The

FEDERATION OF MALAYA AGREEMENT

1948

(Reprinted January, 1952)
INSTRUCTIONS AS TO APPLICATIONS FOR CERTIFICATES OF NATURALISATION BY ALIENS

(These instructions are not applicable to British protected persons, who should submit their applications on Naturalisation Form B.1).

The application form has been specially designed so that it may be completed by an applicant for naturalisation without assistance. The details asked for are such as he will be able to give from his personal knowledge and it is only in a case of particular difficulty that he may need to consult an agent.

QUALIFICATIONS

1. The normal qualifications for naturalisation are that:—

   (a) the applicant must have either resided in the Federation of Malaya or been in Crown Service under Her Majesty's government in the United Kingdom (see note (a) below) or partly the one and partly the other, throughout the period of twelve months immediately preceding the application; and

   (b) during the seven years immediately preceding the period of twelve months mentioned above, the applicant must have resided either in the United Kingdom or in a British colony or protectorate or a United Kingdom mandated or trust territory, or been in Crown Service as above, or partly the one and partly the other, for periods amounting in full to not less than four years.

2. The applicant must:—

   (a) be twenty-one years of age or over, and not of unsound mind;

   (b) be of good character;

   (c) have sufficient knowledge of the English, Malay or Chinese language;

   (d) intend, in the event of naturalisation being granted, either:—

      (i) to reside in the United Kingdom or in a Colony, protectorate or a United Kingdom trust territory; or

      (ii) to enter or continue in Crown Service under Her Majesty's government in the United Kingdom (see note (a) below) or the government of the Anglo-Egyptian Sudan, or service under an international organisation of which Her Majesty's government in the United Kingdom is a member, or service in the employment of a society, company or body of persons established in the United Kingdom or established in any colony, protectorate or United Kingdom trust territory.
10. Fees

For every application for naturalisation by an alien, the amount of the fee is $20. This sum of $20 is payable on submission of the application and cannot be refunded in any circumstances.

For every grant of a Certificate of Naturalisation to an alien, the amount of the fee is $80. This sum of $80 is not payable until the applicant is told that a certificate will be granted.

Reduced fees for married couples. Where applications by a husband and wife resident at the same address are submitted simultaneously, and it is decided to grant certificates in both cases, only one fee shall be payable, i.e., $80, for the two certificates. [This fee of $80 is additional to the fees ($40) payable on submission of the two applications]. If it is decided to grant a certificate in one case only, the full fee of $80 is payable in respect of that certificate.

Fees may be sent by post or paid personally at the Office of the Registrar of Citizens of the Federation of Malaya, Kuala Lumpur.

11. Declaration Fees

The usual fee of $1 is payable to the Stamp Office on making the Statutory Declaration. A further fee is also payable on taking the Oath of Allegiance.

SUBMISSION OF APPLICATION

12. The application together with the preliminary fee of $20 and either a request for assistance with regard to the publication of the advertisement or one copy of each newspaper containing the advertisement, which should be clearly marked, should be sent, in one envelope, to the Registrar of Citizens of the Federation of Malaya, Kuala Lumpur.

SUBSEQUENT ACTION

13. Enquiries about the progress of the application should not be made except in very special circumstances. Such enquiries merely impede the consideration of the application and tend to cause delays. If and when a certificate is granted, instructions as to taking the Oath of Allegiance will be sent to the grantee.

14. The Registrar of Citizens of the Federation of Malaya must be informed at once, by letter, of any change of material circumstances which occurs before the High Commissioner’s decision on the application is given and which may affect the continued accuracy of the particulars set out in the application.

15. An applicant who visits any foreign country after he has submitted his application must, immediately on his return to Federation of Malaya, inform the Registrar of Citizens of the Federation of Malaya, of the countries visited and the dates of residence therein.

16. A certificate of naturalisation may be withdrawn if it is found to have been obtained by means of fraud, false representation or the concealment of any material fact.

OFFICE OF THE REGISTRAR OF CITIZENS OF THE FEDERATION OF MALAYA, KUALA LUMPUR.
AMENDMENTS TO THE FEDERATION OF MALAYA AGREEMENT, 1948, UP TO AND INCLUDING L.N. 28 OF FEBRUARY 2nd, 1952.

Sub-clause (1) of Clause 10 is hereby amended by—

(a) the insertion of the words “as the High Commissioner has appointed to be his Deputy under Clause 11 of this Agreement for purposes which are referred to in that clause as emergency purposes, or if there is no such person in the Federation so appointed and capable of discharging the duties of administration, such person” between the words “then such person” and the words “as His Majesty may under His Sign Manual and Signet appoint” which occur therein; and

(b) the substitution of the words “or when there is under Clause 11 of this Agreement a subsisting appointment of a person to be Deputy to the High Commissioner for purposes which are referred to in that clause as general purposes” for the words “or when there is a subsisting appointment of a Deputy under the next succeeding clause of this Agreement” which occur at the end of the proviso thereto.

Clause 11 of the Agreement is hereby amended by—

(a) the substitution of the following sub-clauses for sub-clause (1) thereof:

“(1) Whenever the High Commissioner—

(a) has occasion to be absent from the seat of the Federal Government but not from the Federation or to be absent from the Federation for a period which he has reason to believe will be of short duration, or being ill has reason to believe his illness will be of short duration, and consequently considers that a person should be appointed as his Deputy for the purposes (in this clause referred to as ‘general purposes’) of performing any of the functions of the High Commissioner during such absence or illness; or

(b) is of the opinion that an emergency exists in the Federation and consequently considers that a person should be appointed as his Deputy for the purposes (in this clause referred to as ‘emergency purposes’) of assisting the High Commissioner by performing any of the functions of the High Commissioner during such emergency;
then, subject to the provisions of sub-clauses (1A) and (1B) of this clause, the High Commissioner may by Instrument under the Public Seal appoint any person to be his Deputy for such purposes and in that capacity to perform on behalf of the High Commissioner, but subject to any conditions or limitations prescribed in the Instrument by which such person is appointed, all such functions of the High Commissioner as may be specified in such Instrument.

(1A) There shall not at any one time be more than one subsisting appointment of a person as Deputy to the High Commissioner under sub-clause (1) of this clause but the High Commissioner may under that sub-clause appoint a person to be his Deputy either for general purposes or for emergency purposes and a person may be so appointed for both general and emergency purposes either by the same Instrument or by separate Instruments executed on the same date or different dates.

(1B) A person who is appointed a Deputy to the High Commissioner under sub-clause (1) of this clause shall not, unless he is appointed for general purposes, be authorised to perform any of the functions of the High Commissioner mentioned in Clauses 8, 48, 52, 54, 71, 72, 77, 84 or 85 of this Agreement;”

(b) the substitution of the words “under this clause” for the words “as aforesaid” which occur immediately after the words “By the appointment of a Deputy” at the beginning of sub-clause (2) thereof; and

(c) the substitution of the following sub-clauses for sub-clause (3) thereof:

“(3) Any appointment under this clause may at any time be revoked by the High Commissioner or by a Secretary of State; and in any case such an appointment shall, to the extent that it authorises the appointed person to perform any of the functions of the High Commissioner during the High Commissioner’s absence from the seat of the Federal Government or from the Federation, cease and determine upon the return of the High Commissioner to the seat of the Federal Government or to the Federation, as the case may be.

(4) The terms of any appointment under this clause may be varied by the High Commissioner by further Instrument under the Public Seal and references in this clause to the Instrument by which any person is appointed as Deputy to the High Commissioner include references to any such Instrument as varied by any further Instrument.”
Clause 21 of the Agreement is hereby amended—

(1) by inserting the figure and brackets "'(1)'' between the figures "'21'" and the word "'The'" in line one thereof;

(2) by adding the following sub-clause:

"'(2) Nothing contained in this clause shall affect the power of the appropriate authority in any State or Settlement to acquire, without a requirement by the High Commissioner under sub-clause (1) of this clause, in a Malay State any alienated land or in a Settlement any land other than Crown land for any purpose connected with any matter specified in the first column of the Second Schedule to this Agreement in accordance with the law for the time being in force dealing with the acquisition of land for public purposes, or to reserve, grant or lease any State or Crown land for the use of the Federation; and accordingly it is hereby declared that no acquisition of land in any State or Settlement for any such purpose before the commencement of this Ordinance shall be deemed to be, or to have been, invalid by reason only of the fact that the High Commissioner had not required the appropriate authorities in such State or Settlement to acquire such land under the provision of Clause 21 of the Federation Agreement.'"

The following clause is hereby substituted for Clause 23 of the Agreement—

"23. (1) The Federal Executive Council shall consist of the following ex officio Members, that is to say, any person who is for the time being Deputy to the High Commissioner by virtue of his having been appointed as such under Clause 11 of this Agreement for purposes which are referred to in that clause as emergency purposes, the Chief Secretary, the Attorney-General and the Financial Secretary, together with such other persons holding office of emolument under the Federal Government or under the Crown (who shall be called Official Members) and such other persons not holding office of emolument under any Government in the Federation (who shall be called Unofficial Members) as the High Commissioner may from time to time by Instrument under the Public Seal appoint:

Provided that the High Commissioner may appoint as Unofficial Members persons holding office of emolument as aforesaid whom he considers suitable for such appointment:

Provided also that there shall not at any time be more than sixteen Members of the Federal Executive Council in addition to the ex officio Members.

(2) An Unofficial Member of the Federal Executive Council may be appointed either by name or by reference to his office."
Clause 125 of the Agreement is hereby amended by the substitution of the word "three" for the word "two" where it appears in the third line of the proviso to sub-clause (1) and in the second line of paragraph (i) of the definition of "adequate knowledge" in sub-clause (5).

Sub-clause (1) of Clause 125 of the Agreement is hereby amended by the substitution of the words "three years and six months" for the words "three years" which occur in the proviso thereto.

The Second Schedule to the Federation of Malaya Agreement, 1948, is hereby amended by the substitution of the words "naturalisation, to the extent of ensuring a common policy;" for the word "naturalisation;" which occurs in Item 43 therein.

The Second Schedule to the Federation of Malaya Agreement, 1948, shall be and is hereby amended—

(a) by the deletion in column (1) of Item 79 of the words "higher education; technical education; training of teachers;" and the substitution therefor of the words "higher education, technical education and training of teachers, except State and Settlement scholarships and State and Settlement educational endowments relating to such matters;"

(b) by the deletion in column (2) of Item 79 of the words "State and Settlement scholarships; State and Settlement educational endowments".


2713—1,500—23-2-52.
THE FEDERATION OF MALAYA AGREEMENT, 1948.


WHEREAS it has been represented to His Majesty that fresh arrangements should be made for the peace, order and good government of the Malay States of Johore, Pahang, Negri Sembilan, Selangor, Perak, Kedah, Perlis, Kelantan and Trengganu, the Settlement of Penang and the Settlement of Malacca:

AND WHEREAS His Majesty in token of the friendship He bears towards Their Highnesses, the subjects of Their Highnesses, and the inhabitants of the Malay States, is pleased to make fresh arrangements as aforesaid to take effect on such day as His Majesty may, by Order in Council, appoint (hereinafter called “the appointed day”):

AND WHEREAS His Majesty has accordingly entered into a fresh Agreement with each of Their Highnesses and in the case of Negri Sembilan with His Highness the Yang di-Pertuan Besar and the Ruling Chiefs (which Agreements are hereinafter referred to together as “the State Agreements”) for the purpose of ensuring that power and jurisdiction shall be exercised by Their several Highnesses in their several States and it is in each of such Agreements provided that it shall come into operation on the appointed day:
AND WHEREAS it seems expedient to His Majesty and to
Their Highnesses that the Malay States, the Settlement of
Penang and the Settlement of Malacca should be formed into a
Federation with a strong central government and that there
should be a common form of citizenship in the said Federation
to be extended to all those who regard the said Federation or
any part of it as their real home and the object of their loyalty:

AND WHEREAS it is the desire of His Majesty and Their
Highnesses that progress should be made towards eventual self-
government and, as a first step to that end, His Majesty and
Their Highnesses have agreed that, as soon as circumstances
and local conditions will permit, legislation should be introduced
for the election of members to the several legislatures to be
established pursuant to this Agreement:

Now, THEREFORE, it is agreed and declared as follows:

PART I.

ESTABLISHMENT OF THE FEDERATION.

1. (1) This Agreement may be cited as the Federation of
Malaya Agreement, 1948, and shall come into operation on the
appointed day:

Provided that Clauses 112 to 123 inclusive of this Agree-
ment shall have effect in respect of the whole financial year
beginning on the first day of January, 1948, subject however to
any existing law making financial provision for the public service
for the year 1948 and subject to such modifications, if any, as
may be prescribed.

(2) The appointed day shall be notified in the Malayan
Union Government Gazette after which the said Gazette shall
cease to be published and there shall be published in its place
the Gazette of the Federation of Malaya.

2. (1) In this Agreement, unless the context otherwise
requires—

"the Attorney-General" means the Attorney-General for the
Federation referred to in Clause 84 of this Agreement;

"the Chief Justice" means the Chief Justice of the
Federation referred to in Clause 77 of this Agreement;

"Conference of Rulers" means the Majlis Raja Raja Negri
Melayu established by this Agreement;

"Constitution of the State" with reference to any State
means such constitution as may have been enacted or granted
by the Ruler of that State either before the date of the execution
of this Agreement or after that date, whether before, on or
after the appointed day, and includes any amendment duly made
thereto;

"Council of State" means the Majlis Meshuarat Negri of a
Malay State established pursuant to Clause 97 of this Agreement;

"the existing laws" means the common law, doctrines of
equity and all Acts of Parliament, Orders in Council other than
the Malayan Union Order in Council, 1946, Enactments of the
Legislature of the Federated Malay States, Enactments of the
Legislature of any Malay State, Ordinances of the Legislature
of the Colony of the Straits Settlements, Ordinances of the
Malayan Union, Proclamations issued by the High Commissioner