

A BILL

i n t i t u l e d

An Act to amend the Federal Constitution.

[]

ENACTED by the Parliament of Malaysia as follows:

Short title and commencement

1. (1) This Act may be cited as the Constitution (Amendment) Act 2024.

(2) This Act comes into operation on a date to be appointed by the Yang di-Pertuan Agong by notification in the *Gazette* and the Yang di-Pertuan Agong may appoint different dates for the coming into operation of different provisions of this Act.

Amendment of Article 15

2. The Federal Constitution is amended in Article 15—

(a) in Clause (1)—

(i) in paragraph (a), by deleting the word “and” at the end of the paragraph;

- (ii) in paragraph (*b*), by substituting for the full stop at the end of the paragraph the words “; and”; and
- (iii) by inserting after paragraph (*b*) the following paragraph:

“(c) that she has an adequate knowledge of the Malay language.”;

(*b*) in Clause (2), by substituting for the words “twenty-one years” the words “eighteen years”; and

(*c*) by deleting Clause (3).

Amendment of Article 15A

3. Article 15A of the Federal Constitution is amended by substituting for the words “twenty-one years” the words “eighteen years”.

Deletion of Article 16A

4. The Federal Constitution is amended by deleting Article 16A.

Amendment of Article 18

5. Article 18 of the Federal Constitution is amended by inserting after Clause (1) the following Clause:

“(1A) A person under the age of eighteen years who is a citizen by registration shall, upon attaining the age of eighteen years, take the oath set out in the First Schedule, and if the person fails to take the oath within forty-eight months after he attains the age of eighteen years, he shall cease to be a citizen.”.

Amendment of Article 19

6. Article 19 of the Federal Constitution is amended—

- (a) in Clause (1), by substituting for the words “twenty-one years” the words “eighteen years”; and
- (b) in Clause (2), by substituting for the words “twenty-one years” the words “eighteen years”.

Amendment of Article 23

7. Article 23 of the Federal Constitution is amended—

- (a) in Clause (1), by substituting for the words “twenty-one years” the words “eighteen years”;
- (b) by substituting for Clause (2) the following Clause:

“(2) Except with the approval of the Federal Government, a declaration made under this Article shall not be registered if—

- (a) the declaration is made during any war in which the Federation is engaged; or
 - (b) the Federal Government is satisfied that such renunciation is prejudicial to the security of the Federation or any part of the Federation, public order or public interest.”; and
- (c) in Clause (3)—
- (i) in the English language text, by substituting for the words “twenty-one years” the words “eighteen years”; and
 - (ii) in the national language text, by substituting for the words “dua puluh satu tahun” wherever appearing the words “lapan belas tahun”.

Amendment of Article 26

8. Article 26 of the Federal Constitution is amended in Clause (2) by substituting for the words “date of the marriage” the words “date of the acquisition of citizenship by registration”.

Amendment of Article 26A

9. Article 26A of the Federal Constitution is amended by substituting for the words “twenty-one” the word “eighteen”.

Amendment of First Schedule

10. The First Schedule to the Federal Constitution is amended—

- (a) by substituting for the words “[Articles 18(1), 19(9)]” the words “[Articles 18(1), 18(1A), 19(9) and section 3 of Part II of the Second Schedule]”; and
- (b) by substituting for the heading “*Oath of Applicants for Registration or Naturalization*” the heading “*Oath of Renunciation, Loyalty and Allegiance*”.

Amendment of Second Schedule

11. The Second Schedule to the Federal Constitution is amended—

- (a) in Part II—
 - (i) in section 1—
 - (A) in paragraph (a), by substituting for the words “either a citizen or permanently resident in the Federation” the words “a citizen”;
 - (B) in paragraph (b)—
 - (AA) by substituting for the words “whose father” the words “of whose parents one at least”; and

- (BB) by inserting after the words “of a State” the words “and whose birth is, within one year of its occurrence or within such longer period as the Federal Government may in any particular case allow, registered at a consulate of the Federation or with the Federal Government”;
- (C) in paragraph (c)—
 - (AA) by substituting for the words “whose father” the words “of whose parents one at least”; and
 - (BB) by deleting the words “in Brunei or”; and
- (D) by deleting paragraph (d);
- (ii) in section 2—
 - (A) in subsection (1), by deleting the words “, (d)”;
 - (B) in subsection (1), by substituting for the words “his father” wherever appearing the words “his mother or father”;
- (iii) by inserting after section 2 the following section:
 - “3. (1) A person who is a citizen by virtue of paragraph (b) or (c) of section 1 shall, within forty-eight months after he attains the age of eighteen years, take the oath set out in the First Schedule.
 - (2) Where a citizen referred to in subsection (1) fails to take the oath set out in the First Schedule upon attaining the age of twenty-two years, he shall cease to be a citizen.
 - (3) A child born outside the Federation, to a person who is a citizen by virtue of paragraph (c) of section 1 and does not reside in the Federation, is not a citizen by operation of law and such person may make an application for his child to be a citizen by registration.”;

(b) in Part III—

- (i) in section 9, by substituting for the words “twenty-one years” the words “eighteen years”;
- (ii) in section 19—
 - (A) by substituting for the words “the father” wherever appearing the words “the mother or father”;
 - (B) by substituting for the words “his father” the words “his mother or father”;
 - (C) by substituting for the words “the father’s death” the words “the death of his mother or father”; and
 - (D) by substituting for the words “had he died after Merdeka Day shall be deemed to be the status or description applicable to him at the time of his death” the words “had she or he died after Merdeka Day shall be deemed to be the status or description applicable to her or him at the time of her or his death”; and
- (iii) in section 19B, by substituting for the words “a mother permanently resident there” the words “a mother who is a citizen.”

Saving

12. (1) The status of citizenship of any person born within or outside the Federation before the date of coming into operation of this Act shall, on the date of coming into operation of this Act, be dealt with in accordance with Part III of the Federal Constitution as if the Federal Constitution had not been amended by this Act.

(2) Any application made by any person to the Federal Government under Part III of the Federal Constitution which is pending before the date of coming into operation of this Act shall, on the date of coming into operation of this Act, be dealt with in accordance with Part III of the Federal Constitution as if the Federal Constitution had not been amended by this Act.

EXPLANATORY STATEMENT

This Bill seeks to amend the Federal Constitution.

2. *Clause 1* of this Bill provides for the short title and seeks to empower the Yang di-Pertuan Agong to appoint different dates for the commencement of different provisions of the proposed Act.

3. *Clause 2* of this Bill seeks to amend Clause (1) of Article 15 of the Federal Constitution to impose an additional requirement of having an adequate knowledge of the Malay language on any married woman applying for citizenship by registration.

This *clause* also seeks to amend Clause (2) of Article 15 of the Federal Constitution by lowering the age limit to apply for citizenship by registration from the age of twenty-one years to eighteen years so as to be consistent with the age for voting in Malaysia and the definition of child as provided in the Child Act 2001 [Act 611] and the age of majority as provided in the Age of Majority Act 1971 [Act 21]. Consequential to this, amendments are made to other provisions in Part III of the Federal Constitution, namely in *clauses 3, 6, 7, 9 and 11* of this Bill.

This *clause* also seeks to delete Clause (3) of Article 15 of the Federal Constitution as this provision is no longer applicable to date.

4. *Clause 4* of this Bill seeks to delete Article 16A of the Federal Constitution as this provision is no longer applicable to date.

5. *Clause 5* of this Bill seeks to introduce a new Clause (1A) into Article 18 of the Federal Constitution to require any person under the age of eighteen years who had acquired citizenship by registration to take oath as set out in the First Schedule upon attaining the age of eighteen years. If the person fails to take oath within forty-eight months after attaining the age of eighteen years, that person shall cease to be a citizen.

6. *Clause 7* of this Bill seeks to amend Article 23 of the Federal Constitution by providing additional circumstances for the Federal Government to withhold the registration of declaration for renunciation of citizenship of any person if such renunciation is prejudicial to the security of the Federation or any part of the Federation, public order or public interest.

7. *Clause 8* of this Bill seeks to amend Clause (2) of Article 26 of the Federal Constitution to provide that the Federal Government may deprive the citizenship of any foreign married woman who had acquired her citizenship by virtue of Clause (1) of Article 15 of the Federal Constitution if the marriage in which she was registered has been dissolved within the period of two years beginning with the date of acquisition of her citizenship, instead of the period of two years beginning with the date of the marriage.

8. *Clause 10* of this Bill seeks to amend the First Schedule to the Federal Constitution in relation to the oath as set out in the Schedule to be consistent with the amendments made in *clauses 5 and 11* of this Bill.

9. *Clause 11* of this Bill seeks to amend Part II of the Second Schedule to the Federal Constitution by amending paragraph *(a)* of section 1 to provide that only a child born within the Federation of whose parents one at least is a citizen at the time of the child's birth is eligible for citizenship by operation of law. With the proposed amendment, a child born within the Federation of whose parents one at least is at the time of the birth permanently resident in the Federation will no longer be eligible for citizenship by operation of law.

This *clause* also seeks to amend Part II of the Second Schedule to the Federal Constitution to accord equal rights to a child born outside the Federation whose mother is at the time of the birth a citizen to acquire citizenship by operation of law. Prior to this amendment, a child born outside the Federation will only acquire citizenship by operation of law if his father is at the time of the birth a citizen.

With the amendment to paragraph *(b)* of section 1 of Part II of the Second Schedule to the Federal Constitution, the birth of a child born outside the Federation shall be registered, within one year of its occurrence or within such longer period as the Federal Government may allow, at a consulate of the Federation or with the Federal Government. The requirement of registration is consistent with paragraph *(c)* of section 1 of Part II of the Second Schedule to the Federal Constitution.

This *clause* also seeks to delete the reference to Brunei under paragraph *(c)* of section 1 of Part II of the Second Schedule to the Federal Constitution to be in line with the requirement to register the birth of a child outside the Federation at a consulate of the Federation.

Further, this *clause* also seeks to amend Part II of the Second Schedule to the Federal Constitution by deleting paragraph *(d)* of section 1 of Part II of the Second Schedule to the Federal Constitution as this provision is no longer relevant at this time.

This *clause* also seeks to introduce a new section 3 into Part II of the Second Schedule to the Federal Constitution to require any person under the age of eighteen years who had acquired citizenship by operation of law by virtue of paragraph *(b)* or *(c)* of section 1 of Part II of the Second Schedule to the Federal Constitution to take oath as set out in the First Schedule upon attaining the age of eighteen years. If the person fails to take the oath within the stipulated time, that person shall cease to be a citizen.

This *clause* also seeks to amend section 19B of Part III of the Second Schedule to the Federal Constitution to provide that any new born child found exposed in any place shall be presumed, until the contrary is shown, to have been born there of a mother who is a citizen.

10. *Clause 12* of this Bill seeks to provide for saving provisions.
11. Other amendments not specifically dealt with in this Explanatory Statement are minor and consequential.

FINANCIAL IMPLICATIONS

This Bill will not involve the Government in any extra financial expenditure.

[PN(U2)3347]