

Constitution of the Republic of Singapore (Amendment) Bill

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Bill No: 30/1996

Read the first time: 1st October 1996

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Explanatory Statement

Expenditure of Public Money

Constitution of the Republic of Singapore (Amendment) Bill

Bill No. 30/1996

Read the first time on 1st October 1996.

An Act to amend the Constitution of the Republic of Singapore (1992 Revised Edition).

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

Short title and commencement

1.—(1) This Act may be cited as the Constitution of the Republic of Singapore (Amendment) Act 1996 and shall come into operation on such date as the President may, by notification in the *Gazette*, appoint.

(2) The President may appoint different dates for the coming into operation of the different provisions of this Act.

Amendment of Article 5

2. Article 5 of the Constitution of the Republic of Singapore (referred to in this Act as the Constitution) is amended by deleting clause (2A) and substituting the following clause:

“(2A) Unless the President, acting in his discretion, otherwise directs the Speaker in writing, a Bill seeking to amend —

- (a) this clause or Article 5A;
- (b) any provision in Part IV;
- (c) any provision in Chapter 1 of Part V or Article 93A;
- (d) Article 65 or 66; or
- (e) any other provision in this Constitution which authorises the President to act in his discretion,

shall not be passed by Parliament unless it has also 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].”.

New Article 5A

3. The Constitution is amended by inserting, immediately after Article 5, the following Article:

“President may withhold assent to certain constitutional amendments

5A.—(1) Subject to Part III, the President may, acting in his discretion, in writing withhold his assent to any Bill seeking to amend this Constitution (other than a Bill referred to in Article 5(2A)), if the Bill or any provision therein provides, directly or indirectly, for the circumvention or curtailment of the discretionary powers conferred upon the President by this Constitution.

(2) The President, acting in accordance with the advice of the Cabinet, may pursuant to Article 100 (whether before or after his assent has been withheld to a Bill pursuant to clause (1)), refer to a tribunal for its opinion the question whether the Bill or any provision therein provides, directly or indirectly, for the circumvention or curtailment of the discretionary powers conferred upon the President by this Constitution; and where such a reference is made to the tribunal, Article 100 shall apply, with the necessary modifications, to that reference.

(3) Where a reference is made to the tribunal and the tribunal is of the opinion that neither the Bill nor any provision therein provides, directly or indirectly, for the circumvention or curtailment of the discretionary powers conferred upon the President by this Constitution, the President shall be deemed to have assented to the Bill on the day immediately after the day of the pronouncement of the opinion of the tribunal in open court.

(4) Where the tribunal is of the opinion that the Bill or any provision therein

provides, directly or indirectly, for the circumvention or curtailment of the discretionary powers conferred upon the President by this Constitution, and the President either has withheld or withholds his assent to the Bill pursuant to clause (1), the Prime Minister may at any time direct that the Bill be submitted to the electors for a national referendum.

(5) If the Bill referred to in clause (4) is supported at the national referendum by not less than two-thirds of the total number of votes cast by electors registered under the Parliamentary Elections Act [Cap. 218], the President shall be deemed to have assented to the Bill on the day immediately after the publication in the *Gazette* of the results of the national referendum.

(6) For the purposes of this Article, where, on the expiration of 30 days after a Bill has been presented to the President for his assent, the President has neither signified the withholding of his assent to the Bill nor referred the Bill to a tribunal pursuant to Article 100, the President shall be deemed to have assented to the Bill on the day immediately following the expiration of the said 30 days.”.

Amendment of Article 21

4. Article 21(2) of the Constitution is amended by deleting the word “Article” in paragraph (c) and substituting the words “Article 5A,”.

Amendment of Article 22

5. The Constitution is amended by renumbering Article 22 as clause (1) of that Article, and by inserting immediately thereafter the following clauses:

“(2) Where the President, contrary to the recommendation of the Council of Presidential Advisers, refuses to make an appointment or refuses to revoke an appointment under clause (1), Parliament may, by resolution passed by not less than two-thirds of the total number of the elected Members of Parliament referred to in Article 39(1)(a), overrule the decision of the President.

(3) Upon the passing of a resolution under clause (2), the President shall be deemed to have made the appointment or revoked the appointment, as the case may be, on the date of the passing of such resolution.”.

Amendment of Article 22A

6. Article 22A of the Constitution is amended by inserting, immediately after clause (1), the following clauses:

“(1A) Where the President, contrary to the recommendation of the Council of