



LAWS OF MALAYSIA

Act A1663

CONSTITUTION (AMENDMENT) (NO. 3) ACT 2022

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LAWS OF MALAYSIA

Act A1663

CONSTITUTION (AMENDMENT) (NO. 3) ACT 2022

An Act to amend the Federal Constitution.

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ENACTED by the Parliament of Malaysia as follows:

Short title and commencement

1. (1) This Act may be cited as the Constitution (Amendment) (No. 3) Act 2022.

(2) This Act comes into operation on a date to be appointed by the Yang di-Pertuan Agong by notification in the *Gazette*.

(3) Notwithstanding subsection (2), section 6 of this Act comes into operation in a State on such date as the Yang di-Pertuan Agong may, with the consent of the Ruler or the Yang di-Pertua Negeri, as the case may be, appoint by notification in the *Gazette*.

Amendment of Article 10

2. The Federal Constitution is amended in Article 10—

(a) in Clause (1), by inserting after the words “(3)” the words “, (3A)”; and

(b) by inserting after Clause (3) the following Clause:

“(3A) Notwithstanding paragraph (c) of Clause (2) and Clause (3), the right to form associations conferred by paragraph (c) of Clause (1) in relation to a member of the House of Representatives and Legislative Assembly of any State shall be subjected to restrictions imposed by Article 49A and section 7A of the Eighth Schedule respectively.”.

Amendment of Article 48

3. The Federal Constitution is amended in Article 48 by deleting Clause (6).

New Article 49A

4. The Federal Constitution is amended by inserting after Article 49 the following Article:

“Change of a member’s political party, etc.

49A. (1) Subject to the provisions of this Article, a member of the House of Representatives shall cease to be a member of that House and his seat shall become vacant immediately on a date a casual vacancy is established by the Speaker under Clause (3) if—

(a) having been elected to the House of Representatives as a member of a political party—

(i) he resigns as a member of the political party;
or

(ii) he ceases to be a member of the political party;
or

(b) having been elected to the House of Representatives otherwise than as a member of a political party, he joins a political party as a member.

(2) A member of the House of Representatives shall not cease to be a member of that House pursuant to this Article only by reason of—

- (a) the dissolution or cancellation of the registration of his political party;
- (b) his resignation from the membership of his political party upon election as a Speaker; or
- (c) the expulsion of his membership of his political party.

(3) Whenever the Speaker receives a written notice from any member of the House of Representatives on the occurrence of a casual vacancy among the members of the House of Representatives under this Article, the Speaker shall establish that there is such a casual vacancy and notify the Election Commission accordingly within twenty one days from the date he received the written notice.

(4) For the purposes of holding an election under Article 54, such casual vacancy shall be filled within sixty days from the date the Election Commission receives the notification from the Speaker.”.

Amendment of Article 160

5. Article 160 of the Federal Constitution is amended in Clause (2) by inserting after the definition of “pension rights” the following definition:

‘ “political party” means—

- (a) any society which by any of its objects or rules, regardless whether such object or rule is its principal object or rule, or constitutes merely an object or rule which is ancillary to its principal object or objects or to its principal rule or rules, makes provision for the society to participate, through its candidates, in elections to the House of Representatives, or to a State Legislative Assembly; or

- (b) any society which, notwithstanding anything contained in its objects or rules, carries on any activity or pursues any objective which involves its participation, through its candidates, in elections to the House of Representatives, or to a State Legislative Assembly,

and includes a coalition of such societies which has been registered under any federal law;’.

Amendment of Eighth Schedule

6. The Eighth Schedule to the Federal Constitution is amended—

(a) by deleting subsection (5) of section 6; and

(b) by inserting after section 7 the following section:

“Change of a member’s political party, etc.

7A. (1) Subject to the provisions of this section, a member of the Legislative Assembly shall cease to be a member of that Legislative Assembly and his seat shall become vacant immediately on a date a casual vacancy is established by the Speaker under subsection (3) if—

(a) having been elected to the Legislative Assembly as a member of a political party—

(i) he resigns as a member of the political party; or

(ii) he ceases to be a member of the political party; or

(b) having been elected to the Legislative Assembly otherwise than as a member of a political party, he joins a political party as a member.

(2) A member of the Legislative Assembly shall not cease to be a member of that Legislative Assembly pursuant to this section only by reason of—

- (a) the dissolution or cancellation of the registration of his political party;
- (b) his resignation from the membership of his political party upon election as a Speaker; or
- (c) the expulsion of his membership of his political party.

(3) Whenever the Speaker receives a written notice from any member of the Legislative Assembly on the occurrence of a casual vacancy among the members of the Legislative Assembly under this section, the Speaker shall establish that there is such a casual vacancy and notify the Election Commission accordingly within twenty one days from the date he received the written notice.

(4) For the purposes of holding an election under subsection (5) of section 9, such casual vacancy shall be filled within sixty days from the date the Election Commission receives the notification from the Speaker.”.