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No. S 362

PRESIDENTIAL ELECTIONS ACT 1991

PRESIDENTIAL ELECTIONS
(CERTIFICATE OF ELIGIBILITY)
(AMENDMENT) REGULATIONS 2023

In exercise of the powers conferred by section 81 of the Presidential Elections Act 1991, the Prime Minister makes the following Regulations:

Citation and commencement

1.—(1) These Regulations are the Presidential Elections (Certificate of Eligibility) (Amendment) Regulations 2023 and, except for regulations 2, 3 and 6, come into operation on 13 June 2023.

(2) Regulation 3 is deemed to have come into operation on 30 July 2020.

(3) Regulation 6 is deemed to have come into operation on 31 December 2021.

(4) Regulation 2 is deemed to have come into operation on 1 April 2023.

Amendment of regulation 13

2. In the Presidential Elections (Certificate of Eligibility) Regulations 2017 (G.N. No. S 263/2017) (called in these Regulations the principal Regulations), in regulation 13(1), in the definition of “Singapore Accounting Standards”, in paragraph (a), replace “Accounting Standards Council” wherever it appears with “Accounting Standards Committee”.

Amendment of regulation 32

3. In the principal Regulations, in regulation 32 —
- (a) in paragraph (2)(a), replace “wound up under section 254 of the Companies Act” with “wound up under section 254 of the Companies Act in force before 30 July 2020 or under section 125 of the Insolvency, Restructuring and Dissolution Act 2018”; and
 - (b) in paragraph (3)(a), replace “wound up under the Companies Act” with “wound up under the Companies Act in force before 30 July 2020 or under the Insolvency, Restructuring and Dissolution Act 2018”.

Amendment of regulation 36

4. In the principal Regulations, in regulation 36 —
- (a) in paragraph (2), replace sub-paragraph (b) with —
 - “(b) must remain published for 21 days after the name of the person elected to the office of President is published in the *Gazette* under section 15 or 34 of the Act.”; and
 - (b) after paragraph (3), insert —
 - “(4) To avoid doubt, this regulation does not require the publication of the character references and other supporting documents accompanying an application form.”.

Amendment of Schedule

5. In the principal Regulations, in the Schedule, replace Form 1 with —

B. SERVICE RELIED ON
For the purposes of satisfying Article 19(2)(g) of the Constitution, I seek to rely on (tick only one box)
<input type="checkbox"/> Article 19(3)(a) (Annex B1) <input type="checkbox"/> Article 19(3)(b) (Annex B2) <input type="checkbox"/> Article 19(3)(c) (Annex B3) <input type="checkbox"/> Article 19(3)(d) (Annex B4, and either Annex B1, B2 or B3 for each period of service) <input type="checkbox"/> Article 19(4)(a) (Annex B5) <input type="checkbox"/> Article 19(4)(b) (Annex B5) <input type="checkbox"/> Article 19(4)(c) (one Annex B5 for each period of service)
State the Annexes attached:
C. INTEGRITY, GOOD CHARACTER AND REPUTATION
Complete and attach Annex C.
D. EMPLOYMENT HISTORY
Complete and attach Annex D.
E. SUPPORTING DOCUMENTS PROVIDED
Complete and attach Annex E.
F. ADDITIONAL SHEETS
Number of additional sheets submitted:

G. DECLARATION

I, _____, do solemnly and sincerely declare the information supplied by me, in this application, to be true and factual.

And I make this solemn declaration by virtue of the provisions of the Oaths and Declarations Act 2000, and subject to the penalties provided by that Act for the making of false statements in statutory declarations, conscientiously believing the statements contained in this declaration to be true in every particular.

.....
Signature of Applicant

Date of declaration:

Before me:

.....
Signature of Commissioner for Oaths/
Justice of the Peace

Name of Commissioner for Oaths/Justice of the Peace:

ANNEX B1

**Service in key public offices
Article 19(3)(a) of the Constitution**

1. OFFICE HELD

Office held	First day of service	Last day of service

2. SUPPORTING DOCUMENTS

Attach documents showing that you held the office mentioned in Section 1.

ANNEX B2			
Service as chief executive of Fifth Schedule entity Article 19(3)(b) of the Constitution			
1. OFFICE HELD			
Name of entity	First day of service	Last day of service	Position held during service period
2. FUNCTIONS AND RESPONSIBILITIES			
Describe the functions and responsibilities of the position stated in Section 1.			
3. SUPPORTING DOCUMENTS			
Attach documents evidencing appointment to the office stated in Section 1 and supporting the facts relied on in Section 2.			

ANNEX B3		
Public sector discretionary limb under Article 19(3)(c) of the Constitution		
1. OFFICE HELD		
Office / organisation	First day of service	Last day of service
2. COMPARABILITY OF OFFICE		
Describe the nature of the office stated in Section 1, your performance in that office, and explain why your service in that position has given you experience and ability that is comparable to the experience and ability of a person who satisfies Article 19(3)(a) or (b).		
3. EXPERIENCE AND ABILITY		
State why you have the experience and ability to effectively carry out the functions and duties of the office of President.		
4. SUPPORTING DOCUMENTS		
Attach documents evidencing appointment to the office stated in Section 1 and supporting the facts relied on in Sections 2 and 3.		

ANNEX B4		
Combination of 2 periods of public sector service Article 19(3)(d) of the Constitution		
1. FIRST PERIOD OF SERVICE		
Office / organisation	First day of service	Last day of service
This period of service falls under paragraph <i>*(a) / (b) / (c)</i> of Article 19(3).		
2. SECOND PERIOD OF SERVICE		
Office / organisation	First day of service	Last day of service
This period of service falls under paragraph <i>*(a) / (b) / (c)</i> of Article 19(3).		
3. ADDITIONAL ANNEXES		
Attach the relevant Annex (and the requisite supporting documents) for each period of service as follows:		
<ol style="list-style-type: none"> 1. For service under Article 19(3)(a), attach Annex B1. 2. For service under Article 19(3)(b), attach Annex B2. 3. For service under Article 19(3)(c), attach Annex B3. 		
Attach a separate Annex for each period of service.		

ANNEX B5	
Private Sector Service	
Article 19(4)(a), (b) or (c) of the Constitution	
1. TYPE OF PRIVATE SECTOR SERVICE	
I seek to rely on (tick only one box):	
<input type="checkbox"/> Article 19(4)(a) <input type="checkbox"/> Article 19(4)(b) <input type="checkbox"/> Article 19(4)(c) (both periods under Article 19(4)(a)) <input type="checkbox"/> Article 19(4)(c) (both periods under Article 19(4)(b)) <input type="checkbox"/> Article 19(4)(c) (one period under Article 19(4)(a) and one period under Article 19(4)(b))	
If you rely on Article 19(4)(c) for 2 periods of service in 2 different entities, complete one copy of this Annex for each entity.	
2. ENTITY RELIED ON	
Name of entity	
Type of entity	
Unique entity number or any equivalent identification number	
Country where entity is incorporated or constituted	
Is the entity the parent of a group under the accounting standards it applies?	
If you are relying on Article 19(4)(c), are you relying on Article 19(4)(a) or Article 19(4)(b) for your service in this entity?	
3. PERIOD OF SERVICE RELIED ON	
State the first and last day of the period of service in the entity that you are relying on to satisfy Article 19(4)(a), (b) or (c), as the case may be.	
If you seek to satisfy Article 19(4)(b) for a 3-year period, or for one or both of the periods under Article 19(4)(c), state the position in which you served and seek to rely on.	

4. SERVICE IN ENTITY				
State all the periods where you served in the entity, in any position. Use a new row for every different position held and start from the most recent period.				
No.	First day of period	Last day of period	Position held	Is position equivalent to chief executive? (Y/N)
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
5. FUNCTIONS AND RESPONSIBILITIES				
Describe your functions and responsibilities in the periods during which you served in the position that you seek to rely on.				

6. FINANCIAL INFORMATION SUBMITTED			
(a) Financial statements: List all the financial years or financial periods during which you served in the position that you are relying on, and describe the financial statements (if any) you submitted for each financial year or financial period. Use one row for each financial year/financial period. Use financial periods only where the financial year is not over at the time of the application.			
No.	First and last day of financial year/financial period	Describe the financial statements submitted for the financial year/financial period, including (a) whether the statements are consolidated; (b) whether the statements are audited; (c) if the statements are not audited, whether there are any other assurances of their reliability; (d) whether accepted accounting standards are used in preparing the statements and if not, whether the documents required under regulation 15(8) are submitted.	State the items in the financial statements you consider to be the equivalent of shareholders' equity and profit after tax (put "N/A" if the financial statements are prepared under the Singapore Accounting Standards).
1			
2			
3			
4			
5			
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8			
9			
10			

(b) Compliance	
To the best of your knowledge and belief, does each set of financial statements described above (other than interim unaudited financial statements) comply with all the legal and regulatory requirements that apply in relation to it, including the legal and regulatory requirements that apply to the audit of the financial statements?	Yes / No
If no, provide the details of the non-compliance, including the requirement that was not complied with and any sanction imposed for the non-compliance.	
(c) Explanation: Give an explanation if (a) you did not submit any document required under regulation 14 or 15 for any period of service; (b) you submitted a document that does not fully comply with the requirements of regulation 14 or 15; or (c) you did not submit any financial statements for any period of service. Put "N/A" if this is not applicable.	
(d) Assurance: If you did not submit any financial statements at all for any period of service, sign in the signature block below.	
I declare that, to the best of my knowledge and belief, nothing has occurred during any period of service for which I did not submit any financial statements that may negatively affect the financial position and financial performance of the entity *(and the group that the entity is the parent of) in a way that is material to this application. Signature

7. SHAREHOLDERS' EQUITY				
No.	State each financial year/financial period of the entity which ended during the qualifying period in Section 3, starting from the most recent financial year/financial period. Use financial periods only if the financial year is not over at the date of the application.	Shareholders' equity (or equivalent) at the end of the financial period (in presentation currency), based on the financial statements submitted.# Put "N/A" if no financial statements are submitted.	Shareholders' equity at the end of the financial period (converted to Singapore dollars).	State the exchange rates used and how they were obtained.
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				

The financial statements used for this column must be financial statements prepared using any accepted accounting standards or converted to the Singapore Accounting Standards.

8. PROFIT AFTER TAX					
No.	State each financial year/financial period of the entity which ended during the period when you served in the position you are relying on. Use financial periods only if the financial year is not over at the date of the application.	Profit after tax (or equivalent) for the financial year/financial period (in presentation currency), based on the financial statements submitted.# Put "N/A" if no financial statements are submitted.	Profit after tax for the financial year/financial period (in Singapore dollars). Put "N/A" if the entity uses only one presentation currency.	If you served in the position you are relying on for only part of the financial year/financial period, state the first and last days of the financial year/financial period where you served as the chief executive.	If you served in the position you are relying on for only part of the financial year/financial period, state the pro-rated profit for the financial year/financial period.
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
# The financial statements used for this column must be financial statements prepared using any accepted accounting standards or converted to the Singapore Accounting Standards.					

9. DECLARATION OF SOLVENCY	
This section applies only if the applicant is relying on service in a company for the purposes of Article 19(4)(a) (including for one or both of the 2 periods under Article 19(4)(c)).	
(a) Last day of service	
What is your last day of service in the position you are relying on, as at the date of the writ?	
(b) Declaration: Sign against the applicable declaration	
(1) I declare that, within 3 years after my last day of service, the company has not been subject to any insolvency event within the meaning of regulation 32. Signature
(2) I declare that, within 3 years after my last day of service, the company has been subject to an insolvency event within the meaning of regulation *32(2)(b)/(3)(a)/(3)(b), but its assets exceeded its liabilities at the time of the insolvency event. Signature
(3) I declare that, from my last day of service to the date of the writ, the company has not been subject to any insolvency event within the meaning of regulation 32. Signature
(4) I declare that, from my last day of service to the date of the writ, the company has been subject to an insolvency event within the meaning of regulation *32(2)(b)/(3)(a)/(3)(b), but its assets exceeded its liabilities at the time of the insolvency event. Signature
(c) Supporting documents	
If you signed declaration (1) or (3), provide supporting documents (e.g. a company register search or a winding-up search) showing that the company has not been wound up at the relevant date.	
(d) Details of insolvency event	
If you signed declaration (2) or (4), provide details of the insolvency event and attach proof that the company's assets exceeded its liabilities at the time of the insolvency event.	

10. QUALITATIVE CRITERIA

Fill in this section only if you are relying on Article 19(4)(b) for your service in this entity.

(a) Comparability of position: Explain, with reference to the position you are relying on, the size and complexity of the entity and your performance in the position, why you consider yourself to have experience and ability that is comparable to a person who has served as the chief executive of a typical company with at least \$500 million in shareholders' equity and who satisfies Article 19(4)(a).

(b) Experience and ability: Explain why you consider yourself to have the experience and ability to effectively carry out the functions and duties of the office of President, having regard to any matter you think is relevant.

ANNEX C				
Integrity, Good Character and Reputation				
1. CONVICTIONS				
Have you ever been convicted of an offence by a court of law in Singapore or elsewhere?				Yes / No
If yes, provide the details below.				
No.	Nature of offence	Date of conviction	Court	Date of pardon (if any)
1				
2				
3				
4				
5				
2. BANKRUPTCY				
Have you ever been made a bankrupt, whether in Singapore or elsewhere?				Yes / No
If yes, provide the details below.				
No.	Date of bankruptcy order	Court	Date of discharge (if any)	
1				
2				
3				
4				
5				

3. DISCIPLINARY OR REGULATORY PROCEEDINGS				
Have you ever been subject to disciplinary or regulatory proceedings, whether in Singapore or elsewhere? If yes, provide the details below.				Yes / No
No.	Date of proceedings	Disciplinary body	Nature of proceedings (including any charge, complaint or claim, by whatever name called)	Outcome (including findings made and any sanctions ordered)
1				
2				
3				
4				
5				
4. OTHER LEGAL PROCEEDINGS				
Has an injunction or a similar order (including a personal protection order) been sought against you in any legal proceedings in Singapore or elsewhere? If yes, provide the details below.				Yes / No
No.	Date of proceedings	Court	Nature of proceedings (including the relief sought against you)	Outcome (including any order made against you)
1				
2				
3				
4				
5				

5. CHARACTER REFERENCES	
Provide typed and signed references from 3 persons, who must have known you for at least 2 years and who must not be your relatives. The references must be in separate sealed envelopes with your name written on the envelope.	
Provide the details of your referees below.	
Referee 1	
Name	
NRIC No.^	
Occupation	
Relationship to you	
Length of time which referee has known you	
Address^	
Contact No.^	
Email address^	
Referee 2	
Name	
NRIC No.^	
Occupation	
Relationship to you	
Length of time which referee has known you	
Address^	
Contact No.^	
Email address^	

Referee 3	
Name	
NRIC No.^	
Occupation	
Relationship to you	
Length of time which referee has known you	
Address^	
Contact No.^	
Email address^	

ANNEX D			
Current Employment and Employment History			
No.	Period	Employer	Job Description
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

ANNEX E		
List of Supporting Documents		
State all the supporting documents you provided (e.g. appointment letters, financial statements, character references), even if the documents have been stated elsewhere in the application.		
No.	Date of document	Description of document
1		
2		
3		
4		
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Miscellaneous amendments

6. In the principal Regulations —

(a) in the following provisions, replace “(Cap. 50)” with “1967”:

Regulation 13(1), definition of “company”

Regulation 14(1)

Regulation 15(1)(a)

Regulation 32(2);

(b) in regulation 13(1), in the definition of “Singapore Accounting Standards”, in paragraph (a), replace “Part III of the Accounting Standards Act (Cap. 2B)” with “Part 3 of the Accounting Standards Act 2007”;

(c) in regulation 14, in the regulation heading, after “**Companies Act**”, insert “1967”;

(d) in regulation 14(2), after “Companies Act”, insert “1967”;

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- (e) in regulation 32(3), after “registered under the Companies Act”, insert “1967”;
 - (f) in the Schedule, in Forms 1 and 2, after “PRESIDENTIAL ELECTIONS ACT”, insert “1991”;
 - (g) in the Schedule, in Forms 1 and 2, delete “(CHAPTER 240A)”;
 - (h) in the Schedule, in Form 1, after “Presidential Elections Act”, insert “1991”; and
 - (i) in the Schedule, in Form 1, under Annex G, replace “(Cap. 211)” with “2000”.

Made on 12 June 2023.

LEO YIP
*Permanent Secretary,
Prime Minister’s Office,
Singapore.*

[ELD(A)/4-22; AG/LEGIS/SL/240A/2020/2 Vol. 1]

(To be presented to Parliament under section 81B(1) of the Presidential Elections Act 1991).