



Treaty Series No. 5 (1985)

# Exchange of Notes

between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Federation of Malaysia terminating the Agreement for the reference of appeals from the Supreme Court of the Federation of Malaya to the Judicial Committee of the Privy Council, signed at Kuala Lumpur on 4 March 1958, as amended

Kuala Lumpur, 7 December 1984

[The Agreement entered into force on 1 January 1985]

*Presented to Parliament  
by the Secretary of State for Foreign and Commonwealth Affairs  
by Command of Her Majesty  
February 1985*

LONDON  
HER MAJESTY'S STATIONERY OFFICE

75p net

**EXCHANGE OF NOTES  
BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM  
OF GREAT BRITAIN AND NORTHERN IRELAND AND THE  
GOVERNMENT OF THE FEDERATION OF MALAYSIA  
TERMINATING THE AGREEMENT FOR THE REFERENCE OF  
APPEALS FROM THE SUPREME COURT OF THE FEDERATION  
OF MALAYA TO THE JUDICIAL COMMITTEE OF THE PRIVY  
COUNCIL, SIGNED AT KUALA LUMPUR ON 4 MARCH 1958,  
AS AMENDED**

No. 1

*The Secretary-General, Ministry of Foreign Affairs of Malaysia to the  
United Kingdom High Commissioner at Kuala Lumpur*

*Kuala Lumpur  
7 December 1984*

Your Excellency,

I have the honour to refer to the Agreement between His Majesty The Yang di-Pertuan Agong of the Federation of Malaya and Her Majesty The Queen of the United Kingdom of Great Britain and Northern Ireland for the reference of appeals from the Supreme Court of the Federation of Malaya to the Judicial Committee of Her Britannic Majesty's Privy Council signed at Kuala Lumpur on 4th March 1958<sup>(1)</sup> (hereinafter referred to as the 1958 Agreement), to the amending Agreement signed at Kuala Lumpur on 10 December 1963<sup>(2)</sup> and to the Exchange of Notes signed at Kuala Lumpur on 30 May 1977 further amending the 1958 Agreement<sup>(3)</sup>.

In accordance with the understanding between our two Governments that the agreement for the reference of appeals from the Federal Court of Malaysia to the Judicial Committee of Her Britannic Majesty's Privy Council should be discontinued, I have the honour to propose that the Agreements mentioned above, namely the Agreement dated 4 March 1958, the Agreement dated 10 December 1963 and the Exchange of Notes signed at Kuala Lumpur on 30 May 1977 further amending the 1958 Agreement, be terminated provided that notwithstanding such termination the Judicial Committee shall continue to have jurisdiction in respect of—

- (a) any appeal to His Majesty The Yang di-Pertuan Agong which is then still pending on the date of entry into force of the present agreement;
- (b) any application for leave to appeal to His Majesty The Yang di-Pertuan Agong which is then still pending before the Federal Court on the date of entry into force of the present agreement; and
- (c) any application for special leave to appeal which is then still pending before His Majesty The Yang di-Pertuan Agong on the date of entry into force of the present agreement.

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<sup>(1)</sup> Cmnd. 383.

<sup>(2)</sup> Cmnd. 2329.

<sup>(3)</sup> Treaty Series No. 84 (1978), Cmnd. 7329.

If the above proposals are agreeable to the Government of the United Kingdom of Great Britain and Northern Ireland I have the honour to suggest that this Note and Your Excellency's reply in that sense shall constitute an Agreement between our two governments which shall enter into force on 1 January 1985.

Accept, Excellency, the assurances of my highest consideration.

ZAINAL ABIDIN

No. 2

*The United Kingdom High Commissioner at Kuala Lumpur to the  
Secretary-General, Ministry of Foreign Affairs, of Malaysia*

*British High Commission  
Kuala Lumpur  
7 December 1984*

Your Excellency,

I have the honour to acknowledge receipt of Your Excellency's Note of 7 December, which reads as follows:—

[As in No. 1]

In reply, I am pleased to inform Your Excellency that these proposals are agreeable to the Government of the United Kingdom of Great Britain and Northern Ireland, and that Your Excellency's Note together with the present Note, therefore, constitute an Agreement between the two Governments which shall enter into force on 1 January 1985.

I take this opportunity to renew to Your Excellency the assurances of my highest consideration.

DAVID GILLMORE