

Constitution of the Republic of Singapore (Amendment) Bill

Bill No. 22/2002.

Read the first time on 8th July 2002.

A BILL

intituled

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 2002 and shall come into operation on such date as the President may, by notification in the *Gazette*, appoint.

5 Amendment of Article 22B

2. Article 22B of the Constitution of the Republic of Singapore (referred to in this Act as the Constitution) is amended by deleting clause (9) and substituting the following clauses:

10 “(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 either the Government or to another such statutory board (referred to in this clause and clause (10) as the transferee board) shall not be taken into
15 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 —

20 (a) 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; or

25 (b) 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.

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

35 (a) where the budget of the transferor board 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 board provides for the proposed transfer 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 46

3. Article 46 of the Constitution is amended by inserting, immediately after clause (3), the following clauses:

“(4) If any Member of Parliament becomes subject to any disqualification specified in Article 45(1)(a), (b), (e) or (g) because he is —

(a) adjudged or otherwise declared a bankrupt;

(b) adjudged or otherwise declared to be of unsound mind;

(c) convicted of an offence by a court of law in Singapore or Malaysia and sentenced to imprisonment for a term of not less than one year or to a fine of not less than \$2,000; or

(d) convicted or is proven guilty of an act constituting any offence in connection with elections to Parliament,

and it is open to the Member to appeal against the decision (either with the leave of the court or other authority or without such leave), the Member shall immediately cease to be entitled to sit or vote in Parliament or any committee thereof but, subject to clauses (6) and (7), he shall not vacate his seat until the end of a period of 180 days beginning with the date of the adjudication, declaration or conviction, as the case may be.

(5) A Member of Parliament shall vacate his seat if, at the end of the period of 180 days referred to in clause (4), he continues to be subject to any disqualification specified in Article 45(1)(a), (b), (e) or (g).

(6) Notwithstanding clause (5), where on the determination of any such appeal the Member of Parliament continues to be subject to any disqualification specified in Article 45(1)(a) or (b) and —

(a) no further appeal is open to him; or

5 (b) by reason of the expiration of any period for entering an appeal or notice thereof or the refusal of leave to appeal or for any other reason it ceases to be open for the Member to appeal,

10 the Member shall then immediately vacate his seat even if the period of 180 days has not lapsed.

(7) Where, at any time before the end of the period of 180 days referred to in clause (4), the Member of Parliament ceases to be subject to any disqualification specified in Article 45(1)(a), (b), (e) or (g) by reason of any pardon, any final determination of an appeal or otherwise, he shall be entitled to resume sitting or voting in Parliament or any committee thereof on the day immediately after he ceases to be so disqualified.

(8) For the avoidance of doubt, clauses (4) to (7) —

20 (a) shall not apply for the purpose of any nomination, election or appointment to be a Member of Parliament, and any disqualifying event referred to in Article 45 shall take effect immediately on the occurrence of the event for the purposes of such nomination, election or appointment; and

25 (b) shall not operate to extend the term of service of a nominated Member beyond the period prescribed in the Fourth Schedule.”.

Amendment of Fourth Schedule

4. Section 1 of the Fourth Schedule to the Constitution is amended —

30 (a) by deleting the words “2 years” in subsection (4) and substituting the words “2½ years”; and

(b) by inserting, immediately after subsection (4), the following subsection:

“*(5)* The President shall, if advised by the Special Select Committee of Parliament, extend the term of service of every nominated Member of Parliament appointed before the date of commencement of section 4(*a*) of the Constitution of the Republic of Singapore (Amendment) Act 2002 for a further period of 6 months so that the total period of any such nominated Member’s term of service shall be 2½ years commencing from the date of his original appointment as such.”.

Amendment of Fifth Schedule

5. Part I of the Fifth Schedule to the Constitution is amended by deleting item 1.

EXPLANATORY STATEMENT

This Bill seeks to amend the Constitution of the Republic of Singapore (1999 Reprint) for the following purposes:

- (*a*) to enable a statutory board the use of whose past reserves is subject to the constitutional safeguards to transfer its past reserves to the Government or to another such statutory board without being regarded as having drawn on its past reserves;
- (*b*) to provide for a Member of Parliament (MP) who becomes subject to certain disqualifications, namely bankruptcy, insanity or conviction, a fixed period within which to exhaust his avenues of appeal, after which he loses his seat in Parliament;
- (*c*) to raise the term of nominated MPs from 2 years to 2½ years from the date of appointment; and
- (*d*) to delete the Board of Commissioners of Currency, Singapore, from the Fifth Schedule as a consequence of its merger with the Monetary Authority of Singapore.

Clause 1 relates to the short title and commencement.

Clause 2 seeks to amend Article 22B to enable a statutory board the use of whose past reserves is subject to the constitutional safeguards to transfer any of its past reserves to either the Government’s past reserves or another such statutory board’s past reserves without the transferor statutory board being regarded as having drawn on its past reserves. This is permissible if the transfer is subject to any undertaking by the Minister for Finance (in the case of a transfer to the Government) or (in the case of a transfer to another statutory board) a provision of any written law or a resolution of the transferee statutory board, that the Government or the transferee statutory board, as the

case may be, will regard the transferred reserves as if they were part of its past reserves.

Clause 3 amends Article 46 to provide that an MP who becomes subject to any disqualification in Article 45(1)(a), (b), (e) or (g) by reason of being adjudged bankrupt or of unsound mind or being so convicted or sentenced will immediately cease to be entitled to sit or vote in Parliament until the outcome of any appeal against the court's decision. The MP's seat will be vacated at the end of 180 days after the court's decision if he remains so disqualified. However, an MP who is adjudged bankrupt or of unsound mind will vacate his seat earlier if he continues to be subject to the disqualification after his appeal is determined, and no further appeal is open to him.

On the other hand, if the MP ceases to be subject to the disqualification at any time before the 180 days comes to an end (whether by reason of any pardon or successful appeal or otherwise), the MP's seat will not become vacant and he will be entitled to resume sitting or voting in Parliament or any committee thereof on the day immediately after he ceases to be so disqualified.

Article 46 is also amended to make it clear that these amendments allowing an MP to retain his seat for up to 180 days after a disqualifying event do not apply to any nomination, election or appointment to be an MP, and that the disqualification (by reason of bankruptcy, unsound mind or criminal conviction) takes effect immediately for this purpose.

Clause 4 amends the Fourth Schedule to raise the term of nominated MPs from 2 years to 2½ years from the date of appointment. The term of service of nominated MPs appointed before the date of commencement of the above amendment can be extended by the President, where advised by the Special Select Committee, by 6 months so that the total period of service of any such nominated MP is 2½ years from the date of his original appointment.

Clause 5 amends the Fifth Schedule by deleting the Board of Commissioners of Currency, Singapore, as a consequence of its merger with the Monetary Authority of Singapore.

EXPENDITURE OF PUBLIC MONEY

This Bill will not involve the Government in any extra financial expenditure.
