

# 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 2025.

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

## **Amendment of Article 56**

**2.** The Federal Constitution is amended in Article 56—

(a) in Clause (2), by inserting after the words “Clause (5)” the words “or Clause (5A)”;

(b) by inserting after Clause (5) the following Clause:

“(5A) A member who is elected to be President or Deputy President shall not be disqualified from holding such office by virtue of his membership in

the Parliamentary Service Council established under a federal law provided that the member who is elected to be President or Deputy President does not receive any remuneration, reward, profit or benefit from it.”; and

- (c) in Clause (6), by inserting after the words “Clause (5)” the words “or Clause (5A)”.

### **Amendment of Article 57**

#### **3. Article 57 of the Federal Constitution is amended—**

- (a) in paragraph (bb) of Clause (2), by inserting after the words “Clause (5)” the words “or Clause (5A)”;
- (b) by inserting after Clause (5) the following Clause:

“(5A) A person who is elected to be Speaker or Deputy Speaker shall not be disqualified from holding such office by virtue of his membership in the Parliamentary Service Council established under a federal law provided that the person who is elected to be Speaker or Deputy Speaker does not receive any remuneration, reward, profit or benefit from it.”; and

- (c) in Clause (6), by inserting after the words “Clause (5)” the words “or Clause (5A)”.

### **Amendment of Article 65**

#### **4. Article 65 of the Federal Constitution is amended—**

- (a) by substituting for Clause (2) the following Clause:

“(2) The Clerk to the Senate and the Clerk to the House of Representatives shall be appointed by the Yang di-Pertuan Agong and each shall hold office until his terms of appointment expire, his appointment is revoked or he resigns his office.”; and

(b) by inserting after Clause (2) the following Clauses:

“(2A) The Clerk to the Senate and the Clerk to the House of Representatives shall be disqualified from being a member of either House of Parliament or the Legislative Assembly of any State.

(2B) Except as otherwise expressly provided by this Article, the qualifications for appointment and conditions of service of the Clerk to the Senate and the Clerk to the House of Representatives may be regulated by federal law.”.

### **Saving**

**5.** (1) The person holding the office of the Clerk to the Senate or the Clerk to the House of Representatives before the date of coming into operation of this Act shall, on the date of coming into operation of this Act, continue to hold office until he attains his age of compulsory retirement as a member of the general public service of the Federation unless he sooner resigns his office or is transferred to another office in the general public service of the Federation.

(2) If the person holding the office of the Clerk to the Senate or the Clerk to the House of Representatives before the date of coming into operation of this Act has opted to become a member of the Parliamentary Service established under a federal law, on the date of coming into operation of this Act—

- (a) the person shall be employed on terms and conditions of service to which he was entitled to immediately before the date of coming into operation of this Act; and
- (b) the person shall be deemed to be a member of the public service for the purposes of the Pensions Act 1980 [Act 227].

## EXPLANATORY STATEMENT

This Bill seeks to amend the Federal Constitution.

2. *Clause 1* of this Bill provides for the short title of the proposed Act and the power of the Yang di-Pertuan Agong to appoint the date of coming into operation of the proposed Act.

3. *Clause 2* of this Bill seeks to amend Article 56 of the Federal Constitution.

*Subclause 2(a)* seeks to provide that upon the disqualification of the President of the Senate or Deputy President of the Senate under Clause (5A) of Article 56 of the Federal Constitution, the President of the Senate or Deputy President of the Senate shall cease to hold his office. This amendment is consequential to the introduction of the new Clause (5A) into Article 56 of the Federal Constitution.

*Subclause 2(b)* seeks to introduce a new Clause (5A) into Article 56 of the Federal Constitution to provide that the President of the Senate or Deputy President of the Senate shall not be disqualified from holding such office by virtue of his membership in the Parliamentary Service Council provided that the President of the Senate or Deputy President of the Senate does not receive any remuneration, reward, profit or benefit from such membership.

*Subclause 2(c)* seeks to provide for the decision of the Senate in respect of the disqualification of the President of the Senate or Deputy President of the Senate under Clause (5A) of Article 56 of the Federal Constitution shall be final. This amendment is consequential to the introduction of the new Clause (5A) into Article 56 of the Federal Constitution.

4. *Clause 3* of this Bill seeks to amend Article 57 of the Federal Constitution.

*Subclause 3(a)* seeks to provide that upon the disqualification of the Speaker of the House of Representatives under Clause (5A) of Article 57 of the Federal Constitution, the Speaker of the House of Representatives shall vacate his office. This amendment is consequential to the introduction of the new Clause (5A) into Article 57 of the Federal Constitution.

*Subclause 3(b)* seeks to introduce a new Clause (5A) into Article 57 of the Federal Constitution to provide that the Speaker of the House of Representatives or Deputy Speaker of the House of Representatives shall not be disqualified from holding such office by virtue of his membership in the Parliamentary Service Council provided that the Speaker of the House of Representatives or Deputy Speaker of the House of Representatives does not receive any remuneration, reward, profit or benefit from such membership.

*Subclause 3(c)* seeks to provide for the decision of the House of Representatives in respect of the disqualification of the Speaker of the House of Representatives or Deputy Speaker of the House of Representatives under Clause (5A) of Article 57 of the Federal Constitution shall be final. This amendment is consequential to the introduction of the new Clause (5A) into Article 57 of the Federal Constitution.

5. *Clause 4* of this Bill seeks to amend Article 65 of the Federal Constitution.

*Subclause 4(a)* seeks to provide for the appointment of the Clerk to the Senate and the Clerk to the House of Representatives by the Yang di-Pertuan Agong. Upon the establishment of the Parliamentary Service under a federal law, the Clerk to the Senate or the Clerk to the House of Representatives may be appointed from among the members of the general public service of the Federation or any person who is not a member of the general public service of the Federation to hold office until his terms of appointment expire, his appointment is revoked or he resigns his office. Currently, the Clerk to the Senate and the Clerk to the House of Representatives are appointed from among the members of the general public service of the Federation and shall hold office until the age of compulsory retirement for the members of the general public service of the Federation.

*Subclause 4(b)* seeks to introduce a new Clause (2A) into Article 65 of the Federal Constitution to provide for the disqualification of the Clerk to the Senate and the Clerk to the House of Representatives from being members of either House of Parliament or the Legislative Assembly of any State. This *subclause* also seeks to introduce a new Clause (2B) into Article 65 of the Federal Constitution to provide that the qualifications for appointment and conditions of service of the Clerk to the Senate and the Clerk to the House of Representatives may be regulated by a federal law.

6. *Clause 5* of this Bill deals with saving provisions.

#### *FINANCIAL IMPLICATIONS*

This Bill will involve the Government in extra financial expenditure the amount of which cannot at present be ascertained.

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