended by any other means.

(3) Any other provisions may, subject to the provisions of this Article, be amended by an Enactment of the State Legislature, but may not be amended by any other means.

(4) A Bill for making an amendment to any provisions of this Part, other than those mentioned in Clause (2), shall not be passed by the Legislative Assembly unless it has been supported on Second and Third Readings by the votes of not less than two-thirds of the total number of members thereof.

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

Interpretation

IV. (1) In this Part, unless the context otherwise requires—

“*Ahlu’s Sunnah wal Jamaah*” means the school established by Abu Al-Hassan Al-Asha’ri and Abu Mansoor Al-Maturidi and their supporters and followers;

“*Hukum Syarak*” means the body of law known in English as the Law of the religion of Islam or Islamic Law;

“*Kerabat D’Raja*” to be called in English Member of the Royal Family, means any person who is a Malay of royal blood, professing the religion of Islam and a descendant of Long Yunus;

“*Sovereign*” means the Sultan and Ruler of Kelantan;

“the Council of Advisers” means the *Majlis Penasihat Raja*, established under the provisions of this Part;

“The Council of Religion and Malay Custom” means the *Majlis Agama Islam dan Adat Istiadat Melayu* established for the time being under any written law;

“the Council of Succession” means the *Majlis Perajaan Negeri*, established under the provisions of this Part;

“*Waris*” to be called in English the Heir, means the Prince who is Heir Apparent to the Throne and Sovereignty of Kelantan;

“Waris Yang Lain” to be called in English the Other Heirs, means any Prince eligible to take the place either of the Second Heir (Heir Presumptive) or of the Heir (Heir Apparent) namely, one who can become Heir to the Throne and Sovereignty of Kelantan, in the event of those places and positions not being occupied;

“Waris Yang Kedua” to be called in English the Second Heir, means the Prince who is one step below the Heir Apparent and so is the Heir Presumptive to the Throne and Sovereignty of Kelantan.

(2) Except where the interpretation of any word or expression is expressly provided by this Part or where the context otherwise requires, Article IV of the Laws of the Constitution of Kelantan (First Part) shall apply for the interpretation of this Part as it applies for the interpretation of the First Part.

(3) Without prejudice to any appellate or revisional jurisdiction of the Federal Court, where in any proceedings before any other court a question arises as to the effect of any provision of the Laws of the Constitution of the State, the Federal Court may, on the application of either party to the proceedings, determine that question and either dispose of the case or remit it to the other court to be disposed of in accordance with the determination.

(4) His Royal Highness may refer to the Federal Court for its opinion any question as to the effect of any provision of the Laws of the Constitution of the State which has arisen or appears to Him to be likely to arise, and the Federal Court shall pronounce in open court its opinion on any question so referred to it.

MAJLIS PERAJAAN NEGERI

Establishment of Council of Succession

V. The Majlis Perajaan Negeri Kelantan, to be called in English the Council of Succession of Kelantan, is hereby established.

Confirmation of succession to the Throne

VI. No person shall succeed to the Throne and Sovereignty of Kelantan unless his succession has been confirmed by the Council of Succession.

Membership and appointment

VII. The Council of Succession shall consist of the following, that is to say—

- (i) a President;
- (ii) a Deputy President;
- (iii) the State Secretary, who shall be the Secretary of the Council;
- (iv) Mufti Kerajaan;
- (v) four members of the Kerabat D'Raja; and
- (vi) not less than six nor more than twelve other persons who shall be of the Malay race and subjects of the Ruler of the State,

to be appointed by His Royal Highness by Instrument under His Sign Manual and the State Seal and His Royal Highness, acting in His discretion has the right and authority to revoke the appointment of or dismiss and discharge any member of the Council of Succession.

Oath

VIIA. Except for the purpose of enabling this Article to be complied with, no person shall sit or vote in the Council until he shall have taken and subscribed before His Royal Highness, or some other person authorized by His Royal Highness in that behalf, the following oath:

“By the Grace of God and the Greatness of Our Prophet Muhammad, I,, being chosen and admitted a member of the Majlis Perajaan Negeri, or the Council of Succession, of the State of Kelantan, do swear that I will be faithful and bear true allegiance to His Royal Highness the Sultan; that I will to the best of my judgment, at all times when thereto required, freely give my counsel; and that I will not directly or indirectly reveal such matters as shall be communicated to me or debated in Council and committed to my secrecy, and that I will preserve, protect and defend the Constitution of the State of Kelantan.”.

Addition to the form of oath

VIIb. To such oath shall be added such words as will, according to the religion of Islam, bind the conscience of the person taking the oath.

Summoning and proceedings for confirmation of succession to the Throne

VIII. (1) Immediately after the death or abdication of the Sovereign, or the loss of His Sovereignty under the provisions of this Part, as the case may be, the State Secretary shall, on the instruction of the President, convene by notice in writing to each member, to be delivered at his address in the State, a meeting of the Council of Succession at a time and place to be stated in the notice and it shall be the duty of each member of the Council to attend at such time and place unless his absence is excused by the President for such reason as the President shall deem to be good and sufficient.

(2) At such meeting the Council of Succession shall confirm the Heir as reigning Sovereign, unless after a full and complete enquiry, the Council shall consider him to have some great and serious defect derogatory to the quality of a Sovereign, such as infirmity, blindness, dumbness or possessing some base qualities on account of which he would not be permitted by the Hukum Syarak to become a Sovereign Ruler.

(3) If the Council of Succession refuses to confirm the Heir as the Sovereign, it shall, subject to the same power to refuse, confirm the Second Heir, and, if his confirmation is refused, shall, subject to the same power to refuse, confirm the next in order of succession of the Other Heirs and so on, always subject to the same power to refuse, until the Council has confirmed one of the Other Heirs to be the Sovereign.

Choice and appointment of Sovereign on failure of eligible Heirs or refusal to confirm any of the eligible Heirs

IX. (1) Whenever, in the event of the Throne and Sovereignty of Kelantan becoming vacant there are no persons eligible under Article XVII of this Part to be confirmed as Sovereign, or, if eligible, are not so confirmed, it shall be the duty of the Council of Succession to choose and appoint some person to become Sovereign:

Provided that the person to be chosen and appointed shall be a male of mature age, sound mind, of the Malay race and born in the State of Kelantan, of a father also born in the State of Kelantan, a subject of the former Sovereign, professing the religion of Islam *Ahlu's Sunnah wal Jamaah*, of good blood and acknowledged to be legitimately and lawfully begotten, and in addition able to read and write the Malay language, and possessing a reputation, an understanding, a nature, temper, disposition and deportment which are good and praiseworthy.

(2) After a person chosen and appointed under Clause (1) of this Article has become Sovereign, thereafter the descendant who shall be eligible to become the Sovereign shall be a son, grandson, great-grandson and so on of the male line, first one generation after another until the last, that is to say, it shall not on any account be permitted and shall be unlawful to elect as Sovereign any person other than a descendant of the Sovereign chosen and appointed as aforesaid under Clause (1) of this Article:

Provided that a descendant of the Sovereign chosen under the provisions of this Clause shall not be eligible, if he is considered and determined, after full and complete enquiry by the Council of Succession, to have some great and serious defect derogatory to the quality of Sovereign, that is to say, any infirmity such as insanity, blindness, dumbness or possessing some base qualities on account of which he would not be permitted by the *Hukum Syarak* to become a Sovereign Ruler.

Summoning of Council of Succession to choose and appoint a Sovereign

X. (1) Upon the occurrence of either of the events mentioned in Article IX of this Part the State Secretary shall on the instruction of the President convene, by notice in writing to each member to be delivered at his address in the State, a meeting of the Council of Succession for the purpose of choosing and appointing a person to become the Sovereign as provided in the said Article.

(2) It shall be the duty of each member of the Council of Succession to attend at the time and place stated in the said notice unless his absence is excused by the President for such reason as the President shall deem to be good and sufficient.

Voting and decisions

XI. (1) No decision of the Council of Succession shall be valid and binding unless at least two-thirds of the members present and voting shall agree thereto.

(2) No decision of the Council of Succession shall be void by reason only of the absence of a member, whether such absence has been excused by the President or not:

Provided that any member whose absence has not been excused or who has failed to give reasonable explanation for such absence to the President, shall automatically cease to be a member of the Council of Succession.

Meetings

XII. (1) No person other than a member shall be present at any meeting of the Council of Succession.

(2) The President may adjourn any meeting of the Council of Succession from time to time but a meeting once begun shall continue until a decision of the Council of Succession has been made.

Minutes and record

XIII. (1) Minutes of the proceedings at each meeting of the Council of Succession shall be kept in writing by the State Secretary or in his absence by a member to be appointed in that behalf by the President.

(2) A record of every decision of the Council of Succession shall be made in writing by the State Secretary and shall be signed by the President whose signature shall be witnessed by the State Secretary.

(3) Every decision of the Council of Succession shall be notified in the *Gazette*.

Meeting of Council of Succession to choose and appoint the Heir

XIV. (1) Whenever it is desired to choose and appoint the Heir, the State Secretary shall on the instruction of the President convene, by notice in writing to each member, to be delivered at his address in the State, a meeting of the Council of Succession at a time and place to be stated in the notice and it shall be the duty of each member to attend at such time and place unless his absence is excused by the President for such reason as the President shall deem to be good and sufficient.

(2) At such meeting the Council of Succession shall aid and advise the Sovereign in the choice and appointment of the Heir from among those descendants set out in Articles XXX and XXXI in the same order and subject to the same provisions in the said Articles.

(3) The meeting of the Council of Succession for the purpose of choosing and appointing the Heir shall be subject to the provisions set out in Articles XI, XII and XIII of this Part regulating a meeting of the Council of Succession for the purpose of choosing and appointing the Sovereign.

Definition of "President"

XIV_A. For the purposes of Articles VIII, IX, X, XI, XII, XIII and XIV of this Part, "President" means the President of the Council of Succession appointed under Article VII of this Part and, in the event of his absence from the State or illness, includes the Deputy President of the Council of Succession.

THE SOVEREIGN**Sovereign and Heirs to be Malay of royal blood and a Muslim**

XV. Save as otherwise provided in Article IX of this Part the Sovereign shall be a person who is a Malay of royal blood, a descendant of LONG YUNUS, Sovereign and Ruler of Kelantan,

a male, and of the religion of Islam *Ahlu's Sunnah wal Jamaah*; and the Heir, the Second Heir and each of the Other Heirs shall also be such a person.

Descendants of Sultan Ismail Petra

XVI. (1) Subject to the provisions contained in Articles XVII and hereof the Sovereign (after the present Sovereign) shall be the acknowledged descendant of the body and flesh and blood of HIS ROYAL HIGHNESS SULTAN ISMAIL PETRA IBNI AL-MARHUM SULTAN YAHYA PETRA and lawfully begotten.

(2) The descendant who shall be eligible to become the Sovereign shall be a son, grandson, great-grandson and so on of the male line, first one generation after another until the last, that is to say, it shall not on any account be permitted and it shall be unlawful to confirm or choose and appoint as Sovereign any person other than a descendant of Sultan Ismail Petra, so long as a descendant as above of His Royal Highness exists:

Provided that a descendant of His said Royal Highness shall not be eligible, if he is considered and determined, after full and complete enquiry by the Council of Succession, to have some great and serious defect derogatory to the quality of a Sovereign, that is to say, any infirmity such as insanity, blindness, dumbness or possessing some base qualities on account of which he would not be permitted by the Hukum Syarak to become a Sovereign Ruler.

Descendants of Al-Marhum Sultan Yahya Petra, Al-Marhum Sultan Ibrahim, Al-Marhum Tengku Long Senik Sultan Mohamed IV, Al-Marhum Sultan Mohamed III (Sultan Bongsu), Al-Marhum Sultan Ahmad (Sultan Tengah), Al-Marhum Sultan Mohamed II (Sultan Mulut Merah)

XVII. (1) If at any time the male lineal descendants of His Royal Highness Sultan Ismail Petra should become totally extinct, or if there should remain one but he should be unworthy to be made Sovereign owing to the reasons defined in Article XVI of this Part, it shall be necessary to choose and appoint as Sovereign any person from among the male lineal descendants of AL-MARHUM SULTAN YAHYA PETRA IBNI AL-MARHUM SULTAN IBRAHIM.

(2) If there should be no male lineal descendants of Al-Marhum Sultan Yahya Petra ibni Al-Marhum Tengku Ibrahim, or if there should not be any male lineal descendants of Al-Marhum Sultan Yahya Petra ibni Al-Marhum Tengku Ibrahim considered eligible owing to the reasons defined in Article XVI of this Part, it shall be necessary to choose and appoint as Sovereign any person from among the male lineal descendants of AL-MARHUM TENGGU IBRAHIM IBNI AL-MARHUM SULTAN MOHAMED IV.

(3) If there should be no male lineal descendants of Al-Marhum Tengku Ibrahim ibni Al-Marhum Sultan Mohamed IV, or if there should not be any male lineal descendants of Al-Marhum Tengku Ibrahim ibni Al-Marhum Sultan Mohamed IV, considered eligible, owing to the reasons defined in Article XVI of this Part, it shall be necessary to choose and appoint as Sovereign any person from among the male lineal descendants of AL-MARHUM TENGGU LONG SENIK SULTAN MOHAMED IV.

(4) If there should be no male lineal descendants of Al-Marhum Tengku Long Senik Sultan Mohamed IV or if there should not be any male lineal descendants of Al-Marhum Tengku Long Senik Sultan Mohamed IV considered eligible, owing to the reasons defined in Article XVI of this Part, it shall be necessary to choose and appoint as Sovereign any person from among the male lineal descendants of AL-MARHUM SULTAN MOHAMED III (SULTAN BONGSU).

(5) If there should be no male lineal descendants of Al-Marhum Sultan Mohamed III (Sultan Bongsu) or if there should not be any male lineal descendants of Al-Marhum Sultan Mohamed III (Sultan Bongsu) considered eligible, owing to the reasons defined in Article XVI of this Part, it shall be necessary to choose and appoint as Sovereign any person from among the male lineal descendants of AL-MARHUM SULTAN AHMAD (SULTAN TENGAH).

(6) If there should be no male lineal descendants of Al-Marhum Sultan Ahmad (Sultan Tengah) or if there should not be any male lineal descendants of Al-Marhum Sultan Ahmad (Sultan Tengah) considered eligible, owing to the reasons defined in Article XVI of this Part, it shall be necessary to choose and appoint as Sovereign any person from among the male lineal descendants of AL-MARHUM SULTAN MOHAMED II (SULTAN MULUT MERAH).

(7) No person shall be chosen and appointed as Sovereign by virtue of the provisions contained in this Article unless he is a male of acknowledged genuine and lawful blood.

Failure of descendants of Al-Marhum Sultan Yahya Petra, Al-Marhum Sultan Ibrahim, Al-Marhum Tengku Long Senik Sultan Mohamed IV, Al-Marhum Sultan Mohamed III (Sultan Bongsu), Al-Marhum Sultan Ahmad (Sultan Tengah), Al-Marhum Sultan Mohamed II (Sultan Mulut Merah)

XVIII. (1) If there shall be no person eligible under the provisions of Article XVII of this Part, the choice and appointment of the Sovereign shall be left to the consideration, judgment and decision of the Council of Succession and they shall decide their choice and appointment either unanimously or by a majority as hereinbefore provided in Article XI:

Provided that the person to be chosen and appointed shall be a man of mature age, sound mind, of the Malay race and born in the State of Kelantan of a father also born in the State of Kelantan, a subject of the former Sultan, professing the religion of Islam *Ahlu's Sunnah wal Jamaah*, of good blood, and acknowledged to be legitimately and lawfully begotten, and in addition able to read and write the Malay language, and possessing a reputation, an understanding, a nature, temper, disposition and deportment which are good and praiseworthy.

(2) If the person chosen and appointed Sovereign shall not be of royal blood, the provisions of Article XV of this Part shall not apply but the case shall be deemed to be a lawful exception thereto.

Minority of Sovereign and Council of Regency

XIX. (1) The Sovereign, if He shall succeed to the Throne and Sovereignty of Kelantan before He has completed the full age of twenty-one years, according to the Gregorian calendar, shall not be accounted an adult, and, during the period of His minority, there shall be appointed a Council of Regency.

(2) Such Council of Regency shall consist of not less than three members who shall be of the Malay race born in the State of Kelantan, professing the religion of Islam *Ahlu's Sunnah wal Jamaah*, and subjects of the Sovereign, and one of such members shall be a member of the Kerabat D'Raja.

(3) Notwithstanding anything to the contrary contained in this Part, the members of the Council of Regency shall be chosen by the Council of Succession and shall be appointed by Instrument under the State Seal, signed by the President of the Council of Succession, which appointment shall be notified in the *Gazette*.

XX. (*Deleted by G.N. No. 182/1959*).

Interval between death of Sovereign and confirmation of Successor

XXI. (1) During the interval between the death or abdication of a Sovereign or the loss of His Sovereignty under the provisions of this Part, as the case may be, and the confirmation by the Council of Succession of His Successor (hereinafter called "the said interval") it shall not be necessary to appoint a Council of Regency.

(2) The Sovereign whose succession is confirmed by the Council of Succession shall be deemed to have become Sovereign immediately upon the death of His Predecessor and all lawful acts performed in the State during the said interval by any Council, public authority or public officer, which purport to have been done on behalf of the Sovereign or under the authority of the Sovereign or by virtue of the Sovereign prerogative or under any provision of the Laws of the Constitution of Kelantan or the Federal Constitution, shall be deemed to be valid without any question whatsoever.

Interval between death of Sovereign and appointment of Successor

XXII. During the interval between the death of a Sovereign and the choice and appointment of new Sovereign under the provisions of Article IX of this Part a Council of Regency shall be appointed and the provisions of Clauses (2) and (3) of Article XIX of this Part shall apply to such appointment.

Regency

XXIIA. (1) There shall be a Regency in the State under the following conditions, that is to say—

- (a) if the Sovereign shall have occasion to be absent from the State for more than thirty days;
- (b) if the Sovereign shall be incapacitated from attending to the affairs of the State; or
- (c) if the Sovereign is elected to the office, or exercise the functions, of the Yang di-Pertuan Agong for a period exceeding fifteen days.

(2) In the case of the intended absence of the Sovereign He shall appoint a Regent or Council of Regency as to Him seems most expedient to exercise His functions during His absence from the State.

(3) In the case of the incapacitation of the Sovereign the Council of Succession shall appoint a Regent or Council of Regency as to them seem most expedient and if it shall be necessary to appoint a Council of Regency the provisions of Clauses (2) and (3) of Article XIX of this Part shall apply to such appointment.

(4) The Sovereign shall appoint a Regent or Council of Regency as to Him seems expedient to exercise His functions as Ruler in the event of His being elected to the office of Yang di-Pertuan Agong or of His exercising the functions of Yang di-Pertuan Agong for a period exceeding fifteen days.

(5) Such Regent or Council of Regency shall cease to act upon the return of the Sovereign to the State or upon His recovery from incapacitation or His ceasing to hold the office or exercise the functions of Yang di-Pertuan Agong, as the case may be.

Remuneration of Regent or Council of Regency

XXIIB. There shall be paid to the Regent or Council of Regency during any period for which such Regent or Council of Regency shall have been appointed under the provisions of this Part to

exercise the prerogatives of and perform the duties of the Sovereign such sum fixed by resolution of the Legislative Assembly and charged on the Consolidated Fund in addition to any sums that the person or persons so appointed may otherwise receive from the public funds:

Provided that the total sum payable shall not exceed the allowance which would be payable to the Sovereign under this Constitution or any other written law.

Loss of Sovereignty owing to prolonged absence

XXIII. (1) The Sovereign shall not absent Himself from the State for more than twelve consecutive calendar months according to the Gregorian calendar and, if He does so, a Successor shall be chosen and appointed in accordance with the provisions of this Part, unless it seems to the Council of Succession that the prolonged absence of the Sovereign is due to sufficient and excusable cause.

(2) If the Sovereign contravenes the provision of Clause (1) of this Article, he shall be deemed no longer to be the Sovereign and to have withdrawn from the State and from his rights and claims on the State:

Provided that the Legislative Assembly may, if it thinks fit, provide for the maintenance of such former Sovereign, an allowance which shall not be more than one half nor less than one third of the sum fixed for his maintenance when he was the reigning Sultan; and any such allowance shall be charged on the Consolidated Fund.

(3) Nothing in this Article shall apply to the Sultan while He is holding the office or exercising the functions of Yang di-Pertuan Agong.

Abdication

XXIV. (1) The Sovereign may voluntarily abdicate and relinquish His royal rights and powers.

(2) If at the time of such abdication, the Sovereign is in the State, the act of abdication shall be done by Instrument under His Sign Manual and the State Seal and such Instrument shall be witnessed by the President and at least four other members of the Council of Succession, who shall be present together when the Sovereign signs the said Instrument:

Provided that, prior to the act of abdication, the circumstances leading to such act shall have been investigated and confirmed by the State Executive Council.

(3) If at the time of such abdication, the Sovereign is not resident in the State, the act of abdication shall be done by Instrument under the State Seal expressed to be on behalf of the Sovereign and signed by the President and at least four other members of the Council of Succession who shall be present together at the time the Instrument is signed:

Provided that, prior to the act of abdication, the circumstances leading to such act shall have been investigated and confirmed by the State Executive Council.

(4) Upon the notification in the *Gazette* of the Instrument of Abdication, the Sovereign shall be deemed to be no longer Sovereign and to have withdrawn from the State and from his rights and claims on the State:

Provided that he shall be entitled to an allowance for life, to be charged on the Consolidated Fund, as shall be fixed by the Legislative Assembly; and such allowance which shall not be more than a half of the sum fixed for his maintenance when he was the reigning Sovereign and shall have the right during his life to be provided with a suitable place of residence and equitably furnished, in keeping with his dignity.

New Sovereign to be chosen

XXV. In the event of the Sovereign ceasing to be Sovereign by virtue of the provisions of Articles XXIII or XXIV it shall be necessary to choose and appoint a new Sovereign in accordance with the provisions of Articles XV to XVIII hereof.

THE SOVEREIGN'S CONSORT

Power to appoint a Raja Perempuan of Kelantan

XXVI. (1) The Sovereign upon the advice of the Council of Succession may appoint His Consort to be the Raja Perempuan of Kelantan:

Provided that she shall be of the Malay race and of the religion of Islam, a wife of the Sovereign, married to Him in accordance with the Hukum Syarak and the law in force at the time of such marriage.

(2) In the event of the demise of the Sovereign the title of His Consort shall change automatically from "Raja Perempuan (Kelantan)" to "Raja Perempuan (personal name)", and in the event of a divorce the title shall automatically cease to apply.

(3) The Raja Perempuan shall be entitled to receive such allowance, to be charged on the Consolidated Fund, as shall be fixed by the Legislative Assembly; and such allowance shall not less than one fourth of the sum fixed for the maintenance of the reigning Sovereign:

Provided that, in the event of the title ceasing to apply as a result of a divorce, the allowance may be reconsidered by the Legislative Assembly.

Sovereign elected as or exercising the functions of the Yang di-Pertuan Agong

(4) Notwithstanding the provisions of Clause (3) there shall not be paid any allowance—

- (a) to the Sovereign or the Consort of the Sovereign who bears the title Raja Perempuan in respect of any period during which the Sovereign is elected Yang di-Pertuan Agong; or
- (b) to the Sovereign in respect of any period exceeding fifteen days during which the Sovereign exercises the functions of the Yang di-Pertuan Agong.

THE HEIR

Appointment of Heir

XXVII. (1) The choice and appointment of the Heir shall be made by the Sovereign on the advice of the Council of Succession, who should look to the merits of the first born, to those of nearer degree of kin to the Sovereign, according to Hukum Syarak, before the more remote, and within each degree, to the elder, before the younger.

Conferment of title on Heir

(2) The Sovereign may, on the advice of the Council of Succession confer on the Heir, the title of TENGKU MAHKOTA, Kelantan, to be called in English the Crown Prince of Kelantan.

The Heirs may not interfere in State affairs

XXVIII. (1) The Heir shall have no authority whatsoever to take part nor may he interfere in any affairs of the State or Government, excepting only when he shall have the command of the Sovereign generally or in any particular case or as may be authorized under this Part, and this provision shall apply also to the other Heirs:

Provided that if any such person is appointed to be in office in the State, this Article shall not apply to the performance of his duties while holding such office.

Heirs to be Malay of royal blood and a Muslim

XXIX. Save as otherwise provided in Article XXXI of this Part, the Heir shall be a person who is a Malay of royal blood, a descendant of Kelantan Sovereigns, a male, and of the religion of Islam, *Ahlu's Sunnah wal Jamaah*; each of the Other Heirs shall also be such a person.

Descendants of Sultan Ismail Petra

XXX. (1) The Heir shall be issue lawfully begotten of a marriage solemnized in accordance with the Hukum Syarak and any other law regulating Muslim marriages in force at the time and an acknowledged descendant of the body and flesh and blood of HIS ROYAL HIGHNESS SULTAN ISMAIL PETRA IBNI AL-MARHUM SULTAN YAHYA PETRA.

(2) The descendant who shall be eligible to become the Heir shall be a son, grandson, great-grandson and so on of the male line, first one generation after another until the last, that is to say, it shall not on any account be permitted and it shall be unlawful to elect as Heir any person other than a descendant of His Royal Highness Sultan Ismail Petra, so long as a descendant as above of His said Royal Highness exists:

Provided that a descendant of His said Royal Highness shall not be eligible, if he is considered and determined, after full and complete enquiry by the Council of Succession, to have some grave and serious defect derogatory to the quality of an Heir, that is to say, any infirmity such as insanity, blindness, dumbness or possessing some base qualities on account of which he would not be permitted by the Hukum Syarak to become an Heir.

Descendants of Al-Marhum Sultan Yahya Petra, Al-Marhum Sultan Ibrahim, Al-Marhum Tengku Long Senik Sultan Mohamed IV, Al-Marhum Sultan Mohamed III (Sultan Bongsu), Al-Marhum Sultan Ahmad (Sultan Tengah), Al-Marhum Sultan Mohamed II (Sultan Mulut Merah)

XXXI. (1) If at any time the male lineal descendants of His Royal Highness Sultan Ismail Petra should become totally extinct, or if there should remain one but he should be unworthy to be the Heir owing to the reasons defined in Article XXX, when it is desired to choose and appoint the Heir, it shall be necessary to choose and appoint as Heir any person from among the male lineal descendants of AL-MARHUM SULTAN YAHYA PETRA IBNI AL-MARHUM TENGKU IBRAHIM.

(2) If there should be no male lineal descendants of Al-Marhum Sultan Yahya Petra ibni Al-Marhum Sultan Ibrahim or if there should not be any of the male lineal

descendants of Al-Marhum Sultan Yahya Petra ibni Al-Marhum Tengku Ibrahim considered eligible, owing to the reasons defined in Article XXX, when it is desired to choose and appoint the Heir, it shall be necessary to choose and appoint as Heir any person from among the male lineal descendants of AL-MARHUM TENGKU IBRAHIM IBNI AL-MARHUM SULTAN MOHAMED IV.

(3) If there should be no male lineal descendants of Al-Marhum Tengku Ibrahim ibni Al-Marhum Sultan Mohamed IV or if there should not be any of the male lineal descendants of Al-Marhum Tengku Ibrahim ibni Al-Marhum Sultan Mohamed IV considered eligible, owing to the reasons defined in Article XXX, when it is desired to choose and appoint the Heir, it shall be necessary to choose and appoint as Heir any person from among the male lineal descendants of AL-MARHUM TENGKU LONG SENIK SULTAN MOHAMED IV.

(4) If there should be no male lineal descendants of Al-Marhum Tengku Long Senik Sultan Mohamed IV or if there should not be any of the male lineal descendants of Al-Marhum Tengku Long Senik Sultan Mohamed IV considered eligible, owing to the reasons defined in Article XXX, when it is desired to choose and appoint the Heir, any person from among the male lineal descendants of AL-MARHUM SULTAN MOHAMED III (SULTAN BONGSU).

(5) If there should be no male lineal descendants of Al-Marhum Sultan Mohamed III (Sultan Bongsu) or if there should not be any male lineal descendants of Al-Marhum Sultan Mohamed III (Sultan Bongsu) considered eligible, owing to the reasons defined in Article XXX, when it is desired to choose and appoint the Heir, it shall be necessary to choose and appoint as Heir, any person from among the male lineal descendants of AL-MARHUM SULTAN AHMAD (SULTAN TENGAH).

(6) If there should be no male lineal descendants of Al-Marhum Sultan Ahmad (Sultan Tengah) or if there should not be any of the male lineal descendants of Al-Marhum Sultan Ahmad (Sultan Tengah) considered eligible, owing to the reasons defined in Article XXX, when it is desired to choose and appoint the Heir, any person from among the male lineal descendants of AL-MARHUM SULTAN MOHAMED II (SULTAN MULUT MERAH).

Allowances

XXXV. (1) No person in the State shall be entitled to receive out of the revenues of the State any allowance, other than such as may be payable by virtue of this Law or any written law for the time being in force in the State, unless such allowance shall have been approved from time to time by the Legislative Assembly.

(2) The Sovereign shall be entitled to receive such allowance, to be charged on the Consolidated Fund, as shall be fixed by the Legislative Assembly; and such allowance shall be appropriate and reasonably sufficient for the maintenance of the rank and high dignity of the Sovereign and in assessing such allowance it shall not be permissible to take into account any income of the Sovereign which is derived from His personal estate.

(3) The Heir shall, from the date of his birth, be entitled to receive such allowance, to be charged on the Consolidated Fund, as shall be fixed by resolution of the Legislative Assembly; and such allowance shall be appropriate and sufficient for the maintenance of his rank and dignity and upon being conferred the title of Tengku Mahkota under the provisions of Article XXVII of this Part, be not less than a half of the sum fixed for the maintenance of the reigning Sovereign, and in assessing such allowance, it shall not be permissible to take into account any income which is derived from his personal estate or any other source and shall have the right during his lifetime to be provided with a suitable place of residence and equitably furnished in keeping with his dignity.

(4) Life allowances shall be paid out of the revenues of the State at rates to be fixed by the State Enactment or approved from time to time by the Legislative Assembly to the sons and daughters of the Sovereign:

Provided also that the Sovereign, with the concurrence of the State Executive Council may determine, stop, withhold or vary, such allowance if it seems right so to do.

(5) A person in receipt of an allowance in pursuance of the preceding Clause who holds any office in the Government of the State may receive the emoluments of such office in addition to such allowance.

(6) Notwithstanding the provisions of Clause (2) the Sovereign shall not be entitled to receive any allowance under this Article in respect of any period during which He is elected to the office of Yang di-Pertuan Agong or in respect of any period exceeding fifteen days during which He exercises the functions of Yang di-Pertuan Agong.

COUNCIL OF ADVISERS

Establishment of Council of Advisers

XXXVI. (1) Majlis Penasihat Raja Kelantan, to be called in English the Council of Advisers, Kelantan, is hereby established for the purpose of aiding and advising His Royal Highness in the performance of His functions.

(2) The Council of Advisers shall consist of His Royal Highness, the Tengku Mahkota and the following members, that is to say—

- (a) the Private Secretary to His Royal Highness, who shall be Secretary of the Council;
- (b) the Mufti Kerajaan; and
- (c) not less than eight and nor more than sixteen other members,

appointed by His Royal Highness under His Sign Manual and the State Seal from amongst persons who in His opinion have rendered distinguished public service or have achieved distinction in profession, industry, agriculture, agricultural activities or medical services.

(3) A person shall not be appointed to be a member of the Council of Advisers if he is, and shall not remain such a member if he becomes—

- (a) a member of either House of Parliament or the Legislative Assembly of a State;
- (b) an officer or employee of any local authority or of a body corporate or authority established by law for public purposes;

(c) a member of a trade union or of a body or association affiliated to a trade union.

(4) (*Deleted by Kn. L.N. 8/1964*).

(5) The members of the Council of Advisers shall be entitled to an appropriate allowance at rates to be fixed by the Legislative Assembly.

(6) Unless the contrary appears in the Instrument of appointment or sooner revoked by His Royal Highness acting in His discretion, every such appointment shall be deemed to have been made for a period of two years from the date hereof.

(7) Notwithstanding anything hereinbefore contained, those persons who are members of the Council of Advisers immediately before the demise of a reigning Sovereign, shall cease to be members of the Council of Advisers after the demise of such reigning Sovereign.

Oath

XXXVII. (1) Except for the purpose of enabling this Article to be complied with, no member shall sit or vote in the Council of Advisers until he shall have taken and subscribed before His Royal Highness or some person authorized by His Royal Highness in that behalf, the following oath of office:

“By the Grace of God and the Greatness of Our Prophet Muhammad, I,....., being chosen and admitted a member of the Majlis Penasihat Raja, or the Council of Advisers, of the State of Kelantan, do swear that I will be faithful and bear true allegiance to His Royal Highness the Sultan; that I will, to the best of my judgment, at all times when thereto required, freely give my counsel and advice to His Royal Highness the Sultan for the good management of the public affairs of the said State; that I will not directly or indirectly reveal such matters as shall be communicated to me or debated in Council and committed to my secrecy, and that I will preserve, protect and defend the Constitution of the State of Kelantan.”.

(2) To such oath shall be added such words as will, according to his religious beliefs, bind the conscience of the person taking the oath.

Resignation

XXXVIII. Any member of the Council of Advisers may tender his resignation from the Council and, if his resignation is accepted by His Royal Highness, he shall be relieved from that duty and cease to be a member of the Council of Advisers.

Reappointment

XXXIX. A person who has been a member of the Council of Advisers and has resigned therefrom in manner hereinbefore mentioned remains eligible for selection and appointment as a member of the Council.

Summoning

XL. The Council of Advisers shall assemble and meet together whenever commanded by His Royal Highness through the Secretary.

Quorum

XLI. (1) Notice of each meeting shall be given to all members of the Council of Advisers who are in the State in sufficient time to enable them to attend the meeting notified.

(2) The Council of Advisers shall not be disqualified from the transaction of business by reason of any vacancy amongst its members:

Provided that no business except the business of adjournment shall be transacted if objection is taken by any member present that there are less than one half of the members, excluding the Sultan or the member presiding, present.

(3) (*Deleted by G.N. No. 182/1959*).

Dismissal

XLII. His Royal Highness has the right and authority to dismiss and discharge any member of the Council of Advisers from the Council if such member has committed any offence of a grave nature or if such member by his own conduct or words has exhibited an act of disloyalty and unfaithfulness to Him.

And his dismissal and discharge from the Council may or may not be accompanied by any other punishment, or he may or may not be deprived of, or degraded from his rank (if he has other rank or title) as His Royal Highness shall determine at the time of considering the offence of such member.

Titles and dignities generally

XLIII. (1) His Royal Highness is the fountain of all honours and dignities within the State and He alone may confer titles and dignities and institute Orders and Badges of Honour and Dignity, and if the conferment of any title and dignity or the institution of any Order or Badge of Honour and Dignity will involve expenditure out of the Consolidated Fund, the approval of the Legislative Assembly shall be necessary.

(2) His Royal Highness upon the advice of the Council of Advisers may appoint and confer the title of "AMPUAN MAHKOTA" to the Consort of the Heir who becomes the Tengku Mahkota:

Provided that the Consort of the Heir is of the Malay race, professing the religion of Islam *Ahlu's Sunnah wal Jamaah*, married to the Heir in accordance with the Hukum Syarak and the law in force at the time of such marriage.

(3) The "Ampuan Mahkota" shall be entitled to receive such allowance, to be charged on the Consolidated Fund, as shall be fixed by resolution of the Legislative Assembly; and such allowance be appropriate and sufficient to maintain her dignity, which shall not be less than one fifth of the allowance of the Tengku Mahkota.

(4) In the event of the demise of the Heir the title of his Consort shall change automatically from "Ampuan Mahkota Kelantan"

to "Ampuan Mahkota (personal name)", and in the event of a divorce the title shall automatically cease to apply:

Provided that in the event of the title ceasing to apply as a result of a divorce, the allowance may be reconsidered by the Legislative Assembly.

Creation of Bendahara, Temenggong, Laksamana, Panglima and other ranks and titles formerly used

XLIV. (1) His Royal Highness has the right to create, appoint and nominate from among His relatives, whether distant or near, a male person to be Bendahara or Temenggong or Laksamana or Panglima and to confer upon any other person, whether royal or otherwise, any title which in former times existed or commonly used in the State of Kelantan.

(2) In any such case the Sovereign shall settle and determine at the time of appointment the rank, position, function and duties, if any, of such person and whether the title conferred shall be hereditary or not:

Notwithstanding any income which may be derived from his personal estate or other sources, such allowance as may be considered appropriate and sufficient, to be fixed by resolution of the Legislative Assembly and which shall be charged on the Consolidated Fund, shall be payable from the revenues of the State to any person on whom such title is conferred under the provisions of this Part.

Oath

XLIV^A. Subject to Article XLIV^C of this Part, every person appointed to be Bendahara or Temenggong or Laksamana or Panglima or conferred with any title under Article XLIV of this Part shall take and subscribe before His Royal Highness or some other person authorized in writing by His Royal Highness, in that behalf, the following oath of loyalty:

"I,....., being appointed to be a
...../conferred with the title of
do swear that I will be faithful and bear true allegiance to His

Royal Highness the Sultan, His Heirs and Successors and that I will preserve, protect and defend the honour of this Title and the Constitution of the State of Kelantan.”.

Addition to the form of oath

XLIVB. To such oath shall be added such words as will, according to his religious beliefs, bind the conscience of the person taking the oath.

Exemption from taking and/or subscribing the oath

XLIVc. His Royal Highness may exempt any person from taking and/or subscribing the oath required by Article XLIVA of this Part.

Power to degrade

XLV. (1) His Royal Highness may degrade any person upon whom any rank or title or Order or Badge of Honour has been conferred by virtue of the provisions of Articles XLIII or XLIV of this Part, if sufficient fault or offence has been committed so as to make such degradation just and expedient.

(2) If the person degraded holds a rank or title which is hereditary, another person shall be appointed by His Royal Highness to hold such rank or title, which shall thereafter continue to be hereditary in the manner directed by His Royal Highness with the concurrence of the Council of Advisers.

Royal prerogatives

XLVI. In amplification and not in derogation of the royal prerogatives hitherto possessed or exercised by the Sovereign, the following royal prerogatives, among others, are vested in the Sovereign:

- (a) the Fountain of Honour;
- (b) the Fountain of Justice;
- (c) the Fountain of Mercy;

- (d) the Head of the Religion of the State;
- (e) the Protector of Malay Custom; and
- (f) the Ultimate Owner of the Soil.

Sovereignty

XLVII. In the concept of Sovereignty the following are inherent:

- (a) the Sovereign can do no wrong;
- (b) the Sovereign never dies.

Sanctity

XLVIII. Sanctity shall attach to the person of His Royal Highness and such of His residences as shall be prescribed by His Royal Highness from time to time.

Sovereign's court and palace

XLIX. (1) His Royal Highness, if He so pleases may from time to time make regulations for His court and palace establishment, for the appointment of court and palace officers, for the proper performance of ceremonies and for the proper performance of their duties by the officers of His court and palace and by those who are responsible for ceremonial duties, and in so doing shall pay due regard to the custom of the State, if any.

(2) Nothing herein contained shall be deemed to derogate from the generality of His Royal Highness's prerogative as the fountain of all honours and dignities in the State.

Orders, Decorations and Medals mentioned in Proclamation No. 2 of 1939 (Notification No. 221 of 1939) to be continued in perpetuity

L. The six kinds of Orders now existing shall permanently be used and continued in perpetuity in their present shapes and forms, namely "The Most Esteemed Royal Family Order

(Al-Yunusi)", "The Honourable Order of the Crown of Kelantan (Al-Muhammadi)", "The Honourable Order of the Life of the Crown of Kelantan (Al-Ismaili)", "Darjah Kebesaran Kesateria Mahkota Kelantan Yang Amat Perkasa (Al-Yahyaw)", "Darjah Kebesaran Setia Mahkota Kelantan Yang Amat Terbilang (Al-Ibrahimi) and "The Order of the Valorous Warrior (P.Y.G.P.)" and of the present Decorations "Sri Mahkota Kelantan", "Sri Kelantan" and "Ahli Kelantan" and Medals "Pingat Bakti", "Pingat Perangai Baik", "Pingat Taat" and "Pingat Peringatan Pembukaan Mesyuarat" shall permanently be used and perpetuated as a reward for bravery and for meritorious and loyal services, as the case may be, rendered to the State and to the Sovereign.

LI. (*Deleted by G.N. No. 182/1959*).

Prerogatives of Sovereign reserved

LII. Except as expressed herein, this Part shall not affect the prerogatives, power and jurisdiction of the Sovereign.

Confirmation and invocation

So be it. Such is the Second Part of the Laws of the Constitution of the State of Kelantan.

May GOD, Lord of the Universe, through the Greatness of Our Prophet grant His blessing to this Second Part of the Laws of the Constitution of the State of Kelantan, for ever and ever.

Amen! O Lord of the Universe!

Done at Our Istana Balai Besar at Kota Bharu this 25th day of the month of *Zulhijjah*, the *Hijrah* of the Prophet (on whom be benediction and peace of God) one thousand three hundred and seventy-five, corresponding to the 2nd day of August, one thousand nine hundred and fifty-six of the Christian era, being the 12th year of Our reign.

IN WITNESS of the granting and confirmation of this Part of the Constitution of the State and of the concurrence and consent of the State Executive Council, of the Principal Malay Officers and of the Chiefs of the State, we have hereunder affixed Our respective signatures:

H. ZAINAL
(in *Rumi*)
(Tengku Sri Maharaja)

YAHYA PETRA
(in *Jawi*)
(Tengku Mahkota)

T. AHMED
(in *Rumi*)
(Tengku Panglima Raja)

MOHAMED DAUD BIN MOHD
(in *Jawi*)
(Dato' Aria D'Raja)

T.M. YUSUFF
(in *Rumi*)
(Tengku Sri Laksamana)

AHMED MAHIR
(in *Jawi*)
(Haji Ahmed Mahir)

AHMED ISMAIL
(in *Rumi*)
(Dato' Lela Negara)

T. MAHAMOOD
(in *Jawi*)
(Tengku Kaya Pahlawan)

ISMAIL IBRAHIM
(in *Jawi*)
(Che Ismail bin Ibrahim)

AHMED BIN MAHAMOOD
(in *Jawi*)
(Dato' Sri Nara D'Raja)

YAHYA DAUD
(in *Jawi*)
(Haji Nik Yahya bin Nik Daud)

YUSOFF ZAKI YACOB
(in *Jawi*)
(Che Yusoff Zaki bin Haji Yacob)

LAWS OF KELANTAN

LAWS OF THE CONSTITUTION OF KELANTAN

LIST OF AMENDMENTS

Amending law	Short title	In force from
G.N. No. 526/1954	Laws of the Constitution of Kelantan (Amendment No. 1)	09-08-1955
G.N. No. 272/1955	Laws of the Constitution of Kelantan (Amendment No. 2)	07-08-1955
G.N. No. 375/1955	Laws of the Constitution of Kelantan (Amendment No. 3)	01-01-1956
G.N. No. 1/1957	Laws of the Constitution of Kelantan (Amendment No. 4)	01-01-1957
G.N. No. 241/1957	First and Second Parts of the Laws of the Constitution of Kelantan (Amendment) Law 1957	30-08-1957
G.N. No. 90/1959	First Part of the Laws of the Constitution of Kelantan (Amendment) Law 1959	19-03-1959
G.N. No. 181/1959	First Part of the Laws of the Constitution of Kelantan (Amendment) Law 1959	23-04-1959
G.N. No. 182/1959	Laws of the Constitution of Kelantan (Second Part) (Amendment) Law 1959	23-04-1959
Kn. L.N. 1/1961	Laws of the Constitution of Kelantan (Second Part) (Amendment) Law 1960	09-07-1960
En. No. 7/1961	First Part of the Undang-Undang Perlembangan Tubuh Kerajaan Kelantan (Amendment) Enactment 1961	01-01-1962
En. No. 9/1962	First Part of the Undang-Undang Tubuh Kerajaan Kelantan (Amendment) Enactment 1962	01-03-1962
En. No. 1/1963	Second Part of the Undang-Undang Tubuh Kerajaan Kelantan (Amendment) Enactment 1963	01-03-1963
En. No. 4/1963	First Part of the Undang-Undang Perlembagaan Tubuh Kerajaan Kelantan (Amendment) Enactment 1963	01-01-1964

Amending law	Short title	In force from
Kn. L.N. 8/1964	Laws of the Constitution of Kelantan (Second Part) (Amendment) Law 1964	31-05-1964
Kn. P.U. 5/1970	Laws of the Constitution of Kelantan Second Part (Amendment) Law 1969	Article 4, 01-06-1959; Articles 2, 3 & 5, 01-01-1970
Kn. P.U. 13/1970	Emergency (Kelantan) Enactment No. 2 1970	10-08-1969
En. No. 5/1972	First Part of the Laws of the Constitution of Kelantan (Amendment) Enactment 1972	10-08-1969
Kn. P.U. 1/1973	Laws of the Constitution of Kelantan Second Part (Amendment) Law 1972	01-11-1972
En. No. 11/1973	First Part of the Laws of the Constitution of Kelantan (Amendment) Enactment 1973	Articles LXI(14)(b), (c) & (d), 01-07-1970; Articles III, XXIX & LXI (9A), 01-10-1973
Kn. P.U. 26/1979	Laws of the Constitution of Kelantan (Second Part) (Amendment) Law 1979	29-03-1979
Kn. P.U. 14/1982	Laws of the Constitution of Kelantan (Second Part) (Amendment) Law 1982	01-01-1983
En. No. 7/1983	Laws of the Constitution of Kelantan (Amendment) Enactment 1983	22-12-1983
En. No. 11/1983	Laws of the Constitution of Kelantan (Amendment) (No. 2) Enactment 1983	28-11-1983
Kn. P.U. 31/1983	Laws of the Constitution of Kelantan (Second Part) (Amendment) Law 1983	01-01-1982
Kn. P.U. 10/1987	Laws of the Constitution of Kelantan (Amendment) 1987	01-04-1987
Kn. P.U. 13/1989	Laws of the Constitution of Kelantan (Second Part) (Amendment) 1988	13-12-1988

Amending law	Short title	In force from
Kn. P.U. 21/1989	Laws of the Constitution of Kelantan (Second Part) (Amendment) 1989	15-05-1989
Kn. P.U. 12/1990	Laws of the Constitution of Kelantan (Second Part) (Amendment) 1989	02-03-1990
En. No. 3/1991	Laws of the Constitution of Kelantan (First Part) (Amendment) Enactment 1991	18-11-1990
En. No. 5/1992	Laws of the Constitution of Kelantan (First Part) (Amendment) Enactment 1992	04-12-1992
En. No. 5/1993	Laws of the Constitution of Kelantan (First Part) (Amendment) (Amendment) Enactment 1993	04-12-1992
En. No. 10/1993	Laws of the Constitution of Kelantan (Second Part) (Amendment) Enactment 1993	31-12-1993
En. No. 3/1994	Laws of the Constitution of Kelantan (First Part) (Amendment) Enactment 1994	29-04-1994
En. No. 4/2000	Laws of the Constitution of Kelantan (First Part) (Amendment) Enactment 2000	17-04-2003
En. No. 6/2003	Laws of the Constitution of Kelantan (First Part) (Amendment) Enactment 2003	01-09-2003

LAWS OF KELANTAN

LAWS OF THE CONSTITUTION OF KELANTAN

LIST OF ARTICLES AMENDED

FIRST PART

Article	Amending authority	In force from
I	G.N. No. 241/1957	30-08-1957
II	G.N. No. 181/1959	23-04-1959
III	G.N. No. 181/1959 En. No. 11/1973	23-04-1959 01-10-1973
IV	G.N. No. 526/1954 G.N. No. 1/1957 G.N. No. 241/1957 G.N. No. 181/1959 En. No. 7/1961 En. No. 11/1983	09-08-1955 01-01-1957 30-08-1957 23-04-1959 01-01-1962 28-11-1983
VI	G.N. No. 241/1957 G.N. No. 181/1959	30-08-1957 23-04-1959
VII	En. No. 11/1983	28-11-1983
VIII	G.N. No. 181/1959 En. No. 11/1983	23-04-1959 28-11-1983
VIII A	G.N. No. 181/1959	23-04-1959
IX	G.N. No. 241/1957 G.N. No. 181/1959 En. No. 11/1983	30-08-1957 23-04-1959 28-11-1983
IX A	G.N. No. 241/1957 G.N. No. 181/1959	30-08-1957 23-04-1959
X	G.N. No. 241/1957 G.N. No. 181/1959 En. No. 11/1983	30-08-1957 23-04-1959 28-11-1983
XI	G.N. No. 181/1959 En. No. 11/1983	23-04-1959 28-11-1983
XII	G.N. No. 241/1957 G.N. No. 181/1959 En. No. 7/1961 En. No. 11/1983	30-08-1957 23-04-1959 01-01-1962 28-11-1983

Article	Amending authority	In force from
XIII	G.N. No. 181/1959 En. No. 11/1983	23-04-1959 28-11-1983
XIII _A	G.N. No. 241/1957 G.N. No. 181/1959 G.N. No. 90/1959	30-08-1957 23-04-1959 20-03-1959
XIV	G.N. No. 90/1959 G.N. No. 181/1959	20-03-1959 23-04-1959
XV	G.N. No. 181/1959 En. No. 11/1983	23-04-1959 28-11-1983
XVI	G.N. No. 526/1954 G.N. No. 375/1955 G.N. No. 1/1957 G.N. No. 181/1959 En. No. 7/1961 En. No. 4/1963 En. No. 11/1983 En. No. 4/2000	09-08-1955 01-01-1956 01-01-1957 23-04-1959 01-01-1962 01-01-1964 28-11-1983 17-04-2003
XVII	G.N. No. 181/1959 En. No. 11/1983	23-04-1959 28-11-1983
XVIII	G.N. No. 526/1954 G.N. No. 181/1959	09-08-1955 23-04-1959
XIX	G.N. No. 181/1959	23-04-1959
XX	G.N. No. 181/1959	23-04-1959
XXI	G.N. No. 181/1959	23-04-1959
XXII	G.N. No. 181/1959	23-04-1959
XXIII	G.N. No. 181/1959	23-04-1959
XXIV	G.N. No. 181/1959	23-04-1959
XXV	G.N. No. 181/1959 En. No. 11/1983	23-04-1959 28-11-1983
XXVII	G.N. No. 181/1959	23-04-1959
XXVII _A	G.N. No. 241/1957 G.N. No. 181/1959 En. No. 11/1983	30-08-1957 23-04-1959 28-11-1983
XXVII _B	G.N. No. 241/1957 G.N. No. 181/1959 En. No. 11/1983	30-08-1957 23-04-1959 28-11-1983

Article	Amending authority	In force from
XXVIII	G.N. No. 526/1954	09-08-1955
	G.N. No. 181/1959	23-04-1959
	En. No. 11/1983	28-11-1986
XXIX	G.N. No. 526/1954	09-08-1955
	G.N. No. 375/1955	01-01-1956
	G.N. No. 1/1957	01-01-1957
	G.N. No. 181/1959	23-04-1959
	En. No. 11/1973	01-10-1973
	En. No. 7/1983	22-12-1983
	En. No. 5/1992	04-12-1992
En. No. 6/2003	01-09-2003	
XXIXA	G.N. No. 526/1954	09-08-1955
	G.N. No. 181/1959	23-04-1959
XXIXB	G.N. No. 526/1954	09-08-1955
	G.N. No. 181/1959	23-04-1959
XXX	G.N. No. 526/1954	09-08-1955
	G.N. No. 181/1959	23-04-1959
XXXI	G.N. No. 526/1954	09-08-1955
	G.N. No. 181/1959	23-04-1959
	En. No. 9/1962	01-03-1962
	En. No. 11/1983	28-11-1983
	En. No. 3/1991	10-05-1991
XXXIA	G.N. No. 526/1954	09-08-1955
	G.N. No. 181/1959	23-04-1959
	En. No. 3/1991	18-11-1990
XXXII	G.N. No. 526/1954	09-08-1955
	G.N. No. 181/1959	23-04-1959
XXXIII	G.N. No. 526/1954	09-08-1955
	G.N. No. 181/1959	23-04-1959
XXXIV	G.N. No. 526/1954	09-08-1955
	G.N. No. 181/1959	23-04-1959
XXXV	G.N. No. 526/1954	09-08-1955
	G.N. No. 181/1959	23-04-1959
XXXVA	G.N. No. 526/1954	09-08-1955
	G.N. No. 181/1959	23-04-1959
XXXVI	G.N. No. 526/1954	09-08-1955
	G.N. No. 181/1959	23-04-1959
XXXVII	G.N. No. 526/1954	09-08-1955
	G.N. No. 181/1959	23-04-1959

Article	Amending authority	In force from
XXXVIII	G.N. No. 241/1957	30-08-1957
	G.N. No. 181/1959	23-04-1959
XXXIX	G.N. No. 241/1957	30-08-1957
	G.N. No. 181/1959	23-04-1959
	En. No. 11/1983	28-11-1983
XL	G.N. No. 181/1959	23-04-1959
XLI	G.N. No. 181/1959	23-04-1959
XLII	G.N. No. 181/1959	23-04-1959
	En. No. 11/1983	28-11-1983
XLIII	G.N. No. 181/1959	23-04-1959
	En. No. 11/1983	28-11-1983
XLIV	G.N. No. 181/1959	23-04-1959
XLV	G.N. No. 181/1959	23-04-1959
	En. No. 7/1983	22-12-1983
	En. No. 4/2000	17-04-2003
XLVI	G.N. No. 526/1954	09-08-1955
	G.N. No. 181/1959	23-04-1959
	Kn. P.U. 13/1970	10-08-1969
	En. No. 5/1972	10-08-1969
	En. No. 11/1983	28-11-1983
XLVII	En. No. 3/1994	29-04-1994
	G.N. No. 526/1954	09-08-1955
	G.N. No. 272/1955	07-08-1955
	G.N. No. 181/1959	23-04-1959
XLVIII	En. No. 11/1983	28-11-1983
	G.N. No. 526/1954	09-08-1955
XLIX	G.N. No. 181/1959	23-04-1959
	G.N. No. 181/1959	23-04-1959
L	G.N. No. 181/1959	23-04-1959
LI	G.N. No. 526/1954	09-08-1955
	G.N. No. 181/1959	23-04-1959
LII	G.N. No. 241/1957	30-08-1957
LIII	G.N. No. 241/1957	30-08-1957
	En. No. 11/1983	28-11-1983
LIV	G.N. No. 375/1955	01-01-1956
	G.N. No. 241/1957	30-08-1957
	G.N. No. 181/1959	23-04-1959
	En. No. 4/1963	01-01-1964
	En. No. 11/1983	28-11-1983

Article	Amending authority	In force from
LV	G.N. No. 375/1955	01-01-1956
	G.N. No. 241/1957	30-08-1957
	G.N. No. 181/1959	23-04-1959
LVI	G.N. No. 241/1957	30-08-1957
LVII	G.N. No. 375/1955	01-01-1956
	G.N. No. 241/1957	30-08-1957
	G.N. No. 181/1959	23-04-1959
LVIII	G.N. No. 241/1957	30-08-1957
LIX	G.N. No. 181/1959	23-04-1959
LX	G.N. No. 181/1959	23-04-1959
LXI	G.N. No. 181/1959	23-04-1959
	En. No. 4/1963	01-01-1964
	En. No. 11/1973	01-07-1970; 01-10-1973
	En. No. 11/1983	28-11-1983
LXII	En. No. 11/1983	28-11-1983
LXIII	G.N. No. 241/1957	30-08-1957
	En. No. 11/1983	28-11-1983
LXIV	G.N. No. 181/1959	23-04-1959
LXV	G.N. No. 181/1959	23-04-1959
	En. No. 11/1983	28-11-1983
First Schedule	G.N. No. 526/1954	09-08-1955
	G.N. No. 181/1959	23-04-1959
	En. No. 11/1983	28-11-1983

SECOND PART

I	G.N. No. 241/1957	30-08-1957
II	G.N. No. 182/1959	23-04-1959
III	G.N. No. 182/1959	23-04-1959
IV	G.N. No. 182/1959	23-04-1959
VII	G.N. No. 182/1959	23-04-1959
	Kn. L.N. 8/1964	31-05-1964
	Kn. P.U. 1/1973	01-11-1972
	En. No. 11/1983	28-11-1983
	Kn. P.U. 12/1990	02-03-1990
VIIA	Kn. L.N. 8/1964	31-05-1964
	Kn. P.U. 5/1970	01-01-1970
	En. No. 11/1983	28-11-1983

Article	Amending authority	In force from
VII _B	Kn. P.U. 5/1970	01-01-1970
VIII	G.N. No. 182/1959	23-04-1959
IX	G.N. No. 182/1959	23-04-1959
X	G.N. No. 182/1959	23-04-1959
XI	G.N. No. 182/1959	23-04-1959
XII	G.N. No. 182/1959	23-04-1959
XIII	G.N. No. 182/1959	23-04-1959
XIV	G.N. No. 90/1959 G.N. No. 182/1959	20-03-1959 23-04-1959
XIVA	G.N. No. 182/1959	23-04-1959
XVI	Kn. L.N. 1/1961 Kn. P.U. 26/1979 En. No. 11/1983	09-07-1960 29-03-1979 28-11-1983
XVII	Kn. L.N. 1/1961 Kn. P.U. 26/1979 En. No. 11/1983	09-07-1960 29-03-1979 28-11-1983
XVIII	Kn. P.U. 26/1979	29-03-1979
XIX	G.N. No. 182/1959	23-04-1959
XX	G.N. No. 182/1959	23-04-1959
XXI	G.N. No. 241/1957	30-08-1957
XXII	G.N. No. 182/1959	23-04-1959
XXII _A	G.N. No. 182/1959	23-04-1959
XXII _B	G.N. No. 182/1959	23-04-1959
XXIII	G.N. No. 241/1957 G.N. No. 182/1959	30-08-1957 23-04-1959
XXIV	G.N. No. 182/1959	23-04-1959
XXVI	G.N. No. 241/1957 G.N. No. 182/1959 En. No. 1/1963	30-08-1957 23-04-1959 01-03-1963
XXVII	G.N. No. 182/1959 Kn. L.N. 1/1961 Kn. P.U. 14/1982	23-04-1959 09-07-1960 01-01-1983

Article	Amending authority	In force from
XXVIII	G.N. No. 182/1959	23-04-1959
XXX	Kn. L.N. 1/1961 Kn. P.U. 26/1979 En. No. 11/1983	09-07-1960 29-03-1979 28-11-1983
XXXI	Kn. L.N. 1/1961 Kn. P.U. 26/1979 En. No. 11/1983	09-07-1960 29-03-1979 28-11-1983
XXXII	G.N. No. 182/1959	23-04-1959
XXXIII	G.N. No. 182/1959	23-04-1959
XXXIV	G.N. No. 241/1957 G.N. No. 182/1959	30-08-1957 23-04-1959
XXXV	G.N. No. 241/1957 G.N. No. 182/1959 Kn. L.N. 1/1961 En. No. 10/1993	23-04-1959 30-08-1957 09-07-1960 31-12-1993
XXXVI	G.N. No. 182/1959 Kn. L.N. 8/1964 Kn. P.U. 5/1970 Kn. P.U. 1/1973 En. No. 11/1983 Kn. P.U. 10/1987 Kn. P.U. 13/1989 Kn. P.U. 12/1990	23-04-1959 31-05-1964 01-06-1959 01-11-1972 28-11-1983 01-04-1987 13-12-1988 02-03-1990
XXXVII	G.N. No. 182/1959 Kn. P.U. 5/1970 En. No. 11/1983	23-04-1959 01-01-1970 28-11-1983
XXXVIII	En. No. 11/1983	28-11-1983
XL	G.N. No. 182/1959 Kn. L.N. 8/1964 En. No. 11/1983	23-04-1959 31-05-1964 28-11-1983
XLI	G.N. No. 182/1959	23-04-1959
XLII	Kn. P.U. 1/1973 En. No. 11/1983	01-11-1972 28-11-1983
XLIII	Kn. G.N. 182/1959 Kn. P.U. 1/1973 En. No. 11/1983	23-04-1959 01-11-1972 28-11-1983

Article	Amending authority	In force from
XLIV	G.N. No. 182/1959 Kn. P.U. 1/1973 En. No. 11/1983	23-04-1959 01-11-1972 28-11-1983
XLIV _A	Kn. P.U. 31/1983 En. No. 11/1983	01-01-1982 28-11-1983
XLIV _B	Kn. P.U. 31/1983	01-01-1982
XLIV _C	Kn. P.U. 31/1983 En. No. 11/1983	01-01-1982 28-11-1983
XLV	G.N. No. 182/1959 Kn. P.U. 1/1973 En. No. 11/1983	23-04-1959 01-11-1972 28-11-1983
XLVIII	G.N. No. 182/1959 En. No. 11/1983	23-04-1959 28-11-1983
XLIX	G.N. No. 182/1959 En. No. 11/1983	23-04-1959 28-11-1983
L	Kn. P.U. 21/1989	15-05-1989
LI	G.N. No. 182/1959	23-04-1959



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