

STATE OF SABAH

APPLICATION OF LAWS ORDINANCE (Sabah Cap. 6)

ARRANGEMENT OF SECTIONS

Section

1. Short title.
2. Application of common law, doctrines of equity and statutes of general application.
3. Proceedings for orders of *mandamus*, prohibition and *certiorari* or injunction to restrain person from acting in office.
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LIST OF AMENDMENTS

<i>Ordinance/Enactment No.</i>	<i>Sections amended</i>	<i>Effective date of amendment</i>
21/1954	3, 4	13-9-1954
P.U(A) 97/1976	3	10-1-1976

APPLICATION OF LAWS*

To make provision for the application in Sabah of the common law of England, the doctrines of equity and statutes of general application.

[1st December 1951]

Short title.

1. This Ordinance may be cited as the Application of Laws Ordinance.

Application of common law, doctrines of equity and statutes of general application.

2. Subject to the provisions of this Ordinance and save in so far as other provision has been or may hereafter be made by any written law in force in Sabah†, the common law of England and the doctrines of equity, together with statutes of general application, as administered or in force in England at the commencement of this Ordinance shall be in force in Sabah:

Provided that the said common law, doctrines of equity and statutes of general application shall be in force in Sabah so far only as the circumstances of Sabah and of its inhabitants permit and subject to such qualifications as local circumstances and native customs render necessary.

Proceedings for orders of *mandamus*, prohibition and *certiorari* or injunction to restrain person from acting in office.

3. (1) Without prejudice to the generality of section 2, it is hereby declared that proceedings of a nature such as in England are taken on the Crown side of the Queen's Bench Division of Her Majesty's High Court of justice for an order of *mandamus*, an order of prohibition, an order of *certiorari* or for an injunction restraining any person who acts in an office in which he is not entitled to act, shall be available in Sabah to the same extent and for

* Repealed by P.U. (A) 424/1971 so far as it relates to any matter in the Federal List

† Throughout the Ordinance "Sabah" substituted for "Colony" by virtue of G.N.S 87 of 1965.

the like objects and purposes as they are available in England.

(2) The High Court shall have sole and entire jurisdiction to entertain the proceedings mentioned in subsection (1) and every judge shall have all such powers of a Judge of Her Majesty's High Court of justice as may be necessary to make such proceedings as effective in Sabah as they are in England.

(3) Until such time as rules of court are made under section 22 of the Sarawak, North Borneo and Brunei (Courts) Order in Council, 1951 [*G.N.S. 125/51.*], regulating the practice and procedure in the proceedings mentioned in subsection (1), the practice and procedure of the Queen's Bench Division of Her Majesty's High Court of Justice in such proceedings shall apply, with such modifications as may be necessary to adapt them to the circumstances and requirements of Sabah.

Saving.

4. For the avoidance of doubt it is hereby declared that nothing in section 3 shall be read or construed to derogate from the powers conferred upon the High Court by Chapter XXXIV of the Criminal Procedure Code* [*No. 22 of 1951.*].

* Ordinance No. 22 of 1951 was replaced by Cap. 30 which was repealed by Ordinance No. 4 of 1959. Ordinance No. 4 of 1959 was later repealed by Act A 324 which extended to Sabah F.M.S. Cap. 6.