

Constitution (Amendment) Bill

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Bill No: 5/1969

Read the first time: 8th April 1969

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Explanatory Statement

Expenditure of Public Money

Constitution (Amendment) Bill

Bill No. 5/1969

Read the first time on 8th April 1969.

An Act to amend the Constitution 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 may be cited as the Constitution (Amendment) Act, 1969, and shall come into operation on such date as the President may, by notification in the *Gazette*, appoint.

New Part IIA

2. The Constitution of Singapore (hereinafter in this Act referred to as “the Constitution”) is hereby amended by inserting immediately after Article 52 thereof the following new Part: —

“PART IIA

JUDICIARY

Judicial power of Singapore

52A. 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.

Constitution of Supreme Court

52B.—(1) The Supreme Court shall consist of a Chief Justice and such other Judges as may from time to time be appointed:

Provided that the office of a Judge of the Supreme Court shall not be abolished during his continuance in office.

(2) A person qualified for appointment as 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 52C of this Constitution, and such person shall hold office for such period as the President, acting on the advice of the Prime Minister, shall direct.

Appointment of Judges of Supreme Court

52C.—(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.

(2) Before tendering his advice as to the appointment under clause (1) of this Article 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 clause (2) of Article 52B of this Constitution as it applies to the appointment of a Judge of that Court other than the Chief Justice.

Qualifications of Judges of Supreme Court

52D. A person is qualified for appointment as a Judge of the Supreme Court if —

- (a) he is a citizen of Singapore; and
- (b) he has for an aggregate period of not less than ten years been an advocate and solicitor or a member of the Legal Service in Singapore or both.

Oath of office of Judges of Supreme Court

52E. The Chief Justice and every person appointed to be a Judge of the Supreme Court shall, before he enters on the execution of his office, take, in the presence of the President, the oath of office and allegiance in the form set out in the First Schedule to this Constitution.

Tenure of office and remuneration of Judges of Supreme Court

52F.—(1) Subject to the provisions of this Article, a Judge of the Supreme Court shall hold office until he attains the age of sixty-five years or such later time not being later than six months after he attains that age, as the President may approve.

(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 the following provisions of this Article.

(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) of this Article 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 five persons who hold or have held office as a Judge of the Supreme Court or the High Court in Singapore, 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) of this Article, 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 the provisions of 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) of this Article, 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.

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

52G. 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 Members of Parliament.

Appeals from Supreme Court

52H.—(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.

(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.

Continuance of existing Judges

52I.—(1) The Chief Justice of Singapore and other Judges of the Federal Court and the High Court in Singapore holding office immediately before the appointed day shall, as from that day, become the Chief Justice and the Judges of the Supreme Court respectively, and the provisions of this Part of this Constitution shall, subject to clause (2) of this Article apply to them accordingly.

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

(3) For the purposes of this Article,

“appointed day” means the day appointed for the coming into operation of this Part of this Constitution.”.

New Part IVA

3. The Constitution is hereby amended by inserting immediately after Article 81 thereof the following new Part: —

“PART IVA

PRESIDENTIAL COUNCIL

Interpretation

81A. 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 or otherwise inconsistent with the fundamental liberties of the subject;