

Constitution of the Republic of Singapore (Amendment) Bill

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Bill No: 22/2002

Read the first time: 8th July 2002

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Expenditure of Public Money

Constitution of the Republic of Singapore (Amendment) Bill

Bill No. 22/2002

Read the first time on 8th July 2002.

An Act to amend the Constitution of the Republic of Singapore (1999 Reprint).

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

Short title and commencement

1. This Act may be cited as the Constitution of the Republic of Singapore (Amendment) Act 2002 and shall come into operation on such date as the President may, by notification in the *Gazette*, appoint.

Amendment of Article 22B

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

“(9) For the purposes of this Article, a proposed transfer or transfer (whether by or under any written law or otherwise) by any statutory board to which this Article applies (referred to in this clause and clause (10) as the transferor board) of any of its reserves to either the Government or to another such statutory board (referred to in this clause and clause (10) as the transferee board) shall not be taken into account in determining whether the reserves accumulated by the transferor board before the current term of office of the Government are likely to be or have been drawn on if —

- (a) in the case of a proposed transfer or transfer of reserves by a transferor board to the Government — the Minister responsible for finance undertakes in writing to add those reserves of the transferor board to the reserves accumulated by the Government before its current term of office; or
- (b) in the case of a proposed transfer or transfer of reserves by a transferor board to a transferee board — the transferee board by resolution resolves, or any written law provides, that those reserves of the transferor board shall be added to the reserves accumulated by the transferee board before the current term of office of the Government.

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

- (a) where the budget of the transferor board for any financial year provides for the proposed transfer of reserves and the budget is

- approved by the President — at the beginning of that financial year;
- (b) where a supplementary budget of the transferor board provides for the proposed transfer and the supplementary budget is approved by the President — on the date of such approval by the President; or
- (c) in any other case — on the date those reserves are so transferred.”.

Amendment of Article 46

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

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

- (a) adjudged or otherwise declared a bankrupt;
- (b) adjudged or otherwise declared to be of unsound mind;
- (c) convicted of an offence by a court of law in Singapore or Malaysia and sentenced to imprisonment for a term of not less than one year or to a fine of not less than \$2,000; or
- (d) convicted or is proven guilty of an act constituting any offence in connection with elections to Parliament,

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

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

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

- (a) no further appeal is open to him; or
- (b) by reason of the expiration of any period for entering an appeal or notice thereof or the refusal of leave to appeal or for any other reason it ceases to be open for the Member to appeal,