

Constitution of the Republic of Singapore (Amendment) Bill

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Bill No: 20/2007

Read the first time: 21st May 2007

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Constitution of the Republic of Singapore (Amendment) Bill

Bill No. 20/2007

Read the first time on 21st May 2007.

An Act to amend the Constitution of the Republic of Singapore (1999 Reprint).

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 may be cited as the Constitution of the Republic of Singapore (Amendment) Act 2007 and shall come into operation on such date as the President may, by notification in the *Gazette*, appoint.

Amendment of Article 22

2. Article 22(1) of the Constitution of the Republic of Singapore (referred to in this Act as the Constitution) is amended by inserting, immediately after paragraph (f), the following paragraph:

“(fa) a member of the Legal Service Commission, other than an ex-officio member referred to in Article 111(2)(a), (b) or (c);”.

Amendment of Article 37A

3. Article 37A of the Constitution is amended by deleting the definition of “member” and substituting the following definition:

“ “member” means a member of the Council and includes the Chairman and any alternate member appointed under Article 37C.”.

Amendment of Article 37B

4. Article 37B of the Constitution is amended by deleting clause (4) and substituting the following clauses:

“(4) When the Chairman exercises the functions of the office of the President under Article 22N or 22O, he —

(a) shall not act as the Chairman during the period he so exercises the functions of the office of President; and

(b) shall not take part in any proceedings of the Council during that

period.

(5) Where the Chairman is temporarily unable, whether by illness, absence or any other reason (including disqualification under clause (4)), to take part in any proceedings of the Council for any period —

- (a) he shall appoint a member (not being an alternate member) of the Council to act as Chairman for that period; and
- (b) the alternate member selected under Article 37C(3) to act in place of the member referred to in paragraph (a) shall perform that member's functions during that same period.”.

Repeal and re-enactment of Article 37C

5. Article 37C of the Constitution is repealed and the following Article substituted therefor:

“Alternate members

37C.—(1) The President may, in accordance with this Article, appoint persons to be alternate members to act in place of members (other than the Chairman) appointed under Article 37B(1) while any such member is temporarily unable, whether by illness, absence or any other reason, to take part in any proceedings of the Council, or is appointed under Article 37B(5)(a) to act as the Chairman.

(2) For the purposes of making an appointment under clause (1), the President —

- (a) shall, acting in his discretion, appoint one person as an alternate member; and
- (b) shall request that the Prime Minister, after consulting the Chief Justice and the Chairman of the Public Service Commission, nominate one other person to be an alternate member, and upon such nomination, shall appoint the person so nominated as another alternate member.

(3) Whenever any member appointed under Article 37B(1) (other than the Chairman) —

- (a) is temporarily unable, whether by illness, absence or any other reason, to take part in any proceedings of the Council; or
- (b) is appointed under Article 37B(5)(a) to act as the Chairman,

an alternate member to act in place of that member shall be selected from among

the persons appointed under clause (2) —

- (i) by the President, acting in his discretion, if the member concerned is any of the 2 members appointed under Article 37B(1)(a);
- (ii) by the Prime Minister, if the member concerned is any of the 2 members appointed under Article 37B(1)(b); or
- (iii) by the Chief Justice or Chairman of the Public Service Commission, as the case may be, if the member concerned is a member appointed under Article 37B(1)(c) or (d), respectively.

(4) A person may be appointed to be an alternate member under clause (2) if, and only if, the person is qualified under Article 37D and not disqualified under Article 37E.

(5) Every alternate member shall be appointed under clause (2) for a term of 4 years, and shall hold office as such for such a term unless the alternate member earlier —

- (a) resigns in writing addressed to the Chairman;
- (b) ceases to be a citizen of Singapore; or
- (c) becomes subject to any disqualification referred to in Article 37E.

(6) The alternate member who is selected under clause (3) to act in place of a member shall act in place of and perform the functions of the member (but not as the Chairman) only when the member is temporarily unable, whether by illness, absence or any other reason, to take part in any proceedings of the Council, or is appointed under Article 37B(5)(a) to act as the Chairman, and the alternate member —

- (a) may act in place of and perform the functions of the member in relation to any matter, even though that member is disqualified in relation to that matter; and
- (b) while so acting, shall have and may exercise all the powers and duties of that member.

(7) The appointment of a person as an alternate member may be terminated at any time by the President —

- (a) acting in his discretion, if the alternate member is appointed under clause (2)(a); or
- (b) acting on the advice of the Prime Minister (which shall be given only

after consulting with the Chief Justice and the Chairman of the Public Service Commission), if the alternate member is appointed under clause (2)(b) on the nomination of the Prime Minister.”.

Amendment of Article 37H

6. The Constitution is amended by renumbering Article 37H as clause (1) of that Article, and by inserting immediately thereafter the following clause:

“(2) Clause (1) shall also apply where an alternate member appointed under Article 37C is selected under Article 37C(3) to act in place of and perform the functions of a member appointed under Article 37B(1), except that an alternate member need not be required, during his term of office as an alternate member, to take such an oath more than once in respect of the occasions when he is so selected to act.”.

Amendment of Article 97

7. The Constitution is amended by renumbering Article 97 as clause (1) of that Article, and by inserting immediately thereafter the following clause:

“(2) Notwithstanding clause (1), a Judicial Commissioner who is appointed under Article 94(5) to hear and determine a specified case need not be required to take the Oath of Office again if a period of less than 12 months intervenes between the date of his judgment in any specified case he is so appointed to hear and determine and the start of hearing for the next specified case.”.

Amendment of Article 111

8. Article 111 of the Constitution is amended —

- (a) by inserting, at the end of clause (2)(c), the word “and”;
- (b) by deleting paragraphs (d) and (e) of clause (2) and substituting the following paragraph:

“(d) at least 3 but not more than 6 other members, each of whom shall be appointed by the President if he, acting in his discretion, concurs with the advice of the person nominating the member under clause (2A).”;

- (c) by inserting, immediately after clause (2), the following clauses: