



**THE CONSTITUTION  
OF  
THE STATE OF SARAWAK**  
*[G.N.S. 163/63]*

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ONLINE VERSION

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*Incorporating all amendments made up to  
1st January, 2023*

Compiled in the

STATE ATTORNEY-GENERAL'S CHAMBERS,  
KUCHING.

*Printed by Percetakan Nasional Malaysia Berhad, Sarawak,  
pursuant to a resolution of the Dewan Undangan Negeri  
under Article 42 of the Constitution of the State of Sarawak.  
2023*

## **PREFACE**

This Fourth Reprint is to be published to include Notes and a List of Amendments to the Sarawak Constitution since 1963, the first Reprint being in 1981, the Second Reprint in 1996 and the Third Reprint in 2006. The Notes and the List contain the dates of coming into force of all the amended provisions; they set out the provisions of the Sarawak Constitution before it was amended and also state the various Sarawak Constitution (Amendment) Ordinances which brought about the amendments. They are inserted for information and reference purposes only and do not form part of the authoritative text.

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**EXPLANATORY NOTES:**

The notes of this page are not part of the Constitution, but are inserted for reference purposes only.

[The Constitution of the State of Sarawak as contained in Schedule 2 to the Sabah, Sarawak and Singapore (State Constitutions) Order in Council 1963 (S.I No. 1493 of 1963) was enacted by virtue of section 1 of the Malaysia Act 1963 (Eliz. 2.1963 C.35) and published as Notification No. S.163 in Part II of the Sarawak Government *Gazette* dated 6th September, 1963.]

Dewan Undangan Negeri on 17th May, 2023, again passed the following resolution authorizing the printing of the Constitution:

“That this House is hereby resolved pursuant to article 42 of the State Constitution to authorize the government printer to print 10,000 copies of the said Constitution incorporating all amendments thereto up to 1st January, 2023.”.



# THE CONSTITUTION OF THE STATE OF SARAWAK

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## LIST OF AMENDMENTS

<i>Amending Law</i>	<i>Short Title</i>	<i>In force from</i>
Ord. No. 9/64	Sarawak Constitution (Amendment) Ordinance, 1964	16.9.1963
Ord. No. 8/65	Sarawak Constitution (Amendment) Ordinance, 1965	28.5.1965
Ord. No. 8/68	Sarawak Constitution (Consequential Amendment) Ordinance, 1968	28.9.1968
Ord. No. 9/68	Sarawak Constitution (Amendment) Ordinance, 1968	20.3.1969 (Swk. L.N. 30/69)
Ord. No. 1/76	Sarawak Constitution (Amendment) Ordinance, 1976	30.10.1976 (Swk. L.N. 74/76)
Ord. No. 9/76	Sarawak Constitution (Amendment) (No. 2) Ordinance, 1976	26.8.1976
Ord. No. 7/81	Sarawak Constitution (Amendment) Ordinance, 1981	1.2.1987 (Swk. L.N. 8/87)
Ord. No. 5/85	Dewan Undangan Negeri (Composition of Membership) Ordinance, 1985	24.2.1986 (Swk. L.N. 13/86)
Ord. No. 4/88	Sarawak Constitution (Amendment) Ordinance, 1988	9.6.1988
Ord. No. 2/91	Sarawak Constitution (Amendment) Ordinance, 1991	20.6.1991
Cap. A4	Sarawak Constitution (Amendment) Ordinance, 1993	17.6.1993
Cap. A20	Sarawak Constitution (Amendment) Ordinance, 1994	24.11.1994
Cap. A31	Sarawak Constitution (Amendment) Ordinance, 1995	4.11.1995
Cap. 16	Dewan Undangan Negeri (Composition of Membership) Ordinance, 1995	7.6.1996 (Swk. L.N. 36/96)
Cap. A47	Sarawak Constitution (Amendment) Ordinance, 1997	26.5.1997

### **LIST OF AMENDMENTS - *Cont.***

<i>Amending Law</i>	<i>Short Title</i>	<i>In force from</i>
Cap. A113	Sarawak Constitution (Amendment) Ordinance, 2004	31.12.2004
Cap. 62	Dewan Undangan Negeri (Composition of Membership) Ordinance, 2005	21.4.2006 (Swk. L.N. 32/06)
Cap. 70	Dewan Undangan Negeri (Composition of Membership) Ordinance, 2014	5.12.2014 (Swk. L.N. 147/2014)
Cap. A190	Sarawak Constitution (Amendment) Ordinance, 2020	15.12.2021 (Swk. L.N. 371/2021)
Cap. A197	Sarawak Constitution (Amendment) Ordinance, 2022	1.3.2022 (Swk. L.N. 46/2022)
Cap. A203	Sarawak Constitution (Amendment) (No. 2) Ordinance, 2022	27.7.2023 (Swk. L.N. 256/2023)

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### NOTES

#### Part I — Chapter 1:

*Chapter heading:* “Yang di-Pertua Negeri” substituted for “Governor” by Ord. No. 9/76, s. 5, in force from 26.8.76.

#### Article 1:

1. *Marginal note and this Article:* “Yang di-Pertua Negeri” substituted for “Governor” by Ord. No. 9/76, s. 5, in force from 26.8.76.
2. *Clause (2):* “Dewan Undangan Negeri” substituted for “Council Negri” by Ord. No. 9/76, s. 5, in force from 26.8.76.
3. *Clause (3):* The present *clause (3)* inserted by Cap. A113, s. 2, in force from 31.12.2004, replacing the original *clause (3)* which read as follows:

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

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PART I

THE STATE GOVERNMENT

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

**Yang di-Pertua Negeri of the State**

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

\*(2) The Yang di-Pertua Negeri shall be appointed for a term of four years but may at any time resign his office by writing under his hand addressed to the Yang di-Pertuan Agong, and may be removed from office by the Yang di-Pertuan Agong in pursuance of an address by the Dewan Undangan Negeri supported by the votes of not less than two-thirds of the total number of the members thereof.

\*(3) The Yang di-Pertuan Agong shall appoint the Speaker, or in the event the Speaker is, for any reason, unable or unwilling to be so appointed or to act, may, in his discretion but after consultation with the Chief Minister, appoint another person, to exercise the functions of the Yang Di-Pertua Negeri during any period which the Yang di-Pertua Negeri is unable to do so himself owing to illness, absence or any other causes; but no person shall be so appointed unless he would be qualified to be appointed as Yang di-Pertua Negeri.

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

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\* This symbol, wherever it appears in this Reprint, indicates the existence of a note on an unnumbered page opposite.

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

### **Qualifications and disabilities of Yang di-Pertua Negeri**

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

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

### **Civil List of Yang di-Pertua Negeri**

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

### **Oath of office of Yang di-Pertua Negeri**

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

### *\*Chapter 2—Religion of Islam*

### **Religion of Islam**

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

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

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#### Article 1—(cont.)

4. *Clause (5)*: Added by Cap. A47, s. 2, in force from 26.5.97.
5. For appointment of Yang di-Pertua Negeri, see Table IV of the latest annual cumulative Index to Part II of the Sarawak Government Gazette.

#### Article 2:

*Marginal note and this Article*: “Yang di-Pertua Negeri” substituted for “Governor” by Ord. No. 9/76, s. 5, in force from 26.8.76.

#### Article 3:

1. *Marginal note and text*: “Yang di-Pertua Negeri” substituted for “Governor” by Ord. No. 9/76, s.5, in force from 26.8.76.
2. See Civil List Ordinance, 1963 [*Cap. 38*] and the Pension and Other Benefits (Yang di-Pertua Negeri) Ordinance, 1984 [*Ord. No. 1/84*].

#### Article 4:

1. *Marginal note and text*: “Yang di-Pertua Negeri” substituted for “Governor” by Ord. No. 9/76, s.5, in force from 26.8.76.
2. “Chief Judge” substituted for “Chief Justice” by Cap. A20, s. 13(c), in force from 24.11.94—see also Act A885.

#### Part I—New Chapter 2:

#### Article 4A:

1. New Chapter 2 on religion of Islam containing Article 4A added by Ord. No. 9/76, s.2(b), in force from 26.8.76.
2. See the Majlis Islam Sarawak Ordinance, 2001 [*Cap. 41*].

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**Article 6—(cont.)**

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

6. Ord. No. 8/65, s. 2(b), in force from 28.5.65, deleted “mentioned in paragraph (a) of clause (2)” in original *clause (3)* before it being replaced.
7. Cap. A31, s. 2, in force from 4.11.95, substituted “ten” for “eight” in present *clause (3)(b)*.
8. For list of members of Majlis Mesyuarat Kerajaan Negeri, see Table IV of the latest annual cumulative Index to Part II of the Sarawak Government *Gazette*.
9. *Clause (3)(b)*: The present proviso to the clause inserted by Cap. A47, s. 3, in force from 26.5.1997 replaced original proviso which read as follows:

“Provided that if an appointment is made while the Dewan Undangan Negeri is dissolved a person who was a member of the last Dewan may be appointed but shall not continue to hold office after the first sitting of the next Dewan Undangan Negeri unless he is a member thereof.”.

10. *Clause (3)*: amended by Cap. A197/2022, s. 2, in force from 1.3.2022;

(a) “a Chief Minister who shall be called the “Premier” from” substituted for “as Chief Minister a”;

(b) “Premier” substituted for “Chief Minister” ;

(c) “who shall be called “Minister” inserted after “other members” in paragraph (b).

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#### Part I — Chapter 3:

1. “Chapter 2” renumbered as “Chapter 3” by Ord. No. 9/76, s.2(a), in force from 26.8.76.
2. For Remuneration, Pensions and Gratuities of Members of the Administration and Members of Dewan Undangan Negeri *see* Ord. No. 9/80.

#### Article 5:

“Yang di-Pertua Negeri” substituted for “Governor” by Ord. No. 9/76, s. 5, in force from 26.8.76.

#### Article 6:

1. *Marginal note and this Article:* “Majlis Mesyuarat Kerajaan Negeri” (“Majlis”), “Yang di-Pertua Negeri” and “Dewan Undangan Negeri” substituted for “Supreme Council” (“Council”), “Governor” and “Council Negri” respectively by Ord. No. 9/76, s. 5, in force from 26.8.76.
2. *Clause (2):* The original clause (2) as it stood on Malaysia Day read as follows:

“(2) The Supreme Council shall consist of—

(a) a Chief Minister and five other members appointed in accordance with clause (3); and

(b) three *ex officio* members, namely, the State Secretary, the State Attorney-General and the State Financial Secretary.”.
3. It was substituted by Ord. No. 8/65, s. 2(a), in force from 28.5.65 and was repealed by Ord. No. 1/76, s. 2(a), in force from 30.10.76 [*Swk. L.N. 74/76*].
4. The substituted *clause (2)* as it stood at date of repeal read as follows:

“(2) The Supreme Council shall consist of Chief Minister and not more than eight nor less than four other members appointed in accordance with *clause (3)*.”.
5. *Clause (3):* The present *clause (3)* inserted by Ord. No. 1/76, s. 2(b), in force from 30.10.76 [*Swk. L.N. 74/76*] replacing the original *clause (3)* which read as follows:

“(3) The Governor shall appoint as Chief Minister a member of the Council Negri who in his judgment is likely to command the confidence of a majority of the members of the Council Negri and shall appoint the other members mentioned in paragraph (a) of *clause (2)* in accordance with the advice of the Chief Minister from among the members of the Council Negri:

*\*Chapter 3—The Executive*

**Executive authority**

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

**Majlis Mesyuarat Kerajaan Negeri**

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

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

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

**\*(a)** the Yang di-Pertua Negeri shall first appoint Chief Minister who shall be called the “Premier” from member of the Dewan Undangan Negeri who in his judgment is likely to command the confidence of a majority of the members of the Dewan Undangan Negeri; and

**\*(b)** he shall on the advice of the Premier appoint not more than ten nor less than four other members who shall be called “Minister” from among the members of the Dewan Undangan Negeri:

Provided that—

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

(ii) if a person, after having been appointed as a member of the Majlis Mesyuarat Kerajaan Negeri ceases to be a member of the Dewan Undangan Negeri for reasons

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other than having been disqualified as a member under Article 17, he may continue to hold office as a member of the Majlis Mesyuarat Kerajaan Negeri unless he fails to be returned as a member of the Dewan Undangan Negeri within a period of sixty days from the date when he ceases to be a member of the Dewan.

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

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

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

**Tenure of office of members of Majlis Mesyuarat Kerajaan Negeri**

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

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

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

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#### Article 7:

1. *Marginal note and this Article:* “Majlis Mesyuarat Kerajaan Negeri”, “Yang di-Pertua Negeri” and “Dewan Undangan Negeri” substituted for “Supreme Council”, “Governor” and “Council Negri” respectively by Ord. No. 9/76, s. 5, in force from 26.8.76.
2. *Clause (1):* Ord No. 8/65, s. 3(a), in force from 28.5.65, deleted “other than the *ex officio* members” after “Majlis Mesyuarat Kerajaan Negeri” (“Supreme Council”).
3. *Clause (2):* Ord. No. 8/65, s. 3(b), in force from 28.5.65, deleted “other than an *ex officio* member” after “Majlis Mesyuarat Kerajaan Negeri” (“Supreme Council”) and “or an *ex officio* member” after “Chief Minister”.
4. *Clause (3):* Ord. No. 8/65, s.3(c), in force from 28.5.65, deleted “or an *ex officio* member” after “Chief Minister”.

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### NOTES

#### Article 7A:

1. Amended by Cap. A197/2022, s. 3 and s. 4, in force from 1.3.2022:
  - (a) *Marginal note and text*: “Deputy Ministers” substituted for “Assistant Ministers”.
  - (b) “but the Deputy Ministers may, on the invitation of the Premier attend meetings of the Majlis Mesyuarat Kerajaan Negeri” inserted after “Majlis Mesyuarat Kerajaan Negeri” in *clause 1*.
2. Inserted by Ord. No. 1/76, s.3, in force from 30.10.76 [*Swk. L.N. 74/76*].
3. “Yang di-Pertua Negeri”, “Dewan Undangan Negeri” and “Majlis Mesyuarat Kerajaan Negeri” (“Majlis”) substituted for “Governor”, “Council Negri” and “Supreme Council” (“Council”) by Ord. No. 9/76, s. 5, in force from 26.8.76.
4. *Clause (1)*: “twelve” substituted for “nine” by Cap. A20, s. 2, in force from 24.11.94. “not more than twelve” deleted by Cap. A47, s. 4(a) in force from 26.5.97.
5. *Clause (1)*: The present proviso to the clause inserted by Cap. A47, s. 4(b), in from 26.5.97 replacing the original proviso which read as follows:

“Provided that if an appointment is made while the Dewan Undangan Negeri is dissolved a person who was a member of the last Dewan may be appointed but shall not continue to hold office after the first sitting of the next Dewan Undangan Negeri unless he is a member thereof.”.
6. *Clause (2)*: Ord. No. 4/88, s. 3, in force from 9.6.88, inserted”, and for such purpose shall, subject to any general or special directions of the Ministers, have all the powers of the Ministers” after “duties and functions”.
7. For list of appointment of Assistant Ministers, *see* Table IV of the latest annual cumulative Index to Part II of the Sarawak Government *Gazette*.

#### Article 8:

1. *Marginal note and text*: “Majlis Mesyuarat Kerajaan Negeri” substituted for “Supreme Council” by Ord. No. 9/76, s. 5, in force from 26.8.76.
2. “Yang di-Pertua Negeri” for “Governor” by Ord. No. 9/76, s.5, in force from 26.8.76.

### **Deputy Ministers**

**\*7A.—(1)** The Yang di-Pertua Negeri shall on the advice of the Chief Minister appoint Deputy Ministers from among the members of the Dewan Undangan Negeri but the Deputy Ministers so appointed shall not be members of the Majlis Mesyuarat Kerajaan Negeri but the Deputy Ministers may, on the invitation of the Premier attend meetings of the Majlis Mesyuarat Kerajaan Negeri:

**\*Provided that—**

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

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

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

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

### **Oaths of members of Majlis Mesyuarat Kerajaan Negeri**

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

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See **hard copy** for details of the notes.



**Allocation of portfolio and provision regarding private business interests**

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

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

**\*Provided** that a Member of the Majlis Mesyuarat Kerajaan Negeri or any Assistant Minister may, with the approval of the Chief Minister, be appointed to an office, of a non-executive nature, in any company or corporation wherein the State Government holds, directly or indirectly, a substantial equity interest.

**Yang di-Pertua Negeri to act on advice**

**\*10.**—(1) In the exercise of his functions under this Constitution or any other law, or as a member of the Conference of Rulers, the Yang di-Pertua Negeri shall act in accordance with the advice of the Majlis Mesyuarat Kerajaan Negeri or of a member thereof acting under the general authority of the Majlis, except as otherwise provided by the Federal Constitution or this Constitution; but shall be entitled, at his request, to any information concerning the government of the State which is available to the Majlis Mesyuarat Kerajaan Negeri.

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See **hard copy** for details of the notes.



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### NOTES

#### Article 9:

1. “Yang di-Pertua Negeri” and “Majlis Mesyuarat Kerajaan Negeri” substituted for “Governor” and “Supreme Council” by Ord. No. 9/76, s. 5, in force from, 26.8.76.
2. *Clause (1)*: Ord. No. 8/65, s. 4, in force from 28.5.65, deleted “other than an *ex officio* member” after “Majlis Mesyuarat Kerajaan Negeri” (“Supreme Council”).
3. *Clause (2)*: Proviso to the clause inserted by Cap. A113, s. 3(b), in force from 31.12.04.
4. For details of assignment of portfolio, *see* Table IV of the latest annual cumulative Index to Part II of the Sarawak Government *Gazette*.

#### Article 10:

1. *Marginal note and this Article*: “Yang di-Pertua Negeri” substituted for “Governor” by Ord. No. 9/76, s. 5, in force from 26.8.76.
2. Majlis Mesyuarat Kerajaan Negeri” (“Majlis”) and “Dewan Undangan Negeri” substituted for “Supreme Council” (“Council”) and “Council Negri” by Ord. No. 9/76, s. 5, in force from 26.8.76.
3. *See* the Emergency (Federal Constitution and Constitution of Sarawak) Act 1966 [*Act No. 68 of 1966*].

## SARAWAK CONSTITUTION

### *NOTES*

#### **Article 11:**

1. "Yang di-Pertua Negeri" substituted for "Governor" by Ord. No. 9/76, s.5, in force from 26.8.76.
2. For the holders of such offices, *see* Table IV (under heading "Sarawak Constitution") of the latest annual cumulative Index to Part II of the Sarawak Government *Gazette*.

#### **Part I — Chapter 4:**

"Chapter 3" renumbered as "Chapter 4" by Ord. No. 9/76, s. 2(a), in force from 26.8.76.

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

- (a) the appointment of a Chief Minister;
- (b) the withholding of consent to a request for the dissolution of the Dewan Undangan Negeri.

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

- (a) functions, exercisable in his discretion; and
- (b) functions with respect to the exercise of which provision is made in the Federal Constitution or any other Article of this Constitution.

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

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

#### *\*Chapter 4—Capacity as respects property, contracts and suits*

#### **Capacity of State as respects property, contracts and suits**

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

(2) The State may sue and be sued.

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

PART II

\*THE LEGISLATURE

**Constitution of Legislature**

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

**Composition of Dewan Undangan Negeri**

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

(a) *(Repealed)*;

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

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

(d) *(Repealed)*;

(e) *(Repealed)*.

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

**Speaker and Deputy Speaker**

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

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

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

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

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

† Now eighty-two see the Dewan Undangan Negeri (Composition of Membership) Ordinance, 2014 (Cap. 70).

## SARAWAK CONSTITUTION

### NOTES

#### Part II — The Legislature:

For remuneration, pensions and gratuities for members of the Administration and Dewan Undangan Negeri, *see* Ord. No. 9/80.

#### Article 13:

“Yang di-Pertua Negeri” and “Dewan Undangan Negeri” substituted for “Governor” and “Council Negri” by Ord. No. 9/76, s.5, in force from 26.8.76.

#### Article 14:

##### 1. *Clause (1):*

- (a) *Marginal note and text:* “Dewan Undangan Negeri” substituted for “Council Negri” by Ord. No. 9/76, s.5, in force from 26.8.76.
- (b) Ord. No. 9/68, s.2(a) (i), in force from 20.3.69 [*Swk. L.N. 30/69*], inserted “and” at end of paragraph (a).
- (c) Cap. A20, s. 3, in force from 24.11.94, deleted the following paragraph (a)—  
“(a) the Speaker; and”.
- (d) Ord. No. 9/68, s.2(a) (ii), in force from 20.3.69 [*Swk. L.N. 30/69*], repealed paragraphs (b), (d), and (e) which stood at the date of repeal as follows:
  - “(b) three *ex officio* members, namely, the State Secretary, the State Attorney-General and the State Financial Secretary;
  - (d) such number of other members (hereinafter referred to as “nominated members”), not being more than three, as the Governor, acting in his discretion after consultation with the Chief Minister may appoint; and
  - (e) subject to clause (4) of Article 18, one standing member, namely the person who, immediately before the commencement of this Constitution, is the standing member of the Council Negri established by the existing Orders.”.

*Note:* Paragraph (e) wrongly printed as “(c)” rectified by Swk. L.N. 119/64.

- 2. *Clause (2):* The original number “thirty-six” were amended by Ord. No. 9/68, s. 2(b), in force from 20.3.69 [*Swk. L.N. 30/69*], to “forty-eight” which were subsequently increased to “fifty-six” vide Ord. No. 5/85, s. 2, in force from 24.2.86 [*Swk. L.N. 13/86*], again increased to “sixty-two” vide Cap. 16, s. 2, in force from 7.6.1996 [*Swk. L.N. 36/96*], and again to “seventy-one” vide Cap. 62, s. 2, in force from 21.4.2006 [*Swk. L.N. 32/2006*], and thereafter to “eighty-two” vide Cap. 70, s. 2, in force from 5.12.2014 [*Swk. L.N. 147/2014*]. *See also* P.U.(A) 242/96, and P.U.(A) 278/2005.

SARAWAK CONSTITUTION

**NOTES**

**Article 15:**

1. *Clause (1):*

- (a) The present *clause (1)* together with marginal note was inserted by Cap. A20, s. 4(a), in force from 24.11.94 and replaced the 1968 amendment *clause (1)* which read as follows:

“The Speaker. 15.—(1) The Speaker shall be appointed by the Governor acting in his discretion after consultation with the Chief Minister from among persons who either are members, or qualified to be elected as elected members, of the Council Negri under Article 16.”.

- (b) Ord. No. 9/68, s. 10, in force from 20.3.69 [*Swk. L.N. 30/69*], provided as follows:

“10. Notwithstanding the provisions of the Constitution as amended by section 3 and paragraph (b) of section 5 of this Ordinance, the person holding the office of the Speaker immediately before the commencement of this Ordinance shall, as from such commencement, continue to hold such office until he vacates his office under the provisions of Article 15(2) of the Constitution then in force.”.

- (c) “Yang di-Pertua Negeri” and “Dewan Undangan Negeri” substituted for “Governor” and “Council Negri” by Ord. No. 9/76, s. 5, in force from 26.8.76.

- (d) The original *clause (1)* before 1968 amendment and as it stood on Malaysia Day read as follows:

“The Speaker. 15.—(1) The Speaker shall be appointed by the Governor acting in his discretion after consultation with the Chief Minister from among persons qualified to be appointed as nominated members of the Council Negri under Article 16.”.

- (e) For appointment of Speaker and Deputy Speaker, see Table IV of the latest annual cumulative Index to Part II of the Sarawak Government *Gazette*.

## SARAWAK CONSTITUTION

### NOTES

#### Article 15—(cont.)

##### 2. *Clause (2):*

- (a) “Yang di-Pertua Negeri” and “Dewan Undangan Negeri” substituted for “Governor” and “Council Negri” by Ord. No. 9/76, s. 5, in force from 26.8.76.
- (b) “the Speaker or Deputy Speaker” substituted for “he” wherever it appears by Cap. A20, s.4(c), in force from 24.11.94.
- (c) and the Deputy Speaker” inserted after “Speaker” in 1st line by Cap. A20, s. 4(b) (i), in force from 24.11.94.
- (d) Paragraph (b): “election as an elected member” substituted for “appointment as a nominated member” by Ord. No. 9/68, s. 3(b), in force from 20.3.69.
- (e) Paragraph (b): “; or” substituted for full stop at end by Ord. No. 7/81, s. 2(a), in force from 1.2.87 *[Swk. L.N. 8/87]*.
- (f) Paragraph (c): Added by Ord. No. 7/81, s.2(b), in force from 1.2.87 *[Swk. L.N. 8/87]*.
- (g) Paragraph (c): “; or” inserted by Cap. A20, s. 4(b) (ii), in force from 24.11.94.
- (h) Paragraph (d): Added by Cap. A20, s.4(b) (ii), in force from 24.11.94.

##### 3. *Clause (3):* “Yang di-Pertua Negeri” substituted for “Governor” by Ord. No. 9/76, s.5, in force from 26.8.76.

##### 4. *Clauses (3A) and (3B):*

- (a) Added by Ord. No. 7/81, s.2(c), in force from 1.2.87 *[Swk. L.N. 8/87]*.  
See section 10(4) and (5) of Eighth Schedule to the Federal Constitution as amended by Act A514.
- (b) “or Deputy Speaker under clause 4(b)” was inserted after “*clause (3A)*” in 2nd line of *clause (3B)* by Cap. A20, s. 4(d), in force from 24.11.94.

SARAWAK CONSTITUTION

*NOTES*

**Article 15—(cont.)**

5. *Clause (4):*

- (a) The present *clause (4)(a)*, which was inserted by Cap. A47, s.5(a), in force from 26.5.97, replaced *clause (4)(a)* which read as follows:

“(4)(a) The Speaker shall preside at sittings of the Dewan Undangan Negeri and in his absence or temporary incapacity from illness or any other cause, the Deputy Speaker shall preside, or in the event of the absence of both the Speaker and the Deputy Speaker such member of the Dewan as may be determined by Standing Orders of the Dewan shall act as Speaker:

- (b) This replaced *clause (4)(a)* was part of the amendment made by Cap. A20, s. 4(e), in force from 24.11.94. The original clause (4) before 1994 amendment and as it stood on Malaysia Day read as follows:

“(4) During any absence of the Speaker, or any period during which the Speaker is unable for any reason to exercise his functions, or any vacancy in the office of Speaker such member of the Dewan as may be determined by the Standing Orders of the Dewan shall act as Speaker:”

- (c) “any period during which the Speaker is unable for any reason to exercise his functions,” substituted for “from a sitting of the Council” by Ord. No. 9/64, s.2, in force from 16.9.63.
- (d) “Dewan” substituted for “Council” by Ord. No. 9/76, s. 5, in force from 26.8.76.
- (e) “to preside at sittings of the Dewan Undangan Negeri during the absence or temporary incapacity from illness or any cause of the Speaker” omitted from clause (4)(b) by Cap. A47, in force from 26.5.97.



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

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

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

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

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

\*(3A) A person who is appointed to be the Speaker shall be disqualified from holding such office if after three months of his appointment to such office or at any time thereafter he is or becomes a member of any board of directors or board of management, or an officer or employee, or engages in the affairs or business, of any organisation or body, whether corporate or otherwise, or of any commercial, industrial or other undertaking, whether or not he receives any remuneration, reward, profit or benefit from it:

Provided that such disqualification shall not apply where such 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 Speaker does not receive any remuneration, reward, profit or benefit from it.

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

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

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

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

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

#### **Qualifications of members**

\*16.—(1) Every citizen of or over the age of eighteen years who is resident in the State is qualified to be elected as an elected member of the Dewan Undangan Negeri, unless he is disqualified for being such a member by the Federal Constitution or this Constitution or by any such law as is mentioned in Article 17.

(2) For the purpose of this Article, a “resident in the State” shall mean a citizen:-

(a) born in the State, where—

(i) his parents or either of them was also born in the State; and

(ii) he is normally resident in the State; or

(b) though not born in the State, whose parents or either of them was born in the State, and he is normally resident in the State.

#### **Provision against double membership**

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

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

## SARAWAK CONSTITUTION

### NOTES

#### Article 15—(*cont.*)

6. *Clause (5):*
  - (a) “or Deputy Speaker” inserted after “Speaker” wherever it appears by Cap. A20, s.4(f), in force from 24.11.94.
  - (b) For remuneration, pensions and gratuities for Speaker and Deputy Speaker, *see* Ord. No. 9/80.

#### Article 16:

1. Ord. No. 9/68, s.4, in force from 20.3.69 (Swk. L.N. 30/69), deleted “or appointed as a nominated member” after an elected member”.
2. “Dewan Undangan Negeri” substituted for “Council Negri” by Ord. No. 9/76, s.5, in force from 26.8.76.
3. Cap. A190/2020, s. 2, in force from 15.12.2021.
  - (a) “eighteen” substituted for “twenty-one”.
  - (b) added *new clause 2*.

**Article 16A:** Inserted by Cap. A20, s. 5, in force from 24.11.94.

SARAWAK CONSTITUTION

*NOTES*

**Article 16B:** Added new Article 16B by Cap. A203/2022, s. 2, in force from 27.7.2023.

**\*Change of a member's political party, *etc.***

**16B.—(1)** Subject to the provisions of this Article, a member of the Dewan Undangan Negeri shall cease to be a member of that Dewan Undangan Negeri 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 Dewan Undangan Negeri as a member of a political party—

- (i) he resigns as a member of that political party; or
- (ii) he ceases to be a member of that political party;

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

(2) A member of the Dewan Undangan Negeri shall not cease to be a member of that Dewan Undangan Negeri 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 from his political party.

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

(4) For the purpose of holding an election under clause (5) of Article 21, such casual vacancy shall be filled within sixty days from

the date the Election Commission receives the notification from the Speaker.

**Disqualifications for membership**

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

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

(b) he is an undischarged bankrupt;

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

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

\*(e) he has been convicted of an offence by a Court of law in any part of the Federation and sentenced to imprisonment for a term of not less than one year or to a fine of not less than two thousand ringgit and has not received a free pardon in respect thereof;

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

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

## SARAWAK CONSTITUTION

### *NOTES*

#### **Article 17:**

I. *Clause (1):*

- (a) Ord. No. 9/68, s. 5(a), in force from 20.3.69 (Swk. L.N. 30/69), deleted “or appointed as a nominated member” after “an elected member”.
- (b) “Dewan Undangan Negeri” substituted for “Council Negri” by Ord. No. 9/76, s. 5, in force from 26.8.76.
- (c) Paragraph (e): “ringgit” substituted for “dollars” by Act 160, s.2, in force from 29.8.75.
- (d) Paragraph (g): “any country outside the Federation” substituted for “a foreign country” in both places by Ord. No. 9/76, s. 3(a), in force from 26.8.76.

## SARAWAK CONSTITUTION

### NOTES

#### Article 17—(cont.)

2. *Clause (2):*

- (a) The original *clause (2)*, which was deleted by Ord. No. 9/68, s. 5(b), in force from 20.3.69 (Swk. L.N. 30/69), read as follows:

“(2) Paragraph (c) of *clause (1)* shall not apply to the appointment of a person as a nominated member.”.

- (b) Ord. No. 9/68, s. 10, in force from 20.3.69 (Swk. L.N. 30/69) provided as follows:

“10. Notwithstanding the provisions of the Constitution as amended by section 3 and paragraph (b) of section 5 of this Ordinance, the person holding the office of the Speaker immediately before the commencement of this Ordinance shall, as from such commencement, continue to hold such office until he vacates his office under the provisions of Article 15(2) of the Constitution then in force,”.

3. *Clause (3):* “Yang di-Pertua Negeri” substituted for “Governor” by Ord. No. 9/76, s.5, in force from 26.8.76.

4. *Clauses (4) and (5):* Added by Ord. No. 4/88, s.4, in force from 9.6.88.

5. *Original clause (4)* which was deleted by Ord. No. 9/76, s.3(b), in force from 26.8.76, read as follows:

“(4) In paragraph (g) of clause (1) “foreign country” has the same meaning as in the Federal Constitution.”.



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

\*(2) (*Repealed*).

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

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

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

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

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

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

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

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

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

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

## SARAWAK CONSTITUTION

### NOTES

#### Article 17—(cont.)

6. *Clause (6)*: Added by Ord. No. 2/91, s. 2, in force from 20.6.91.

7. *Clause (7)*: Inserted by Cap. A20, s. 6, in force from 24.11.94.

8. The following *clause (6)*, which was added by Ord. No. 2/91, s. 2, in force from 20.6.91, was deleted by Cap. A203/2022, s. 3, in force from 27.7.2023;

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

9. The following *clause (7)*, which was added by Cap. A20, s. 6, in force from 24.11.94, was deleted by Cap. A203/2022, s. 3, in force from 27.7.2023:

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

(b) For the avoidance of any doubt, it is hereby declared that this clause shall not be taken as imposing restrictions on any person from becoming a member of any political party, permanently or otherwise.”

SARAWAK CONSTITUTION

NOTES

Article 18:

1. *Clause (1):*
  - (a) Ord. No. 9/68, s. 6(a), in force from 20.3.69 [Swk. L.N. 30/69], deleted “or nominated” after “Every elected”.
  - (b) “Dewan Undangan Negeri” (“Dewan”) substituted for “Council Negri” (“Council”) by Ord. No. 9/76, s. 5, in force from 26.8.76.
2. *Clause (2):*
  - (a) Ord. No. 9/68, s. 6(b), in force from 20.3.69, deleted “or nominated” after “An elected”.
  - (b) “Dewan” substituted for “Council” by Ord. No. 9/76, s. 5, in force from 26.8.76.
  - (c) Paragraphs (a) and (b): Ord. No. 9/68, s. 6(c) and (d), in force from 20.3.69, deleted “or appointment” after “election” in paragraph (a) and deleted “or” at end of paragraph (b).
  - (d) Ord. No. 9/68, s. 6(e), in force from 20.3.69, substituted “; or” for full stop at end of paragraph (c); Ord. No. 4/88, s. 5, in force from 9.6.88, deleted “or”.
  - (e) The original paragraph (d), which was inserted by Ord. No. 9/68, s. 6(f), in force from 20.3.69, and subsequently deleted by Ord. No. 1/76, s. 4, in force from 30.10.76, read as follows:
    - (d) if he is appointed as the Speaker of the Council Negri under Article 15.”.
    - (f) The following paragraphs (d) and (e), which were added by Ord. No. 4/88, s. 5, in force from 9.6.88, were deleted by Cap. A20, s. 7, in force from 24.11.94:
      - “(d) he resigns or is expelled from the political party of which he is a member;  
or
      - (e) he becomes a member of any political party while being an independent member.”.
3. *Clause (3):* “Dewan” substituted for “Council” by Ord. No. 9/76, s. 5, in force from 26.8.76.
4. *Clause (4):* The original *clause*, which was deleted by Ord. No. 9/68, s. 6(g), in force from 20.3.69, read as follows:
  - “(4) The standing member of the Council Negri shall vacate his seat in the Council if he resigns it by writing under his hand addressed to the Speaker or if he ceases to be President of the Majlis Islam or to hold an office of emolument in the public service; and upon the seat of the standing member becoming vacant paragraph (e) of *clause (1)* of Article 14 shall cease to have effect.”.

Article 19:

1. “Dewan Undangan Negeri” (“Dewan”) substituted for “Council Negri” (“Council”) by Ord. No. 9/76, s. 5, in force from 26.8.76.
2. This Article was renumbered as *clause (1)* by Ord. No. 4/88, s. 6(a), in force from 9.6.88.

**Tenure of seats of members**

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

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

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

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

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

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

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

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

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

**Decision as to disqualification**

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

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

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

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

### **Penalty for unqualified person sitting or voting in Dewan Undangan Negeri**

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

### **Summoning, prorogation and dissolution of Dewan Undangan Negeri**

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

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

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

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\* This symbol indicates the existence of a note on an unnumbered page opposite.  
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## SARAWAK CONSTITUTION

### NOTES

#### Article 19—(cont.)

3. *Clause (2):* Added by Ord. No. 4/88, s. 6(b), in force from 9.6.88.

#### Article 20:

1. *Marginal note and text:* “Dewan Undangan Negeri” substituted for “Council Negri” by Ord. No. 9/76, s. 5, in force from 26.8.76.
2. “ringgit” substituted for “dollar” by Act 160, s. 2, in force from 29.8.75.

#### Article 21:

1. *Marginal note and this Article:* “Dewan Undangan Negeri” substituted for “Council Negri” by Ord. No. 9/76, s. 5, in force from 26.8.76.
2. “Yang di-Pertua Negeri” substituted for “Governor” by Ord. No. 9/76, s. 5, in force from 26.8.76.
3. *Clause (3A):*
  - (a) Added by Ord. No. 8/68, s. 2, in force from 28.9.68.
  - (b) Date of commencement of Act No. 27 of 1968 — 9.9.68.
4. *Clause (4):*
  - (a) Ord. No. 9/68, s. 7(a) (i), in force from 20.3.69, substituted “ninety days” for “sixty days” in 2nd line.
  - (b) Ord. No. 4/88, s. 7(a), in force from 9.6.88, changed it back to “sixty days”.
  - (c) Ord. No. 9/68, s. 7(a) (ii), in force from 20.3.69, substituted “one hundred and twenty days” for “ninety days” in last line.
5. *Clause (5):*
  - (a) Ord. No. 9/68, s. 7(b), in force from 20.3.69, substituted “ninety days” for “sixty days”.
  - (b) Ord. No. 4/88, s. 7(a), in force from 9.6.88, changed it back to “sixty days”.
  - (c) Ord. No. 4/88, s. 7(b), in force from 9.6.88, inserted “by the Election Commission” after “established”.
  - (d) A colon substituted for the full stop at the end and the proviso inserted by Cap. A20, s. 8(a) and (b), in force from 24.11.94.

## SARAWAK CONSTITUTION

### *NOTES*

#### **Article 22:**

1. “Yang di-Pertua Negeri” and “Dewan Undangan Negeri” substituted for “Governor” and “Council Negri” by Ord. No. 9/76, s. 5, in force from 26.8.76.
2. Cap. A20, s. 9(a), in force from 24.11.94, inserted “, Deputy Speaker” after “Speaker” in marginal note.
3. Cap. A20, s. 9(b), in force from 24.11.94, inserted “or the Deputy Speaker” after “Speaker” in 1st line of the text.



\*(3A) Notwithstanding the provisions of clause (3) of Article 21 of the Constitution, the Dewan Undangan Negeri existing at the date of commencement of the Federal Constitution (Amendment) Act, 1968 *[Act No. 27/68]*, shall not be subject to the prescribed period of five years for it to stand dissolved but shall stand dissolved on the date on which the Federal Parliament is next dissolved or next stands dissolved after the date of commencement of that Act.

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

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

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

### **Oaths of Speaker, Deputy Speaker and members**

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

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\* This symbol indicates the existence of a note on an unnumbered page opposite.  
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**Secretary and Deputy Secretary to Dewan Undangan Negeri**

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

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

(3) Notwithstanding clause (1), during any vacancy in the office of the Secretary or during any period in which the Secretary and Deputy Secretary are unable for any reason to exercise their functions, the Speaker may appoint any fit and proper person to discharge temporarily the duties of the Secretary.

**Affirmation may be made instead of oath**

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

**Address by Yang di-Pertua Negeri**

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

**Procedure of Dewan Undangan Negeri**

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

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

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

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## SARAWAK CONSTITUTION

### NOTES

#### Article 22A:

Added by Cap. A47, s. 6, in force from 26.5.97.

#### Article 22B:

Added by Ord. No. 1/76, s. 5, in force from 30.10.76 [*Swk. L.N. 74/76*] as Article 22A.  
Renumbered as Article 22B by Cap. A47 in force from 26.5.97.

#### Article 23:

1. *Marginal note and text:* “Yang di-Pertua Negeri” substituted for “Governor” by Ord. No. 9/76, s. 5, in force from 26.8.76.
2. “Dewan Undangan Negeri” substituted for “Council Negri” by Ord. No. 9/76, s. 5, in force from 26.8.76.

#### Article 24:

1. The revised Standing Orders of the Dewan Undangan Negeri were adopted by the Dewan on 23.11.82, pursuant to a resolution of the Dewan, replacing those made on 24.2.1964.
2. *Marginal note and this Article:* “Dewan Undangan Negeri” (“Dewan”) substituted for “Council Negri” (“Council”) by Ord. No. 9/76, s. 5, in force from 26.8.76.
3. *Clauses (3) and (9):* Cap. A20, s. 10(a), in force from 24.11.94, deleted “or member presiding” after “the Speaker”.

## SARAWAK CONSTITUTION

### NOTES

#### Article 24—(cont.)

4. *Clause (6)*: This *clause*, which was deleted by Ord. No. 9/76, s. 4, in force from 26.8.76, read as follows:  
“(6) No Bill making provision for controlling or restricting the propagation of any religious doctrine or belief among persons professing the Muslim religion shall be passed by the Council Negri unless it has been supported on the second and third readings by the votes of not less than two-thirds of the total number of the members thereof.”.
5. *Clause (7)*: “Majlis Mesyuarat Kerajaan Negeri” substituted for “Supreme Council” by Ord. No. 9/76, s. 5, in force from 26.8.76.
6. *Clause (10)*: Inserted by Cap. A20, s. 10(b), in force from 24.11.94.

#### Article 25:

1. See Dewan Undangan Negeri (Privileges, Immunities and Powers) Ordinance, 1963 [*Ord. No. 10/63*] and the direction made under section 5 of Ord. No. 9/80.
2. “Dewan Undangan Negeri” substituted for “Council Negri” by Ord. No. 9/76, s. 5, in force from 26.8.76.

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

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

\*(6) (*Repealed*).

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

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

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

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

### **Privileges of the Dewan Undangan Negeri and members**

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

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### **Exercise of legislative power**

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

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

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

### **Supremacy of Constitution**

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

## **\*PART III**

### **FINANCIAL PROVISIONS**

#### **No taxation unless authorized by law**

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

#### **Consolidated Fund**

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

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

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## SARAWAK CONSTITUTION

### *NOTES*

#### **Article 26:**

“Dewan Undangan Negeri” and “Yang di-Pertua Negeri” substituted for “Council Negri” and “Governor” by Ord. No. 9/76, s. 5, in force from 26.8.76.

#### **Part III — Financial Provisions:**

1. This Constitution came into operation immediately before Malaysia Day (16th September, 1963) but Part III, except Article 28, came into operation on 1st January, 1964.
2. See Article 52 of this Constitution.

## SARAWAK CONSTITUTION

### *NOTES*

#### **Article 30:**

“Yang di-Pertua Negeri” and “Dewan Undangan Negeri” substituted for “Governor” and “Council Negri” by Ord. No. 9/76. s. 5. in force from 26.8.76.



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

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

(3) For the purposes of this Article, “debt charges” include interest, sinking fund charges, repayment or 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**

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

(2) The estimates of expenditure shall show separately—

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

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

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

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

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

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

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

### **Supply Bills**

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

### **Supplementary and excess expenditure**

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

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

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

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

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## SARAWAK CONSTITUTION

### *NOTES*

#### **Article 32:**

“Dewan Undangan Negeri” substituted for “Council Negri” by Ord. No. 9/76, s. 5, in force from 26.8.76.

## SARAWAK CONSTITUTION

### *NOTES*

#### **Article 33:**

- I. Cap. A203/2022, s. 4: in force from 27.7.2023.
  - (a) *Clause (1)*: New paragraph (c) added;
  - (b) *Clause (2)*: “written” substituted for “Federal”.

### **Withdrawals from Consolidated Fund**

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

(a) charged on the Consolidated Fund;

(b) authorized to be issued by a Supply Ordinance ; or

**\*(c)** authorized to be issued by a resolution passed by the Dewan Undangan Negeri for the purpose of investment.

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

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

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

### **Financial year**

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

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PART IV  
PUBLIC SERVICE

**Public Service Commission**

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

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

(a) a public officer:

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

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

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

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

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

(f) a member of any board of directors or board of management, or an officer or employee, or engages in the affairs or business, of any 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.

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SARAWAK CONSTITUTION

*NOTES*

**Part IV — The Public Service:**

**Article 35:**

1. *Clause (1):*
  - (a) “four” and “nine” substituted for “two” and “four” respectively, by Cap. A4, s. 2(a), in force from 17.6.93.
  - (b) “Yang di-Pertua Negeri” substituted for “Governor” by Ord. No. 9/76, s. 5, in force from 26.8.76.
  - (c) “on the advice of” substituted for “after consultation with Cap. A4, s. 2(b), in force from 17.6.93.
2. *Clause (2):*
  - (a) “Dewan Undangan Negeri” for “Council Negri” by Ord. No. 9/76, s. 5, in force from 26.8.76.
  - (b) “or” at end of paragraph (d) deleted by Ord. No. 7/81, s. 3(a), in force from 1.2.87 *[Swk. L.N. 8/87]*.
  - (c) “; or” substituted for full stop at end of paragraph (e) by Ord. No. 7/81, s. 3(b), in force from 1.2.87.
  - (d) New paragraph (f) inserted by Ord. No. 7/81, s. 3(c), in force from 1.2.87.

## SARAWAK CONSTITUTION

### NOTES

#### Article 35—(cont.)

3. *Clause (2A):* Added by Ord. No. 7/81, s. 3(d), in force from 1.2.87.
4. *Clauses (3), (4), (5), (7), (8) and (11):* “Yang di-Pertua Negeri” substituted for “Governor” by Ord. No. 9/76, s. 5, in force from 26.8.76.
5. *Clause (5):* (a) “Supreme Court” substituted for “Federal Court” by Cap. A4, s. 2(c), in force from 17.6.93. (see also Act A566).  
(b) “Federal Court” substituted for “Supreme Court” by Cap. A20, s. 13(a), in force from 24.11.94. (see also Act A885).



\*(2A) The disqualification in paragraph (f) of clause (2) 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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SARAWAK CONSTITUTION

*NOTES*

**Article 35—(cont.)**

6. *Clause (9):* “Chief Judge” substituted for “Chief Justice” by Cap. A20, s. 13(c), in force from 24.11.94 (*see also* Act A885).
7. *Clause (10):* *See* the Public Service Commission (Remuneration) Ordinance, 1993 [*Cap. 2*].

## SARAWAK CONSTITUTION

### *NOTES*

#### **Article 36:**

1. *Clause (3):* The original clause which was deleted by Cap. A113, s. 4, in force from 31.12.04, read as follows:

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

### Functions of Commission

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

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

**\*(3)(a)** In clause (1)—

“appoint” means appointment of a person to the public service but does not include the re-engagement of a public officer or the extension of the term of his service after he attained the retirement age or if appointment is by contract, on expiry of his contract;

“member of the public service” does not include any person whose remuneration is calculated on a daily rate or engaged on a month to month basis;

“transfer” does not include—

(a) the posting of a public officer, within a ministry or department by the head of that ministry or department;

(b) the posting or secondment or attachment of a public officer of any ministry or department to a local authority in Sarawak; and

(c) the secondment of a public officer by the Government from a ministry or department to a statutory body or corporation wholly or substantially owned, belonging to or controlled by the Government:

Provided that:

(i) such posting, secondment or attachment does not result in reduction in the rank of the public officer; and

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(ii) any secondment or attachment shall conform with such guidelines as the Yang di-Pertua Negeri may, from time to time, issue.

(b) In the appointment of members of the public service, the Commission shall consult the State Secretary on the entrance examinations to be undertaken by candidates for such appointment and the general human resource policies, practices and strategies of the Government and to give effect thereto.

\*(4) The Yang di-Pertua Negeri may designate as special posts any posts in the public service held by the head or deputy head of a department or by an officer who in his opinion is of similar status, and an appointment to any post so designated shall not be made in accordance with clause (1) but shall be made by the Yang di-Pertua Negeri on the recommendation of the Commission.

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

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

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

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

## SARAWAK CONSTITUTION

### NOTES

#### Article 36—(*cont.*)

2. *Clauses (4), (5) and (8)*: “Yang di-Pertua Negeri” substituted for “Governor” by Ord. No. 9/76, s. 5, in force from 26.8.76.
3. *Clause (4)*: See G.N. No. 870 of 1972.
4. *Clause (6)*: “consisting of at least one member of the Commission and such member” inserted after “to any board” in 3rd line by Cap. A4, s. 3, in force from 17.6.93.
5. *Clause (6)*: See also Swk. L.N. 80/92.

## SARAWAK CONSTITUTION

### NOTES

#### Article 36—(cont.)

6. *Clause (8)*: “Dewan Undangan Negeri” substituted for “Council Negri” by Ord. No. 9/76, s. 5, in force from 26.8.76.

#### Article 37:

1. *Clause (1)*: “five” substituted for “three” by Cap. A4, s. 4, in force from 17.6.93.
2. *Clause (3)*:
  - (a) The present *clause (3)* was inserted by Cap. A31, s. 3, in force from 4.11.95, and replaced the original *clause (3)* which read as follows:

“(3) The Commission may, subject to the provisions of this Constitution, regulate its procedure and make rules for that purpose, and, with the consent of the Yang di-Pertua Negeri, may, in connection with the discharge of its functions, confer powers and impose duties on any public officer or any authority of the Government of the State.”.
  - (b) Ord. No. 9/76, s. 5, in force from 26.8.76, substituted “Yang di-Pertua Negeri” for “Governor” in the original *clause (3)* before it being replaced.
  - (c) See the Public Service Commission Rules, 1996 [*Swk. L.N. 14/96*] or Table II of the latest annual cumulative Index to Part II of the Sarawak Government *Gazette*.

#### Article 38A:

Added by Cap. A113, s. 5, in force from 31.12.2004.



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

### **Procedure of Commission**

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

(2) Subject to clause (1), the Commission may act notwithstanding any vacancy in its membership, and any proceeding of the Commission shall be valid notwithstanding that some person not entitled to do so took part therein.

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

### **Impartial treatment of State employees**

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

### **Public service and human resource development**

\*<sup>38A</sup>. Subject to the safeguards for the special position of Natives provided under Article 39, the public service must be competent, efficient and responsive to the aspirations of the people taking into account the overall education attainment of the various communities in Sarawak and the human resource requirements of the State.

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

PART V

GENERAL PROVISIONS

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

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

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

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

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

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

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\* This symbol indicates the existence of a note on an unnumbered page opposite.  
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## SARAWAK CONSTITUTION

### *NOTES*

#### **Part V — General Provisions**

##### **Article 39:**

*Clauses (1), (2), (3) and (4):* “Yang di-Pertua Negeri” substituted for “Governor” by Ord. No. 9/76, s. 5, in force from 26.8.76.

## SARAWAK CONSTITUTION

### *NOTES*

**Article 40:**

“Yang di-Pertua Negeri” substituted for “Governor” by Ord. No. 9/76, s. 5, in force from 26.8.76.

**Article 41:**

“Dewan Undangan Negeri” substituted for “Council Negri” by Ord. No. 9/76, s. 5, in force from 26.8.76.

**Article 42:**

“Dewan Undangan Negeri” substituted for “Council Negri” by Ord. No. 9/76, s. 5, in force from 26.8.76.

### **The Public Seal**

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

### **Amendment of Constitution**

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

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

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

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

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

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

### **Authorized reprints of Constitution**

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

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

### **Re-appointment and re-election**

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

### **Interpretation**

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

“citizen” means a citizen of the Federation;

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

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

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

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

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

“Federal law” means—

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

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

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\* This symbol indicates the existence of a note on an unnumbered page opposite.  
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## SARAWAK CONSTITUTION

### *NOTES*

#### **Article 44:**

1. *Clause (1):*
  - (a) *Definition of "the existing Orders":* See S.I. 1956 II, p. 3044, 3066; 1959 II, p. 3524; 1962 II, p. 2411.

## SARAWAK CONSTITUTION

### NOTES

#### Article 44 —(cont.)

- (b) *Definition of "Governor"*: See definition of "Yang di-Pertua Negeri" as substituted vide Ord. No. 9/76, s. 5, in force from 26.8.76.
- (c) *Definition of "High Court"*: "High Court in Sabah and Sarawak" substituted for "High Court in Borneo" by Cap. A20, s. 13(d), in force from 24.11.94 (see also Act A885).
- (d) *Definition of "Malaysia Day"*: See Act No. 26 of 1963-16th September, 1963 (F.L.N. 214/63).
- (e) *Definition of "session" and "sitting"*: "Dewan Undangan Negeri" ("Dewan") substituted for "Council Negri" ("Council") by Ord. No. 9/76, s. 5, in force from 26.8.76.
- (f) The present definition of "the Federation" was substituted by Cap. A197/2022, s. 5, in force from 1.3.2022, and replaced the original definition of "the Federation" which read as follows:

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



\*“the Federation” means the Federation that was first established under the Federation of Malaya Agreement 1957 and further pursuant to an Agreement concluded on the ninth day of July, nineteen hundred and sixty-three between the United Kingdom of Great Britain and Northern Ireland, the Federation of Malaya, North Borneo, Sarawak and Singapore, the Federation is called Malaysia with the Colonies of North Borneo and Sarawak and the State of Singapore federated with the existing States of the Federation of Malaya as the States of Sabah, Sarawak and Singapore in accordance with the constitutional instruments annexed thereto but under and by virtue of the Agreement relating to the separation of Singapore from Malaysia as an independent and sovereign State dated seventh day of August, nineteen hundred and sixty-five, Singapore has ceased to be a state of Malaysia;

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

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

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

“the Legislature” means the Legislature of the State;

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

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

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

“Parliament” means the Parliament of the Federation;

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\*“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 Dewan Undangan Negeri; 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 Dewan Undangan Negeri,

and includes a coalition of such societies which has been registered under any federal laws;

\*“Premier” means the Chief Minister appointed under Article 6(3) of this Constitution and any reference to the Chief Minister in any written law shall refer to the Premier;

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

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

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

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SARAWAK CONSTITUTION

*NOTES*

**Article 44** —(*cont.*)

(g) *Definition of "Premier"*: See Cap. A197/2022, s. 5, in force from 1.3.2022.

(h) *Definition of "political party"*: See Cap. A203/2022, s. 5 , in force from 27.7.2023.

SARAWAK CONSTITUTION

*NOTES*

**Article 44—(cont.)**

2. *Clause (2):*

- (a) “Yang di-Pertua Negeri”, “Majlis Mesyuarat Kerajaan Negeri” and “Dewan Undangan Negeri” substituted for “Governor”, “Supreme Council” and “Council Negri” respectively by Ord. No. 9/76, s. 5, in force from 26.8.76.
- (b) “or Assistant Minister” inserted after “Minister” by Ord. No. 1/76. s. 6, in force from 30.10.76 [*Swk. L.N. 74/76*].
- (c) When the Local Authorities Ordinance, 1996 [*Cap. 20*] was brought into force, the Local Authority Ordinance [*Cap. 117 (1958 Ed.)*] had been repealed.

\*“sitting” means, in relation to the Dewan Undangan Negeri, a period during which the Dewan is sitting continuously without adjournment, and includes any period during which the Dewan is in committee;

“the State” means the State of Sarawak;

“State law” means—

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

(b) any law made by the Legislature;

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

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

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

(a) Yang di-Pertua Negeri, Chief Minister or other Minister or Assistant Minister or member of the Majlis Mesyuarat Kerajaan Negeri, Speaker, Deputy Speaker or other member of the Dewan Undangan Negeri, a member of the Commission, a member of the Pardons Board constituted for the State under the Federal Constitution, the President of the Majlis Islam, the Mufti, or any Chief or Headman as defined in the Community Chiefs and Headmen Ordinance, 2004 *[Cap. 60]\**; or

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

(3) In this Constitution, unless the context otherwise requires, a reference to the holder of an office by the terms designating his office shall be construed as including a reference to any person for the time being acting in that office.

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

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

### **Commencement**

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

## **PART VI**

### **\*TRANSITIONAL PROVISIONS**

#### **Existing laws**

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

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## SARAWAK CONSTITUTION

### *NOTES*

#### **Article 45:**

16th September, 1963, *See* Fed. L.N. 214/63.

#### **Part VI—Transitional Provisions:**

For this Part only, all old references to “Governor”, “Supreme Council” and “Council Negri” had not been amended.

## SARAWAK CONSTITUTION

### *NOTES*

#### **Article 46:**

1. *Clause (3) (a):* See G.N.S. 176/63.
2. *Clause (3) (b):* 6th September 1963, see G.N.S. 163/63.
3. *Clause (4) (a):* See Swk. L.N. 35/64; 68/64, 116/64 and 116/65.



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

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

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

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

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

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

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

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

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

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

### **Succession to property**

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

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

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

### **Rights, liabilities and obligations**

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

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

### **First Governor**

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

**Transitional provisions relating to Supreme Council**

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

**Transitional provisions relating to the Legislature**

**\*51.—(1)** Notwithstanding the provisions of Article 15, the person who, immediately before the commencement of this Constitution, holds office as Speaker of the existing Council Negri shall be the first Speaker of the new Council Negri, and shall hold office until 31st August, 1965, unless before the date he resigns his office by writing under his hand addressed to the Governor or becomes subject to any of the disqualifications for appointment as a nominated member of the new Council set out in Article 17.

(2) (a) Any person who, immediately before the commencement of this Constitution, is an elected or nominated member of the existing Council Negri and is not subject to any of the disqualifications set out in Article 17 for being elected as an elected member or, as the case may be, appointed as a nominated member of the new Council Negri shall, as from the commencement of this Constitution, be deemed to have been elected as an elected member or, as the case may be, appointed as a nominated member of the new Council Negri in accordance with the provisions of this Constitution and, subject to paragraphs (b) and (c), shall hold his seat in the new Council Negri in accordance with those provisions.

(b) Such a person as is referred to in paragraph (a) shall be a member of the new Council Negri by virtue of that paragraph irrespective of whether he is a citizen and consequently, while he is such a member by virtue of that paragraph, the provision of Article 16 that only citizens shall be qualified for membership of the Council Negri shall not apply in relation to him.

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(c) Notwithstanding the provisions of clause (3) of Article 17 (which, among other things, exempts from the operation of paragraph (g) of clause (1) of that Article anything done by a person before he becomes a citizen), if, while he is a member of the new Council Negri by virtue of paragraph (a), a person who is not a citizen does any of the things referred to in the said paragraph (g), he shall vacate his seat in the Council.

\*(d) Notwithstanding anything to the contrary contained in this Constitution, during the continuance in force of the period of indirect elections provided for in section 94(2) of the Malaysia Act [*Act No. 26/63*]:

(i) the period of sixty days within which general elections and by-elections are required to be held by clauses (4) and (5) of Article 21 of the Constitution shall not apply;

(ii) the additional qualifications and disqualifications of elected and nominated members of the Council Negri provided for in section 18 of the Council Negri Elections Ordinance [*Cap. 7 (1958 Ed.)*] shall, with necessary modifications, continue to apply.

(3) The Standing Orders of the existing Council Negri as in force immediately before the commencement of this Constitution shall, until they are replaced by Standing Orders made by the new Council Negri, be the Standing Orders of the new Council but shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with the provisions of this Constitution.

(4) In this Article “the existing Council Negri” means the Council Negri established by the existing Orders and “the new Council Negri” means the Council Negri established by this Constitution.

#### **Transitional financial provisions**

**52.—(1)** Part III, except Article 28, shall not come into operation until 1st January, 1964.

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## SARAWAK CONSTITUTION

### *NOTES*

#### **Article 51:**

*Clause (2) (d):* Added by Ord. No. 9/64. s. 3, in force from 16.9.63.

SARAWAK CONSTITUTION

*NOTES*

**Article 53:**

*See S.I. 1961 II, p.3373.*

**Article 53A:**

Inserted by Cap. A197/2022, s. 6, in force from 1.3.2022.

(2) Until the coming into operation of Part III, any sums which under this Constitution (including Part III) are a charge on the Consolidated Fund shall be a charge on the revenues and other funds of the State and payment thereof shall be made by virtue of this clause without further authority of any law.

(3) Nothing in clause (1) shall prevent the making of any provision or doing of any other thing before 1st January, 1964, for the purposes of Part III in respect of the financial year beginning on that date.

**Transitional provisions relating to Public Service Commission**

\*53. Any person who, immediately before the commencement of this Constitution, holds office as Chairman, Deputy Chairman or any other member of the Public Service Commission established by the Sarawak (Public Service Commission) Order in Council, 1961, shall, as from the commencement of this Constitution, hold the like office as a member of the Commission established by this Constitution as if he had been appointed thereto under Article 35 for a period of two years from the commencement of this Constitution.

**Transitional provisions relating to the Deputy Ministers**

\*53A. Any reference made to the “Assistant Ministers” in any written law shall refer to as the Deputy Ministers as appointed under Article 7A of this Constitution.

**Existing officers**

\*54.—(1) Subject to the provisions of the Federal Constitution, and this Constitution, any person who immediately before the commencement of this Constitution is in the service of Her Majesty in respect of the Government of the Colony of Sarawak shall—

(a) on the commencement of this Constitution cease to be in such service and become a person in the service of the State;

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(b) so long as he continues in such service, be entitled to terms and conditions of service not less favourable than those applicable to him immediately before the commencement of this Constitution;

(c) be deemed to have been appointed on the commencement of this Constitution to hold or to act in any office in the service of the State corresponding to that which he holds or is acting in immediately before the commencement of this Constitution and to have taken any oath in connection therewith required by law.

(2) For the purposes of clause (1)—

(a) any terms or conditions of service for which, on or after Malaysia Day, a person opts shall be deemed to be not less favourable than those applicable to him immediately before the commencement of this Constitution;

\*(b) the offices of State Secretary, State Attorney-General and State Financial Secretary shall, unless the Governor of the Colony otherwise directs, be regarded as corresponding respectively to the offices of Chief Secretary, Attorney-General and Financial Secretary of the Colony of Sarawak; and

(c) the Governor may by order declare that any other office specified in such order shall be regarded as corresponding to another office so specified.

(3) Clause (1) does not apply to the Governor of the Colony of Sarawak.

### **Secondment of members of the public service to Federal service**

**\*55.**—(1) All persons who on the commencement of this Constitution are members of the police force in the State (and are not on leave pending retirement) shall on Malaysia Day be seconded to the police force of the Federation.

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SARAWAK CONSTITUTION

*NOTES*

**Article 54:**

*Clause (2) (b):* See G.N.S. 174/63.

## SARAWAK CONSTITUTION

### *NOTES*

#### **Article 55:**

1. *Clause (3):* See Article 139(1A) of the Federal Constitution.
2. *Clause (4):* See Swk. L.N. 69/64.

(2) Where on Malaysia Day any post in the judicial and legal branch of the public service becomes a post in the judicial and legal service of the Federation any person serving in that post on the commencement of this Constitution shall on Malaysia Day be seconded to the judicial and legal service of the Federation.

\*(3) Subject to clause (4), where on Malaysia Day or any day thereafter any post in the public service becomes a post in the general public service of the Federation any person serving in that post immediately before that day shall on that day be seconded to the general public service of the Federation.

\*(4) Clause (3) shall not apply to persons in such grades of service as the Governor may, with the consent of the Yang di-Pertuan Agong, direct.

(5) The power conferred on the Governor by clause (4) may be exercised by the Governor of the Colony of Sarawak at any time after the publication of this Constitution in the *Gazette*.

**Compulsory retirement to facilitate appointment of local candidates**

\*56.—(1) If the Chief Minister so requests, the Commission shall consider whether there are more local candidates suitably qualified for appointment to, or promotion in, any branch of the public service specified by the Chief Minister than there are vacancies in that branch that could appropriately be filled by such local candidates; and the Commission, if satisfied that such is the case, shall, if so requested by the Chief Minister, select officers in that branch to whom this Article applies and whose retirement would in the opinion of the Commission cause vacancies that could appropriately be filled by such suitably qualified local candidates as are available and fit for appointment and inform the Chief Minister of the number of officers so selected; and if the Chief Minister specified a number of officers to be called upon to retire (not exceeding the number of officers so selected) the Commission shall nominate that number of officers from among the officers so selected and by notice in writing require them to retire from the public service; and any officer who is so required to retire shall retire accordingly.

(2) An officer who has been given notice by or on behalf of the Government of the State or of the Colony of Sarawak that he will continue to be employed in the public service for a minimum period specified in the notice shall not be required to retire under clause (1) before the expiry of that period.

(3) This Article applies to—

\*(a) any entitled officer as defined in the Schedule to the Sarawak (Compensation and Retiring Benefits) Order in Council, 1963; and

(b) any officer on probation who, if he had been confirmed in his appointment, would have been such an entitled officer.

#### **Police Board**

57.—(1) There shall be a Police Board for the State which shall consist of—

(a) the Chairman of the Commission, who shall be the Chairman of the Board;

(b) the State Attorney-General;

(c) the senior officer of police in the State; and

(d) a person designated by the Officer of Police in general command of the Police Force.

(2) Notwithstanding clause (1) of Article 36, it shall be the duty of the Police Board to exercise disciplinary control over members of the public service who are seconded to the police force.

(3) The Police Board may, by directions in writing and subject to such conditions as it thinks fit, delegate to any police officer, or to any board of police officers appointed by it, any of its functions under clause (2) in respect of any rank in the police force, and that officer or board shall exercise those functions under the direction and control of the Police Board.

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

SARAWAK CONSTITUTION

*NOTES*

**Article 56:**

*Clause (3) (a):* See S.I. 1963 II, p. 2778 (G.N. 201/63).

## SARAWAK CONSTITUTION

### NOTES

#### Article 58:

The original Article which was repealed by Ord. No. 9/68, s. 8, in force from 20.3.69, read as follows:

"Modification of  
form of  
oath in certain cases.

58. When a person who is not a citizen is required by this Constitution to take an oath on becoming an *ex officio* member of *the Supreme Council or* the Council Negri, the Speaker or a nominated member of the Council Negri or the Chairman of the Commission, the words "and allegiance" shall be omitted from the oath."

*Note:* The words in italic "the Supreme Council or" were deleted by Ord. No. 8/65, s. 5, in force from 28.5.65.

(4) The functions conferred by this Article shall be exercised in accordance with the provisions of any Federal law prescribing offences against police force discipline and the punishment that may be imposed for any such offence.

(5) At any meeting of the Police Board two members including the Chairman or, if the Chairman is not present, three members shall form a quorum; and if on any question the votes of the members present are equally divided the Chairman may exercise a casting vote.

(6) Subject to clause (5), the Police Board may act notwithstanding any vacancy in its membership, and any proceeding of the Board shall be valid notwithstanding that some person not entitled to do so took part therein.

(7) Subject to the provisions of this Article, the Police Board may regulate its procedure and make rules for that purpose.

**(Modification of form of oath in certain cases – Repealed)**

**\*58.** (*Repealed*).

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See **hard copy** for details of the notes.

**[Schedule, Pt. I-III]**

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SARAWAK CONSTITUTION

*THE SCHEDULE*

(Articles 4, 7A, 8, 22, 22A and 35(9))

FORMS OF OATHS AND AFFIRMATIONS

PART I

*OATH OF OFFICE OF YANG DI-PERTUA NEGERI\**

I, \_\_\_\_\_, having been appointed as (or to exercise the functions of) Yang di-Pertua Negeri\* of the State of Sarawak, 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 Sarawak and to the Federation of Malaysia and that I will preserve, protect and defend the Constitution of the State of Sarawak and the Federal Constitution\*.

PART II\*

*OATH OF MEMBER OF MAJLIS MESYUARAT KERAJAAN NEGERI  
OR ASSISTANT MINISTER\**

I, \_\_\_\_\_, having been appointed to the office of \_\_\_\_\_ do solemnly swear\* (or affirm) that I will faithfully discharge the duties of that office to the best of my ability, that I will bear true faith and allegiance to the State of Sarawak and to the Federation of Malaysia, that I will preserve, protect and defend the Constitution of the State of Sarawak and the Federal Constitution, and 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 Majlis Mesyuarat Kerajaan Negeri of the State of Sarawak (or Assistant Minister) except as may be required for the due discharge of my duties as such or may be specially permitted by the Yang di-Pertua Negeri.

PART III\*

*OATH OF SPEAKER/DEPUTY SPEAKER OR MEMBER OF  
DEWAN UNDANGAN NEGERI\**

I, \_\_\_\_\_, having been elected (or appointed) as a member (or Speaker/Deputy Speaker) of the Dewan Undangan Negeri of the State of Sarawak, 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 Sarawak and to the Federation of Malaysia and that I will preserve, protect and defend the Constitution of the State of Sarawak and the Federal Constitution.

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



## SARAWAK CONSTITUTION

### NOTES

#### SCHEDULE

1. **Part I:**

- (a) “Yang di-Pertua Negeri” substituted for “Governor” by Ord. No. 9/76, s. 5, in force from 26.8.76.
- (b) “and the Federal Constitution” inserted after “the Constitution of the State of Sarawak” by Ord. No. 1/76, s. 7(b), in force from 30.10.76.

2. **Part II:**

- (a) *Heading:* “Oath of Member of Supreme Council or Assistant Minister” substituted for the original heading “Oath of Member of Supreme Council” by Ord. No. 1/76, s. 7(a), in force from 30.10.76. Subsequently “Majlis Mesyuarat Kerajaan Negeri” substituted for “Supreme Council” by Ord. No. 9/76, s. 5, in force from 26.8.76.
- (b) “Majlis Mesyuarat Kerajaan Negeri” and “Yang di-Pertua Negeri” substituted for “Supreme Council” and “Governor” by Ord. No. 9/76, s. 5 in force from 26.8.76.
- (c) “(or having become an *ex officio* member of the Supreme Council)” deleted after “do solemnly swear” by Ord. No. 8/65, s. 6, in force from 28.5.65.
- (d) “(or Assistant Minister)” inserted after “Supreme Council of the State of Sarawak” by Ord. No. 9/76, s. 7(a), in force from 30.10.76.
- (e) “and the Federal Constitution” inserted after “the Constitution of the State of Sarawak” by Ord. No. 9/76, s. 7(b), in force from 30.10.76.

3. **Part III:**

- (a) *Heading and text:* “Dewan Undangan Negeri” substituted for “Council Negri” by Ord. No. 9/76, s. 5, in force from 26.8.76.
- (b) “(or having become an *ex officio* member)” deleted after “as a member (or Speaker)” by Ord. No. 9/68, s. 9, in force from 20.3.69.
- (c) “and the Federal Constitution” inserted after “the Constitution of the State of Sarawak” by Ord. No. 9/76, s. 7(b), in force from 30.10.76.
- (d) “Speaker/Deputy Speaker” substituted for “Speaker” wherever it appears by Cap. A20, s. 12, in force from 24.11.94.

SARAWAK CONSTITUTION

*NOTES*

**SCHEDULE—(cont.)**

4. **Part IIIA:**

Inserted by Cap. A47, in force from 26.5.97.

PART IIIA\*

*OATH OF SECRETARY/DEPUTY SECRETARY TO  
DEWAN UNDANGAN NEGERI*

I, \_\_\_\_\_, having been appointed as Secretary/Deputy Secretary to the Dewan Undangan Negeri, Sarawak, hereby solemnly swear (or affirm) that I will discharge the duties of my office faithfully and in accordance with the Standing Orders of the Dewan Undangan Negeri and the Constitution of the State of Sarawak, and I further swear (or affirm) that I shall not disclose to anyone any matter of a confidential or privileged nature which has come to my knowledge during the discharge of my official duties as Secretary/Deputy Secretary to the Dewan, and shall also not supply any document containing such matter to any person except where authorized by the Standing Orders or by resolution of the Dewan or unless under express direction of the Speaker or his Deputy.

PART IV

*OATH OF MEMBER OF PUBLIC SERVICE COMMISSION*

I, \_\_\_\_\_, having been appointed to the office of a member of the Public Service Commission of the State of Sarawak, 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 Sarawak and will preserve, protect and defend its Constitution.

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