

THE STATUTES OF THE REPUBLIC OF SINGAPORE

THE CONSTITUTION OF THE REPUBLIC OF SINGAPORE

Reprint No. 1 of 1980
S.I. 1963 No. 1493
(G.N. Sp. No. S 1/63)

Amended by

M19 of 1964	10 of 1979
8 of 1965	24 of 1980
9 of 1965	7 of 1981
7 of 1968	16 of 1984
21 of 1968	10 of 1985
19 of 1969	28 of 1986
13 of 1970	G.N. Nos.
40 of 1970	S 50/66
16 of 1971	S 259/66
25 of 1972	S 58/67
37 of 1972	S 88/67
3 of 1973	S 214/68
5 of 1978	S 163/80

REVISED EDITION 1985

PRINTED BY THE GOVERNMENT PRINTER, SINGAPORE

1986

The Constitution of the Republic of Singapore

ARRANGEMENT OF ARTICLES

PART I

PRELIMINARY

Article

1. Citation.
2. Interpretation.

PART II

THE REPUBLIC AND THE CONSTITUTION

3. Republic of Singapore.
4. Supremacy of Constitution.
5. Amendment of Constitution.

PART III

PROTECTION OF THE SOVEREIGNTY OF THE REPUBLIC OF SINGAPORE

6. No surrender of sovereignty by merger or in any other manner, nor relinquishment of control over the Police Force or the Armed Forces unless supported by not less than two-thirds of total votes cast by electors at a referendum.
7. Participation in co-operative international schemes which are beneficial to Singapore.
8. No amendment to this Part unless supported by not less than two-thirds of total votes cast by electors at a referendum.

PART IV

FUNDAMENTAL LIBERTIES

9. Liberty of the person.
10. Slavery and forced labour prohibited.
11. Protection against retrospective criminal laws and repeated trials.

Article

12. Equality.
13. Prohibition of banishment and freedom of movement.
14. Freedom of speech, assembly and association.
15. Freedom of religion.
16. Rights in respect of education.

PART V

THE GOVERNMENT

Chapter 1 — The President

17. The President.
18. Qualification and disabilities of President.
19. Oath of Office of President.
20. Civil List and personal staff of President and remuneration of person exercising functions of President.
21. President to act on advice.
22. Vice-President.

Chapter 2 — The Executive

23. Executive authority of Singapore.
24. Cabinet.
25. Appointment of Prime Minister and Ministers.
26. Tenure of office of Prime Minister and Ministers.
27. Oath.
28. Summoning of and presiding in Cabinet.
29. Validity of proceedings in Cabinet.
30. Assignment of responsibility to Ministers.
31. Parliamentary Secretaries.
32. Leave of absence for Ministers and Parliamentary Secretaries.
33. Disabilities of Ministers and Parliamentary Secretaries.
34. Permanent Secretaries.
35. Attorney-General.
36. Secretary to Cabinet.

Chapter 3 — Capacity as regards property, contracts and suits

37. Capacity of Government as regards property, contracts and suits.

PART VI

THE LEGISLATURE

38. Legislature of Singapore.
39. Parliament.
40. Speaker.
41. Remuneration of Speaker.
42. Deputy Speaker.

Article

43. Performance of functions of Speaker.
44. Qualifications for membership of Parliament.
45. Disqualifications for membership of Parliament.
46. Tenure of office of Members.
47. Provision against double membership.
48. Decision on questions as to disqualification.
49. Filling of vacancies.
50. Penalty for unqualified persons sitting or voting in Parliament.
51. Staff of Parliament.
52. Standing Orders.
53. Use of languages in Parliament.
54. Presiding in Parliament.
55. Validity of proceedings of Parliament.
56. Quorum.
57. Voting.
58. Exercise of legislative power.
59. Introduction of Bills.
60. Words of enactment of laws.
61. Oath of Allegiance.
62. Address by President.
63. Privileges of Parliament.
64. Sessions of Parliament.
65. Prorogation and dissolution of Parliament.
66. General elections.
67. Remuneration of Members.

PART VII

THE PRESIDENTIAL COUNCIL FOR MINORITY RIGHTS

68. Interpretation.
69. Establishment of Presidential Council for Minority Rights.
70. Temporary appointment during incapacity of member.
71. Qualifications of members.
72. Disqualifications of members.
73. Termination of membership.
74. Determination of questions as to membership.
75. Oaths of Allegiance and Secrecy.
76. General function of Council.
77. Functions of Council in respect of Bills and subsidiary legislation.
78. Copies of Bills and amendments thereto to be sent to Council.
79. Functions of Council in regard to Bills enacted on a certificate of urgency.
80. Functions of Council in regard to subsidiary legislation.
81. Functions of Council in regard to certain written law.
82. Duties of Chairman.
83. Quorum and voting.
84. Proceedings of Council to be in private.

Article

- 85. Council's report.
- 86. Validity of proceedings notwithstanding vacancy in membership.
- 87. Attendance of Minister, etc.
- 88. Power of Council to make rules regulating procedure.
- 89. Annual report.
- 90. Salaries and fees.
- 91. Appointment of staff.
- 92. Power to make rules generally.

PART VIII

THE JUDICIARY

- 93. Judicial power of Singapore.
- 94. Constitution of Supreme Court.
- 95. Appointment of Judges of Supreme Court.
- 96. Qualifications of Judges of Supreme Court.
- 97. Oath of Office of Judges and Judicial Commissioners of Supreme Court.
- 98. Tenure of office and remuneration of Judges of Supreme Court.
- 99. Restriction on Parliamentary discussion of conduct of a Judge of Supreme Court.
- 100. Appeals from Supreme Court.
- 101. Continuance of existing Judges.

PART IX

THE PUBLIC SERVICE

- 102. Public services.
- 103. Interpretation.
- 104. Tenure of public office.
- 105. Public Service Commission.
- 106. Disqualification for appointment to Commission.
- 107. Tenure of office.
- 108. Terms of service of Chairman and members of Commission.
- 109. Secretary to Commission.
- 110. Appointment, etc., of public officers.
- 111. Legal Service Commission.
- 112. Protection of pension rights.
- 113. Power of Public Service Commission and Legal Service Commission in relation to pensions, etc.
- 114. Pensions, etc., to be charged on the Consolidated Fund.
- 115. Pension rights on transfer.
- 116. Regulations regarding Public Service Commission.
- 117. Validation of acts done and rules made by Public Service Commission.
- 118. Performance by Public Service Commission of other functions.
- 119. Reports of Commissions.

PART X
CITIZENSHIP

Article

120. Status of citizen of Singapore.
121. Citizenship by birth.
122. Citizenship by descent.
123. Citizenship by registration.
124. Registration of minors.
125. Effect of registration.
126. General provisions as to registration.
127. Citizenship by naturalisation.
128. Renunciation of citizenship.
129. Deprivation of citizenship
130. Deprivation of citizenship of child of person losing citizenship.
131. General provisions as to loss of citizenship.
132. Cancellation of enrolment as citizen.
133. Procedure for deprivation.
134. Deprivation of citizenship on acquisition of foreign citizenship.
135. Deprivation of citizenship on exercise of rights of foreign nationals, etc.
136. Termination of citizenship of Malaysia.
137. Deprivation of citizenship or cancellation of enrolment of child of person losing citizenship.
138. Grant of certificate of citizenship in cases of doubt.
139. Commonwealth citizenship.
140. Application of Third Schedule.
141. Repeal.

PART XI
FINANCIAL PROVISIONS

142. No taxation unless authorised by law.
143. Consolidated Fund.
144. Estimates.
145. Authorisation of expenditure.
146. Meeting expenditure from Consolidated Fund.
147. Contingencies Fund.
148. Debt charges and moneys required to satisfy judgments.

PART XII
SPECIAL POWERS AGAINST SUBVERSION AND EMERGENCY POWERS

149. Legislation against subversion.
150. Proclamation of Emergency.
151. Restrictions on preventive detention.

PART XIII
GENERAL PROVISIONS

152. Minorities and special position of Malays.
153. Muslim religion.
154. Impartial treatment of Government employees.

Article

155. Authorised reprints of Constitution.
 156. Date of coming into operation of Constitution.

PART XIV

TRANSITIONAL PROVISIONS

157. Existing Standing Orders.
 158. Public officers to continue in office.
 159. Terms of service of persons who continue in office.
 160. Succession to property.
 161. Rights, liabilities and obligations.
 162. Existing laws.

First Schedule — Forms of Oaths.

Second Schedule — Oath of Renunciation, Allegiance and Loyalty.

Third Schedule — Citizenship.

**THE CONSTITUTION OF
 THE REPUBLIC OF SINGAPORE**

[16th September 1963]

PART I

PRELIMINARY

Citation.

1. This Constitution may be cited as the Constitution of the Republic of Singapore.

Inter-
pretation.

2.—(1) In this Constitution, unless it is otherwise provided or the context otherwise requires —

“Cabinet” means the Cabinet constituted under this Constitution;

“Civil List” means the provision made under Article 20 for the maintenance of the President;

“citizen of Singapore” means any person who, under the provisions of this Constitution, has the status of a citizen of Singapore;

“commencement”, used with reference to this Constitution, means the day on which this Constitution comes into operation;

“Consolidated Fund” means the Consolidated Fund established by this Constitution;

- “existing law” means any law having effect as part of the law of Singapore immediately before the commencement of this Constitution;
- “Government” means the Government of Singapore;
- “law” includes written law and any legislation of the United Kingdom or other enactment or instrument whatsoever which is in operation in Singapore and the common law in so far as it is in operation in Singapore and any custom or usage having the force of law in Singapore;
- “Legal Service Commission” means the Legal Service Commission constituted under this Constitution;
- “Legislature” means the Legislature of Singapore;
- “Minister” means a Minister appointed under this Constitution;
- “office of profit” means, subject to clause (5), any whole time office in the public service;
- “Parliament” means the Parliament of Singapore;
- “President” means the President of Singapore elected under this Constitution and includes any person for the time being appointed to exercise the functions of the office of President;
- “Prime Minister” means the Prime Minister of Singapore appointed under this Constitution;
- “public office” means, subject to clause (5), an office of emolument in the public service;
- “public officer” means the holder of any public office;
- “public seal” means the public seal of Singapore;
- “public service” means service under the Government;
- “Public Service Commission” means the Public Service Commission constituted under this Constitution;
- “register of electors” means any register of electors prepared under the provisions of any written law for the time being in force relating to Parliamentary elections;
- “remuneration”, in respect of any public officer, means only the emoluments of that officer, the whole or any part of which count for pension in accordance with the provisions of any law relating to the grant of pensions in respect of the public service;

“session” means the sittings of Parliament commencing when it first meets after being constituted, or after its prorogation or dissolution at any time, and terminating when Parliament is prorogued or is dissolved without having been prorogued;

“Singapore” means the Republic of Singapore;

“sitting” means a period during which Parliament is sitting continuously without adjournment, including any period during which Parliament is in committee;

“Speaker” and “Deputy Speaker” mean, respectively, the Speaker and the Deputy Speaker of Parliament;

“terms of service”, in respect of any officer, includes the remuneration to which that officer is entitled by virtue of his office, and any pension, gratuity or other like allowance payable to or in respect of that officer;

“written law” means this Constitution and all Acts and Ordinances and subsidiary legislation for the time being in force in Singapore.

(2) Save where this Constitution otherwise provides or where the context otherwise requires —

(a) the person or authority having power to make substantive appointments to any public office may appoint a person to perform the functions of that office during any period when it is vacant or when the holder thereof is unable (whether by reason of absence or infirmity of body or mind or any other cause) to perform those functions;

(b) every appointment to perform the functions of an office made under paragraph (a) shall be made in the same manner as and subject to the same conditions as apply to a substantive appointment to that office;

(c) any reference in this Constitution to the holder of any office by the term designating his office shall be construed as including a reference to any person for the time being lawfully performing the functions of that office; and

(d) any reference in this Constitution to an appointment to any office shall be construed as including a reference to an appointment to perform the functions of that office.

(3) Where in this Constitution power is conferred on any person or authority to appoint a person to perform the functions of any office if the holder thereof is unable himself to perform its functions, any such appointment shall not be called in question on the ground that the holder of that office was not unable to perform those functions.

(4) For the purposes of this Constitution, the resignation of a member of any body or the holder of any office constituted by this Constitution that is required to be addressed to any person shall be deemed to have effect from the time that it is received by that person:

Provided that, in the case of a resignation that is required to be addressed to the Speaker, the resignation shall, if the office of Speaker is vacant or the Speaker is absent from Singapore, be deemed to have effect from the time that it is received by the Deputy Speaker on behalf of the Speaker.

(5) For the purposes of this Constitution, a person shall not be considered as holding a public office or an office of profit by reason of the fact that he is in receipt of any remuneration or allowances (including a pension or other like allowance) in respect of his tenure of the office of President, Vice-President, Prime Minister, Chief Justice, Speaker, Deputy Speaker, Minister, Parliamentary Secretary, Political Secretary, Member of Parliament, Ambassador, High Commissioner or such other office as the President may, from time to time, by order, prescribe.*

(6) (a) Without prejudice to clause (2) when the holder of any public office is on leave of absence pending relinquishment of that office, the person or authority having power to make appointments to that office may appoint another person thereto.

(b) Where two or more persons are holding the same office by reason of an appointment made pursuant to paragraph (a) the person last appointed shall, in respect of

*Offices of Consul-General and Consul have been prescribed by the President — See G.N. No. S 212/72.

any function conferred on the holder of that office, be deemed to be the sole holder of that office.

(7) Where a person is required by this Constitution to take an oath, he shall be permitted, if he so desires, to comply with that requirement by making an affirmation.

(8) References in this Constitution to any period shall, so far as the context admits, be construed as including references to a period beginning before the commencement of this Constitution.

Cap. 1.

(9) Subject to this Article, the Interpretation Act shall apply for the purpose of interpreting this Constitution and otherwise in relation thereto as it applies for the purpose of interpreting and otherwise in relation to any written law within the meaning of that Act. [91]

(10) Unless the context otherwise requires, any reference in this Constitution to a specified Part, Article or Schedule is a reference to that Part or Article of, or that Schedule to, this Constitution; any reference to a specified chapter, clause, section or paragraph is a reference to that chapter of the Part, that clause of the Article, that section of the Schedule, or that paragraph of the clause or section, in which the reference occurs; and any reference to a group of Articles, sections or divisions of Articles or sections shall be construed as including both the first and the last member of the group referred to. [M 160 (3)]

PART II

THE REPUBLIC AND THE CONSTITUTION

Republic of
Singapore.

***3.** Singapore shall be a sovereign republic to be known as the Republic of Singapore.

Supremacy of
Constitution.

4. This Constitution is the supreme law of the Republic of Singapore and any law enacted by the Legislature after the commencement of this Constitution which is inconsistent with this Constitution shall, to the extent of the inconsistency, be void. [52]

*Section 2 (1) (d), Constitution (Amendment) Act 1965 (No. 8 of 1965) and the Republic of Singapore Independence Act 1965 (No. 9 of 1965).

***5.—(1)** Subject to this Article and Article 8, the provisions of this Constitution may be amended by a law enacted by the Legislature. Amendment of Constitution.

(2) A Bill seeking to amend any provision in this Constitution shall not be passed by Parliament unless it has been supported on Second and Third Readings by the votes of not less than two-thirds of the total number of the Members thereof. 16/84.

(3) In this Article, “amendment” includes addition and repeal. [90

PART III

PROTECTION OF THE SOVEREIGNTY OF THE REPUBLIC OF SINGAPORE

6.—(1) There shall be —

(a) no surrender or transfer, either wholly or in part, of the sovereignty of the Republic of Singapore as an independent nation, whether by way of merger or incorporation with any other sovereign state or with any Federation, Confederation, country or territory or in any other manner whatsoever; and No surrender of sovereignty by merger or in any other manner, nor relinquishment of control over the Police Force or the Armed Forces unless supported by not less than two-thirds of total votes cast by electors at a referendum.

(b) no relinquishment of control over the Singapore Police Force or the Singapore Armed Forces, unless such surrender, transfer or relinquishment 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.

(2) For the purposes of this Article —

“Singapore Police Force” means the Singapore Police Force and the Special Constabulary established under the Police Force Act and any Auxiliary Police Force created in accordance with Part X of that Act, and includes the Vigilante Corps established under the Vigilante Corps Act and such other force as the President may, by notification in Cap. 235.
Cap. 343.

* The former clause (3) of this Article was deleted by Act 16 of 1984.

the *Gazette*, declare to be a police force for the purposes of this Article; and

“Singapore Armed Forces” means the Singapore Armed Forces raised and maintained under the Singapore Armed Forces Act, and includes any civil defence force formed under the Civil Defence Act and such other force as the President may, by notification in the *Gazette*, declare to be an armed force for the purposes of this Article. [52J

Cap. 295.

Cap. 42.

Participation in co-operative international schemes which are beneficial to Singapore.

7. Without in any way derogating from the force and effect of Article 6, nothing in that Article shall be construed as precluding Singapore or any association, body or organisation therein from —

- (a) participating or co-operating in, or contributing towards, any scheme, venture, project, enterprise or undertaking of whatsoever nature, in conjunction or in concert with any other sovereign state or with any Federation, Confederation, country or countries or any association, body or organisation therein, where such scheme, venture, project, enterprise or undertaking confers, has the effect of conferring or is intended to confer, on Singapore or any association, body or organisation therein, any economic, financial, industrial, social, cultural, educational or other benefit of any kind or is, or appears to be, advantageous in any way to Singapore or any association, body or organisation therein; or
- (b) entering into any treaty, agreement, contract, pact or other arrangement with any other sovereign state or with any Federation, Confederation, country or countries or any association, body or organisation therein, where such treaty, agreement, contract, pact or arrangement provides for mutual or collective security or any other object or purpose whatsoever which is, or appears to be, beneficial or advantageous to Singapore in any way. [52K

8.—(1) A Bill for making an amendment to this Part 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.

No amendment to this Part unless supported by not less than two-thirds of total votes cast by electors at a referendum. Cap. 218.

(2) In this Article, “amendment” includes addition and repeal.

[52L

PART IV

FUNDAMENTAL LIBERTIES

9.—(1) No person shall be deprived of his life or personal liberty save in accordance with law.

Liberty of the person.

(2) Where a complaint is made to the High Court or any Judge thereof that a person is being unlawfully detained, the Court shall inquire into the complaint and, unless satisfied that the detention is lawful, shall order him to be produced before the Court and release him.

(3) Where a person is arrested he shall be informed as soon as may be of the grounds of his arrest and shall be allowed to consult and be defended by a legal practitioner of his choice.

(4) Where a person is arrested and not released, he shall, without unreasonable delay, and in any case within 48 hours (excluding the time of any necessary journey), be produced before a magistrate and shall not be further detained in custody without the magistrate’s authority.

16/84.

(5) Clauses (3) and (4) shall not apply to an enemy alien or to any person arrested for contempt of Parliament pursuant to a warrant issued under the hand of the Speaker.

28/86.

[M5

(6) Nothing in this Article shall invalidate any law —

5/78.

(a) in force before 16th September 1963 which authorises the arrest and detention of any person in the interests of public safety, peace and good order; or

(b) relating to the misuse of drugs which authorises the arrest and detention of any person for the purpose of treatment and rehabilitation,

by reason of such law being inconsistent with clauses (3) and (4), and, in particular, nothing in this Article shall affect the validity or operation of any such law before 10th March 1978.

Slavery and forced labour prohibited.

10.—(1) No person shall be held in slavery.

(2) All forms of forced labour are prohibited, but Parliament may by law provide for compulsory service for national purposes.

(3) Work incidental to the serving of a sentence of imprisonment imposed by a court of law shall not be taken to be forced labour within the meaning of this Article.

[M6]

Protection against retrospective criminal laws and repeated trials.

11.—(1) No person shall be punished for an act or omission which was not punishable by law when it was done or made, and no person shall suffer greater punishment for an offence than was prescribed by law at the time it was committed.

(2) A person who has been convicted or acquitted of an offence shall not be tried again for the same offence except where the conviction or acquittal has been quashed and a retrial ordered by a court superior to that by which he was convicted or acquitted.

[M7]

Equality.

12.—(1) All persons are equal before the law and entitled to the equal protection of the law.

(2) Except as expressly authorised by this Constitution, there shall be no discrimination against citizens of Singapore on the ground only of religion, race, descent or place of birth in any law or in the appointment to any office or employment under a public authority or in the administration of any law relating to the acquisition, holding or disposition of property or the establishing or carrying on of any trade, business, profession, vocation or employment.

(3) This Article does not invalidate or prohibit —

(a) any provision regulating personal law; or

(b) any provision or practice restricting office or employment connected with the affairs of any religion, or of an institution managed by a group professing any religion, to persons professing that religion.

[M8]

Prohibition of banishment and freedom of movement.

13.—(1) No citizen of Singapore shall be banished or excluded from Singapore.

(2) Subject to any law relating to the security of Singapore or any part thereof, public order, public health or the punishment of offenders, every citizen of Singapore has the

right to move freely throughout Singapore and to reside in any part thereof. [M9]

14.—(1) Subject to clauses (2) and (3) —

- (a) every citizen of Singapore has the right to freedom of speech and expression;
- (b) all citizens of Singapore have the right to assemble peaceably and without arms; and
- (c) all citizens of Singapore have the right to form associations.

Freedom of speech, assembly and association.

(2) Parliament may by law impose —

- (a) on the rights conferred by clause (1) (a), such restrictions as it considers necessary or expedient in the interest of the security of Singapore or any part thereof, friendly relations with other countries, public order or morality and restrictions designed to protect the privileges of Parliament or to provide against contempt of court, defamation or incitement to any offence;
- (b) on the right conferred by clause (1) (b), such restrictions as it considers necessary or expedient in the interest of the security of Singapore or any part thereof or public order; and
- (c) on the right conferred by clause (1) (c), such restrictions as it considers necessary or expedient in the interest of the security of Singapore or any part thereof, public order or morality.

(3) Restrictions on the right to form associations conferred by clause (1) (c) may also be imposed by any law relating to labour or education. [M10]

15.—(1) Every person has the right to profess and practise his religion and to propagate it.

Freedom of religion.

(2) No person shall be compelled to pay any tax the proceeds of which are specially allocated in whole or in part for the purposes of a religion other than his own.

(3) Every religious group has the right —

- (a) to manage its own religious affairs;
- (b) to establish and maintain institutions for religious or charitable purposes; and

(c) to acquire and own property and hold and administer it in accordance with law.

(4) This Article does not authorise any act contrary to any general law relating to public order, public health or morality. [M11]

Rights in
respect of
education.

16.—(1) Without prejudice to the generality of Article 12, there shall be no discrimination against any citizens of Singapore on the grounds only of religion, race, descent or place of birth —

(a) in the administration of any educational institution maintained by a public authority, and, in particular, the admission of pupils or students or the payment of fees; or

(b) in providing out of the funds of a public authority financial aid for the maintenance or education of pupils or students in any educational institution (whether or not maintained by a public authority and whether within or outside Singapore).

(2) Every religious group has the right to establish and maintain institutions for the education of children and provide therein instruction in its own religion, and there shall be no discrimination on the ground only of religion in any law relating to such institutions or in the administration of any such law.

(3) No person shall be required to receive instruction in or to take part in any ceremony or act of worship of a religion other than his own.

(4) For the purposes of clause (3), the religion of a person under the age of 18 years shall be decided by his parent or guardian. [M12]

PART V

THE GOVERNMENT

Chapter 1 — The President

The
President.

17.—(1) There shall be a President of Singapore, who shall be elected by Parliament.

(2) The President shall not be liable to any proceedings whatsoever in any court.

(3) The President shall hold office for a term of 4 years from the date on which he enters upon his office but may at any time resign his office by writing under his hand addressed to the Speaker, and may be removed from office in pursuance of a resolution of Parliament supported by the votes of not less than two-thirds of the total number of the Members thereof.

(4) The Cabinet may appoint a person to exercise the functions of the President for any period during which the President is unable to do so himself owing to illness, absence from Singapore or any other cause; but no person shall be so appointed unless he would be qualified to be appointed as President. [1

18.—(1) A person who is not a citizen of Singapore shall not be elected President.

Qualification and disabilities of President.

(2) The President shall not hold any office of profit and shall not actively engage in any commercial enterprise. [2

19. The President or person appointed to exercise the functions of the President under Article 17 (4) shall, before exercising his functions, take and subscribe in the presence of the Chief Justice or of another Judge of the Supreme Court the Oath of Office in the form set out in the First Schedule. [3

Oath of Office of President.

20.—(1) The Legislature shall by law provide a Civil List for the President.

Civil List and personal staff of President and remuneration of person exercising functions of President.

(2) Any other person authorised under this Constitution to exercise the functions of the office of President shall, during any period that he exercises those functions, be entitled to such remuneration as the Legislature may by law provide.

(3) The Civil List of the President and the remuneration to which any person is entitled under clause (2) shall be charged on and paid out of the Consolidated Fund and shall not be diminished during the continuance in office of the President or during the period that that person exercises the functions of the office of President, as the case may be.

(4) Subject to clause (5), the appointment, terms of service, disciplinary control, termination of appointment

and dismissal of the personal staff of the President shall be matters for the President acting in his discretion.

(5) The President, if he so desires, may appoint to his personal staff such public officers as he may select, after consultation with the Prime Minister, from a list submitted by the Public Service Commission; and clause (4) (except in so far as it relates to appointment) shall apply in relation to a person so appointed as respects his service on the personal staff of the President but not as respects his service as a public officer.

(6) The remuneration of the personal staff of the President, other than a person appointed under clause (5), shall be defrayed out of the Civil List of the President. [4

President to
act on advice.

21.—(1) In the exercise of his functions under this Constitution or any law, the President shall act in accordance with the advice of the Cabinet or of a Minister acting under the general authority of the Cabinet, except as otherwise provided by this Constitution; but shall be entitled, at his request, to any information concerning the Government which is available to the Cabinet.

(2) The President may act in his discretion in the performance of the following functions (in addition to those in the performance of which he may act in his discretion under the other provisions of this Constitution) that is to say:

- (a) the appointment of the Prime Minister; and
- (b) the withholding of consent to a request for the dissolution of Parliament.

(3) The Legislature may by law make provision for requiring the President to act after consultation with, or on the recommendation of, any person or body of persons other than the Cabinet in the exercise of his functions other than —

- (a) functions exercisable in his discretion; and
- (b) functions with respect to the exercise of which provision is made in any other provision of this Constitution. [5

Vice-
President.

22.—(1) Parliament may elect a Vice-President of Singapore.

(2) No person shall be so elected unless he would be qualified to be elected President.

(3) The Vice-President shall hold office for a term of 3 years from the date on which he enters upon his office but may at any time resign his office by writing under his hand addressed to the Speaker, and may be removed from office in pursuance of a resolution of Parliament supported by the votes of not less than two-thirds of the total number of the Members thereof.

(4) The Vice-President shall assist the President in the exercise of such of his functions as the President may from time to time delegate to him, but in making such delegation the President shall act in accordance with the advice of the Cabinet.

(5) Nothing in clause (4) shall be construed as prohibiting the President from exercising at any time any function delegated to the Vice-President under that clause.

(6) The Cabinet may, instead of appointing a person to exercise the functions of the President for any period during which the President is unable to do so himself as provided in Article 17 (4), appoint the Vice-President to exercise all the functions of the President during any such period, notwithstanding any delegation that may already have been made under clause (4).

(7) The Vice-President shall, before exercising any functions under this Article, take and subscribe in the presence of the Chief Justice or of another Judge of the Supreme Court the Oath of Office, *mutatis mutandis*, in the form set out in the First Schedule.

(8) The Legislature may by law make provision for the remuneration of the Vice-President, and any such remuneration shall be charged on and paid out of the Consolidated Fund. [1A

Chapter 2 — The Executive

23.—(1) The executive authority of Singapore shall be vested in the President and exercisable subject to the provisions of this Constitution by him or by the Cabinet or any Minister authorised by the Cabinet.

Executive
authority of
Singapore.

(2) The Legislature may by law confer executive functions on other persons. [7

Cabinet.

24.—(1) There shall be in and for Singapore a Cabinet which shall consist of the Prime Minister and such other Ministers as may be appointed in accordance with Article 25.

(2) Subject to the provisions of this Constitution, the Cabinet shall have the general direction and control of the Government and shall be collectively responsible to Parliament. [8

Appointment of Prime Minister and Ministers.

25.—(1) The President shall appoint as Prime Minister a Member of Parliament who in his judgment is likely to command the confidence of the majority of the Members of Parliament, and shall, acting in accordance with the advice of the Prime Minister, appoint other Ministers from among the Members of Parliament:

Provided that, if an appointment is made while Parliament is dissolved, a person who was a Member of the last Parliament may be appointed but shall not continue to hold office after the first sitting of the next Parliament unless he is a Member thereof.

(2) Appointments under this Article shall be made by the President by instrument under the public seal. [9

Tenure of office of Prime Minister and Ministers.

26.—(1) The President shall, by writing under the public seal, declare the office of Prime Minister vacant —

- (a) if the Prime Minister resigns his office by writing under his hand addressed to the President; or
- (b) if the President acting in his discretion is satisfied that the Prime Minister has ceased to command the confidence of a majority of the Members of Parliament:

Provided that, before declaring the office of Prime Minister vacant under this paragraph, the President shall inform the Prime Minister that he is satisfied as aforesaid, and, if the Prime Minister so requests, the President may dissolve Parliament instead of making such a declaration.

(2) A Minister, other than the Prime Minister, shall vacate his office —

- (a) if his appointment to that office is revoked by the President, acting in accordance with the advice

of the Prime Minister, by instrument under the public seal; or

(b) if he resigns his office by writing under his hand addressed to the President.

(3) A person who has vacated his office as Minister may, if qualified, be again appointed as Minister from time to time.

(4) (a) Whenever the Prime Minister is ill or absent from Singapore or has been granted leave of absence from his duties under Article 32, the functions conferred on him by this Constitution shall be exercisable by any other Minister authorised by the President, by instrument under the public seal, in that behalf.

(b) The President may, by instrument under the public seal, revoke any authority given under this clause.

(c) The powers conferred upon the President by this clause shall be exercised by him acting in his discretion, if in his opinion it is impracticable to obtain the advice of the Prime Minister owing to the Prime Minister's illness or absence, and in any other case shall be exercised by the President in accordance with the advice of the Prime Minister. [10

27. The Prime Minister and every other Minister shall, before entering on the duties of his office, take and subscribe before the President the Oath of Allegiance and the appropriate Oath for the due execution of his office in the forms set out in the First Schedule. [11

28.—(1) The Cabinet shall not be summoned except by the authority of the Prime Minister. [12

(2) The Prime Minister shall, so far as is practicable, attend and preside at meetings of the Cabinet and, in his absence, such other Minister shall preside as the Prime Minister shall appoint. [12

29. Any proceedings in the Cabinet shall be valid notwithstanding that some person who was not entitled to do so sat or voted therein or otherwise took part in the proceedings. [13

Oath.

Summoning
of and
presiding
in Cabinet.

Validity of
proceedings
in Cabinet.

Assignment
of responsi-
bility to
Ministers.

30.—(1) The Prime Minister may, by directions in writing —

- (a) charge any Minister with responsibility for any department or subject; and
- (b) revoke or vary any directions given under this clause.

(2) The Prime Minister may retain in his charge any department or subject. [14]

Parlia-
mentary
Secretaries.

31.—(1) The President, acting in accordance with the advice of the Prime Minister, may by instrument under the public seal, appoint Parliamentary Secretaries from among the Members of Parliament to assist Ministers in the discharge of their duties and functions:

Provided that, if an appointment is made while Parliament is dissolved, a person who was a Member of the last Parliament may be appointed a Parliamentary Secretary but shall not continue to hold office after the first sitting of the next Parliament unless he is a Member thereof.

(2) Article 26 (2) and (3) and Article 27 shall apply to Parliamentary Secretaries as they apply to Ministers. [15]

Leave of
absence for
Ministers and
Parlia-
mentary
Secretaries.

32. The President, acting in accordance with the advice of the Prime Minister, may grant leave of absence from his duties to the Prime Minister, to any other Minister and to any Parliamentary Secretary. [16]

Disabilities
of Ministers
and Parlia-
mentary
Secretaries.

33. A member of the Cabinet or Parliamentary Secretary shall not hold any office of profit and shall not actively engage in any commercial enterprise. [17]

Permanent
Secretaries.

34.—(1) There shall be for each Ministry one or more Permanent Secretaries who shall be persons who are public officers.

(2) (a) Appointments to the grade of Permanent Secretary shall be made by the President, acting in accordance with the advice of the Prime Minister, from a list of names submitted by the Public Service Commission.

(b) The responsibility for the allocation of each Permanent Secretary to a Ministry shall be vested in the Prime Minister.

(3) Every Permanent Secretary shall, subject to the general direction and control of the Minister, exercise supervision over the department or departments to which he is allocated. [18

35.—(1) The office of Attorney-General is hereby constituted and appointments thereto shall be made by the President, acting in accordance with the advice of the Prime Minister, from among persons who are qualified for appointment as a Judge of the Supreme Court. Attorney-General.

(2) When it is necessary to make an appointment to the office of Attorney-General otherwise than by reason of the death of the holder of that office or his removal from office under clause (6), the Prime Minister shall, before tendering advice to the President under clause (1), consult the person holding the office of Attorney-General or, if that office is then vacant, the person who has last vacated it, and the Prime Minister shall, in every case, before tendering such advice, consult the Chief Justice and the Chairman of the Public Service Commission.

(3) The Prime Minister shall not be obliged to consult any person under clause (2) if he is satisfied that by reason of the infirmity of body or mind of that person or for any other reason it is impracticable to do so.

(4) The Attorney-General may be appointed for a specific period and, if he was so appointed, shall, subject to clause (6), vacate his office (without prejudice to his eligibility for reappointment) at the expiration of that period, but, subject as aforesaid, shall otherwise hold office until he attains the age of 55 years:

Provided that —

- (a) he may at any time resign his office by writing under his hand addressed to the President; and
- (b) the President, acting in accordance with the advice of the Prime Minister, may permit an Attorney-General who has attained the age of 55 years to remain in office for such fixed period as may have been agreed between the Attorney-General and the Government.

(5) Nothing done by the Attorney-General shall be invalid by reason only that he has attained the age at which he is required by this Article to vacate his office.

(6) (a) The Attorney-General may be removed from office by the President, acting in accordance with the advice of the Prime Minister, but the Prime Minister shall not tender such advice except for inability of the Attorney-General to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour and except with the concurrence of a tribunal consisting of the Chief Justice and two other Judges of the Supreme Court nominated for that purpose by the Chief Justice.

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

(7) It shall be the duty of the Attorney-General to advise the Government upon such legal matters and to perform such other duties of a legal character, as may from time to time be referred or assigned to him by the President or the Cabinet and to discharge the functions conferred on him by or under this Constitution or any other written law.

(8) The Attorney-General shall have power, exercisable at his discretion, to institute, conduct or discontinue any proceedings for any offence. [M 145 (3)]

(9) In the performance of his duties, the Attorney-General shall have the right of audience in, and shall take precedence over any other person appearing before, any court or tribunal in Singapore. [M 145 (4)]

(10) The Attorney-General shall be paid such remuneration and allowances as may from time to time be determined and such remuneration and allowances shall be charged on and paid out of the Consolidated Fund.

(11) Subject to this Article, the terms of service of the Attorney-General shall either —

(a) be determined by or under any law made under this Constitution; or

(b) (in so far as they are not determined by or under any such law) be determined by the President.

(12) The terms of service of the Attorney-General shall not be altered to his disadvantage during his continuance in office.

(13) For the purposes of clause (12), in so far as the terms of service of the Attorney-General 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. [19

36.—(1) The President, acting in accordance with the advice of the Prime Minister, may appoint a public officer to be the Secretary to the Cabinet. Secretary to Cabinet.

(2) The Secretary to the Cabinet shall be responsible, in accordance with such instructions as may be given to him by the Prime Minister, for arranging the business for, and keeping the minutes of, the meetings of the Cabinet and for conveying the decisions of the Cabinet to the appropriate person or authority and shall have such other functions as the Prime Minister may from time to time direct. [20

*Chapter 3 — Capacity as regards property,
contracts and suits*

37.—(1) The Government shall have power to acquire, hold and dispose of property of any kind and to make contracts. Capacity of Government as regards property, contracts and suits.

(2) The Government may sue and be sued. [21

PART VI

THE LEGISLATURE

38. The Legislature of Singapore shall consist of the President and Parliament. Legislature of Singapore. [22

39.—(1) Parliament shall consist of — Parliament. 16/84.

(a) such number of elected Members as is equal to the number of constituencies prescribed by or under any law made by the Legislature; and

(b) such other additional Members, not exceeding 6 in number, who shall be known as non-constituency Members, as the Legislature may provide in any law relating to Parliamentary elections to ensure the representation in Parliament of a minimum number of Members from a political party or parties not forming the Government.

(2) A non-constituency Member shall not vote in Parliament on any motion pertaining to —

- (a) a Bill to amend the Constitution;
- (b) a Supply Bill or Supplementary Supply Bill;
- (c) a Money Bill as defined in Article 68;
- (d) a vote of no confidence in the Government.

(3) In this Article and in Article 47, a constituency shall be construed as an electoral division for the purposes of Parliamentary elections.

(4) If any person who is not a Member of Parliament is elected as Speaker or Deputy Speaker, he shall, by virtue of holding the office of Speaker or Deputy Speaker, be a Member of Parliament in addition to the Members aforesaid, except for the purposes of Chapter 2 of Part V and of Article 46. [23

Speaker.

40.—(1) When Parliament first meets after any general election and before it proceeds to the despatch of any other business, it shall elect a person to be Speaker, and, whenever the office of Speaker is vacant otherwise than by reason of a dissolution of Parliament, shall not transact any business other than the election of a person to fill that office.

(2) The Speaker may be elected, in such manner as Parliament may from time to time decide, either from among the Members of Parliament who are neither Ministers nor Parliamentary Secretaries or from among persons who are not Members of Parliament:

Provided that a person who is not a Member of Parliament shall not be elected as Speaker if, under any of the provisions of this Constitution, he is not qualified for election as a Member of Parliament.

(3) Upon the Speaker being elected and before he enters upon the duties of his office, he shall (unless he has already done so in accordance with Article 61) take and subscribe before Parliament the Oath of Allegiance in the form set out in the First Schedule.

(4) The Speaker may at any time resign his office by writing under his hand addressed to the Clerk of Parliament, and shall vacate his office —

- (a) when Parliament first meets after a general election;

- (b) in the case of a Speaker elected from among the Members of Parliament, if he ceases to be a Member of Parliament otherwise than by reason of a dissolution thereof or if he is appointed to be a Minister or a Parliamentary Secretary; or
- (c) in the case of a Speaker elected from among persons who are not Members of Parliament, if any circumstance arises that, if he had been elected to a seat in Parliament, would cause him to vacate his seat by virtue of Article 46 (2) (a) or (e). [24

41. The Speaker shall be paid such salary as Parliament may from time to time determine, and that salary, which is hereby charged on the Consolidated Fund, shall not be diminished during his continuance in office. [25

Remuneration of Speaker.

42.—(1) When Parliament first meets after any general election, it shall, as soon as practicable, elect a person to be Deputy Speaker; and whenever the office of Deputy Speaker becomes vacant otherwise than by reason of a dissolution of Parliament, Parliament shall, as soon as convenient, elect another person to that office.

Deputy Speaker.

(2) (a) The Deputy Speaker may be elected, in such manner as Parliament may from time to time decide, either from among the Members of Parliament who are neither Ministers nor Parliamentary Secretaries or from among persons who are not Members of Parliament:

Provided that a person who is not a Member of Parliament shall not be elected as Deputy Speaker if, under any of the provisions of this Constitution, he is not qualified for election as a Member of Parliament.

(b) Upon the Deputy Speaker being elected and before he enters upon the duties of his office, he shall (unless he has already done so in accordance with Article 61) take and subscribe before Parliament the Oath of Allegiance in the form set out in the First Schedule.

(c) The Deputy Speaker may at any time resign his office, by writing under his hand addressed to the Clerk of Parliament, and shall vacate his office —

- (i) when Parliament first meets after a general election;

- (ii) in the case of a Deputy Speaker elected from among the Members of Parliament, if he ceases to be a Member of Parliament otherwise than by reason of a dissolution thereof or if he is appointed to be a Minister or a Parliamentary Secretary; or
- (iii) in the case of a Deputy Speaker elected from among persons who are not Members of Parliament, if any circumstance arises that, if he had been elected to a seat in Parliament, would cause him to vacate his seat by virtue of Article 46 (2) (a) or (e).

(3) The Deputy Speaker shall be paid such salary or allowance as Parliament may from time to time determine, and that salary or allowance, which is hereby charged on the Consolidated Fund, shall not be diminished during his continuance in office. [26

Performance
of functions
of Speaker.

43. The functions conferred by this Constitution upon the Speaker shall, if there is no person holding the office of Speaker or if the Speaker is absent from a sitting of Parliament or is otherwise unable to perform those functions, be performed by the Deputy Speaker, or if there be no Deputy Speaker or if he is likewise absent or unable to perform those functions, by some other person to be elected by Parliament for the purpose. [27

Qualifica-
tions for
membership
of Parlia-
ment.

44.—(1) Members of Parliament shall be persons qualified for election in accordance with the provisions of this Constitution and elected in the manner provided by or under any law for the time being in force in Singapore.

24/80.

(2) A person shall be qualified to be elected as a Member of Parliament if —

- (a) he is a citizen of Singapore;
- (b) he is of the age of 21 years or upwards on the day of nomination;
- (c) his name appears in a current register of electors;
- (d) he is resident in Singapore at the date of his nomination for election and has been so resident for periods amounting in the aggregate to not less than 10 years prior to that date;

- (e) he is able, with a degree of proficiency sufficient to enable him to take an active part in the proceedings of Parliament, to speak and, unless incapacitated by blindness or other physical cause, to read and write at least one of the following languages, that is to say, English, Malay, Mandarin and Tamil; and
- (f) he is not disqualified from being a Member of Parliament under Article 45.

(3) Any question whether any person possesses the qualifications mentioned in clause (2) (e) shall be determined in such manner as may be prescribed by or under any law for the time being in force in Singapore or, in so far as not so prescribed, as may be provided by order made by the President and published in the *Gazette*. [28

45.—(1) Subject to this Article, a person shall not be qualified to be a Member of Parliament who —

- (a) is and has been found or declared to be of unsound mind;
- (b) is an undischarged bankrupt;
- (c) holds an office of profit;
- (d) having been nominated for election to Parliament or having acted as election agent to a person so nominated, has failed to lodge any return of election expenses required by law within the time and in the manner so required;
- (e) has been 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 and has not received a free pardon:

Provided that where the conviction is by a court of law in Malaysia, the person shall not be so disqualified unless the offence is also one which, had it been committed in Singapore, would have been punishable by a court of law in Singapore;

- (f) has voluntarily acquired the citizenship of, or exercised rights of citizenship in, a foreign country or has made a declaration of allegiance to a foreign country; or

Disqualifications for membership of Parliament.

(g) is disqualified under any law relating to offences in connection with elections to Parliament by reason of having been convicted of such an offence or having in proceedings relating to such an election been proved guilty of an act constituting such an offence.

(2) The disqualification of a person under clause (1) (d) or (e) may be removed by the President and shall, if not so removed, cease at the end of 5 years beginning from the date on which the return mentioned in clause (1) (d) was required to be lodged or, as the case may be, the date on which the person convicted as mentioned in clause (1) (e) was released from custody or the date on which the fine mentioned in clause (1) (e) was imposed on such person; and a person shall not be disqualified under clause (1) (f) by reason only of anything done by him before he became a citizen of Singapore.

(3) In clause (1) (f), “foreign country” does not include any part of the Commonwealth or the Republic of Ireland.

[29

Tenure of
office of
Members.

46.—(1) Every Member of Parliament shall cease to be a Member at the next dissolution of Parliament after he has been elected, or previously thereto if his seat becomes vacant, under the provisions of this Constitution.

(2) The seat of a Member of Parliament shall become vacant —

- (a) if he ceases to be a citizen of Singapore;
- (b) if he ceases to be a member of, or is expelled or resigns from, the political party for which he stood in the election;
- (c) if, by writing under his hand addressed to the Speaker, he resigns his seat in Parliament;
- (d) if during two consecutive months in each of which sittings of Parliament (or any committee of Parliament to which he has been appointed) are held, he is absent from all such sittings without having obtained from the Speaker before the termination of any such sitting permission to be or to remain absent therefrom;
- (e) if he becomes subject to any of the disqualifications specified in Article 45; or
- (f) if he is expelled from Parliament in the exercise of its power of expulsion.

(3) Any person whose seat in Parliament has become vacant may, if qualified, again be elected as a Member of Parliament from time to time. [30]

47. A person shall not be at the same time a Member of Parliament for more than one constituency. [31] Provision against double membership.

48. Any question whether —

- (a) any Member of Parliament has vacated his seat therein; or
- (b) in the case of any person who has been elected as Speaker or Deputy Speaker from among persons who are not Members of Parliament, any circumstance has arisen that, if he had been elected to a seat in Parliament, would cause him to vacate his seat by virtue of Article 46 (2) (a) or (e),
- Decision on questions as to disqualification.

shall be determined by Parliament whose decision shall be final:

Provided that this Article shall not be taken to prevent the practice of Parliament postponing a decision in order to allow for the taking or determination of any proceedings that may affect the decision (including proceedings for the removal of the disqualification). [32]

49.—(1) Whenever the seat of a Member, not being a non-constituency Member, has become vacant for any reason other than a dissolution of Parliament, the vacancy shall be filled by election in the manner provided by or under any law relating to Parliamentary elections for the time being in force. Filling of vacancies. 16/84.

(2) The Legislature may by law provide for —

- (a) the vacating of a seat of a non-constituency Member in circumstances other than those specified in Article 46;
- (b) the filling of vacancies of the seats of non-constituency Members where such vacancies are caused otherwise than by a dissolution of Parliament. [33]

Penalty for unqualified persons sitting or voting in Parliament.

50.—(1) Any person who sits or votes in Parliament, knowing or having reasonable ground for knowing that he is not entitled to do so, shall be liable to a penalty not exceeding \$200 for each day on which he so sits or votes.

(2) The said penalty shall be recoverable by action in the High Court at the suit of the Attorney-General. [34]

Staff of Parliament.

51.—(1) The staff of Parliament shall consist of a Clerk of Parliament and such other officers as may from time to time be appointed under Part IX to assist him.

(2) The Clerk of Parliament shall be appointed by the President after consultation with the Speaker and the Public Service Commission.

(3) The Clerk of Parliament may at any time resign his office by writing under his hand addressed to the Speaker and, subject to clause (4), may be removed from office by the President after consultation with the Speaker.

(4) The Clerk of Parliament shall not be removed from office under clause (3) unless Parliament, by a resolution which has received the affirmative votes of not less than two-thirds of all the Members thereof, has resolved that he ought to be so removed for inability to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour.

(5) The staff of Parliament shall not be eligible for promotion or transfer to any other office in the public service without the consent of the Speaker.

(6) Subject to Article 159, the terms of service of the staff of Parliament may be determined by Parliament after receiving the advice of a Commission consisting of the following persons, that is to say:

- (a) the Speaker, as Chairman;
- (b) not more than 3 Ministers nominated by the Prime Minister, of whom one shall be the Minister responsible for finance; and
- (c) a member of the Public Service Commission. [35]

Standing Orders.

52. Subject to the provisions of this Constitution, Parliament may, from time to time, make, amend and revoke Standing Orders for the regulation and orderly conduct of its own proceedings and the despatch of business. [36]

53. Until the Legislature otherwise provides, all debates and discussions in Parliament shall be conducted in Malay, English, Mandarin or Tamil. [37] Use of languages in Parliament.

54. The Speaker shall preside at each sitting of Parliament. [38] Presiding in Parliament.

55. Parliament shall not be disqualified for the transaction of business by reason of any vacancy among the Members thereof, including any vacancy not filled when Parliament is first constituted or is reconstituted at any time; and any proceedings therein shall be valid notwithstanding that some person who was not entitled to do so sat or voted in Parliament or otherwise took part in the proceedings. [39] Validity of proceedings of Parliament.

56. If objection is taken by any Member present that there are present (besides the Speaker or other Member presiding) fewer than one-quarter of the total number of Members and, after such interval as may be prescribed in the Standing Orders of Parliament, the Speaker or other Member presiding ascertains that the number of Members present is still less than one-quarter of the total number of Members, he shall thereupon adjourn Parliament. [40] Quorum.

57.—(1) Subject to this Constitution, all questions proposed for decision in Parliament shall be determined by a majority of the votes of the Members present and voting; and if, upon any question before Parliament, the votes of the Members are equally divided, the motion shall be lost. Voting.

(2) If the Speaker has been elected from among persons who are not Members of Parliament, he shall not vote, but subject to this provision, the Speaker or other person presiding shall have an original vote but no casting vote. [41]

58.—(1) Subject to the provisions of Part VII, the power of the Legislature to make laws shall be exercised by Bills passed by Parliament and assented to by the President. Exercise of legislative power.

(2) A Bill shall become law on being assented to by the President and such law shall come into operation on the date of its publication in the *Gazette* or, if it is enacted either in such law or in any other law for the time being in force in Singapore that it shall come into operation on some other date, on that date. [42]

Introduction
of Bills.

59.—(1) Subject to the provisions of this Constitution and of Standing Orders of Parliament, any Member may introduce any Bill or propose any motion for debate in, or may present any petition to, Parliament, and the same shall be debated and disposed of according to the Standing Orders of Parliament.

(2) A Bill or amendment making provision (whether directly or indirectly) for —

- (a) imposing or increasing any tax or abolishing, reducing or remitting any existing tax;
- (b) the borrowing of money, or the giving of any guarantee, by the Government, or the amendment of the law relating to the financial obligations of the Government;
- (c) the custody of the Consolidated Fund, the charging of any money on the Consolidated Fund or the abolition or alteration of any such charge;
- (d) the payment of moneys into the Consolidated Fund or the payment, issue or withdrawal from the Consolidated Fund of any moneys not charged thereon, or any increase in the amount of such a payment, issue or withdrawal; or
- (e) the receipt of any moneys on account of the Consolidated Fund or the custody or issue of such moneys,

being provision as respects which the Minister charged with responsibility for finance signifies that it goes beyond what is incidental only and not of a substantial nature having regard to the purposes of the Bill or amendment, shall not be introduced or moved except on the recommendation of the President signified by a Minister.

(3) A Bill or amendment shall not be deemed to make provision for any of the said matters by reason only that it provides for the imposition or alteration of any fine or other pecuniary penalty or for the payment or demand of a licence fee or a fee or charge for any service rendered. [43

Words of
enactment
of laws.

60. In every Bill presented for assent, the words of enactment shall be as follows:

“Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:”.

[44

61. No Member of Parliament shall be permitted to take part in the proceedings thereof (other than proceedings necessary for the purpose of this Article) until he has taken and subscribed before Parliament the Oath of Allegiance in the form set out in the First Schedule:

Oath of Allegiance.

Provided that the election of a Speaker may take place before the Members of Parliament have taken and subscribed such Oath. [45]

62. The President may address Parliament and may send messages thereto. [46]

Address by President.

63. It shall be lawful for the Legislature by law to determine and regulate the privileges, immunities or powers of Parliament. [47]

Privileges of Parliament.

64.—(1) There shall be a session of Parliament once at least in every year and a period of 6 months shall not intervene between the last sitting of Parliament in any one session and the first sitting thereof in the next session.

Sessions of Parliament.

(2) The sessions of Parliament shall be held in such places and shall commence at such times as the President may, from time to time, by Proclamation in the *Gazette*, appoint. [48]

65.—(1) The President may, at any time, by Proclamation in the *Gazette*, prorogue Parliament.

Prorogation and dissolution of Parliament.

(2) If, at any time, the office of Prime Minister is vacant, the President shall, by Proclamation in the *Gazette*, dissolve Parliament as soon as he is satisfied, acting in his discretion, that a reasonable period has elapsed since that office was last vacated and that there is no Member of Parliament likely to command the confidence of a majority of the Members thereof.

(3) The President may, at any time, by Proclamation in the *Gazette*, dissolve Parliament if he is advised by the Prime Minister to do so, but he shall not be obliged to act in this respect in accordance with the advice of the Prime Minister unless he is satisfied that, in tendering that advice, the Prime Minister commands the confidence of a majority of the Members of Parliament.

(4) Parliament, unless sooner dissolved, shall continue for 5 years from the date of its first sitting and shall then stand dissolved. [49]

General elections.

66. There shall be a general election at such time, within 3 months after every dissolution of Parliament, as the President shall, by Proclamation in the *Gazette*, appoint. [50]

Remuneration of Members.

67. The Legislature may by law make provision for the remuneration of Members of Parliament. [51]

PART VII

THE PRESIDENTIAL COUNCIL FOR MINORITY RIGHTS

Interpretation.

68. In this Part, unless the context otherwise requires —

“adverse report” means a report of the Council stating that, in the opinion of the Council, some specified provision of a Bill or of a subsidiary legislation would be a differentiating measure;

“Chairman” means the Chairman of the Council;

“Council” means the Presidential Council for Minority Rights established under Article 69;

“differentiating measure” means any measure which is, or is likely in its practical application to be, disadvantageous to persons of any racial or religious community and not equally disadvantageous to persons of other such communities, either directly by prejudicing persons of that community or indirectly by giving advantage to persons of another community;

“member” means a member of the Council and includes the Chairman;

“Money Bill” means a Bill which contains only provisions dealing with all or any of the following matters:

(a) the imposition, repeal, remission, alteration or regulation of taxation;

(b) the imposition, for the payment of debt or other financial purposes, of charges on the Consolidated Fund or any other

- public funds, or the variation or repeal of any such charges;
- (c) the grant of money to the Government or to any authority or person, or the variation or revocation of any such grant;
 - (d) the appropriation, receipt, custody, investment, issue or audit of accounts of public money;
 - (e) the raising or guarantee of any loan or the repayment thereof, or the establishment, alteration, administration or abolition of any sinking fund provided in connection with any such loan;
 - (f) subordinate matters which are ancillary or incidental to any of the foregoing matters;

“sitting day” means any date on which Parliament meets. [81A

69.—(1) There shall be a Presidential Council for Minority Rights which shall consist of —

- (a) a Chairman appointed for a period of 3 years;
- (b) not more than 10 permanent members appointed for life; and
- (c) not more than 10 other members appointed for a period of 3 years.

Establishment of Presidential Council for Minority Rights.

(2) The Chairman and the members shall be appointed by the President on the advice of the Cabinet.

(3) The Chairman and the members appointed under clause (1) (c) shall be eligible for reappointment. [81B

70. Whenever a member informs the Chairman that he is or will be incapable, for a period of 3 months or more, of taking part in the proceedings of the Council by reason of illness, absence or other cause, the Chairman shall convey the information to the President who may, on the advice of the Cabinet, appoint a person to serve as a member for that period. [81C

Temporary appointment during incapacity of member.

Qualifica-
tions of
members.

71. No person shall be qualified to be appointed as a member unless —

- (a) he is a citizen of Singapore;
- (b) he is not less than 35 years of age;
- (c) he is resident in Singapore; and
- (d) he is not liable to any of the disqualifications provided in Article 72. [81D]

Disqualifi-
cations of
members.

72. A person shall be disqualified for appointment as a member who —

- (a) is or has been found or declared to be of unsound mind;
- (b) is insolvent or an undischarged bankrupt;
- (c) has been convicted of an offence by a court 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 and has not received a free pardon:

Provided that where the conviction is by a court in Malaysia, the person shall not be so disqualified unless the offence is also one which, had it been committed in Singapore, would have been punishable by a court in Singapore; or

- (d) has voluntarily acquired the citizenship of, or exercised the rights of citizenship in, a foreign country or has made a declaration of allegiance to a foreign country. [81E]

Termination
of
membership.

73. A member shall vacate his seat in the Council —

- (a) if he ceases to be a citizen of Singapore;
- (b) if by writing under his hand addressed to the Chairman he resigns his seat; or
- (c) if he becomes subject to any of the disqualifications provided in Article 72. [81F]

Determina-
tion of ques-
tions as to
membership.

74.—(1) Any question whether any person has become a member or has vacated his seat as such member shall be referred to and determined by a tribunal consisting of a Judge of the Supreme Court appointed by the Chief Justice and two members appointed by the Council.

(2) Any tribunal constituted under clause (1) shall —

- (a) sit in private;
- (b) afford the person concerned adequate opportunity to call witnesses and be heard; and
- (c) report its decision to the Chairman.

(3) The decision of the tribunal shall be final and shall not be open to question in any court. [81G]

75. Before any person who has been appointed Chairman or a member enters upon the duties of his office, he shall take and subscribe before a Judge of the Supreme Court the Oath of Allegiance and the Oath of Secrecy in the forms set out respectively in paragraphs 2 and 7 in the First Schedule. [81H]

Oaths of Allegiance and Secrecy.

76.—(1) It shall be the general function of the Council to consider and report on such matters affecting persons of any racial or religious community in Singapore as may be referred to the Council by Parliament or the Government.

General function of Council.

(2) A reference to the Council by Parliament may be made by the Speaker, and a reference to the Council by the Government may be made by a Minister. [81I]

77. It shall be the particular function of the Council to draw attention to any Bill or to any subsidiary legislation if that Bill or subsidiary legislation is, in the opinion of the Council, a differentiating measure. [81J]

Functions of Council in respect of Bills and subsidiary legislation.

78.—(1) Immediately after any Bill to which this Article applies has been given a final reading and passed by Parliament and before it is presented to the President for assent, the Speaker shall cause an authenticated copy of the Bill to be sent to the Council.

Copies of Bills and amendments thereto to be sent to Council.

(2) The Council shall consider the Bill and shall, within 30 days of the date on which the Bill was sent to the Council, make a report to the Speaker stating whether or not in the opinion of the Council any and, if so, which provision of the Bill would, if enacted, be a differentiating measure.

(3) Whenever after the receipt of an adverse report from the Council, the Bill to which it relates is amended by Parliament, the Speaker shall cause the Bill in its amended form to be sent again to the Council.

(4) On the application of the Chairman, the Speaker may extend, as he thinks fit, the period of 30 days prescribed by clause (2), where he considers it proper to do so on account of the length or complexity of any Bill or the number of matters for the time being under consideration by the Council or for any sufficient reason.

(5) The Speaker shall cause every report received by him from the Council in pursuance of clause (2) to be presented to Parliament without undue delay. Where the Speaker receives no such report on the Bill within the time provided in clause (2), or any extension thereof granted under clause (4), it shall be conclusively presumed that the Council is of the opinion that no provision of the Bill would, if enacted, be a differentiating measure.

(6) No Bill to which this Article applies shall be presented to the President for assent unless it is accompanied by a certificate under the hand of the Speaker stating that —

(a) in the opinion of the Council no provision of the Bill would, if enacted, be a differentiating measure;

(b) no report having been received from the Council within the time prescribed or any extension thereof, the Council is presumed to be of the opinion that no provision of the Bill would, if enacted, be a differentiating measure; or

(c) notwithstanding the opinion of the Council that some specified provision of the Bill would, if enacted, be a differentiating measure, a motion for the presentation of the Bill to the President for assent has been passed by the affirmative vote of not less than two-thirds of the total membership of Parliament.

(7) This Article shall not apply to —

(a) a Money Bill;

(b) a Bill certified by the Prime Minister as being one which affects the defence or the security of Singapore or which relates to public safety, peace or good order in Singapore; or

- (c) a Bill certified by the Prime Minister to be so urgent that it is not in the public interest to delay its enactment.

(8) A Bill shall be deemed to be a Money Bill if the Speaker certifies in writing that, in his opinion, it is a Bill to which the definition of "Money Bill" contained in Article 68 applies. No Money Bill shall be presented to the President for assent, unless it is accompanied by the Speaker's certificate which shall be conclusive for all purposes and shall not be open to question in any court. [81k

79.—(1) Where the President assents to a Bill which has been certified as urgent by the Prime Minister under Article 78 (7), it shall nevertheless be the duty of the Speaker to cause an authenticated copy of the Act to be sent as soon as may be to the Council.

Functions of Council in regard to Bills enacted on a certificate of urgency.

(2) The Council shall thereupon consider the Act and shall, within 30 days of the date on which the Act was sent to the Council, make a report to the Speaker stating whether or not in the opinion of the Council any and, if so, which provision of the Act is a differentiating measure.

(3) The Speaker shall cause any such report to be presented to Parliament as soon as may be. [81L

80.—(1) An authenticated copy of every piece of subsidiary legislation shall be sent to the Council by the appropriate Minister within 14 days of the publication of such subsidiary legislation.

Functions of Council in regard to subsidiary legislation.

(2) The Council shall thereupon consider such subsidiary legislation and shall, within 30 days of the date on which the subsidiary legislation was sent to the Council, make a report to the Speaker and to the appropriate Minister, stating whether or not in the opinion of the Council any and, if so, which provision of the subsidiary legislation is a differentiating measure.

(3) The Speaker shall cause every report of the Council on every piece of subsidiary legislation to be presented to Parliament on the next sitting day after receiving the Council's report.

(4) Where an adverse report in respect of any provision of any subsidiary legislation is presented to Parliament in

pursuance of clause (3), then, within 6 months after the presentation of that report, unless either —

- (a) the provision has been revoked or amended by the appropriate Minister; or
- (b) Parliament has passed a resolution confirming that provision,

the appropriate Minister shall revoke such provision and cause a notice of revocation to be published in the *Gazette*.

(5) If no report on any subsidiary legislation is received from the Council within the time provided in clause (2), it shall be conclusively presumed that the Council is of the opinion that no provision in such subsidiary legislation is a differentiating measure. [81M

Functions of Council in regard to certain written law.

81.—(1) The Council may examine any written law in force on 9th January 1970 and may make a report in regard to any provision in such written law which, in the opinion of the Council, is a differentiating measure.

(2) The Council shall send such report to the Speaker and the Speaker shall cause such report to be presented to Parliament as soon as may be.

(3) In the case of a report on any subsidiary legislation, the Council shall also cause a copy of the report to be sent to the appropriate Minister. [81N

Duties of Chairman.

82.—(1) The Council shall meet on the summons of the Chairman.

(2) The Chairman, if present, shall preside at all meetings of the Council.

(3) Whenever the office of Chairman is vacant or the Chairman for any reason is unable to attend, some other member shall be elected by the Council to act as Chairman. [81o

Quorum and voting.

83.—(1) The Council shall not transact any business unless a quorum of 8 members, including the Chairman or member presiding, is present.

(2) Any decision of the Council shall be made by a majority of the votes of the members present and voting.

(3) The Chairman or member presiding shall have an original vote but not a casting vote.

(4) If upon any question before the Council the votes of the members are equally divided, the motion shall be deemed to be lost. [81P]

84. The proceedings of the Council shall be conducted in private and the Council shall not be entitled to hear objectors or examine witnesses in regard to any Bill or law which is being considered by the Council in pursuance of the provisions of this Part. [81Q]

Proceedings of Council to be in private.

85. In reporting the opinion of the Council under the provisions of this Part, the Council shall state — Council's report.

- (a) either that the report is unanimous or the number of votes for and against it; and
- (b) in the case of an adverse report, the grounds on which the Council has reached its conclusion. [81R]

86. Subject to Article 83 (1), the Council shall not be disqualified for the transaction of business by reason of any vacancy among the members thereof; and any proceedings therein shall be valid notwithstanding that some person who was not entitled to do so took part in those proceedings. [81s]

Validity of proceedings notwithstanding vacancy in membership.

87. Any Minister, Minister of State or Parliamentary Secretary specially authorised by the Prime Minister for this purpose shall be entitled to attend and take part in the proceedings of the Council as if he were a member but shall not have the right to vote in the Council. [81T]

Attendance of Minister, etc.

88. Subject to the provisions of this Constitution, the Council may make rules with respect to the regulation and conduct of its proceedings and the despatch of its business but no such rules shall have effect until they have been approved by the President. [81U]

Power of Council to make rules regulating procedure.

89.—(1) Once in every year it shall be the duty of the Council to compile and present to the President a report on the work of the Council during the preceding 12 months. Annual report.

(2) The President shall cause such report to be presented to Parliament as soon as may be. [81v]

Salaries
and fees.

90.—(1) There shall be paid to the Chairman and the other members such salaries and fees as may be determined by the President.

(2) The salaries and fees payable under clause (1) shall be defrayed out of moneys provided by Parliament. [81w

Appointment
of staff.

91. The Council shall have power to appoint a Secretary to the Council and such other officers as may be required to enable the Council to carry out its functions under this Part. [81x

Power to
make rules
generally.

92. The President may make rules for the conduct of business between the Council and Parliament and between the Council and any authority empowered to make subsidiary legislation, and generally for carrying out the purposes of this Part. [81y

PART VIII

THE JUDICIARY

Judicial
power of
Singapore.

93. The judicial power of Singapore shall be vested in a Supreme Court and in such subordinate courts as may be provided by any written law for the time being in force. [52A

Constitution
of Supreme
Court.

94.—(1) The Supreme Court shall consist of a Chief Justice and such other Judges as may, from time to time, be appointed.

(2) The office of a Judge of the Supreme Court shall not be abolished during his continuance in office.

(3) A person qualified for appointment as a Judge of the Supreme Court or a person who has ceased to hold the office of a Judge of the Supreme Court may sit as a Judge of that Court, if designated for the purpose (as occasion requires) in accordance with Article 95, and such person shall hold office for such period or periods as the President, acting on the advice of the Prime Minister, shall direct.

(4) In order to facilitate the disposal of business in the Supreme Court, the President, acting on the advice of the Prime Minister, may appoint a person qualified for appointment as a Judge of the Supreme Court to be a Judicial Commissioner of the Supreme Court in accordance with

Article 95 for such period or periods as the President thinks fit; and a Judicial Commissioner so appointed may, in respect of such class or classes of cases as the Chief Justice may specify, exercise the powers and perform the functions of a Judge of the Supreme Court. Anything done by a Judicial Commissioner when acting in accordance with the terms of his appointment shall have the same validity and effect as if done by a Judge of that Court and, in respect thereof, he shall have the same powers and enjoy the same immunities as if he had been a Judge of that Court.

[52B]

95.—(1) The Chief Justice and the other Judges of the Supreme Court shall be appointed by the President, acting on the advice of the Prime Minister.

Appointment of Judges of Supreme Court.

(2) Before tendering his advice as to the appointment under clause (1) of a Judge, other than the Chief Justice, the Prime Minister shall consult the Chief Justice.

(3) This Article shall apply to the designation of a person to sit as a Judge of the Supreme Court under Article 94 (3) and to the appointment of a Judicial Commissioner of the Supreme Court under Article 94 (4) as it applies to the appointment of a Judge of that Court other than the Chief Justice.

[52C]

96. A person is qualified for appointment as a Judge of the Supreme Court if he has for an aggregate period of not less than 10 years been a qualified person within the meaning of section 2 of the Legal Profession Act or a member of the Singapore Legal Service, or both.

Qualifications of Judges of Supreme Court. Cap. 161.

[52D]

97. The Chief Justice and every person appointed to be a Judge of the Supreme Court or designated to sit as a Judge of the Supreme Court under Article 94 (3) or appointed as a Judicial Commissioner of the Supreme Court under Article 94 (4) shall, before he enters on the execution of his office, take, in the presence of the President, the Oath of Office in the form set out in the First Schedule.

Oath of Office of Judges and Judicial Commissioners of Supreme Court.

[52E]

98.—(1) Subject to this Article, a Judge of the Supreme Court shall hold office until he attains the age of 65 years or such later time not being later than 6 months after he attains that age, as the President may approve.

Tenure of office and remuneration of Judges of Supreme Court.

(2) A Judge of the Supreme Court may at any time resign his office by writing under his hand addressed to the President, but shall not be removed from office except in accordance with clauses (3), (4) and (5).

(3) If the Prime Minister, or the Chief Justice after consulting the Prime Minister, represents to the President that a Judge of the Supreme Court ought to be removed on the ground of misbehaviour or of inability, from infirmity of body or mind or any other cause, to properly discharge the functions of his office, the President shall appoint a tribunal in accordance with clause (4) and shall refer that representation to it; and may on the recommendation of the tribunal remove the Judge from office.

(4) The tribunal shall consist of not less than 5 persons who hold or have held office as a Judge of the Supreme Court, or, if it appears to the President expedient to make such an appointment, persons who hold or have held equivalent office in any part of the Commonwealth, and the tribunal shall be presided over by the member first in the following order, namely, the Chief Justices according to their precedence among themselves and other members according to the order of their appointment to an office qualifying them for membership (the older coming before the younger of two members with appointments of the same date).

(5) Pending any reference and report under clause (3), the President may, on the recommendation of the Prime Minister and, in the case of any other Judge, after consulting the Chief Justice, suspend a Judge of the Supreme Court from the exercise of his functions.

(6) Parliament shall by law provide for the remuneration of the Judges of the Supreme Court and the remuneration so provided shall be charged on the Consolidated Fund.

(7) Subject to this Article, Parliament may by law provide for the terms of office of the Judges of the Supreme Court, other than their remuneration.

(8) The remuneration and other terms of office (including pension rights) of a Judge of the Supreme Court shall not be altered to his disadvantage after his appointment.

(9) Notwithstanding clause (1), the validity of anything done by a Judge of the Supreme Court shall not be questioned on the ground that he had attained the age on which he was required to retire.

(10) The President may in his discretion grant leave of absence from his duties to the Chief Justice and, acting on the advice of the Chief Justice, to any other Judge of the Supreme Court. [52F

99. The conduct of a Judge of the Supreme Court shall not be discussed in Parliament except on a substantive motion of which notice has been given by not less than one-quarter of the total number of the Members of Parliament. [52G

Restriction on Parliamentary discussion of conduct of a Judge of Supreme Court.

100.—(1) The President may make arrangements with Her Majesty for reference to the Judicial Committee of Her Britannic Majesty's Privy Council of appeals from the Supreme Court. Appeals from Supreme Court.

(2) Any appeal under this Article shall be subject to such conditions as to leave or otherwise as may be prescribed by any written law or by or under the enactments regulating the proceedings of the Judicial Committee of Her Britannic Majesty's Privy Council. [52H

101.—(1) The Chief Justice of Singapore and other Judges of the High Court in Singapore holding office immediately before 9th January 1970 shall, as from that day, become the Chief Justice and the Judges of the Supreme Court respectively, and the provisions of this Part shall, subject to clause (2), apply to them accordingly. Continuan-
ce of existing Judges. S 37/70.

(2) The persons becoming the Chief Justice and the other Judges of the Supreme Court under clause (1) shall continue to hold office on terms and conditions not less favourable than those applicable to them immediately before that day. [52I

PART IX

THE PUBLIC SERVICE

102.—(1) For the purposes of this Constitution and except as hereinafter in this Part provided, the public services shall be — Public services.

(a) the Singapore Armed Forces;

- (b) the Singapore Civil Service;
- (c) the Singapore Legal Service; and
- (d) the Singapore Police Force. [70]

(2) Except as otherwise expressly provided by this Constitution, the qualifications for appointments and conditions of service of persons in the public services may be regulated by law and, subject to the provisions of any such law, by the President. [M 132(2)]

Interpretation.

103. Except for the purposes of Articles 112, 114 and 115, and except where the context otherwise requires, in the interpretation of this Part —

- (a) “public service” does not include service otherwise than in a civil capacity;
- (b) “public office” does not include the following offices:
 - (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 or the Legal 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 “public officer” shall be construed accordingly. [71]

Tenure of public office.

104. 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. [72]

Public Service Commission.
7/81.

105.—(1) There shall be a Public Service Commission which shall consist of a Chairman and not less than 5 and not more than 11 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.

7/81.

(3) The President may, from time to time, acting in accordance with the advice of the Prime Minister, appoint

one or more Deputy Chairman from among the members of the Public Service Commission.

(4) Before tendering his advice as to the appointment under clause (3) of a Deputy Chairman, the Prime Minister shall consult the Chairman of the Public Service Commission. ^{7/81.}

(5) Every Deputy Chairman appointed under clause (3) shall hold office for such period as may be specified in the terms of his appointment and shall cease to be Deputy Chairman if he ceases to be a member of the Public Service Commission. ^{7/81.}

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

(7) At any meeting of the Public Service Commission, 3 members who shall include either the Chairman or one of the Deputy Chairmen, 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 to do so took part therein. ^{7/81.}

(8) 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. [73

106.—(1) 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 — Disqualifica-
tion for
appointment
to Com-
mission.

(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 Companies Act or any corresponding previous written law; Cap. 50.

(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.

7/81.

(2) Clause (1) (b) shall not apply to any person who is a member of the teaching staff of the National University of Singapore. [74

Tenure of office.

107.—(1) Subject to Article 106, 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 5 years from the date of his appointment, but shall be eligible for reappointment:

7/81.

Provided that a member, other than the Chairman may be appointed to hold office for any shorter period of not less than 3 years.

(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) shall regulate its own procedure and may make rules for that purpose. [75

Terms of service of Chairman and members of Commission.

108.—(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), 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. [76]

109.—(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. Secretary to 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. [77]

110.—(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, dismiss and exercise disciplinary control over public officers. Appointment, etc., of 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 this Article without being given a reasonable opportunity of being heard.

(4) No member of any of the services mentioned in Article 102 (1) (b) to (d) shall be dismissed or reduced in rank by an authority subordinate to that which, at the time of the dismissal or reduction, has power to appoint a member of that service of equal rank.

(5) In clause (1) —

“appoint” does not include an appointment to act in an office for two months or less;

“transfer” does not include transfer without a change of rank within a department of the Government.

[78

Legal
Service
Commission.

111.—(1) There shall be a Legal Service Commission, whose jurisdiction shall extend to all officers in the Singapore Legal Service.

(2) The Legal Service Commission shall consist of —

(a) the Chief Justice, as President;

(b) the Attorney-General;

(c) the Chairman of the Public Service Commission;

(d) a Judge of the Supreme Court nominated generally or specially by the Chief Justice; and

(e) not more than two members of the Public Service Commission nominated generally or specially by the Chairman of the Public Service Commission.

[M 138

(3) Subject to the provisions of any existing law and to the provisions of this Constitution, it shall be the duty of the Legal Service Commission to appoint, confirm, emplace on the permanent or pensionable establishment, promote, transfer, dismiss and exercise disciplinary control over officers in the Singapore Legal Service. [M 144 (1)

(4) The Legal Service Commission may delegate to any officer in the Singapore Legal Service or to any board of such officers appointed by it, any of its functions under clause (3) in respect of any grade of service, and that officer or board shall exercise those functions under the direction and control of the Legal Service Commission. [M 144 (6)

(5) The person who is Secretary to the Public Service Commission shall be Secretary to the Legal Service Commission. [M 138 (3)

Protection
of pension
rights.

112.—(1) The law applicable to any pension, gratuity or other like allowance (referred to in this Article as an award) granted to any public officer or to his widow, children, dependants or personal representatives shall be that in force

on the relevant day or any later law not less favourable to the person concerned.

(2) For the purposes of this Article, the relevant day is —

- (a) in relation to an award made before 16th September 1963 the date on which the award was made;
- (b) in relation to an award made after 16th September 1963 to or in respect of any person who was a public officer before that day, the day immediately before that day; and
- (c) in relation to an award made to or in respect of any person who first became a public officer on or after 16th September 1963 the date on which he first became a public officer.

(3) For the purposes of this Article, where the law applicable to an award depends on the option of the person to whom it is made, the law for which he opts shall be taken to be more favourable to him than any other law for which he might have opted. [79]

113.—(1) Where under any written law any person or authority has a discretion —

- (a) to decide whether or not any award shall be made; or
- (b) to withhold, reduce in amount or suspend any such award that has been made,

Power of Public Service Commission and Legal Service Commission in relation to pensions, etc.

that award shall be made and may not be withheld, reduced in amount or suspended unless the Public Service Commission or the Legal Service Commission, as the case may be, concurs in the refusal to grant the award or, as the case may be, in the decision to withhold, reduce in amount or suspend it.

(2) Where the amount of any award that may be made to any person is not fixed by law, the amount of the award to be made to him shall be the greatest amount for which he is eligible unless the Public Service Commission or the Legal Service Commission, as the case may be, concurs in the making of an award of a smaller amount.

(3) In this Article, “award” has the same meaning as in Article 112. [80]

Pensions,
etc., to be
charged on
the Consoli-
dated Fund.

114. Pensions, gratuities and other like allowances granted in respect of the public service shall be charged on and paid out of the Consolidated Fund. [80A]

Pension
rights on
transfer.

115.—(1) Notwithstanding any provision of this Constitution relating to the circumstances in which a public officer may vacate his office, any public officer may, with the consent of the Government (which consent shall not be unreasonably withheld), relinquish his office for the purpose of transfer to some other public office or to an office in any other public service, and if he so relinquishes his office, his claim to any pension, gratuity or other like allowance shall not thereby be prejudiced.

Cap. 225.

(2) For the purposes of this Article, “other public service” has the meaning given to it by the Pensions Act as in force immediately before the commencement of this Constitution. [80B]

Regulations
regarding
Public
Service
Commis-
sion.

116.—(1) Subject to the provisions of any written law for the time being in force in Singapore, the President may make regulations for all or any of the following matters:

- (a) the division of public offices into Divisions and Services;
- (b) the prescribing of Schemes regulating the recruitment, service and promotion of members of such Services; and
- (c) the conduct and discipline of the public service.

(2) The Public Service Commission may, subject to the provisions of this Constitution, regulate its own procedure and make rules for that purpose, and may, in connection with the discharge of its functions, confer powers and impose duties on any person or any authority of the Government.

(3) The Public Service Commission may, by directions in writing and subject to such conditions as it thinks fit, delegate any of its functions under Article 110 (1) to any member of the Commission, to any public officer or other person, or to any board consisting of public officers and other persons appointed by it or to any person who is a member of a panel appointed by the Commission for the

purposes of representing the public in any disciplinary proceedings in respect of any grade of the public service and that member, officer, board or person shall exercise those functions under the direction and control of the Public Service Commission. [80c

117.—(1) No legal proceedings whatsoever shall lie or be instituted or maintained in any court of law for or on account of or in respect of any act, decision or thing done or taken by the Public Service Commission or by any member, committee or delegate thereof or by any person acting under the authority of the Public Service Commission during the period from 16th September 1963 to 19th June 1970 if done or taken in good faith in the execution of duty or for the purpose of regulating conduct or enforcing discipline in the public service.

Validation of
acts done and
rules made by
Public
Service
Commission.
13/70.

(2) No legal proceedings in respect of any such act, decision or thing which is alleged to have been done or taken in bad faith in the execution of duty or for the purpose of regulating conduct or enforcing discipline in the public service during the period from 16th September 1963 to 19th June 1970 shall be instituted or maintained in any court of law unless a certificate of the Attorney-General shall first have been obtained sanctioning the institution of such legal proceedings.

(3) In the exercise or purported exercise of any of the powers conferred upon the Public Service Commission to appoint, confirm, emplace on the permanent or pensionable establishment, promote, transfer and exercise disciplinary control over public officers, all acts or things done, exercised or performed by the Public Service Commission or by any member, committee or delegate thereof or by any person acting under the authority of the Public Service Commission during the period from 16th September 1963 to 19th June 1970 shall be deemed to be and always to have been within the competence and jurisdiction of the Public Service Commission or such member, committee, delegate or person, as the case may be, and shall be deemed to be and always to have been validly done, exercised or performed.

(4) All rules, regulations, orders or notifications whatsoever made during the period from 16th September 1963 to 19th June 1970 by or in the name of the Public Service

Commission or any committee thereof shall be deemed to be and always to have been validly made, notwithstanding that any such rules, regulations, orders or notifications have been revoked or amended or are or have been inconsistent with, or in conflict with, or contrary to any written law or law previously in force. [80D

Performance by Public Service Commission of other functions.

118. Parliament may by law provide for the exercise of other functions by the Public Service Commission. [81

Reports of Commissions.

119. The Public Service Commission and the Legal Service Commission shall each make an annual report on its activities to the President and a copy of every such report shall be presented to Parliament. [M 146 (1)

PART X

CITIZENSHIP

Status of citizen of Singapore.

120.—(1) There shall be a status known as citizen of Singapore.

(2) The status of a citizen of Singapore may be acquired —

- (a) by birth;
- (b) by descent;
- (c) by registration or, before 9th August 1965, by enrolment; or
- (d) by naturalisation. [53

Citizenship by birth.

121.—(1) Subject to this Article, every person born in Singapore after the commencement of this Constitution shall be a citizen of Singapore by birth.

(2) A person shall not be a citizen of Singapore by virtue of clause (1) if at the time of his birth —

- (a) his father, not being a citizen of Singapore, possessed such immunity from suit and legal process as is accorded to an envoy of a sovereign power accredited to the President;
- (b) his father was an enemy alien and the birth occurred in a place then under the occupation of the enemy; or

(c) neither of his parents was a citizen of Singapore.

(3) Notwithstanding clause (2) (c), the Government may, where it considers it just and fair and having regard to all the circumstances prevailing at the time of the application, confer citizenship upon a person born in Singapore. [54

122.—(1) A person born outside Singapore after the commencement of this Constitution shall be a citizen of Singapore by descent if at the time of the birth his father is a citizen of Singapore, by birth or by registration: Citizenship
by descent.

Provided that such person shall not be a citizen of Singapore by descent unless his birth is registered in the prescribed manner at the Registry of Citizens or at a diplomatic or consular mission of Singapore within one year of its occurrence or, with the permission of the Government, later:

And provided further that where such person is born of a father who is a citizen of Singapore by registration at the time of the birth, he would not acquire the citizenship of that country in which he was born by reason of his birth in that country.

(2) A person who, being a minor, becomes a citizen of Singapore by descent shall cease to be a citizen of Singapore on attaining the age of 22 years unless within 12 months after he attains the age of 21 years he takes the Oath of Renunciation, Allegiance and Loyalty in the form set out in the Second Schedule and where the Government so requires divests himself of any foreign citizenship or nationality. [55

123.—(1) Subject to the provisions of this Constitution, any person resident in Singapore of or over the age of 21 years may, on application being made therefor in the prescribed form, be registered as a citizen of Singapore if he satisfies the Government that he — Citizenship
by registra-
tion.
7/81.

- (a) is of good character;
- (b) has resided in Singapore throughout the 12 months immediately preceding the date of his application;
- (c) has during the 12 years immediately preceding the date of his application resided in Singapore for periods amounting in the aggregate to not less than 10 years:

Provided that the Government may exempt any applicant from compliance with this paragraph —

- (i) where such applicant has during the 6 years immediately preceding the date of his application resided in Singapore for periods amounting in the aggregate to not less than 5 years; or
- (ii) where in any special case the Government deems fit to confer citizenship upon such applicant;
- (d) intends to reside permanently in Singapore; and
- (e) has an elementary knowledge of one of the following languages, namely, Malay, English, Mandarin and Tamil:

Provided that the Government may exempt an applicant who has attained the age of 45 years or who is deaf or dumb from compliance with this paragraph.

(2) Subject to the provisions of this Constitution, any woman who is married to a citizen of Singapore may, on making application therefor in the prescribed manner, be registered as a citizen of Singapore if she satisfies the Government —

- (a) that she has resided continuously in Singapore for a period of not less than two years immediately preceding the date of the application;
- (b) that she intends to reside permanently in Singapore; and
- (c) that she is of good character. [57]

Registration
of minors.

124.—(1) The Government may if satisfied that a child under the age of 21 years —

- (a) is the child of a citizen of Singapore; and
- (b) is residing in Singapore,

cause such child to be registered as a citizen of Singapore on application being made therefor in the prescribed manner by the parent or guardian of such child.

(2) The Government may, in such special circumstances as it thinks fit, cause any child under the age of 21 years to be registered as a citizen of Singapore. [58]

125. Subject to Article 126, a person registered as a citizen of Singapore under Article 123 or 124 shall be a citizen of Singapore from the date on which he is so registered. Effect of registration.
[59]

126.—(1) No person shall be registered as a citizen of Singapore under Article 123 until he has taken the Oath of Renunciation, Allegiance and Loyalty in the form set out in the Second Schedule. General provisions as to registration.

(2) Except with the approval of the Government, no person who has renounced or has been deprived of citizenship of Singapore under this Constitution or the Singapore Citizenship Ordinance 1957 shall be registered as a citizen of Singapore under the provisions of this Constitution. 35/57.

(3) Any person who becomes a citizen of Singapore by registration under section 13 of the Singapore Citizenship Ordinance 1957 or Article 124 shall cease to be a citizen of Singapore on attaining the age of 22 years unless within 12 months after he attains the age of 21 years he takes the Oath of Renunciation, Allegiance and Loyalty in the form set out in the Second Schedule. [60]

127.—(1) Subject to clause (4), the Government may, upon application made by any person of or over the age of 21 years who is not a citizen of Singapore, grant a certificate of naturalisation to that person if the Government is satisfied — Citizenship by naturalisation.

- (a) that he has resided in Singapore for the required periods and intends, if the certificate is granted, to do so permanently;
- (b) that he is of good character; and
- (c) that he has an adequate knowledge of the national language.

(2) The periods of residence in Singapore or the relevant part of it which are required for the grant of a certificate of naturalisation are periods which amount in the aggregate to not less than 10 years in the 12 years immediately preceding the date of the application for the certificate and which include the 12 months immediately preceding that date.

(3) A person to whom a certificate of naturalisation is granted shall be a citizen of Singapore by naturalisation from the date on which the certificate is granted.

(4) No certificate of naturalisation shall be granted to any person until he has taken the Oath of Renunciation, Allegiance and Loyalty in the form set out in the Second Schedule. [M 19

Renuncia-
tion of
citizenship.

128.—(1) Any citizen of Singapore of or over the age of 21 years and of sound mind who is also or is about to become a citizen of another country may renounce his citizenship of Singapore by declaration registered by the Government, and shall upon such registration cease to be a citizen of Singapore.

(2) The Government may withhold the registration of a declaration under this Article —

(a) if the declaration is made during any war in which Singapore is engaged; or

(b) if the declaration is made by a person subject to the Enlistment Act unless he has —

(i) discharged his liability for full-time service under section 12 of that Act;

(ii) rendered at least 3 years of reserve service under section 13 of that Act in lieu of such full-time service; or

(iii) complied with such conditions as may be determined by the Government.

(3) This Article applies to a woman under the age of 21 years who has been married as it applies to a person of or over that age. [60A

Depriva-
tion of
citizenship.

129.—(1) A citizen of Singapore who is a citizen by registration or by naturalisation shall cease to be such a citizen if he is deprived of his citizenship by an order of the Government made in accordance with this Article. [61 (1)

(2) The Government may, by order, deprive any such citizen of his citizenship if the Government is satisfied that the registration or the certificate of naturalisation —

(a) was obtained by means of fraud, false representation or the concealment of any material fact; or

(b) was effected or granted by mistake. [61 (2)

(3) The Government may, by order, deprive of his citizenship —

- (a) any person who is a citizen of Singapore by naturalisation if the Government is satisfied —
- (i) that he has shown himself by act or speech to be disloyal or disaffected towards Singapore; or
 - (ii) that he has, during any war in which Singapore is or was engaged, unlawfully traded or communicated with an enemy or been engaged in or associated with any business which to his knowledge was carried on in such manner as to assist an enemy in that war; or
- [M 25 (1)]
- (b) any citizen of Singapore by registration or by naturalisation if the Government is satisfied —
- (i) that he has, within the period of 5 years after registration or naturalisation, been sentenced in any country to imprisonment for a term of not less than 12 months or to a fine of not less than \$5,000 or the equivalent in the currency of that country, and has not received a free pardon in respect of the offence for which he was so sentenced; or [61 (3)]
 - (ii) that he has, at any time after registration or naturalisation, been engaged in any activities which are prejudicial to the security of Singapore, or the maintenance of public order therein, or the maintenance therein of essential services, or in any criminal activities which are prejudicial to the interests of public safety, peace or good order. [61 (3A)]

(4) The Government may, by order, deprive of his citizenship any person who is a citizen of Singapore by naturalisation if the Government is satisfied that without the Government's approval, he has accepted, served in, or performed the duties of any office, post or employment under the government of any foreign country or any political subdivision thereof, or under any agency of such a government, in any case where an oath, affirmation or

declaration of allegiance is required in respect of the office, post or employment:

Provided that a person shall not be deprived of his citizenship under this clause by reason of anything done before 9th August 1965 notwithstanding that he was at the time a citizen of Singapore. [M 25 (1A)]

(5) The Government may, by order, deprive of his citizenship any person who is a citizen of Singapore by naturalisation if the Government is satisfied that he has been ordinarily resident in foreign countries for a continuous period of 5 years and during that period has neither —

- (a) been at any time in the service of Singapore or of an international organisation of which the Government was a member; nor
- (b) registered annually at a consulate of Singapore his intention to retain his citizenship. [M 25 (2)]

(6) The Government may, by order, deprive of her citizenship any woman who is a citizen of Singapore by registration under Article 123 (2) if the Government is satisfied that the marriage by virtue of which she was registered has been dissolved, otherwise than by death, within the period of two years beginning with the date of the marriage. [M 26 (2)]

S 163/80.

(7) No person shall be deprived of his citizenship under this Article or under Article 130 unless the Government is satisfied that it is not conducive to the public good that that person should continue to be a citizen of Singapore; and no person shall be deprived of his citizenship under clause (2) (b) or clause (3) (a) or (b) (i) or under clause (4) or (5) or under Article 130 if the Government is satisfied that as a result of the deprivation he would not be a citizen of any country. [61 (4)]

Deprivation
of citizenship
of child of
person losing
citizenship.
10/85.

130. Where a person has —

- (a) renounced his citizenship; or
- (b) been deprived of his citizenship under Article 129 (2) (a) or 134 (1) (a),

the Government may, by order, deprive of his citizenship any child of that person under the age of 21 years who has been registered as a citizen of Singapore pursuant to this

Constitution and was so registered as being the child of that person or of that person's wife or husband. [M 26A

131. Renunciation or deprivation of citizenship of Singapore shall not discharge a person from liability in respect of anything done or omitted to be done before he ceased to be a citizen of Singapore. [M 26B (1)

General provisions as to loss of citizenship.

132.—(1) Where a person has been enrolled as a citizen of Singapore before 9th August 1965 and the Government is satisfied that the enrolment —

Cancellation of enrolment as citizen.

(a) was obtained by means of fraud, false representation or the concealment of any material fact; or

(b) was effected by mistake,

the Government may, by order, cancel the enrolment.

(2) Where under this Article, a person's enrolment as a citizen of Singapore is cancelled that shall not discharge him from liability in respect of anything done or omitted to be done before the cancellation. [62

133.—(1) Before making an order under Article 129, 132, 134 or 135, the Government shall give the person, against whom the order is proposed to be made, notice in writing informing him of the ground on which the order is proposed to be made and of his right to have the case referred to a committee of inquiry under this Article.

Procedure for deprivation. 10/85.

(2) If any person to whom such notice is given applies within such time as may be prescribed to have the case referred to a committee of inquiry, the Government shall, and in any other case may, refer the case to a committee of inquiry consisting of a Chairman, who shall be a person qualified to be appointed as a Judge of the Supreme Court, and two other members chosen from a panel to be appointed by the Government in that behalf.

(3) The committee of inquiry shall, on such reference, hold an inquiry in such manner as may be prescribed and submit a report to the Government and the Government shall have regard to such report in making the order.

[63

Deprivation of citizenship on acquisition of foreign citizenship. 10/85.

134.—(1) The Government may by order deprive a citizen of Singapore of his citizenship if the Government is satisfied that —

- (a) he has, while of or over the age of 18 years, at any time after 6th April 1960 acquired by registration, naturalisation or other voluntary and formal act (other than marriage) the citizenship of any country outside Singapore or having so acquired such citizenship before the age of 18 years continues to retain it after that age; or
- (b) the citizen, being a woman who is a citizen of Singapore by registration under Article 123 (2), has acquired the citizenship of any country outside Singapore by virtue of her marriage to a person who is not a citizen of Singapore.

(2) Where the Government has made an order under this Article depriving a citizen of Singapore of his citizenship, he shall cease to be a citizen with effect from the date of the order.

Deprivation of citizenship on exercise of rights of foreign nationals, etc. 10/85.

135.—(1) The Government may by order deprive a citizen of Singapore of his citizenship if the Government is satisfied that —

- (a) he has, while of or over the age of 18 years, at any time after 6th April 1960 voluntarily claimed and exercised any rights (other than any rights in connection with the use of a passport) available to him under the law of any country outside Singapore being rights accorded exclusively to the citizens or nationals of that country;
- (b) he has, while of or over the age of 18 years, at any time after 6th April 1960 applied to the authorities of a place outside Singapore for the issue or renewal of a passport or used a passport issued by such authorities as a travel document; or
- (c) he is of or over the age of 18 years and has, whether before or after attaining the age of 18 years, been ordinarily resident outside Singapore for a continuous period of 10 years (including any period of residence outside Singapore before 2nd January 1986) and has not at any time —
 - (i) during that period or thereafter entered Singapore by virtue of a certificate of

- status or travel document issued by the competent authorities of Singapore; or
- (ii) during that period been in the service of the Government or of an international organisation of which Singapore is a member or of such other body or organisation as the President may, by notification in the *Gazette*, designate.

(2) For the purposes of clause (1) (a), the exercise of a vote in any political election in a place outside Singapore shall be deemed to be the voluntary claim and exercise of a right available under the law of that place.

(3) Where the Government has made an order under this Article depriving a citizen of Singapore of his citizenship, he shall cease to be a citizen with effect from the date of the order.

136. Where a person who was a citizen of Singapore had renounced his citizenship of Malaysia or been deprived of his citizenship of Malaysia by the Government of Malaysia before 9th August 1965, such person shall be deemed to have renounced or been deprived of his citizenship of Singapore under this Constitution and to have ceased to be a citizen of Singapore.

Termination of citizenship of Malaysia.

[64

137.—(1) Where a person has been deprived of his citizenship or his enrolment as a citizen has been cancelled under the provisions of this Part, the Government may, by order, deprive of his citizenship or, as the case may be, cancel the enrolment of any child of that person under the age of 21 years who has been registered or enrolled as a citizen under the provisions of this Constitution or the Singapore Citizenship Ordinance 1957 and was so registered or enrolled as being the child of that person or of that person's wife or husband.

Deprivation of citizenship or cancellation of enrolment of child of person losing citizenship.

35/57.

(2) No person shall be deprived of his citizenship under clause (1) unless the Government is satisfied that it is not conducive to the public good that he should continue to be a citizen; and no person shall be deprived of his citizenship under clause (1) if the Government is satisfied that as a result of such deprivation he would not be a citizen of any country.

[65

Grant of certificate of citizenship in cases of doubt.

138. Upon application made in that behalf in the prescribed manner, the Government may grant in the form prescribed a certificate of citizenship to a person with respect to whose citizenship a doubt exists, whether of fact or of law:

Provided that where the Government is satisfied that such a certificate was obtained in circumstances set out in Article 132 (1) (a) or (b), the Government may, by order, cancel such certificate. [66

Commonwealth citizenship.

139.—(1) In accordance with the position of Singapore within the Commonwealth, every person who is a citizen of Singapore enjoys by virtue of that citizenship the status of a Commonwealth citizen in common with the citizens of other Commonwealth countries.

(2) Any existing law shall, except so far as Parliament otherwise provides, apply in relation to a citizen of the Republic of Ireland who is not also a Commonwealth citizen as it applies in relation to a Commonwealth citizen.

[M 29

Application of Third Schedule.

140. Until the Legislature otherwise provides by law, the supplementary provisions contained in the Third Schedule shall have effect for the purposes of this Part. [68

Repeal 35/57.

141.—(1) The Singapore Citizenship Ordinance 1957 is hereby repealed.

(2) Any person who immediately before the commencement of this Constitution was, by virtue of the Singapore Citizenship Ordinance 1957, a citizen of Singapore by birth, descent, registration or naturalisation, shall as from the commencement of this Constitution continue, subject to the provisions of this Constitution, to possess that status.

(3) Where a person would have been a citizen of Singapore by descent immediately before the commencement of this Constitution if his birth had been registered under the provisions of the Singapore Citizenship Ordinance 1957, he shall become a citizen of Singapore by descent if his birth is registered at a consulate of Singapore or with the Government in the prescribed manner within one year of its occurrence or, with the permission of the Government, later.

(4) Notwithstanding the repeal of the Singapore Citizenship Ordinance 1957, where a person who has become a citizen of Singapore was liable in respect of things done before the commencement of this Constitution to be deprived of that status under the Ordinance, then the Government may, by order, deprive him of his citizenship, if proceedings for that purpose are begun during the period of two years after the commencement of this Constitution. 35/57.

(5) Where a person is liable to be deprived of citizenship under clause (4) and proceedings had before the commencement of this Constitution been begun to deprive him of citizenship of Singapore under the provisions of the Singapore Citizenship Ordinance 1957, those proceedings shall be treated as proceedings to deprive him of citizenship under that clause and shall be continued as such in accordance with the provisions of the Singapore Citizenship Ordinance 1957 in force immediately before the commencement of this Constitution. [69

PART XI

FINANCIAL PROVISIONS

142. No tax or rate shall be levied by, or for the purposes of, Singapore except by or under the authority of law. No taxation unless authorised by law. [82

143. There shall be in and for Singapore a Consolidated Fund into which, subject to the provisions of any law for the time being in force in Singapore, shall be paid all revenues of Singapore not allocated to specific purposes. Consolidated Fund. [83

144.—(1) The Minister responsible for finance shall, before the end of each financial year, cause to be prepared annual estimates of revenue and expenditure for the public services of Singapore during the succeeding financial year which, when approved by the Cabinet, shall be presented to Parliament. Estimates.

- (2) The estimates of expenditure shall show separately —
- (a) the total sums required to meet expenditure charged on the Consolidated Fund; and
 - (b) subject to clause (3), the sums respectively required to meet the heads of other expenditure proposed to be met from the Consolidated Fund.

(3) The estimates of revenue to be shown in the estimates shall not include any sums received by way of zakat, fitrah and baitulmal or similar Muslim revenue; and the sums to be shown under clause (2) (b) shall not include —

- (a) sums representing the proceeds of any loan raised by the Government for specific purposes and appropriated for those purposes by the law authorising the raising of the loan;
- (b) sums representing any money or interest on money received by the Government subject to a trust and to be applied in accordance with the terms of the trust; or
- (c) sums representing any money held by the Government which has been received or appropriated for the purpose of any trust fund established by or in accordance with any written law.

(4) The Minister responsible for finance shall also present to Parliament together with the estimates of expenditure, a statement showing as far as is practicable the assets and liabilities of Singapore at the end of the last completed financial year, the manner in which those assets are invested or held and the general heads in respect of which those liabilities are outstanding. [84

Authorisation of expenditure.

145.—(1) The heads of expenditure to be met from the Consolidated Fund other than statutory expenditure and other than expenditure to be met by such sums as are mentioned in Article 144 (3) shall be included in a Bill to be known as a Supply Bill, providing for the issue from the Consolidated Fund of the sums necessary to meet that expenditure and the appropriation of those sums for the purposes specified therein.

(2) Wherever —

- (a) any moneys are expended or are likely to be expended in any financial year upon any service which are in excess of the sum provided for that service by the Supply law relating to that year; or
- (b) any moneys are expended or are likely to be expended (otherwise than by way of statutory expenditure) in any financial year upon any new

service not provided for by the Supply law relating to that year,

supplementary estimates (or, as the case may be, statements of excess) shall be prepared by the Minister responsible for finance and, when approved by the Cabinet, shall be presented to and voted on by Parliament; in respect of all supplementary expenditure so voted the Minister responsible for finance may, at any time before the end of the financial year, introduce into Parliament a Supplementary Supply Bill containing, under appropriate heads, the estimated sums so voted and shall, as soon as possible after the end of each financial year, introduce into Parliament a Final Supply Bill containing any such sums which have not yet been included in any Supply Bill.

(3) That part of any estimate of expenditure presented to Parliament which shows statutory expenditure shall not be voted on by Parliament, and such expenditure shall, without further authority of Parliament, be paid out of the Consolidated Fund.

(4) For the purposes of this Article, “statutory expenditure” means expenditure charged on the Consolidated Fund or on the general revenues and assets of Singapore by virtue of Articles 20 (3), 35 (10), 41, 42 (3), 108 (1), 114 and 148 or by virtue of the provisions of any other law for the time being in force in Singapore. [85

146.—(1) Subject to this Article, no moneys shall be withdrawn from the Consolidated Fund unless they are —

- (a) charged on the Consolidated Fund; or
- (b) authorised to be issued by a Supply or Supplementary Supply law.

Meeting
expenditure
from
Consolidated
Fund.

(2) No moneys shall be withdrawn from the Consolidated Fund except in the manner provided by law.

(3) Clause (1) shall not apply to any such sums as are mentioned in Article 144 (3).

(4) Parliament may, by resolution approving estimates containing a vote on account, authorise expenditure for part of any year before the passing of the Supply law for that year, but the aggregate sums so voted shall be included, under the appropriate heads, in the Supply Bill for that year.

(5) If a Supply Bill has not become law by the first day of the financial year to which it relates, the Minister responsible for finance may, with the prior approval of the Cabinet, authorise such expenditure (not otherwise authorised by law) from the Consolidated Fund or other Government funds as he may consider essential for the continuance of the public services shown in the estimates until the Supply Bill becomes law:

Provided that the expenditure so authorised for any service shall not exceed one-quarter of the amount voted for that service in the Supply law for the preceding year.

(6) Parliament may, by resolution approving a vote of credit, authorise expenditure for the whole or part of the year, otherwise than in accordance with Articles 144 and 145, if owing to the magnitude or indefinite character of any service or to circumstances of unusual urgency, it appears to Parliament desirable to do so. [86

Contingencies Fund.

147.—(1) The Legislature may by law create a Contingencies Fund and authorise the Minister responsible for finance to make advances from that Fund if he is satisfied that there is an urgent and unforeseen need for expenditure for which no provision or no sufficient provision has been made by a Supply law.

(2) Where any advance is made by virtue of the authority conferred under clause (1), a supplementary estimate of the sum required to replace the amount so advanced shall, as soon as practicable, be presented to and voted on by Parliament and the sum so voted shall be included in a Supplementary Supply Bill or a Final Supply Bill. [87

Debt charges and moneys required to satisfy judgments.

148.—(1) The following are hereby charged on the Consolidated Fund:

- (a) all debt charges for which the Government is liable; and
- (b) any moneys required to satisfy any judgment, decision or award against the Government by any court or tribunal.

(2) For the purposes of this Article, “debt charges” includes interest, sinking fund charges, repayment or amortisation of debt and all expenditure in connection with

the raising of loans on the security of the Consolidated Fund and the service and redemption of debt created thereby.
[88

PART XII

SPECIAL POWERS AGAINST SUBVERSION AND EMERGENCY POWERS

149.—(1) If an Act recites that action has been taken or threatened by any substantial body of persons, whether inside or outside Singapore — Legislation against subversion.

- (a) to cause, or to cause a substantial number of citizens to fear, organised violence against persons or property;
- (b) to excite disaffection against the President or the Government;
- (c) to promote feelings of ill-will and hostility between different races or other classes of the population likely to cause violence;
- (d) to procure the alteration, otherwise than by lawful means, of anything by law established; or
- (e) which is prejudicial to the security of Singapore, any provision of that law designed to stop or prevent that action is valid notwithstanding that it is inconsistent with Article 9, 13 or 14, or would, apart from this Article, be outside the legislative power of Parliament.

(2) A law containing such a recital as is mentioned in clause (1) shall, if not sooner repealed, cease to have effect if a resolution is passed by Parliament annulling such law, but without prejudice to anything previously done by virtue thereof or to the power of Parliament to make a new law under this Article. [M 149

150.—(1) If the President is satisfied that a grave emergency exists whereby the security or economic life of Singapore is threatened, he may issue a Proclamation of Emergency. Proclamation of Emergency.

(2) If a Proclamation of Emergency is issued when Parliament is not sitting, the President shall summon Parliament as soon as practicable, and may, until Parliament is

sitting, promulgate ordinances having the force of law, if satisfied that immediate action is required.

(3) A Proclamation of Emergency and any ordinance promulgated under clause (2) shall be presented to Parliament and, if not sooner revoked, shall cease to have effect if a resolution is passed by Parliament annulling such Proclamation or ordinance, but without prejudice to anything previously done by virtue thereof or to the power of the President to issue a new Proclamation under clause (1) or promulgate any ordinance under clause (2).

(4) Subject to clause (5) (b), while a Proclamation of Emergency is in force, Parliament may, notwithstanding anything in this Constitution, make laws with respect to any matter, if it appears to Parliament that the law is required by reason of the emergency; and any provision of this Constitution or of any written law which requires any consent or concurrence to the passing of a law or any consultation with respect thereto, or which restricts the coming into force of a law after it is passed or the presentation of a Bill to the President for his assent, shall not apply to a Bill for such a law or an amendment to such a Bill.

(5) (a) Subject to paragraph (b), no provision of any ordinance promulgated under this Article, and no provision of any Act which is passed while a Proclamation of Emergency is in force and which declares that the law appears to Parliament to be required by reason of the emergency, shall be invalid on the ground of inconsistency with any provision of this Constitution.

(b) Paragraph (a) shall not validate any provision inconsistent with the provisions of this Constitution relating to religion, citizenship or language.

(6) At the expiration of a period of 6 months beginning with the date on which a Proclamation of Emergency ceases to be in force, any ordinance promulgated in pursuance of the Proclamation and, to the extent that it could not have been validly made but for this Article, any law made while the Proclamation was in force, shall cease to have effect, except as to things done or omitted to be done before the expiration of that period.

151.—(1) Where any law or ordinance made or promulgated in pursuance of this Part provides for preventive detention — Restrictions on preventive detention.

(a) the authority on whose order any person is detained under that law or ordinance shall as soon as may be, inform him of the grounds for his detention and, subject to clause (3), the allegations of fact on which the order is based, and shall give him the opportunity of making representations against the order as soon as may be; and

(b) no citizen of Singapore shall be detained under that law or ordinance for a period exceeding 3 months unless an advisory board constituted as mentioned in clause (2) has considered any representations made by him under paragraph (a) and made recommendations thereon to the President.

(2) An advisory board constituted for the purposes of this Article shall consist of a chairman, who shall be appointed by the President and who shall be or have been, or be qualified to be, a Judge of the Supreme Court, and two other members, who shall be appointed by the President after consultation with the Chief Justice.

(3) This Article does not require any authority to disclose facts the disclosure of which would, in its opinion, be against the national interest. [M 151]

PART XIII

GENERAL PROVISIONS

152.—(1) It shall be the responsibility of the Government constantly to care for the interests of the racial and religious minorities in Singapore. Minorities and special position of Malays.

(2) The Government shall exercise its functions in such manner as to recognise the special position of the Malays, who are the indigenous people of Singapore, and accordingly it shall be the responsibility of the Government to protect, safeguard, support, foster and promote their political, educational, religious, economic, social and cultural interests and the Malay language. [89]

Muslim
religion.

153. The Legislature shall by law make provision for regulating Muslim religious affairs and for constituting a Council to advise the President in matters relating to the Muslim religion. [6

Impartial
treatment of
Government
employees.

154. Subject to the provisions of this Constitution, all persons of whatever race in the same grade of the service of the Government shall, subject to the terms and conditions of their employment, be treated impartially. [92

Authorised
reprints of
Constitu-
tion.
10/79.

155.—(1) The Attorney-General may, with the authority of the President, as soon as may be after 4th May 1979 cause to be printed and published a consolidated reprint of the Constitution of Singapore, as amended from time to time, amalgamated with such of the provisions of the Constitution of Malaysia as are applicable to Singapore, into a single, composite document*.

(2) The President may, from time to time, authorise the Attorney-General to print and publish an up-to-date reprint of the Constitution of the Republic of Singapore, incorporating therein all amendments in force at the date of such authorisation.

(3) Any reprint of the Constitution of the Republic of Singapore, printed and published pursuant to clause (1) or (2), shall be deemed to be and shall be, without any question whatsoever in all courts of justice and for all purposes whatsoever, the authentic text of the Constitution of the Republic of Singapore in force as from the date specified in that reprint until superseded by the next or subsequent reprint.

Cap. 275.

(4) In the preparation and compilation of any reprint pursuant to clause (1) or (2), the Attorney-General shall have, *mutatis mutandis*, the powers conferred upon the Law Revision Commissioners by section 4 of the Revised Edition of the Laws Act in addition to the powers conferred on him by section 38 of the Interpretation Act.

Cap. 1.

(5) In the preparation and compilation of the consolidated reprint pursuant to clause (1), the Attorney-General shall have the power in his discretion —

(a) to merge the existing provisions of both Constitutions, making thereto such modifications as may

*See Reprint No. 1 of 1980 published on 31st March 1980.

be necessary or expedient in consequence of the independence of Singapore upon separation from Malaysia;

- (b) to re-arrange the Parts, Articles and provisions of the Constitution of Singapore and of the Constitution of Malaysia in such connected sequence as he thinks fit, omitting inappropriate or inapplicable provisions, in the latter Constitution;
- (c) where provisions exist in both Constitutions on the same subject-matter, to include in the consolidated reprint the provisions of the Constitution of Singapore on such subject-matter and to omit the duplicated provisions appearing in the Constitution of Malaysia from the consolidated reprint; and
- (d) generally, to do all other things necessitated by, or consequential upon, the exercise of the powers conferred upon the Attorney-General by this Article or which may be necessary or expedient for the perfecting of the consolidated reprint of the Constitution of the Republic of Singapore.

[93]

156. Subject to the provisions of Part XIV, this Constitution shall come into operation immediately before 16th September 1963.

Date of coming into operation of Constitution.

[94]

PART XIV

TRANSITIONAL PROVISIONS

157. The Standing Orders of the Legislative Assembly established by the Singapore (Constitution) Order in Council 1958 which are in force immediately before the commencement of this Constitution shall, subject to amendment or revocation under Article 52, be the Standing Orders of Parliament.

Existing Standing Orders. S.I. 1958 No. 1956. S 293/58.

[97]

158. Subject to the provisions of this Constitution, every person who immediately before the commencement of this Constitution holds a public office shall on its commencement continue to hold the like office in the public service.

Public officers to continue in office.

[100]

Terms of service of persons who continue in office.

159.—(1) Save where other provision is made by this Constitution, any person who holds any office as from the commencement of this Constitution by virtue of having been the holder of any office immediately before its commencement shall, as from its commencement, be entitled to the same terms of service as were applicable to him immediately before its commencement, and those terms, in so far as they relate to remuneration, shall not be altered to his disadvantage during his continuance in the public service thereafter.

(2) For the purposes of this Article, in so far as the terms of service of any person 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. [101]

Succession to property.

160.—(1) Subject to this Article, all property and assets which immediately before the commencement of this Constitution were vested in Her Majesty for the purposes of the State of Singapore shall on its commencement vest in the State of Singapore.

(2) Subject to the provisions of this Constitution any land in the State of Singapore which immediately before the commencement of this Constitution was vested in Her Majesty shall on its commencement vest in the State of Singapore.

(3) Any property which was immediately before the commencement of this Constitution liable to escheat to Her Majesty in respect of the Government shall on its commencement be liable to escheat to the State of Singapore. [103]

Rights, liabilities and obligations.

161.—(1) All rights, liabilities and obligations of Her Majesty in respect of the Government shall on and after the commencement of this Constitution be rights, liabilities and obligations of the State of Singapore.

(2) In this Article, rights, liabilities and obligations include rights, liabilities and obligations arising from contract or otherwise, other than rights to which Article 160 applies. [104]

Existing laws.

162. Subject to this Article, all existing laws shall continue in force on and after the commencement of this

Constitution and all laws which have not been brought into force by the date of the commencement of this Constitution may, subject as aforesaid, be brought into force on or after its commencement, but all such laws shall, subject to this Article, be construed as from the commencement of this Constitution with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with this Constitution. [105 (1)]

FIRST SCHEDULE

(Articles 19; 22 (7); 27; 40 (3); 42 (2) (b); 61; 75; 97 and 105 (6))

FORMS OF OATHS

1. *Oath of Office of President.*

I,, having been *elected/appointed to exercise the functions of the/President of the Republic of Singapore, do solemnly swear (or affirm) that I will faithfully discharge my duties as such to the best of my ability, and that I will bear true faith and allegiance to the Republic, and that I will preserve, protect and defend the Constitution of the Republic of Singapore.

2. *Oath of Allegiance.*

I,, having been appointed to the office of, do solemnly swear (or affirm) that I will bear true faith and allegiance to the Republic of Singapore and that I will preserve, protect and defend the Constitution of the Republic of Singapore.

3. *Oath as Member of Parliament.*

I,, having been elected as a Member of the Parliament of Singapore, do solemnly swear (or affirm) that I will faithfully discharge my duties as such to the best of my ability, that I will bear true faith and allegiance to the Republic of Singapore, and that I will preserve, protect and defend the Constitution of the Republic of Singapore.

4. *Oath for due execution of Office of Prime Minister or other Minister or Parliamentary Secretary.*

I,, being chosen and appointed *Prime Minister/Minister/Parliamentary Secretary of Singapore do solemnly swear (or affirm) that I will to the best of my judgment at all times when so required freely give my counsel and advice to the President (or any person for the time being lawfully exercising the functions of that office) for the good management of the public affairs of Singapore, and I do further swear (or affirm) that I will not on any account, at any time whatsoever, disclose the counsel, advice, opinion or vote of the Prime Minister or of any Minister or Parliamentary Secretary and that I will not, except with the authority of the Cabinet and to such extent as may be required

*Delete where inapplicable.

FIRST SCHEDULE — *continued*

for the good management of the affairs of Singapore, directly or indirectly reveal the business or proceedings of the Cabinet or the nature or contents of any document communicated to me as *the Prime Minister/a Minister/a Parliamentary Secretary or any matter coming to my knowledge in my capacity as such and that in all things I will be a true and faithful *Prime Minister/Minister/Parliamentary Secretary.

5. *Oath for the due execution of the Office of Chairman or other Member of the Public Service Commission.*

I, , having been appointed to be *Chairman/a Member of the Public Service Commission do solemnly swear (or affirm) that I will freely and without fear or favour, affection or ill-will, give my counsel and advice in connection with all matters that may be referred to the Public Service Commission and that I will not directly or indirectly reveal any such matters to any unauthorised person or otherwise than in the course of duty.

6. *Oath of Office of Chief Justice, a Supreme Court Judge and a Judicial Commissioner.*

I, , having been appointed to the office of , do solemnly swear (or affirm) that I will faithfully discharge my judicial duties, and I will do right to all manner of people after the laws and usages of the Republic of Singapore without fear or favour, affection or ill-will to the best of my ability, and will preserve, protect and defend its Constitution.

7. *Oath of Secrecy of Chairman or Member of the Presidential Council for Minority Rights.*

I, , having been appointed to be *Chairman/a Member of the Presidential Council for Minority Rights, do solemnly swear (or affirm) that I will not directly or indirectly reveal any matter considered in the Presidential Council for Minority Rights to any unauthorised person or otherwise than in the course of duty.

SECOND SCHEDULE

(Articles 122 (2); 126 (1) and (3); and 127 (4))

OATH OF RENUNCIATION, ALLEGIANCE AND LOYALTY

I, , do solemnly swear (or affirm) that I will not exercise the rights, powers and privileges to which I may be entitled by reason of any foreign nationality or citizenship, and that I absolutely and entirely renounce all loyalty to any foreign Sovereign or State or Country and, I, , do further solemnly swear (or affirm) that I will be faithful and bear true allegiance to the Republic of Singapore, and that I will observe the laws and be a true, loyal and faithful citizen of Singapore.

*Delete where inapplicable.

THIRD SCHEDULE

(Article 140)

CITIZENSHIP

1. The functions of the Government under Part X shall be exercised by such Minister as the President may, from time to time, direct and references in this Schedule to the Minister shall be construed accordingly.

Minister to exercise functions of Government in respect of citizenship.
2. A decision of the Government under Part X shall not be subject to appeal or review in any court.

Decision not subject to appeal.
3. The Minister may delegate to any public officer of the Government any of his functions under Part X or under this Schedule relating to citizenship by registration and enrolment and the keeping of registers and, in relation to orders under clauses (1), (2), (3) (b), (6) and (7) of Article 129 or Article 132, any of his functions under Article 133 prior to determining whether to make such an order; but any person aggrieved by the decision of a public officer to whom the functions of the Minister are so delegated may appeal to the Minister.

Delegation of Minister's functions to public officer and right of appeal to Minister against public officer's decision.
4. The Minister may make rules and prescribe forms for the purpose of the exercise of his functions under Part X and of this Schedule and, in particular, may provide for the circumstances (including cases of persons ordinarily resident outside Singapore) under which a committee of inquiry under Article 133 is to proceed by way of written representations.

Power to make rules. 10/85.
5. The power of the Government under Articles 122 and 141 to allow a longer period for the registration of a birth may be exercised either before or after the registration has been effected.

Extension of time for registration of birth.
6. Any notice to be given by the Minister to any person under Article 133 (1) may be sent to that person at his last known address or, in the case of a person under the age of 18 years (not being a married woman) to his parent or guardian at the last known address of the parent or guardian; and if an address at which the notice may be sent to any person under this paragraph is not known and cannot after reasonable inquiry be ascertained, the notice may be given by publication in the *Gazette*.

How notice to be given. 10/85.
7. It shall be the duty of the Minister to compile and maintain —

 - (a) a register of citizens of Singapore by registration;
 - (b) a register of citizens of Singapore by naturalisation;
 - (c) a register of persons to whom certificates of citizenship of Singapore have been issued under Article 138;

Registers to be maintained.

THIRD SCHEDULE — *continued*

- (d) a register of persons who have been deprived or deemed to have been deprived of citizenship under any provision of Part X;
- (e) a register of citizens of Singapore who have renounced citizenship;
- Sp. No. S 1/63. (f) a register of persons enrolled as citizens before 9th August 1965 under Article 56* of the Constitution of the State of Singapore;
- (g) a register of persons whose enrolment has been cancelled under the provisions of this Constitution;
- (h) an alphabetical index of all persons referred to in paragraphs (a) to (g); and
- (i) a register of persons who have been conferred citizenship under Article 121 (3).

Minister may correct any register where necessary.

8. If the Minister has reason to believe that an error appears in any register compiled under section 7, he shall, after giving notice to the persons concerned and after considering such representations from him as he may choose to make, make such alteration to the register as appears to the Minister to be necessary to correct the error.

Conclusive evidence.

9. Subject to section 8, the said register shall be conclusive evidence of the matters therein contained.

Offences.

10.—(1) It shall be an offence punishable with imprisonment for two years or a fine of \$1,000 or both for any person —

- (a) knowingly to make any false statement with a view to inducing the Minister to grant or refuse any application under Part X;
- (b) to forge or without lawful authority, alter any certificate or without any lawful authority use or have in his possession any certificate which has been so forged or altered;
- (c) to fail to comply with any requirement imposed upon him by any rules made under section 4 with respect to the delivering up of certificates; or
- (d) to personate or falsely represent himself to be or not to be a person to whom a certificate has been duly granted.

(2) In this section, “certificate” means —

- (a) any certificate of enrolment or registration as a citizen granted under Article 56* of the Constitution of the State of Singapore or under Article 123 or 124;

*Article 56 of the Constitution of the State of Singapore (G.N. Sp. No. S 1/63) was repealed by G.N. No. S 50/66, with effect from 9th August 1965.

THIRD SCHEDULE — *continued*

- (b) any certificate of registration of birth granted under Article 122 or 140;
- (c) any certificate of registration or naturalisation granted under the Singapore Citizenship Ordinance 1957; 35/57.
- (d) any certificate of citizenship granted under the Singapore Citizenship Ordinance 1957 or Article 138.

11. For the purposes of Part X, a person born on board a registered ship or aircraft, or on board an unregistered ship or aircraft of the government of any country, shall be deemed to have been born in the place in which the ship or aircraft was registered or, as the case may be, in that country. Persons born on ships or aircraft.

12. Any reference in Part X to the status or description of the father of a person at the time of that person's birth shall, in relation to a person born after the death of his father, be construed as a reference to the status or description of the father at the time of the death of the father; and where that death occurred before and the birth occurs on or after the commencement of this Constitution, the status or description which would have been applicable to the father had he died after such commencement shall be deemed to be the status or description applicable to him at the time of his death. Death of father.

13. Any new born child found exposed in Singapore of unknown and unascertainable parentage shall, until the contrary is proved, be deemed to be a citizen of Singapore by birth; and the date of finding shall be taken to be the date of birth of such child. Foundlings.

14. For the purposes of Part X, a person is to be treated as having at birth any citizenship which he acquires within one year afterwards by virtue of any provision corresponding to the proviso to Article 122 (1) or otherwise. Citizenship at birth.

15.—(1) For the purposes of Part X, references to a person's father or to his parent or to one of his parents shall, in relation to a person who is illegitimate, be construed as references to his mother and accordingly section 12 shall not apply to such a person. Illegitimate children and adopted children.

(2) In relation to an adopted child who has been adopted by an order of a court in accordance with the provisions of any law in force in Singapore, references to a person's father or to his parent or to one of his parents shall be construed as references to the adopter.

16. In calculating for the purposes of Part X a period of residence in Singapore — Periods of absence to be treated as periods of residence.

- (a) a period of absence from Singapore of less than 6 months in the aggregate; and
- (b) a period of absence from Singapore exceeding 6 months in the aggregate for any cause generally or specially approved by the Government,

THIRD SCHEDULE — *continued*

may be treated as residence in Singapore and a person shall be deemed to be resident in Singapore on a particular day if he had been resident in Singapore before that day and that day is included in any such period of absence as aforesaid.

Certain period of residence not to be taken into account.

17. In calculating for the purposes of Part X any period of residence in Singapore, no account shall be taken —

- (a) of any period of residence in Singapore whilst a person was or was the member of the family of —
 - (i) a person recruited outside Singapore serving on full pay in any naval, military or air force other than the naval, military or air force of Singapore; or
 - (ii) a person recruited outside Singapore serving in a civil capacity in any department of any government operating in Singapore other than a department of the Government;
- (b) of any period during which a person was not lawfully resident in Singapore;
- (c) of any period spent as an inmate of any prison or as a person detained in lawful custody in any place other than a mental hospital or an approved institution for the purpose of the treatment and rehabilitation of drug addicts under the provisions of any written law; or
- (d) save with the consent of the Minister, of any period during which a person is allowed to remain temporarily in Singapore under the authority of any Pass issued under the provisions of any written law relating to immigration.

Discretion of Minister.

18.—(1) The Minister shall not be required to assign any reason for the grant or refusal of any application under Part X the decision on which is at his discretion; and the decision of the Minister on any such application shall be final.

(2) Before refusing such an application, the Minister shall refer the case to an advisory committee consisting of 3 persons appointed for the purpose, either generally or specially, by the President; and in making his decision, the Minister shall have regard to any report made to him by the advisory committee.