

THE STATUTES OF THE REPUBLIC OF SINGAPORE

REPUBLIC OF SINGAPORE INDEPENDENCE ACT

Act
9 of 1965

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Republic of Singapore Independence Act

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An Act to make provision for the Government of Singapore consequent on her becoming an independent and sovereign republic separate from and independent of Malaysia.

1. This Act may be cited as the Republic of Singapore Independence Act 1965 and shall be deemed to have come into operation on the 9th day of August 1965 (hereinafter in this Act referred to as "Singapore Day").

Short title
and com-
mencement.

2. In this Act, unless it is otherwise provided or the context otherwise requires —

Interpre-
tation.

"Head of State" means the President of Singapore;

"Legislature" or "Legislature of Singapore" means the President and the Parliament of Singapore;

"Singapore" means the Republic of Singapore.

Note: This Act is kept for historical purposes in its unrevised form.

Transfer of sovereignty and jurisdiction.

3. The Yang di-Pertuan Agong of Malaysia shall with effect from Singapore Day cease to be the Supreme Head of Singapore and his sovereignty and jurisdiction and power and authority, executive or otherwise, in respect of Singapore shall be relinquished and shall vest in the Head of State.

Exercise of executive powers.

4. The executive authority of Singapore shall, on and after Singapore Day, be vested in the Head of State and shall be exercisable by him or by the Cabinet or by any Minister authorised by the Cabinet.

Transfer of legislative powers.

5. The legislative powers of the Yang di-Pertuan Agong and of the Parliament of Malaysia shall on Singapore Day cease to extend to Singapore and shall be transferred so as to vest in the Head of State and in the Legislature of Singapore respectively.

Continuance in force of provisions of the Constitution of Malaysia and exercise of powers thereunder.

6.—(1) The provisions of the Constitution of Malaysia, other than those set out in subsection (3), shall continue in force in Singapore subject to such modifications, adaptations and qualifications and exceptions as may be necessary to bring them into conformity with the independent status of Singapore upon separation from Malaysia.

(2) The provisions of the Constitution of Malaysia referred to in subsection (1) may in their application to Singapore be amended by the Legislature.

(3) The following provisions of the Constitution of Malaysia shall cease to have effect in Singapore:

Part I; Article 13; Articles 14 to 18; Article 19A; Article 22; Articles 28 and 28A; Articles 30, 30A and 30B; Part IV; Part V; Part VI; Part VII; Part VIII; Articles 133 and 134; Article 139; Articles 141 to 143; Articles 146A to 148; Part XII; Part XIII; Part XIV; The Third, Fourth, Fifth, Seventh, Eighth, Ninth, Tenth, Eleventh and Thirteenth Schedules.*

(4) Without prejudice to the generality of the provisions of sections 3, 4 and 5, the powers conferred by the

*The following other provisions of the Constitution of Malaysia have also ceased to have effect in Singapore:

Part IX w.e.f. 9th January 1970, *vide* Act 19 of 1969;
 Art. 137 w.e.f. 15th June 1972. *vide* Act 7 of 1972; and
 Art 23 w.e.f. 4th May 1979, *vide* Act 10 of 1979.

provisions of the Constitution of Malaysia continued in force under the provisions of subsection (1) shall be exercised on and after Singapore Day as follows:

- (a) the powers of the Yang di-Pertuan Agong shall be exercised by the President;
- (b) the powers of the Federal Government shall be exercised by the Government of Singapore;
- (c) the powers of the Federal Legislature shall be exercised by the Legislature of Singapore;
- (d) the powers of the Prime Minister of Malaysia shall be exercised by the Prime Minister of Singapore;
- (e) the powers of a Minister of Malaysia shall be exercised by the corresponding Minister in Singapore or by such Minister as may be designated by the Prime Minister of Singapore;
- (f) the powers of the Judicial and Legal Service Commission shall be exercised by a Legal Service Commission which shall consist of the following persons:
 - (i) the Chief Justice, as President;
 - (ii) the Attorney-General;
 - (iii) the Chairman of the Public Service Commission;
 - (iv) a Judge of the High Court nominated generally or specially by the Chief Justice; and
 - (v) not more than two members of the Public Service Commission nominated generally or specially by the Chairman of the Public Service Commission;
- (g) the powers of the Police Force Commission shall be exercised by the Public Service Commission;
- (h) the powers of the Lord President of the Federal Court shall be exercised by the Chief Justice of Singapore; and
- (i) the powers of the Attorney-General of Malaysia shall be exercised by the Attorney-General of Singapore.

(5) In this section, "amendment" includes addition and repeal.

Official
languages
and
national
language.

7.—(1) Malay, Mandarin, Tamil and English shall be the 4 official languages in Singapore.

(2) The national language shall be the Malay language and shall be in the Roman script:

Provided that —

- (a) no person shall be prohibited or prevented from using or from teaching or learning any other language; and
- (b) nothing in this section shall prejudice the right of the Government to preserve and sustain the use and study of the language of any other community in Singapore.

Grant of
pardon.

8.—(1) The President, as occasion shall arise, may, on the advice of the Cabinet —

- (a) grant a pardon to any accomplice in any offence who gives information which leads to the conviction of the principal offender or any one of the principal offenders, if more than one;
- (b) grant to any offender convicted of any offence in any court in Singapore, a pardon, free or subject to lawful conditions, or any reprieve or respite, either indefinite or for such period as the President may think fit, of the execution of any sentence pronounced on such offender; or
- (c) remit the whole or any part of such sentence or of any penalty or forfeiture imposed by law.

(2) Where any offender has been condemned to death by the sentence of any court and in the event of an appeal such sentence has been confirmed by the appellate court, the President shall cause the reports which are made to him by the Judge who tried the case and the Chief Justice or other presiding Judge of the appellate court to be forwarded to the Attorney-General with instructions that, after the Attorney-General has given his opinion thereon, the reports shall be sent, together with the Attorney-General's opinion, to the Cabinet so that the Cabinet may advise the President on the exercise of the power conferred on him by subsection (1).

**(3) In subsection (1), "court" includes a court-martial constituted by any law applicable to the armed forces of Singapore.*

*This subsection was deleted by Act 7 of 1972.

9. All property, movable and immovable, and rights, liabilities and obligations which before 16th September 1963 belonged to or were the responsibility of the Government of Singapore and which on that day or after became the property of or the responsibility of the Government of Malaysia shall, on Singapore Day, revert to, and vest in, or devolve upon, and become once again the property of or the responsibility of the Government of Singapore.

Transfer of property and succession to rights, liabilities and obligations.

10.—(1) All persons, including members of the Armed Forces, the Police Force, the Courts, the Legal Service and the Judiciary and all others who immediately before 16th September 1963 were officers employed by the Government of Singapore and who on that day or after became officers employed by the Government of Malaysia shall on Singapore Day become once again officers employed by the Government of Singapore.

Transfer of Singapore officers.

(2) All persons who between 16th September 1963 and Singapore Day were engaged by the Government of Malaysia and were employed in those departments which were departments of the Government of Singapore before 16th September 1963 shall on Singapore Day become persons temporarily employed by the Government of Singapore.

(3) The President may within 24 months of Singapore Day confirm or terminate the employment of any person or class of persons who are temporarily employed by the Government under the provisions of subsection (2).

11. Until other provision* is made by the Legislature, the jurisdiction, original or appellate, and the practice and procedure of the High Court and the subordinate courts of Singapore shall be the same as that exercised and followed immediately before Singapore Day, and appeals from the High Court shall continue to lie to the †Federal Court of Malaysia and to the Privy Council.

Temporary provision as to jurisdiction and procedure of Singapore Courts.

*The following provisions were made subsequent to 9th August 1965:

- (a) Part VIII of the Constitution of the Republic of Singapore;
- (b) the Judicial Committee Act (Cap. 148);
- (c) the Subordinate Courts Act (Cap. 321); and
- (d) the Supreme Court of Judicature Act (Cap. 322).

†By section 84 (2) (a) of the Supreme Court of Judicature Act "Federal Court" is to be construed as the Court of Appeal or the Court of Criminal Appeal in Singapore.

Appoint-
ment to
statutory
boards, etc.

12. Any provision in any written law in force in Singapore which enables a member of any statutory board or other body constituted by law to be appointed from Malaysia or as representing any authority or person or body of persons in Malaysia shall, unless the President by notification in the *Gazette* otherwise orders, cease to have effect and such statutory board or body shall be deemed to be properly constituted notwithstanding that no such member has been or is appointed.

Existing
laws.

13.—(1) Subject to the provisions of this section, all existing laws shall continue in force on and after Singapore Day, but all such laws shall be construed as from Singapore Day with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with this Act and with the independent status of Singapore upon separation from Malaysia.

(2) Without prejudice to the generality of subsection (1), in any existing law which continues in force after Singapore Day, unless the context otherwise requires —

- (a) any reference to the Colony or to the State of Singapore shall be construed as a reference to the Republic of Singapore;
- (b) any reference to the Yang di-Pertuan Agong shall be construed as a reference to the President;
- (c) any reference to the Yang di-Pertuan Negara shall be construed as a reference to the President;
- (d) any reference to the Cabinet or to the Prime Minister or a Minister of Malaysia shall be construed as a reference to the Cabinet or to the Prime Minister or the appropriate Minister of Singapore;
- (e) any reference to the Parliament or to the House of Representatives of Malaysia shall be construed as a reference to the Parliament of Singapore;
- (f) any reference to the Legislative Assembly shall be construed as a reference to the Parliament of Singapore;
- (g) any reference to the Attorney-General of Malaysia shall be construed as a reference to the Attorney-General of Singapore;

- (h) any reference to the State Advocate-General of Singapore shall be construed as a reference to the Attorney-General of Singapore; and
- (i) any reference to any person holding a public office under the Government of Malaysia or to any other authority or body constituted under the Constitution of Malaysia or any written law of Malaysia shall be construed as a reference to the corresponding public officer or corresponding authority or body of Singapore.

(3) (a) The President may, by order made at any time during the period of 3 years after the coming into operation of this Act and published in the *Gazette*, make such modifications in any written law as appear to him to be necessary or expedient in consequence of the enactment of this Act and in consequence of the independence of Singapore upon separation from Malaysia.

(b) Any order made under this subsection may be amended or repealed by a further order so made.

(c) An order made under this subsection shall have effect from such date, not being earlier than Singapore Day, as may be specified therein.

(d) An order made under this subsection shall be presented to Parliament as soon as possible after it is made.

(4) Without prejudice to the generality of the powers contained in subsection (3), the President may by order make such modifications in any written law as appear to him to be necessary or expedient in consequence of the abolition of the City Council and of the Rural Board and of the assumption of the powers of the local authorities by the Government.

(5) The Prime Minister may by order declare which Minister is the appropriate Minister for the purpose of subsection (2) (d) and may similarly declare who is the corresponding public officer or which is the corresponding authority or body referred to in subsection (2) (i).

(6) In subsection (3), "modification" includes amendment, adaptation and repeal and in relation to any law of Malaysia or of the United Kingdom for the time being in force in Singapore includes power to declare that such law shall cease to apply to Singapore.

(7) In this section —

“existing law” means any law including written law having effect as part of the law of Singapore prior to Singapore Day; and

“written law” includes the Constitution of Malaysia and the Constitution of Singapore and all Acts, Ordinances and enactments by whatever name called and subsidiary legislation made thereunder for the time being in force in Singapore.

Saving.

14. Nothing in this Act shall affect the validity of any acts done in the name of, or by, the Yang di-Pertuan Negara or the State Advocate-General before the enactment of this Act.