

recommendation advocates that a prospective donor should never be moved between hospitals merely in the interests of a prospective recipient. If there is need for a transfer, the recipient should be moved to the donor.

It may be noted that the Malaysian Act requires that two fully registered medical practitioners should be satisfied by personal examination of the body that life is extinct.

(e) LEGAL PROTECTION

The uncertainties in the Act mean that there are always possibilities of criminal or, more likely, civil proceedings being brought in connection with transplant procedures. Apart from clarifying the Act, it would be desirable to make express provision for the protection of the medical persons who do expose themselves to these risks and worries. The American Uniform Act provides that if the terms of the Act are complied with, a person who acts in good faith is not liable for damages in any civil actions or subject to criminal proceedings for his act.

Ahmad Ibrahim

## EXTRA-TERRITORIAL OFFENCES, 1976

### Act 163

This Act gives extra-territorial effect to the offences under the Official Secrets Act 1972 and the Sedition Act, 1948 which are the written laws specified in the Schedule and also offences under any other written law the commission of which is certified by the Attorney-General to affect the security of the Federation. The effect of section 2 of the Act is that any act done —

- (a) on the high seas on board any ship or on any aircraft registered in Malaysia;
- (b) by any citizen or an permanent resident on the high seas on board any ship or on any aircraft; or
- (c) by any citizen or permanent resident in any place without and beyond the limits of Malaysia.

contrary to any of the provisions of any of the said written laws would be treated as an offence punishable under any of those written laws as if such act were done within Malaysia.

The Yang di-Pertuan Agung is given power by order to amend or add to the Schedule, thereby enabling the provisions of any other, or any new written laws, which are not specified in the Schedule, to have extra-territorial effect, as and when the need arises.

The definition of "Permanent resident" refers to that in the Courts of Judicature Act, 1964, (added by the Courts of Judicature (Amendment) Act 1976) which reads -

"Permanent resident" means a person who has permission granted without limit of time under any Federal Law to reside in Malaysia, and includes a person treated as such under any written law relating to immigration.

Amendments have been made to the Supreme Court of Judicature Act and to the Subordinate Courts (by Act A 328) Act to give the courts jurisdiction to try such extra-territorial offences.

Ahmad Ibrahim

### THE LEGAL PROFESSION ACT, 1976 Act 166

This Act consolidates the law relating to the legal profession in Malaysia and when it comes into operation will repeal the Advocates and Solicitors Ordinance, 1947, the Advocates Ordinance of Sabah and the Advocates Ordinance of Sarawak. The Act will apply to Sabah and Sarawak with such modifications as the Yang di-Pertuan Agung may by order make.

Section 3 is the interpretation section. A qualified person is now defined as a person who -

- (a) has passed the final examination leading to the degree of Bachelor of Laws of the University of Malaya or of the University of Singapore;
- (b) is a barrister-at-law of England; or
- (c) is in possession of such other qualification as may by notification in the Gazette be declared by the Bar Council on the advice of the Qualifying Board to be sufficient to make a person a qualified person for the purposes of the Act.

Part II of the Act provides for the establishment of a Qualifying Board whose functions will include the regulation of all matters generally pertaining to qualified persons and articled clerks who seek admission as advocates and solicitors, the provision of training, education and examination of such persons and the supervision of such persons in their period of pupillage and conditions governing their admission as advocates and solicitors and practice at the Bar.

The Qualifying Board shall consist of -

- (a) the Attorney-General as Chairman;
- (b) the Dean of the Faculty of Law in the University of Malaya;
- (c) the Chairman of the Bar Council;
- (d) two judges of the High Court nominated by the Chief Justice;