

A BILL

intituled

An Act to amend the Federal Constitution.

[]

BE IT ENACTED by the Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Rakyat in Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Federal Constitution (Amendment) Act 1990. Short title.

2. Article 48 of the Federal Constitution is amended by inserting, immediately after Clause (5), the following new Clause (6): Amendment of Article 48.

"(6) A person who resigns his membership of the House of Representatives 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 House of Representatives."

3. Article 139 of the Federal Constitution is amended, in Clause (4), by substituting for the words "nor more than thirty other members" the words "other members; but the number of the other members shall not, until the Yang di-Pertuan Agong by order otherwise provides, exceed thirty". Amendment of Article 139.

4. Article 141A of the Federal Constitution is amended, in Clause (2), by substituting for the words "but not more than eight other members" the words "other members; but the number of the other members shall not, until the Yang di-Pertuan Agong by order otherwise provides, exceed eight.". Amendment of Article 14A.

Amend-
ment of
Article 151.

5. Article 151 of the Federal Constitution is amended by substituting for Clause (2) the following:

"(2) An advisory board constituted for the purposes of this Article shall consist of a chairman, who shall be appointed by the Yang di-Pertuan Agong and who shall be or have been, or be qualified to be, a judge of the Supreme Court or a High Court, or shall before Malaysia Day have been a judge of the Supreme Court, and two other members who shall be appointed by the Yang di-Pertuan Agong."

Amendment
of Eighth
Schedule.

6. Section 6 of the Eighth Schedule to the Federal Constitution is amended by inserting, immediately after subsection (4), the following new subsection (5):

"(5) A person who resigns his membership of the Legislative Assembly of this State or 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 Legislative Assembly of this State,".

EXPLANATORY STATEMENT

This Bill seeks to make certain amendments to the Federal Constitution.

2. *Clause 2* of this Bill amends Article 48 of the Federal Constitution so as to disqualify for membership of the House of Representatives, for a period of five years, a person who resigns his membership of the House of Representatives. *Clause 6* amends the Eighth Schedule to incorporate a corresponding provision as regards membership of the Legislative Assembly for States to give effect to in their Constitutions.

3. *Clauses 3* and *4* of this Bill amend Articles 139 and 14A, respectively, of the Federal Constitution so as to enable the Yang di-Pertuan Agong to increase, by order, the number of the members of the Public Services Commission and the Education Service Commission. At the moment, such number can only be increased by amending the said Articles.

4. *Clause 5* amends Article 151 of the Federal Constitution so as to delete the requirement for the Yang di-Pertuan Agong to consult with the Lord President of the Supreme Court before

appointing the relevant members of the advisory board. The purpose of this amendment is to ensure consistency in the procedure for the appointment of the Chairman and the appointment of the other members of the board.

FINANCIAL IMPLICATIONS

This Bill will not involve the Government in any extra financial expenditure. [PN. (U²) 1548.]

