

Constitution of the Republic of Singapore (Amendment No. 3) Bill

Table of Contents

Bill No: 23/1990

Read the first time: 30th August 1990

Long Title

Enacting Formula

1 Short title and commencement

2 Amendment of Article 2

3 Amendment of Article 5

4 Repeal and re-enactment of Chapter 1 of Part V

5 Amendment of Article 35

6 New Part VA

7 Amendment of Article 39A

8 Amendment of Article 65

9 Amendment of Article 69

10 Amendment of Article 70

11 New Article 93A

12 Amendment of Article 94

13 Amendment of Article 95

14 Amendment of Article 98

15 Amendment of Article 105

16 Amendment of Article 106

17 Amendment of Article 107

18 Amendment of Article 110A

19 Amendment of Article 110B

20 Repeal and re-enactment of Part XI

21 Amendment of Article 150

22 Amendment of Article 151

23 New Article 154A

24 Amendment of First Schedule

25 Transitional provisions

Explanatory Statement

Expenditure of Public Money

Constitution of the Republic of Singapore (Amendment No. 3) Bill

Bill No. 23/1990

Read the first time on 30th August 1990.

An Act to amend the Constitution of the Republic of Singapore.

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 No. 3) Act 1990 and shall come into operation on such date as the President may, by notification in the *Gazette*, appoint.

Amendment of Article 2

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

- (a) by deleting the words “Article 20” in the definition of “Civil List” in clause (1) and substituting the words “Article 22I”;
- (b) by inserting, immediately after the definition of “Consolidated Fund” in clause (1), the following definition:

““Council of Presidential Advisors” means the Council of Presidential Advisors constituted under Part VA;”;

- (c) by deleting the words “appointed to exercise” in the definition of “President” in clause (1) and substituting the word “exercising”;
- (d) by inserting, immediately after the definition of “President” in clause (1), the following definition:

““Presidential Elections Committee” means the Presidential Elections Committee established under the provisions of any law made by the Legislature governing the conduct of elections to the office of President;”;

- (e) by inserting, immediately after the definition of “remuneration” in clause (1), the following definition:

““reserves”, in relation to the Government, a statutory board or Government company, means the excess of assets over liabilities of the Government, statutory board or Government company, as the case may be;”;

- (f) by inserting, immediately after the definition of “Speaker” and “Deputy Speaker” in clause (1), the following definition:

““term of office”, in relation to the Government, means the period —

- (a) commencing on the date the Prime Minister and Ministers first take and subscribe the Oath of Allegiance in accordance with Article 27 after a general election; and
- (b) ending on the date immediately before the next Prime Minister and Ministers first take and subscribe the Oath of Allegiance in accordance with Article 27 after the next general election;” and

(g) by deleting the word “Vice-President,” in the sixth line of clause (5).

Amendment of Article 5

3. Article 5 of the Constitution is amended by inserting, immediately after clause (2), the following clause:

“(2A) Unless the President, acting in his discretion, otherwise directs the Speaker in writing, a Bill seeking to amend this clause, Articles 17 to 22, 22A to 22N, 35, 65, 69, 70, 93A, 94, 95, 105, 107, 110A, 110B, 151 or any provision in Part XI shall not be passed by Parliament unless it has been supported at a national referendum by not less than two-thirds of the total number of votes cast by the electors registered under the Parliamentary Elections Act [Cap. 218].”.

Repeal and re-enactment of Chapter 1 of Part V

4. Chapter 1 of Part V of the Constitution is repealed and the following Chapter substituted therefor:

“Chapter 1 — The President

The President

17.—(1) There shall be a President of Singapore who shall be the Head of State and shall exercise and perform such powers and functions as are conferred on the President by this Constitution and any other written law.

(2) The President shall be elected by the citizens of Singapore in accordance with any law made by the Legislature; and such law shall provide for the establishment of a Presidential Elections Committee whose function is to ensure

that candidates for the office of President have the necessary experience and qualifications.

Qualifications and disabilities of President

18.—(1) No person shall be elected as President unless he is qualified for election in accordance with the provisions of this Constitution.

(2) A person shall be qualified to be elected as President if —

- (a) he is a citizen of Singapore;
- (b) he is not subject to any of the disqualifications specified in Article 45; and
- (c) he satisfies the Presidential Elections Committee that he is a person with such experience and qualifications as are necessary for him to carry out effectively the functions and duties of the office of President.

(3) A person shall be deemed to have the experience and qualifications referred to in clause (2)(c) if he has held office for a period of not less than 3 years as —

- (a) Minister, Chief Justice, Speaker, Attorney-General, Judge or Judicial Commissioner of the Supreme Court, Chairman of the Public Service Commission, Auditor-General, Accountant-General or Permanent Secretary;
- (b) chairman or chief executive officer of a statutory board to which Article 22 applies; or
- (c) chairman of the board of directors or chief executive officer of a company incorporated or registered under the Companies Act [Cap. 50] with a paid-up capital of at least \$100 million or its equivalent in foreign currency.

(4) The President shall not hold any other office created or recognised by this Constitution and shall not actively engage in any commercial enterprise and, if he is a Member of Parliament, shall vacate his seat in Parliament, but this clause shall not be construed as requiring a person exercising the functions of the office of President pursuant to Article 22M or 22N to vacate his seat in Parliament or any other office created or recognised by this Constitution.

Term of office

19.—(1) The President shall hold office for a term of 6 years from the date on