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The following Act was passed by Parliament on 9 November 2016 and assented to by the President on 21 December 2016:—

REPUBLIC OF SINGAPORE

No. 28 of 2016.

I assent.

TONY TAN KENG YAM,
President.
21 December 2016.



An Act to amend the Constitution of the Republic of Singapore (1999 Reprint) and to make related amendments to the Constitution of the Republic of Singapore (Amendment) Act 1996 (Act 41 of 1996).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act is the Constitution of the Republic of Singapore (Amendment) Act 2016 and comes into operation on a date that the President appoints by notification in the *Gazette*.

Amendment of Article 5

2. Article 5 of the Constitution of the Republic of Singapore (called in this Act the Constitution) is amended —

- (a) by deleting the words “Article 8” in clause (1) and substituting the words “Articles 5A, 5B, 5C and 8”;
- (b) by deleting the words “the elected Members of Parliament referred to in Article 39(1)(a)” in clause (2) and substituting the words “Members of Parliament (excluding nominated Members)”;
- (c) by inserting, immediately after clause (2), the following clause:

“(2A) Clause (2) does not apply to a Bill to which Article 5A or 5B applies.”;

- (d) by deleting clause (3) and substituting the following clause:

“(3) In this Article and Articles 5A, 5B and 5C, “amend” includes add to and repeal, and “amending” and “amendment” have corresponding meanings.”;
and

- (e) by deleting the Article heading and substituting the following Article heading:

**“Ordinary procedure for amending
Constitution”.**

New Articles 5A, 5B and 5C

3. The Constitution is amended by inserting, immediately after Article 5, the following Articles:

“Procedure for amending certain provisions establishing office of President, etc.

5A.—(1) Subject to clause (2), a Bill seeking to amend any of the provisions mentioned in clause (7) cannot be introduced in Parliament unless —

- (a) the President, acting in his discretion, concurs with the introduction of the Bill; or
- (b) the Government submits the Bill to a national referendum at which it is supported by more than half of the total number of votes cast by the electors registered under the Parliamentary Elections Act (Cap. 218).

(2) Despite a refusal by the President to concur with the introduction of the Bill, the Bill can still be introduced in Parliament if the Council of Presidential Advisers had recommended to the President that he should concur with the introduction of the Bill.

(3) Before the Government submits a Bill to a national referendum under clause (1)(b), the Government must, if the President’s concurrence for the introduction of the Bill was sought but refused, cause to be published in the *Gazette* both the President’s grounds as certified under Article 37IE(2)(a) and the recommendation of the Council of Presidential Advisers in relation to the introduction of the Bill.

(4) Before a Bill is introduced under clause (2), the Government must —

- (a) cause the President’s grounds, as certified under Article 37IE(2)(a), to be published in the *Gazette*; and
- (b) send the recommendation of the Council of Presidential Advisers in relation to the introduction of the Bill to the Speaker, who must present the recommendation to Parliament.

(5) After a Bill is introduced under clause (1)(a) or (b) or (2), it can only be passed by Parliament if it is supported on Second and

Third Readings by the votes of not less than two-thirds of the total number of Members of Parliament (excluding nominated Members).

(6) Subject to clause (5), if a Bill is introduced under clause (1)(b), the Bill can be amended during its passage through Parliament if the Speaker is of the opinion that the amendment is of a minor or purely drafting character or that the amendment does not affect the substance of the Bill that was supported at the national referendum.

(7) The provisions mentioned by clause (1) are —

- (a) this Article and Articles 5B (except clause (9)) and 5C; and
- (b) Articles 17(1) and (2), 17A, 20(1) and (2), 22K, 22L, 22N and 22O.

Procedure for amending other provisions relating to office of President and certain discretionary powers of President

5B.—(1) Subject to clauses (2) and (7), a Bill (other than a Bill to which Article 5A applies) seeking to amend clause (9) or any of the provisions mentioned in clause (9) cannot be introduced in Parliament unless —

- (a) the President, acting in his discretion, concurs with the introduction of the Bill; or
- (b) the Government submits the Bill to a national referendum at which it is supported by more than half of the total number of votes cast by the electors registered under the Parliamentary Elections Act (Cap. 218).

(2) Despite a refusal by the President to concur with the introduction of the Bill, the Bill can still be introduced in Parliament if the Council of Presidential Advisers had recommended to the President that he should concur with the introduction of the Bill.

(3) Before the Government submits a Bill to a national referendum under clause (1)(b), the Government must, if the

President's concurrence for the introduction of the Bill was sought but refused, cause to be published in the *Gazette* both the President's grounds as certified under Article 37IE(2)(a) and the recommendation of the Council of Presidential Advisers in relation to the introduction of the Bill.

(4) Before a Bill is introduced under clause (2), the Government must —

- (a) cause the President's grounds, as certified under Article 37IE(2)(a), to be published in the *Gazette*; and
- (b) send the recommendation of the Council of Presidential Advisers in relation to the introduction of the Bill to the Speaker, who must present the recommendation to Parliament.

(5) After a Bill is introduced under clause (1)(a) or (b) or (2), it can only be passed by Parliament if it is supported on Second and Third Readings by the votes of not less than two-thirds of the total number of Members of Parliament (excluding nominated Members).

(6) Subject to clause (5), if a Bill is introduced under clause (1)(b), the Bill can be amended during its passage through Parliament if the Speaker is of the opinion that the amendment is of a minor or purely drafting character or that the amendment does not affect the substance of the Bill that was supported at the national referendum.

(7) If a Bill seeking to amend clause (9) or any of the provisions mentioned in that clause is not introduced pursuant to clause (1)(a) or (b) or (2), it can only be passed by Parliament if it is supported on Second and Third Readings by the votes of not less than three-quarters of the total number of Members of Parliament (excluding nominated Members).

(8) Before a Bill is introduced under clause (7), the Government must, if the President's concurrence for the introduction of the Bill was sought but refused —

- (a) cause the President's grounds, as certified under Article 37IE(2)(a), to be published in the *Gazette*; and