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The following Act was passed by Parliament on 3 November 2021 and assented to by the President on 16 November 2021:—

**REPUBLIC OF SINGAPORE**

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**No. 32 of 2021.**

I assent.

(LS)

HALIMAH YACOB,  
*President.*  
*16 November 2021.*

An Act to amend the Constitution of the Republic of Singapore.

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

**Short title and commencement**

1. This Act is the Constitution of the Republic of Singapore (Amendment) Act 2021 and comes into operation on a date that the President appoints by notification in the *Gazette*.

**Amendment of Article 2**

2. Article 2(1) of the Constitution of the Republic of Singapore (called in this Act the Constitution) is amended by inserting, immediately after the definition of “high judicial office”, the following definition:

““Judicial Service Commission” means the Judicial Service Commission constituted under this Constitution;”.

**Amendment of Article 22**

3. Article 22(1) of the Constitution is amended by deleting paragraph (fa) and substituting the following paragraphs:

“(fa) a member of the Judicial Service Commission (other than the President and the Vice-President of that Commission) and a member of a personnel board established under Article 111I;

(fb) a member of the Legal Service Commission (other than the President and the Vice-President of that Commission) and a member of a personnel board established under Article 111Q;”.

**Repeal and re-enactment of Article 96**

4. Article 96 of the Constitution is repealed and the following Article substituted therefor:

**“Qualifications of Supreme Court Judges**

**96.** A person is qualified for appointment as a Supreme Court Judge if the person has for an aggregate period of 10 or more years been one or more of the following:

(a) a qualified person within the meaning of section 2 of the Legal Profession Act;

- (b) an officer in the Singapore Judicial Service;
- (c) an officer in the Singapore Legal Service.”.

### **New Chapter 1 heading of Part IX**

5. The Constitution is amended by inserting, immediately above Article 102, the following Chapter heading:

*“Chapter 1 — General provisions”.*

### **Amendment of Article 102**

6. Article 102 of the Constitution is amended —

- (a) by inserting, immediately after paragraph (b) of clause (1), the following paragraph:

*“(ba) the Singapore Judicial Service;”*; and

- (b) by deleting clause (2).

### **Repeal and re-enactment of Article 103**

7. Article 103 of the Constitution is repealed and the following Article substituted therefor:

#### **“Interpretation of this Part**

**103.**—(1) Subject to clause (2), in this Part, unless the context otherwise requires —

“appointed member” means —

- (a) in Chapter 3 — a member of the Judicial Service Commission appointed under Article 111B(2)(c); and
- (b) in Chapter 4 — a member of the Legal Service Commission appointed under Article 111J(2)(c);

“award” means any pension, gratuity or other similar allowance;

“Commission” means —

- (a) in Chapter 2 — the Public Service Commission;

(b) in Chapter 3 — the Judicial Service Commission;

(c) in Chapter 4 — the Legal Service Commission; and

(d) in Chapter 5 — the Public Service Commission, the Judicial Service Commission or the Legal Service Commission;

“public office” does not include the following offices, and “public officer” has a corresponding meaning:

(a) any high judicial office;

(b) the office of Attorney-General or Deputy Attorney-General;

(c) the office of member of the Public Service Commission, the Judicial Service Commission or the Legal Service Commission;

(d) the office of any police officer below the rank of Inspector;

(e) any office the remuneration of the holder of which is calculated on a daily rate;

“public service” does not include service otherwise than in a civil capacity.

(2) The definitions of “public office”, “public officer” and “public service” in clause (1) do not apply for the purposes of Articles 112, 114 and 115.”.

### **Amendment of Article 104**

**8.** Article 104 of the Constitution is amended —

(a) by renumbering the Article as clause (1) of that Article, and by inserting immediately thereafter the following clauses:

“(2) Except as otherwise expressly provided by this Constitution, the qualifications for appointments and conditions of service of persons in the public services

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may be regulated by law and, subject to the provisions of any such law, by the President.

(3) The promotion of public officers is to be based on official qualifications, experience and merit.

(4) A public officer must not be dismissed or reduced in rank under this Part without being given a reasonable opportunity to be heard.

(5) Subject to Article 110D, an officer in any of the services mentioned in Article 102(1)(b), (ba), (c) and (d) must not 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 an officer of that service of equal rank.”; and

(b) by deleting the Article heading and substituting the following Article heading:

**“Provisions about public service”.**

### **New Chapter 2 heading of Part IX**

**9.** The Constitution is amended by inserting, immediately above Article 105, the following Chapter heading:

*“Chapter 2 — The Public Service Commission”.*

### **Amendment of Article 108**

**10.** Article 108(2) of the Constitution is amended by deleting the words “prescribed by the President” in paragraph (b) and substituting the words “determined by the President”.

### **Amendment of Article 110**

**11.** Article 110 of the Constitution is amended —

(a) by inserting, immediately after the words “public officers” in clause (1), the words “(but not officers in the Singapore Judicial Service or the Singapore Legal Service)”;

(b) by deleting clauses (2), (3) and (4); and

(c) by deleting the Article heading and substituting the following Article heading:

**“Functions”.**

### **Amendment of Article 110D**

**12.** Article 110D of the Constitution is amended —

- (a) by deleting the words “Article 110(1) and (4)” in clause (3)(a) and substituting the words “Articles 104(5) and 110(1)”; and
- (b) by deleting the words “these Commissions” in clause (8) and substituting the words “the Commission”.

### **Repeal of Articles 111 and 111AA**

**13.** Articles 111 and 111AA of the Constitution are repealed.

### **New Chapters 3 and 4 of Part IX**

**14.** The Constitution is amended by inserting, immediately after Article 111A, the following Chapters:

*“Chapter 3*

*The Judicial Service Commission*

### **Judicial Service Commission**

**111B.**—(1) A Judicial Service Commission is established.

(2) The Commission consists of —

- (a) the Chief Justice (as President);
- (b) the Chairman of the Public Service Commission (as Vice-President); and
- (c) the following other members:
  - (i) up to 2 members appointed by the President on the advice of the Chief Justice;
  - (ii) up to 2 members appointed by the President on the advice of the Chairman of the Public Service Commission;

(iii) up to 2 members appointed by the President on the advice of the Prime Minister.

(3) For the purposes of clause (2)(c) —

- (a) the President may, acting in the President's discretion, refuse to make an appointment if the President does not concur with the advice tendered; and
- (b) the President must not appoint 2 members under clause (2)(c)(i), (ii) or (iii) unless at least one of them has for an aggregate period of 10 or more years been one or more of the following:
  - (i) a qualified person within the meaning of section 2(1) of the Legal Profession Act;
  - (ii) an officer in the Singapore Judicial Service;
  - (iii) an officer in the Singapore Legal Service.

(4) Before assuming the duties of his or her office, an appointed member must take and subscribe before a Supreme Court Judge the appropriate Oath for the due execution of his or her office in the form set out in the First Schedule.

### **Disqualification for appointment to Commission**

**111C.** A person must not be appointed as a member under Article 111B(2)(c) if the person is, and ceases to be an appointed member if the person becomes —

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

**Tenure of office of appointed members**

**111D.**—(1) Subject to this Article and Article 111C, an appointed member —

(a) is to hold office for the period (which must not be shorter than 3 years or longer than 5 years) specified by the President in appointing the appointed member; and

(b) is eligible for reappointment.

(2) An appointed member may at any time resign his or her office by writing under his or her hand addressed to the President.

(3) If the Prime Minister, or the President of the Commission after consulting the Prime Minister, represents to the President that an appointed member ought to be removed from office for —

(a) inability to discharge the functions of the appointed member's office; or

(b) misbehaviour,

the President must —

(c) refer that representation to a tribunal consisting of 2 Supreme Court Judges nominated for that purpose by the Chief Justice, if the President, acting in the President's discretion, concurs with that representation; and

(d) remove the appointed member from office by writing under the President's hand if the tribunal so recommends.

**Terms of service of appointed members, etc.**

**111E.**—(1) An appointed member is to be paid allowances as may, from time to time, be determined, and those allowances are charged on the Consolidated Fund.

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(2) Subject to the provisions of this Constitution, the terms of service of an appointed member are —

- (a) to be prescribed in regulations made by the President and published in the *Gazette*; or
- (b) to be determined by the President insofar as they are not determined by or under any such law.

(3) The terms of service of an appointed member must not be altered to his or her disadvantage during his or her continuance in office.

(4) For the purposes of clause (3), insofar as the terms of service of an appointed member depend upon his or her option, any terms that he or she opts for is taken to be more advantageous to him or her than any for which he or she might have opted.

### **Functions**

**111F.**—(1) Subject to clause (2), the Commission —

- (a) has jurisdiction over all officers in the Singapore Judicial Service; and
- (b) has the following functions and powers in relation to those officers:
  - (i) appointment;
  - (ii) confirmation;
  - (iii) emplacement on the permanent establishment;
  - (iv) promotion;
  - (v) transfer;
  - (vi) disciplinary control;
  - (vii) dismissal.

(2) The Commission and the Legal Service Commission may jointly make regulations to —

- (a) prescribe one or more posts; and

- (b) provide, in relation to officers in the Singapore Judicial Service holding a prescribed post, that all or any aspect of the Commission's functions and powers in relation to those officers are to be exercised by the Legal Service Commission instead of the Commission.

### **Procedure**

**111G.** Subject to the provisions of this Constitution, the Commission may regulate its own procedure and make rules for that purpose.

### **Secretary to Commission**

**111H.**—(1) There is to be a Secretary to the Commission, who —

- (a) must be a person who is a public officer; and  
(b) is to be appointed by the President in accordance with the advice of the Commission.

(2) Subject to any instructions by the President of the Commission, the Secretary to the Commission is responsible for —

- (a) arranging the business for, and keeping the minutes of, the meetings of the Commission; and  
(b) conveying the decisions of the Commission to the appropriate person or authority.

(3) The President of the Commission may, from time to time, direct the Secretary to the Commission to perform any other function.

### **Personnel boards**

**111I.**—(1) Subject to the provisions of this Article, the Commission may make regulations to —

- (a) establish one or more personnel boards (including specifying the procedure to be followed by a personnel board); and

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(b) delegate all or any of its functions and powers to a personnel board, whether with or without conditions, and a personnel board so established may exercise the delegated functions and powers under the direction and control of the Commission.

(2) The Commission must not delegate —

(a) any of its functions or powers relating to disciplinary control or dismissal;

(b) any of its functions or powers relating to officers in the Singapore Judicial Service of or above the threshold grade (including the power to appoint or promote an officer to that grade); and

(c) any function or power in relation to officers in the Singapore Legal Service holding a post prescribed by regulations made under Article 111N(2), if that function or power could not have been delegated by the Legal Service Commission under Article 111Q.

(3) For the purposes of clause (2)(b) —

(a) the President may, on the advice of the Prime Minister and by notification in the *Gazette*, designate a threshold grade in the Singapore Judicial Service; and

(b) the Prime Minister must consult the President of the Commission before advising the President under paragraph (a).

(4) A personnel board must consist of at least 3 members.

(5) A member of a personnel board is to be appointed by the President if the President, acting in the President's discretion, concurs with the advice of the Commission.

(6) Only the following persons may be appointed as members of a personnel board:

(a) a member of the Commission;

(b) a Supreme Court Judge, a Judicial Commissioner or a Senior Judge;

- (c) an officer in the Singapore Judicial Service.

*Chapter 4*

*The Legal Service Commission*

**Legal Service Commission**

- 111J.**—(1) A Legal Service Commission is established.
- (2) The Commission consists of —
- (a) the Attorney-General (as President);
  - (b) the Chairman of the Public Service Commission (as Vice-President); and
  - (c) the following other members:
    - (i) up to 2 members appointed by the President on the advice of the Attorney-General;
    - (ii) up to 2 members appointed by the President on the advice of the Chairman of the Public Service Commission;
    - (iii) up to 2 members appointed by the President on the advice of the Prime Minister.
- (3) For the purposes of clause (2)(c) —
- (a) the President may, acting in the President’s discretion, refuse to make an appointment if the President does not concur with the advice tendered; and
  - (b) the President must not appoint 2 members under clause (2)(c)(i), (ii) or (iii) unless at least one of them has for an aggregate period of 10 or more years been one or more of the following:
    - (i) a qualified person within the meaning of section 2(1) of the Legal Profession Act;
    - (ii) an officer in the Singapore Judicial Service;
    - (iii) an officer in the Singapore Legal Service.

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(4) Before assuming the duties of his or her office, an appointed member must take and subscribe before a Supreme Court Judge the appropriate Oath for the due execution of his or her office in the form set out in the First Schedule.

### **Disqualification for appointment to Commission**

**111K.** A person must not be appointed as a member under Article 111J(2)(c) if the person is, and ceases to be an appointed member if the person becomes —

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

### **Tenure of office of appointed members**

**111L.**—(1) Subject to this Article and Article 111K, an appointed member —

- (a) is to hold office for the period (which must not be shorter than 3 years or longer than 5 years) specified by the President in appointing the appointed member; and
- (b) is eligible for reappointment.

(2) An appointed member may at any time resign his or her office by writing under his or her hand addressed to the President.

(3) If the Prime Minister, or the President of the Commission after consulting the Prime Minister, represents to the President

that an appointed member ought to be removed from office for —

- (a) inability to discharge the functions of the appointed member's office; or
- (b) misbehaviour,

the President must —

- (c) refer that representation to a tribunal consisting of 2 Supreme Court Judges nominated for that purpose by the Chief Justice, if the President, acting in the President's discretion, concurs with that representation; and
- (d) remove the appointed member from office by writing under the President's hand if the tribunal so recommends.

### **Terms of service of appointed members, etc.**

**111M.**—(1) An appointed member is to be paid allowances as may, from time to time, be determined, and those allowances are charged on the Consolidated Fund.

(2) Subject to the provisions of this Constitution, the terms of service of an appointed member are —

- (a) to be prescribed in regulations made by the President and published in the *Gazette*; or
- (b) to be determined by the President insofar as they are not determined by or under any such law.

(3) The terms of service of an appointed member must not be altered to his or her disadvantage during his or her continuance in office.

(4) For the purposes of clause (3), insofar as the terms of service of an appointed member depend upon his or her option, any terms that he or she opts for is taken to be more advantageous to him or her than any for which he or she might have opted.

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## Functions

**111N.**—(1) Subject to clause (2), the Commission —

- (a) has jurisdiction over all officers in the Singapore Legal Service; and
- (b) has the following functions and powers in relation to those officers:
  - (i) appointment;
  - (ii) confirmation;
  - (iii) emplacement on the permanent establishment;
  - (iv) promotion;
  - (v) transfer;
  - (vi) disciplinary control;
  - (vii) dismissal.

(2) The Commission and the Judicial Service Commission may jointly make regulations to —

- (a) prescribe one or more posts; and
- (b) provide, in relation to officers in the Singapore Legal Service holding a prescribed post, that all or any aspect of the Commission's functions and powers in relation to those officers are to be exercised by the Judicial Service Commission instead of the Commission.

## Procedure

**111O.** Subject to the provisions of this Constitution, the Commission may regulate its own procedure and make rules for that purpose.

## Secretary to Commission

**111P.**—(1) There is to be a Secretary to the Commission, who —

- (a) must be a person who is a public officer; and

(b) is to be appointed by the President in accordance with the advice of the Commission.

(2) Subject to any instructions by the President of the Commission, the Secretary to the Commission is responsible for —

(a) arranging the business for, and keeping the minutes of, the meetings of the Commission; and

(b) conveying the decisions of the Commission to the appropriate person or authority.

(3) The President of the Commission may, from time to time, direct the Secretary to the Commission to perform any other function.

### **Personnel boards**

**111Q.**—(1) Subject to the provisions of this Article, the Commission may make regulations to —

(a) establish one or more personnel boards (including specifying the procedure to be followed by a personnel board); and

(b) delegate all or any of its functions and powers to a personnel board, whether with or without conditions,

and a personnel board so established may exercise the delegated functions and powers under the direction and control of the Commission.

(2) The Commission must not delegate —

(a) any of its functions or powers relating to disciplinary control or dismissal;

(b) any of its functions or powers relating to officers in the Singapore Legal Service of or above the threshold grade (including the power to appoint or promote an officer to that grade); and

(c) any function or power in relation to officers in the Singapore Judicial Service holding a post prescribed

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by regulations made under Article 111F(2), if that function or power could not have been delegated by the Judicial Service Commission under Article 111I.

(3) For the purposes of clause (2)(b) —

(a) the President may, on the advice of the Prime Minister and by notification in the *Gazette*, designate a threshold grade in the Singapore Legal Service; and

(b) the Prime Minister must consult the President of the Commission before advising the President under paragraph (a).

(4) A personnel board must consist of at least 3 members.

(5) A member of a personnel board is to be appointed by the President if the President, acting in the President's discretion, concurs with the advice of the Commission.

(6) Only the following persons may be appointed as members of a personnel board:

(a) a member of the Commission;

(b) a Deputy Attorney-General;

(c) an officer in the Singapore Legal Service.”.

### **New Chapter 5 heading of Part IX**

**15.** The Constitution is amended by inserting, immediately above Article 112, the following Chapter heading:

“*Chapter 5 — Supplementary Provisions*”.

**Amendment of Article 112**

16. Article 112(1) of the Constitution is amended by deleting the words “any pension, gratuity or other like allowance (referred to in this Article as an award)” and substituting the words “any award”.

**Amendment of Article 113**

17. Article 113 of the Constitution is amended —

- (a) by deleting the words “the Public Service Commission or the Legal Service Commission, as the case may be,” in clauses (1) and (2) and substituting in each case the words “the relevant Commission”;
- (b) by deleting clause (3); and
- (c) by deleting the words “Public Service Commission and Legal Service Commission” in the Article heading and substituting the word “Commissions”.

**Amendment of Article 114**

18. Article 114 of the Constitution is amended —

- (a) by deleting the words “pensions, gratuities and other like allowances” in clause (1) and substituting the word “awards”; and
- (b) by deleting the words “any pension, gratuity or other like allowance” in clause (2) and substituting the words “any award”.

**Amendment of Article 115**

19. Article 115(1) of the Constitution is amended by deleting the words “any pension, gratuity or other like allowance” and substituting the words “any award”.

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**Repeal and re-enactment of Article 119**

**20.** Article 119 of the Constitution is repealed and the following Article substituted therefor:

**“Annual reports**

**119.** A Commission must make an annual report on its activities to the President and a copy of every annual report must be presented to Parliament.”.

**Amendment of Article 142**

**21.** Article 142(4) of the Constitution is amended by deleting the words “Government Securities Act (Cap. 121A) and the Local Treasury Bills Act (Cap. 167)” in paragraph (i) of the definition of “relevant assets” and substituting the words “Government Securities (Debt Market and Investment) Act 1992”.

**Amendment of Article 144**

**22.** Article 144(3) of the Constitution is amended by deleting paragraph (d).

**Amendment of Article 148F**

**23.** Article 148F of the Constitution is amended by deleting clause (3) and substituting the following clause:

“(3) It is the duty of the Auditor-General to audit and report on the accounts of —

- (a) all departments and offices of the Government;
- (b) Parliament;
- (c) the Supreme Court and all subordinate courts; and
- (d) the Public Service Commission, the Judicial Service Commission and the Legal Service Commission.”.

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## **Amendment of First Schedule**

**24.** Item 5 of the First Schedule to the Constitution is deleted and the following item substituted therefor:

*“5. Oath for due execution of Office of Chairman or other Member of Public Service Commission, or Appointed Member of Judicial Service Commission or Legal Service Commission*

I, ....., having been appointed to be \*the Chairman/a Member of the \*Public Service Commission/Judicial Service Commission/Legal 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/Judicial Service Commission/Legal 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.

\*Delete where inapplicable.”.

## **Miscellaneous amendment**

**25.** The Constitution is amended by deleting the words “Public Service Commission” wherever they appear in the following provisions and substituting in each case the word “Commission”:

Article 105(3) to (8)

Article 106(1)

Article 107(1) and (2)

Article 108(1) to (4)

Article 109(1) and (2)

Article 110(1)

Article 110D(1), (2)(b), (3), (4), (7)(d) and (8)

Article 111A(2).

## **Transitional provisions for existing officers**

**26.—**(1) On the appointed date —

(a) a judicial branch officer becomes an officer in the Singapore Judicial Service under the same conditions of

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service as those applicable to the officer immediately before that date; and

- (b) a legal branch officer continues to be an officer in the Singapore Legal Service under the same conditions of service as those applicable to the officer immediately before that date.

(2) In relation to a judicial branch officer —

- (a) any proceeding or matter (whether disciplinary or otherwise) pending before the existing Commission or an existing personnel board immediately before the appointed date may, from that date, be continued and disposed of by the Judicial Service Commission; and

- (b) any decision of an existing personnel board may be appealed to the Judicial Service Commission within the time and in the manner prescribed under Article 111AA(5) of the Constitution in force immediately before the appointed date.

(3) The functions of the Judicial Service Commission in subsection (2)(a) may be delegated in accordance with Article 111I of the Constitution as inserted by section 14.

(4) In relation to a legal branch officer —

- (a) any proceeding or matter (whether disciplinary or otherwise) pending before the existing Commission or an existing personnel board immediately before the appointed date may, from that date, be continued and disposed of by the reconstituted Legal Service Commission; and

- (b) any decision of an existing personnel board may be appealed to the reconstituted Legal Service Commission within the time and in the manner prescribed under Article 111AA(5) of the Constitution in force immediately before the appointed date.

(5) The functions of the reconstituted Legal Service Commission in subsection (4)(a) may be delegated in accordance with Article 111Q of the Constitution as inserted by section 14.

(6) In this section —

“appointed date” means the date of commencement of the provisions of this Act (except sections 21 and 22);

“existing Commission” means the Legal Service Commission constituted under Article 111 of the Constitution in force immediately before the appointed date;

“existing officer” means a person who is an officer of the Singapore Legal Service immediately before the appointed date;

“existing personnel board” means a personnel board constituted under Article 111AA of the Constitution in force immediately before the appointed date;

“judicial branch officer” means an existing officer who is holding a post in the Supreme Court or a subordinate court immediately before the appointed date;

“Judicial Service Commission” means the Judicial Service Commission constituted under Article 111B of the Constitution as inserted by section 14;

“legal branch officer” means an existing officer who is not holding a post in the Supreme Court or a subordinate court immediately before the appointed date;

“reconstituted Legal Service Commission” means the Legal Service Commission constituted under Article 111J of the Constitution as inserted by section 14.

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