

Amendment of
P.U. (A)
262/70.

2. Paragraph (2) of Regulation 3 of the Lembaga Urusan dan Tabong Haji (Passport Haji) Regulations, 1970 is hereby amended by—

- (a) inserting the words “, the Yang Di-Pertua, Majlis Islam Sarawak” immediately after the word “Welfare” appearing in line 2 thereof; and
- (b) deleting the word “by” appearing immediately after the word “or” in-line 2 thereof.

Made this 8th day of October, 1971.

DATO' HAJI MOHD. SHAMSUDDIN BIN MOHD. YA'ACOB,
Pengarah Besar,
Lembaga Urusan dan Tabong Haji

Approved this 11th day of October, 1971.

TUN DR ISMAIL AL-HAJ BIN DATO' ABDUL RAHMAN,
Pemangku Perdana Menteri Malaysia

TAMBAHAN No. 61
PERUNDANGAN (A)

18th November, 1971

No. 23
11.12

P.U. (A) 424.

MALAYSIA ACT

26/63. IN exercise of the powers conferred by section 74 of the Malaysia Act, the Yang di-Pertuan Agong hereby makes the following order:

Citation
and com-
mencement.

1. This order may be cited as the **Civil Law Ordinance (Extension) Order, 1971**, and shall come into force on the 1st day of April, 1972.

Modification
and extension
of F.M. 5/56.

2. (1) The Civil Law Ordinance, 1956, shall have effect with the modifications set out in the First Schedule to this Order.

(2) The said Ordinance as so modified is hereby extended to the States of Sabah and Sarawak.

Repeal.

3. The laws specified in the Second Schedule to this Order are hereby repealed to the extent specified in the third column of that Schedule.

FIRST SCHEDULE

(Article 2 (1))

MODIFICATIONS TO CIVIL LAW ORDINANCE, 1956

Section	Modifications
Long title	For “the Federation of Malaya” substitute “Malaysia”.
2	1. For “of the Federation” in the definition of “Court” substitute “in Malaysia”. 2. Substitute a semi-colon for the full-stop at the end of the definition of “will” and insert the following new definition thereafter: “‘written law’ in relation to any part of Malaysia means written law as defined in the law relating to interpretation in that part of Malaysia.”.

Section	Modifications
3 (1) and marginal note	<p>Substitute the following:</p> <p>"Application of U.K. common law, rules of equity and certain statutes.</p> <p>3. (1) Save so far as other provision has been made or may hereafter be made by any written law in force in Malaysia, the Court shall—</p> <p>(a) in West Malaysia or any part thereof, apply the common law of England and the rules of equity as administered in England on the 7th day of April, 1956;</p> <p>(b) in Sabah, apply the common law of England and the rules of equity, together with statutes of general application, as administered or in force in England on the 1st day of December, 1951;</p> <p>(c) in Sarawak, apply the common law of England and the rules of equity, together with statutes of general application, as administered or in force in England on the 12th day of December, 1949, subject however to subsection (3) (ii):</p> <p>Provided always that the said common law, rules of equity and statutes of general application shall be applied so far only as the circumstances of the States of Malaysia and their respective inhabitants permit and subject to such qualifications as local circumstances render necessary."</p>
3 (2), 6	For "the Federation" substitute "Malaysia".
3 (3)	<p>... Add a new subsection as follows:</p> <p>"(3) Without prejudice to the generality of subsection (1) (b) and (c) and notwithstanding subsection (1) (c)—</p> <p>(i) it is hereby declared that proceedings of a nature such as in England are taken on the Crown side of the Queen's Bench Division of the High Court by way of Habeas Corpus or for an order of mandamus, an order of prohibition, an order of certiorari or for an injunction restraining any person who acts in an office in which he is not entitled to act, shall be available in Sabah to the same extent and for the like objects and purposes as they are available in England;</p> <p>(ii) the Acts of Parliament of the United Kingdom applied to Sarawak under sections 3 and 4 of the Application of Laws Ordinance of Sarawak and specified in the Second Schedule to this Ordinance shall, to the extent specified</p>

Section	Modifications
	in the second column of the said Schedule, continue in force in Sarawak with such formal alterations and amendments as may be necessary to make the same applicable to the circumstances of Sarawak and, in particular, subject to the modifications set out in the third column of the said Schedule.”.
4 (3) ...	After “as it existed” insert “in the State”.
5 (1) ...	After “and agents” insert a comma.
5 (2) ...	For “Malacca and Penang” substitute “Malacca, Penang, Sabah and Sarawak”.
7 (1) ...	Insert “ <i>F.M.S. Cap. 45, Sabah 3/59, Swk. Cap. 57.</i> ” as marginal reference against “Penal Code”.
7 (3) ...	Substitute the following for the provisos:
	“Provided that—
	(i) in assessing such damages there shall not be taken into account—
	(a) any sum paid or payable on the death of the deceased under any contract of assurance or insurance, whether made before or after the coming into force of this Ordinance;
	(b) any sum payable, as a result of the death, under any written law relating to employees provident fund; or
	(c) any pension or gratuity, which has been or will or may be paid as a result of the death; and
	(ii) damages may be awarded in respect of the funeral expenses of the deceased person if such expenses have been incurred by the parties for whose benefit the action is brought.”.
Part IV, heading	Omit “Married Women.”.
13 (1) ...	For “section 513 of the Merchant Shipping Ordinance, 1952, applies and that Ordinance” substitute “the provisions of section 513 of the Merchant Shipping Ordinance, 1952, or the corresponding provisions of any other law apply and those provisions”.
13 (2) ...	1. For “said section” substitute “provisions mentioned in subsection (1)”.
	2. For “passing” substitute “coming into force”.
16 (1) ...	1. Omit the comma after “contracts”. 2. Substitute a full-stop for the comma after “Ordinance” and omit all the words appearing thereafter.
16 (2) ...	Omit “or the Crown”.
16 (5) (c) ...	After “1893” insert “of the United Kingdom”.

<i>Section</i>	<i>Modifications</i>
16A	For "(as defined in the National Land Code)" substitute "(that is to say, payments of the nature included in the definition of "rent" in the National Land Code)".
16G	Omit "of Malaya".
17 (1) (b)	For "twenty-one" substitute "eighteen".
24	For "Government of the Federation" substitute "Government".
25	After "Muslim Law" insert "or, in Sabah and Sarawak, native law and custom".
28 (4)	Renumber the existing provision as "(4) (a)" and add the following new paragraph: <div style="margin-left: 40px;"> "(b) Paragraph (a) shall have effect in Sabah subject to section 26 of the Rent Control (Business Premises) Enactment, 1965, of Sabah and in Sarawak subject to section 19 of the Rent Control Ordinance of Sarawak." </div>
	<i>1/66.</i>
	<i>Cap. 86.</i>
29	For "the Schedule" substitute "the First Schedule".
Schedule	For the heading "Schedule" substitute "First Schedule".
(Second Schedule)	Add the following new Schedule: <div style="margin-left: 40px;"> "SECOND SCHEDULE (Section 3 (3) (ii)) </div>

ACTS OF PARLIAMENT OF THE UNITED KINGDOM WHICH CONTINUE IN FORCE IN SARAWAK

<i>Short title</i>	<i>Extent to which Act continues in force</i>	<i>Modifications</i>
<i>Swk. Vol. VI page 1455 (8 and 9 Geo. 6 c. 28)</i> Law Reform (Contributory Negligence) Act, 1945	Section 1 (7), 2, 3, 4 and 7	In sections 2 and 4, the references to the Workmen's Compensation Acts, 1925 to 1943 and to sections thereof shall be read as references to the Workmen's Compensation Ordinance Cap. 80 of Sarawak and to the corresponding sections thereof
<i>Swk. Vol. VI page 1459 (2 and 3 Eliz. 2 c. 34)</i> Law Reform (Enforcement of Contracts) Act, 1954	The whole	None
<i>Swk. Vol. VI page 1461 (12, 13 and 14 Geo. 6 c. 100)</i> Law Reform (Miscellaneous Provisions) Act, 1949	Section 4 (1) and 7 (1) and (2)	None
<i>6, Edw. 7 c. 41</i> Marine Insurance Act, 1906	The whole except section 91	None
<i>21, Geo. 5 c. 2</i> Marine Insurance (Gambling Policies) Act, 1909	The whole	In section 1 (3) the reference to the consent in England of the Attorney-General, in Scotland of the Lord Advocate, and in Ireland of the Attorney-General for Ireland shall be construed as referring to the consent of the Public Prosecutor, Malaysia."

SECOND SCHEDULE

(Article 3)

REPEAL

No.	Short title	Extent of Repeal
<i>Sabah Cap. 6</i>	Application of Laws Ordinance	The whole so far as it relates to any matter in the Federal List
<i>Sarawak Cap. 2</i>	Application of Laws Ordinance	The whole so far as it relates to any matter in the Federal List
<i>Sarawak Vol. VI page 1455 (8 and 9 Geo. 6 c. 28)</i>	Law Reform (Contributory Negligence) Act, 1945, of the United Kingdom	Subsection (1) to (6) of section 1 in their application to Sarawak
<i>25 and 26 Geo. 5 c. 30</i>	Law Reform (Married Women and Tortfeasors) Act, 1935, of the United Kingdom	Part II in its application to Sarawak
<i>24 and 25 Geo. 5 c. 41</i>	Law Reform (Miscellaneous Provisions) Act, 1934, of the United Kingdom	The whole in its application to Sarawak
<i>Sarawak Vol. VI page 1465 (11 and 12 Geo. 6 c. 41)</i>	Law Reform (Personal Injuries) Act, 1948, of the United Kingdom	The whole in its application to Sarawak
<i>4 and 5 Eliz. 2 c. 46</i>	Administration of Justice Act, 1956, of the United Kingdom	Sections 1, 3, 4, 6 and 8 in their application to Sarawak
<i>15 and 16 Geo. 6 and 1 Eliz. 2 c. 67</i>	Visiting Forces Act, 1952, of the United Kingdom	The whole in its application to Sabah and Sarawak

Made this 19th day of October, 1971.

[PN. 3375/177.]

By Command,

TAN SRI ABDUL KADIR BIN SHAMSUDDIN,
Secretary to the Cabinet

(To be laid before each House of Parliament pursuant to section 74 (9) of the Malaysia Act.)

P.U. (A) 425.

AKTA KASTAM, 1967

(No. 62 tahun 1967)

PADA menjalankan kuasa² yang di-beri oleh sekshen 12 Akta Kastam, 1967, Menteri Kewangan dengan ini membuat Perintah yang berikut:

1. Perintah ini boleh-lah di-namakan **Perintah Kastam (Nilai²) (Getah, dsb.) (No. 46), 1971**, dan hendak-lah mula berkuatkuasa pada 18 haribulan November, 1971.

2. Bagi maksud pemungutan dan pembayaran Duti Kastam, menurut peruntukan² Perintah Duti Kastam, 1968, nilai bagi tiap² satu barang berduti yang di-nyatakan dalam ruang pertama Jadual bersama ini, mengikut yunit-nya yang tersebut dalam ruang kedua Jadual tersebut, ia-lah sa-banyak yang di-nyatakan dalam ruang ketiga Jadual tersebut.