

Constitution of the Republic of Singapore (Amendment) Bill

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Bill No: 12/2004

Read the first time: 17th March 2004

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Expenditure of Public Money

Constitution of the Republic of Singapore (Amendment) Bill

Bill No. 12/2004

Read the first time on 17th March 2004.

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 2004 and shall come into operation on such date as the President may, by notification in the *Gazette*, appoint.

Amendment of Article 18

2. Article 18 of the Constitution of the Republic of Singapore (referred to in this Act as the Constitution) is amended —

(a) by deleting paragraph (b) of clause (2) and substituting the following paragraph:

“(b) the Chairman of the Accounting and Corporate Regulatory Authority established under the Accounting and Corporate Regulatory Authority Act 2004 (Act 3 of 2004); and”;

(b) by deleting the words “Public Accountants Board” wherever they appear in clause (5) and substituting in each case the words “Accounting and Corporate Regulatory Authority”.

Amendment of Article 22B

3. Article 22B of the Constitution is amended —

(a) by deleting clause (9) and substituting the following clause:

“(9) For the purposes of this Article, a proposed transfer or transfer (whether by or under any written law or otherwise) by any statutory board to which this Article applies (referred to in this clause and clause (10) as the transferor board) of any of its reserves to —

- (a) the Government;
- (b) any Government company specified in Part II of the Fifth Schedule (referred to in this clause and clause (10) as the transferee company); or
- (c) another such statutory board (referred to in this clause and clause (10) as the transferee board),

shall not be taken into account in determining whether the reserves accumulated by the transferor board before the current term of office of the Government are likely to be or have been drawn on if —

- (i) in the case of a proposed transfer or transfer of reserves by a transferor board to the Government — the Minister responsible for finance undertakes in writing to add those reserves of the transferor board to the reserves accumulated by the Government before its current term of office;
- (ii) in the case of a proposed transfer or transfer of reserves by a transferor board to a transferee company — the board of directors of the transferee company by resolution resolves that those reserves of the transferor board shall be added to the reserves accumulated by the transferee company before the current term of office of the Government; or
- (iii) in the case of a proposed transfer or transfer of reserves by a transferor board to a transferee board — the transferee board by resolution resolves, or any written law provides, that those reserves of the transferor board shall be added to the reserves accumulated by the transferee board before the current term of office of the Government.”; and

- (b) by inserting, immediately after the words “accumulated by the Government” in clause (10), the words “, transferee company”.

Amendment of Article 22D

4. Article 22D of the Constitution is amended by deleting clause (8) and substituting the following clauses:

“(8) For the purposes of this Article, a proposed transfer or transfer by any Government company to which this Article applies (referred to in this clause and

clause (9) as the transferor company) of any of its reserves to —

- (a) the Government;
- (b) any statutory board specified in Part I of the Fifth Schedule (referred to in this clause and clause (9) as the transferee board); or
- (c) another such Government company (referred to in this clause and clause (9) as the transferee company),

shall not be taken into account in determining whether the reserves accumulated by the transferor company before the current term of office of the Government are likely to be or have been drawn on if —

- (i) in the case of a proposed transfer or transfer of reserves by a transferor company to the Government — the Minister responsible for finance undertakes in writing to add those reserves of the transferor company to the reserves accumulated by the Government before its current term of office;
- (ii) in the case of a proposed transfer or transfer of reserves by a transferor company to a transferee board — the transferee board by resolution resolves that those reserves of the transferor company shall be added to the reserves accumulated by the transferee board before the current term of office of the Government; or
- (iii) in the case of a proposed transfer or transfer of reserves by a transferor company to a transferee company — the board of directors of the transferee company by resolution resolves that those reserves of the transferor company shall be added to the reserves accumulated by the transferee company before the current term of office of the Government.

(9) Any reserves transferred by a transferor company together with or under any undertaking or resolution referred to in clause (8) shall be deemed to form part of the reserves accumulated by the Government, transferee board or (as the case may be) transferee company before the current term of office of the Government as follows:

- (a) where the budget of the transferor company for any financial year provides for the proposed transfer of reserves and the budget is approved by the President — at the beginning of that financial year;
- (b) where a supplementary budget of the transferor company provides for the proposed transfer of reserves and the supplementary budget is approved by the President — on the date of such approval by the

President; or

(c) in any other case — on the date those reserves are so transferred.”.

Amendment of Article 22P

5. Article 22P(2) of the Constitution is amended by deleting the words “subsection (1)” and substituting the words “clause (1)”.

Amendment of Article 110D

6. Article 110D of the Constitution is amended —

(a) by inserting, immediately after clause (3), the following clauses:

“(3A) Any personnel board may, in writing and subject to such conditions as it thinks fit, delegate all or any of the powers or functions exercisable by the board under this Article (except this power of delegation) to any member of the personnel board, and that member shall exercise those powers or functions in accordance with the terms of the delegation; but no such delegation shall prevent the exercise of any such power or function by the personnel board.

(3B) Any act or thing done by a delegate of a personnel board while acting in the exercise of a delegation under clause (3A) shall have the same force and effect as if the act or thing had been done by the personnel board and shall be deemed to have been done by the personnel board.”; and

(b) by inserting, immediately after the words “any personnel board” in clause (4), the words “or its delegate”.

Amendment of Article 122

7. Article 122 of the Constitution is amended —

(a) by deleting clause (1) and substituting the following clauses:

“(1) Subject to clauses (2) and (3), a person born outside Singapore after 16th September 1963 shall be a citizen of Singapore by descent if, at the time of his birth —

(a) where the person is born before the date of commencement of section 7 of the Constitution of the Republic of Singapore (Amendment) Act 2004, his father is a citizen of Singapore, by birth or