

Constitution (Amendment) Bill

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Bill No: 2/1970

Read the first time: 27th January 1970

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Constitution (Amendment) Bill

Bill No. 2/1970

Read the first time on 27th January 1970.

An Act to amend the Constitution 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 (Amendment) Act, 1970, and shall come

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

Repeal and re-enactment of Part IV

2. The Constitution of Singapore is hereby amended by deleting Part IV thereof and substituting therefor the following: —

“PART IV

THE PUBLIC SERVICE

Public services

70. For the purposes of this Constitution and except as hereinafter in this Part provided, the public services shall be —

- (a) the Singapore armed forces;
- (b) the civil service of Singapore;
- (c) the legal service; and
- (d) the police force.

Interpretation

71. Except for the purposes of Articles 79, 80A and 80B of this Constitution, and except where the context otherwise requires, in the interpretation of this Part of this Constitution —

- (a) the expression “the public service” shall not include service otherwise than in a civil capacity;
- (b) the expression “public office” shall not include the following offices, that is to say —
 - (i) the office of the Chief Justice;
 - (ii) the office of the Attorney-General;
 - (iii) the office of Judge of the Supreme Court;
 - (iv) the office of member of the Public Service Commission;
 - (v) the office of any police officer below the rank of Inspector;
or
 - (vi) any office the remuneration of the holder of which is

calculated on a daily rate,
and the expression “public officer” shall be construed accordingly.

Tenure of public office

72. Except as expressly provided by this Constitution, every person who is a member of the public service shall hold office during the pleasure of the President.

Public Service Commission

73.—(1) There shall be a Public Service Commission which shall consist of a Chairman and not less than four and not more than seven other members, each of whom shall be appointed in writing under the hand of the President, acting in accordance with the advice of the Prime Minister.

(2) The Chairman shall be a citizen of Singapore.

(3) There shall be a Deputy Chairman who shall be a person chosen by the members of the Public Service Commission from among their own number.

(4) A person appointed to be a member of the Public Service Commission shall thereafter be ineligible for appointment to any public office.

(5) At any meeting of the Public Service Commission, three members who shall include either the Chairman or the Deputy Chairman, and may include both of them, shall form a quorum. If the quorum is present, the Commission shall not be disqualified for the transaction of business by reason of any vacancy among its members, and any proceeding of the Commission shall be valid notwithstanding that some person not entitled so to do took part therein.

First Schedule

(6) Before assuming the duties of his office, the Chairman and every other member of the Public Service Commission shall take and subscribe before the Chief Justice or some other Judge of the Supreme Court the appropriate oath for the due execution of his office in the form set out in the First Schedule to this Constitution.

Disqualification for appointment to the Commission

74. A person shall not be appointed to be a member of the Public Service Commission if he is, and shall cease to be a member if he becomes —

- (a) a public officer;
- (b) an employee of any corporation incorporated by or under the provisions of any law for the time being in force in Singapore other than the repealed Companies Ordinance (Cap. 174) and the Companies Act, 1967 (Act 42 of 1967), or any law replacing the said Act;
- (c) a Member of Parliament or a duly nominated candidate for election as such Member;
- (d) a member of any trade union or of any body or association affiliated to a trade union; or
- (e) the holder of any office in any political association.

Tenure of office

75.—(1) Subject to the provisions of Article 74 of this Constitution, every member of the Public Service Commission shall, unless he earlier resigns his office by writing under his hand addressed to the President or is removed therefrom under this Article, hold office for a period of five years from the date of his appointment, but shall be eligible for re-appointment.

(2) If the Prime Minister, or the Chairman of the Public Service Commission after consulting with the Prime Minister, represents to the President that a member of the Public Service Commission ought to be removed from office for inability to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour, the President shall refer that representation to a tribunal consisting of the Chief Justice and two other Judges of the Supreme Court nominated for that purpose by the Chief Justice and shall, if that tribunal so recommends, remove that member from office by writing under his hand.

(3) The tribunal constituted under clause (2) of this Article shall regulate its own procedure and may make rules for that purpose.

Terms of service of Chairman and members of the Commission

76.—(1) The Chairman and other members of the Public Service Commission shall be paid such salary and allowances as may from time to time be determined, and such salary and allowances shall be charged on and paid out of the Consolidated Fund.

(2) Subject to the provisions of this Constitution, the terms of service of the members of the Public Service Commission may either —

- (a) be prescribed by or under any law made under this Constitution; or
- (b) (in so far as they are not prescribed by or under any such law) be prescribed by the President.

(3) The terms of service of any member of the Public Service Commission shall not be altered to his disadvantage during his continuance in office.

(4) For the purposes of clause (3) of this Article, in so far as the terms of service of a member of the Public Service Commission depend upon his option, any terms for which he opts shall be taken to be more advantageous to him than any for which he might have opted.

Secretary to the Commission

77.—(1) There shall be a Secretary to the Public Service Commission who shall be a person who is a public officer and who shall be appointed by the President in accordance with the advice of the Commission.

(2) The Secretary to the Public Service Commission shall be responsible, in accordance with such instructions as may be given to him by the Chairman of the Commission, for arranging the business for, and keeping the minutes of, the meetings of the Commission and for conveying the decisions of the Commission to the appropriate person or authority and shall have such other functions as the Chairman may from time to time direct.

Appointment, etc., of public officers

78.—(1) Subject to the provisions of this Constitution, it shall be the duty of the Public Service Commission to appoint, confirm, emplace on the permanent or pensionable establishment, promote, transfer and exercise disciplinary control over public officers.

(2) The promotion of public officers shall be on the basis of official qualifications, experience and merit.

(3) No public officer shall be dismissed or reduced in rank under the provisions of this Article without being given a reasonable opportunity of being heard.

(4) In clause (1) of this Article —

“appoint” does not include an appointment to act in an office for two