

CONSTITUTION OF THE REPUBLIC OF SINGAPORE

(Original Enactment: S 1/63)

[9th August 1965]

PART I PRELIMINARY

Citation

1. This Constitution may be cited as the Constitution of the Republic of Singapore.

Interpretation

- 2.

—(1) In this Constitution, unless it is otherwise provided or the context otherwise requires —

“Cabinet” means the Cabinet constituted under this Constitution;

“Civil List” means the provision made under Article 22J for the maintenance of the President;

“citizen of Singapore” means any person who, under the provisions of this Constitution, has the status of a citizen of Singapore;

“commencement”, used with reference to this Constitution, means 9th August 1965;

“Consolidated Fund” means the Consolidated Fund established by this Constitution;

“Council of Presidential Advisers” means the Council of Presidential Advisers constituted under Part VA;

“existing law” means any law having effect as part of the law of Singapore immediately before the commencement of this Constitution;

“Government” means the Government of Singapore;

“Judge of the Supreme Court” includes the Chief Justice, a Judge of Appeal and a Judge of the High Court;

“law” includes written law and any legislation of the United Kingdom or other enactment or instrument whatsoever which is in operation in Singapore and the common law in so far as it is in operation in Singapore and any custom or usage having the force of law in Singapore;

“Legal Service Commission” means the Legal Service Commission constituted under this Constitution;

“Legislature” means the Legislature of Singapore;

“Minister” means a Minister appointed under this Constitution;

“office of profit” means, subject to clause (5), any whole time office in the public service;

“Parliament” means the Parliament of Singapore;

“President” means the President of Singapore elected under this Constitution and includes any person for the time being exercising the functions of the office of President;

“Presidential Elections Committee” means the Presidential Elections Committee constituted under Article 18;

“Prime Minister” means the Prime Minister of Singapore appointed under this Constitution;

“public office” means, subject to clause (5), an office of emolument in the public service;

“public officer” means the holder of any public office;

“public seal” means the public seal of Singapore;

“public service” means service under the Government;

“Public Service Commission” means the Public Service Commission constituted under this Constitution;

“register of electors” means any register of electors prepared under the provisions of any written law for the time being in force relating to Parliamentary elections;

“remuneration”, in respect of any public officer, means only the emoluments of that officer, the whole or any part of which count for pension in accordance with the provisions of any law relating to the grant of pensions in respect of the public service;

“reserves”, in relation to the Government, a statutory board or Government company, means the excess of assets over liabilities of the Government, statutory board or Government company, as the case may be;

“session” means the sittings of Parliament commencing when it first meets after being constituted, or after its prorogation or dissolution at any time, and terminating when Parliament is prorogued or is dissolved without having been prorogued;

“Singapore” means the Republic of Singapore;

“sitting” means a period during which Parliament is sitting continuously without adjournment, including any period during which Parliament is in committee;

“Speaker” and “Deputy Speaker” mean, respectively, the Speaker and a Deputy Speaker of Parliament;

“term of office”, in relation to the Government, means the period —

(a) commencing on the date the Prime Minister and Ministers first take and subscribe the Oath of Allegiance in accordance with Article 27 after a general election; and

(b) ending after the next general election on the date immediately before the Prime Minister and Ministers first take and subscribe the Oath of Allegiance in accordance with Article 27;

“terms of service”, in respect of any officer, includes the remuneration to which that officer is entitled by virtue of his office, and any pension, gratuity or other like allowance payable to or in respect of that officer;

“written law” means this Constitution and all Acts and Ordinances and subsidiary legislation for the time being in force in Singapore.

(2) Except where this Constitution otherwise provides or where the context otherwise requires —

(a) the person or authority having power to make substantive appointments to any public office may appoint a person to perform the functions of that office during any period when it is vacant or when the holder thereof is unable (whether by reason of absence or infirmity of body or mind or any other cause) to perform those functions;

(b) every appointment to perform the functions of an office made under paragraph (a) shall be made in the same manner as and subject to the same conditions as apply to a substantive appointment to that office;

(c) any reference in this Constitution to the holder of any office by the term designating his office shall be construed as including a reference to any person for the time being lawfully performing the functions of that office; and

(d) any reference in this Constitution to an appointment to any office shall be construed as including a reference to an appointment to perform the functions of that office.

(3) Where in this Constitution power is conferred on any person or authority to appoint a person to perform the functions of any office if the holder thereof is unable himself to perform its functions, any such appointment shall not be called in question on the ground that the holder of that office was not unable to perform those functions.

(4) For the purposes of this Constitution, the resignation of a member of any body or the holder of any office constituted by this Constitution that is required to be addressed to any person shall be deemed to have effect from the time that it is received by that person:

Provided that, in the case of a resignation that is required to be addressed to the Speaker, the resignation shall, if the office of Speaker is vacant or the Speaker is absent from Singapore, be deemed to have effect from the time that it is received by a Deputy Speaker on behalf of the Speaker.

(5) For the purposes of this Constitution, a person shall not be considered as holding a public office or an office of profit by reason of the fact that he is in receipt of any remuneration or allowances (including a pension or other like allowance) in respect of his tenure of the office of President, Prime Minister, Chief Justice, Speaker, Deputy Speaker, Minister, Parliamentary Secretary, Political Secretary, Member of Parliament, Ambassador, High Commissioner or such other office as the President may, from time to time, by order, prescribe*.

* Offices of Consul-General and Consul have been prescribed by the President — See G.N. No. S 212/72

(6) (a) Without prejudice to clause (2) when the holder of any public office is on leave of absence pending relinquishment of that office, the person or authority having power to make appointments to that office may appoint another person thereto.

(b) Where 2 or more persons are holding the same office by reason of an appointment made pursuant to paragraph (a), the person last appointed shall, in respect of any function conferred on the holder of that office, be deemed to be the sole holder of that office.

(7) Where a person is required by this Constitution to take an oath, he shall be permitted, if he so desires, to comply with that requirement by making an affirmation.

(8) References in this Constitution to any period shall, so far as the context admits, be construed as including references to a period beginning before the commencement of this Constitution.

(9) Subject to this Article, the Interpretation Act (Cap. 1) shall apply for the purpose of interpreting this Constitution and otherwise in relation thereto as it applies for the purpose of interpreting and otherwise in relation to any written law within the meaning of that Act.

(10) Unless the context otherwise requires, any reference in this Constitution to a specified Part, Article or Schedule is a reference to that Part or Article of, or that Schedule to, this Constitution; any reference to a specified chapter, clause, section or paragraph is a reference to that chapter of the Part, that clause of the Article, that section of the Schedule, or that paragraph of the clause or section, in which the reference occurs; and any reference to a group of Articles, sections or divisions of Articles or sections shall be construed as including both the first and the last member of the group referred to.

PART II

THE REPUBLIC AND THE CONSTITUTION

Republic of Singapore

***3.** Singapore shall be a sovereign republic to be known as the Republic of Singapore.

* Section 2(1)(d), Constitution (Amendment) Act 1965 (No. 8 of 1965) and the Republic of Singapore Independence Act 1965 (No. 9 of 1965).

Supremacy of Constitution

4. This Constitution is the supreme law of the Republic of Singapore and any law enacted by the Legislature after the commencement of this Constitution which is inconsistent with this Constitution shall, to the extent of the inconsistency, be void.

Amendment of Constitution

5.

—(1) Subject to this Article and Article 8, the provisions of this Constitution may be amended by a law enacted by the Legislature.

(2) A Bill seeking to amend any provision in this Constitution shall not be passed by Parliament unless it has been supported on Second and Third Readings by the votes of not less than two-thirds of the total number of the elected Members of Parliament referred to in Article 39 (1) (a).

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

this clause or Article 5A; (a)

any provision in Part IV; (b)

any provision in Chapter 1 of Part V or Article 93A; (c)

Article 65 or 66; or (d)

any other provision in this Constitution which authorises the President to act in his discretion, (e)

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).

** Article 5 (2A) was not in operation at the date of this Reprint. This Article repeals former Article 5 (2A) (enacted by Act 5/91) which Article was also not in operation at the date of its repeal by Act 41/96.*

(3) In this Article, “amendment” includes addition and repeal.

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 under 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 under 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.

† Article 5A was not in operation at the date of this Reprint.

PART III

PROTECTION OF THE SOVEREIGNTY OF THE REPUBLIC OF SINGAPORE

No surrender of sovereignty or relinquishment of control over the Police Force or the Armed Forces except by referendum

6.

—(1) There shall be —

(a)
no surrender or transfer, either wholly or in part, of the sovereignty of the Republic of Singapore as an independent nation, whether by way of merger or incorporation with any other sovereign state or with any Federation, Confederation, country or territory or in any other manner whatsoever; and

(b)
no relinquishment of control over the Singapore Police Force or the Singapore Armed Forces,
unless such surrender, transfer or relinquishment has 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).

(2) For the purposes of this Article —

“Singapore Armed Forces” means the Singapore Armed Forces raised and maintained under the Singapore Armed Forces Act (Cap. 295), and includes any civil defence force formed under the Civil Defence Act (Cap. 42) and such other force as the President may, by notification in the *Gazette*, declare to be an armed force for the purposes of this Article;

“Singapore Police Force” means the Singapore Police Force and the Special Constabulary established under the Police Force Act (Cap. 235) and any Auxiliary Police Force created in accordance with Part IX of that Act, and includes the Vigilante Corps established under the Vigilante Corps Act (Cap. 343) and such other force as the President may, by notification in the *Gazette*, declare to be a police force for the purposes of this Article.

Participation in co-operative international schemes which are beneficial to Singapore

7. Without in any way derogating from the force and effect of Article 6, nothing in that Article shall be construed as precluding Singapore or any association, body or organisation therein from —

(a)
participating or co-operating in, or contributing towards, any scheme, venture, project, enterprise or undertaking of whatsoever nature, in conjunction or in concert with any other sovereign state or with any Federation, Confederation, country or countries or any association, body or organisation therein, where such scheme, venture, project, enterprise or undertaking confers, has the effect of conferring or is intended to confer, on Singapore or any association, body or organisation therein, any economic, financial, industrial, social, cultural, educational or other benefit of any kind or is, or appears to be, advantageous in any way to Singapore or any association, body or organisation therein;
or

(b)
entering into any treaty, agreement, contract, pact or other arrangement with any other sovereign state or with any Federation, Confederation, country or countries or any association, body or organisation therein, where such treaty, agreement, contract, pact or arrangement provides for mutual or collective security or any other object or purpose whatsoever which is, or appears to be, beneficial or advantageous to Singapore in any way.

No amendment to this Part except by referendum

8.

—(1) A Bill for making an amendment to this Part shall not be passed by Parliament unless it has 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).

(2) In this Article, “amendment” includes addition and repeal.

PART IV FUNDAMENTAL LIBERTIES

Liberty of the person

9.

—(1) No person shall be deprived of his life or personal liberty save in accordance with law.

(2) Where a complaint is made to the High Court or any Judge thereof that a person is being unlawfully detained, the Court shall inquire into the complaint and, unless satisfied that the detention is lawful, shall order him to be produced before the Court and release him.

(3) Where a person is arrested, he shall be informed as soon as may be of the grounds of his arrest and shall be allowed to consult and be defended by a legal practitioner of his choice.

(4) Where a person is arrested and not released, he shall, without unreasonable delay, and in any case within 48 hours (excluding the time of any necessary journey), be produced before a Magistrate, in person or by way of video-conferencing link (or other similar technology) in accordance with law, and shall not be further detained in custody without the Magistrate’s authority.

[9/2010 wef 01/07/2010]

(5) Clauses (3) and (4) shall not apply to an enemy alien or to any person arrested for contempt of Parliament pursuant to a warrant issued under the hand of the Speaker.

(6) Nothing in this Article shall invalidate any law —

(a)

in force before the commencement of this Constitution which authorises the arrest and detention of any person in the interests of public safety, peace and good order; or

(b)

relating to the misuse of drugs or intoxicating substances which authorises the arrest and detention of any person for the purpose of treatment and rehabilitation, by reason of such law being inconsistent with clauses (3) and (4), and, in particular, nothing in this Article shall affect the validity or operation of any such law before 10th March 1978.

Slavery and forced labour prohibited

10.

—(1) No person shall be held in slavery.

(2) All forms of forced labour are prohibited, but Parliament may by law provide for compulsory service for national purposes.

(3) Work incidental to the serving of a sentence of imprisonment imposed by a court of law shall not be taken to be forced labour within the meaning of this Article.

Protection against retrospective criminal laws and repeated trials

11.

—(1) No person shall be punished for an act or omission which was not punishable by law when it was done or made, and no person shall suffer greater punishment for an offence than was prescribed by law at the time it was committed.

(2) A person who has been convicted or acquitted of an offence shall not be tried again for the same offence except where the conviction or acquittal has been quashed and a retrial ordered by a court superior to that by which he was convicted or acquitted.

Equal protection

12.

—(1) All persons are equal before the law and entitled to the equal protection of the law.

(2) Except as expressly authorised by this Constitution, there shall be no discrimination against citizens of Singapore on the ground only of religion, race, descent or place of birth in any law or in the appointment to any office or employment under a public authority or in the administration of any law relating to the acquisition, holding or disposition of property or the establishing or carrying on of any trade, business, profession, vocation or employment.

(3) This Article does not invalidate or prohibit —

(a)

any provision regulating personal law; or

(b)

any provision or practice restricting office or employment connected with the affairs of any religion, or of an institution managed by a group professing any religion, to persons professing that religion.

Prohibition of banishment and freedom of movement

13.

—(1) No citizen of Singapore shall be banished or excluded from Singapore.

(2) Subject to any law relating to the security of Singapore or any part thereof, public order, public health or the punishment of offenders, every citizen of Singapore has the right to move freely throughout Singapore and to reside in any part thereof.

Freedom of speech, assembly and association

14.

—(1) Subject to clauses (2) and (3) —

every citizen of Singapore has the right to freedom of speech and expression; (a)

all citizens of Singapore have the right to assemble peaceably and without arms; and (b)

all citizens of Singapore have the right to form associations. (c)

(2) Parliament may by law impose —

on the rights conferred by clause (1)(a), such restrictions as it considers necessary or expedient in the interest of the security of Singapore or any part thereof, friendly relations with other countries, public order or morality and restrictions designed to protect the privileges of Parliament or to provide against contempt of court, defamation or incitement to any offence; (a)

on the right conferred by clause (1)(b), such restrictions as it considers necessary or expedient in the interest of the security of Singapore or any part thereof or public order; and (b)

on the right conferred by clause (1)(c), such restrictions as it considers necessary or expedient in the interest of the security of Singapore or any part thereof, public order or morality. (c)

(3) Restrictions on the right to form associations conferred by clause (1) (c) may also be imposed by any law relating to labour or education.

Freedom of religion

15.

—(1) Every person has the right to profess and practise his religion and to propagate it.

(2) No person shall be compelled to pay any tax the proceeds of which are specially allocated in whole or in part for the purposes of a religion other than his own.

(3) Every religious group has the right —

to manage its own religious affairs; (a)

to establish and maintain institutions for religious or charitable purposes; and (b)

to acquire and own property and hold and administer it in accordance with law. (c)

(4) This Article does not authorise any act contrary to any general law relating to public order, public health or morality.

Rights in respect of education

16.

—(1) Without prejudice to the generality of Article 12, there shall be no discrimination against any citizen of Singapore on the grounds only of religion, race, descent or place of birth —

(a)

in the administration of any educational institution maintained by a public authority, and, in particular, the admission of pupils or students or the payment of fees; or

(b)

in providing out of the funds of a public authority financial aid for the maintenance or education of pupils or students in any educational institution (whether or not maintained by a public authority and whether within or outside Singapore).

(2) Every religious group has the right to establish and maintain institutions for the education of children and provide therein instruction in its own religion, and there shall be no discrimination on the ground only of religion in any law relating to such institutions or in the administration of any such law.

(3) No person shall be required to receive instruction in or to take part in any ceremony or act of worship of a religion other than his own.

(4) For the purposes of clause (3), the religion of a person under the age of 18 years shall be decided by his parent or guardian.

PART V
THE GOVERNMENT

Chapter 1 —

The President

The President

17.

—(1) There shall be a President of Singapore who shall be the Head of State and shall exercise and perform such powers and functions as are conferred on the President by this Constitution and any other written law.

(2) The President shall be elected by the citizens of Singapore in accordance with any law made by the Legislature.

(3) Any poll for the election of President shall be held as follows:

(a)

in the case where the office of President becomes vacant prior to the expiration of the term of office of the incumbent and a writ for the election has not been issued before such vacation of office or, if so issued, has already been countermanded — within 6 months after the date the office of President becomes vacant; or

(b)

in any other case — not more than 3 months before the date of expiration of the term of office of the incumbent.

Presidential Elections Committee

18.

—(1) There shall be a Presidential Elections Committee whose function is to ensure that candidates for the office of President have the qualifications referred to in paragraph (e) or (g)(iv) or both such paragraphs of Article 19(2), as the case may be.

(2) The Presidential Elections Committee shall consist of —

(a)

the Chairman of the Public Service Commission;

(b)

the Chairman of the Accounting and Corporate Regulatory Authority established under the Accounting and Corporate Regulatory Authority Act 2004 (Act 3 of 2004); and

(c)
a member of the Presidential Council for Minority Rights nominated by the Chairman of the Council.

(3) The Chairman of the Public Service Commission shall be the chairman of the Presidential Elections Committee and if he is absent from Singapore or for any other reason unable to discharge his functions, he shall nominate a Deputy Chairman of the Public Service Commission to act on his behalf.

(4) The office of the member of the Presidential Elections Committee nominated under clause (2)(c) shall become vacant if the member —

(a)
dies;

(b)
resigns from office by a letter in writing addressed to the chairman of the Committee; or

(c)
has his nomination revoked by the Chairman of the Presidential Council for Minority Rights,

and the vacancy shall be filled by a new member nominated by the Chairman of the Presidential Council for Minority Rights.

(5) If the member of the Presidential Elections Committee referred to in clause (2)(b) or (c) is absent from Singapore or is for any other reason unable to discharge his functions, the Chairman of the Accounting and Corporate Regulatory Authority or the Chairman of the Presidential Council for Minority Rights shall appoint a member of the Accounting and Corporate Regulatory Authority or a member of the Presidential Council for Minority Rights, as the case may be, to act on his behalf.

[12/2004 wef 15/05/2004]

(6) The Presidential Elections Committee may regulate its own procedure and fix the quorum for its meetings.

(7) The Presidential Elections Committee may act notwithstanding any vacancy in its membership.

(8) Parliament may by law provide for the remuneration of members of the Presidential Elections Committee and the remuneration so provided shall be charged on the Consolidated Fund.

(9) A decision of the Presidential Elections Committee as to whether a candidate for election to the office of President has fulfilled the requirement of paragraph (e) or (g)(iv) of Article 19(2) shall be final and shall not be subject to appeal or review in any court.

Qualifications and disabilities of President

19.

—(1) No person shall be elected as President unless he is qualified for election in accordance with the provisions of this Constitution.

(2) A person shall be qualified to be elected as President if he —

(a)
is a citizen of Singapore;

(b)
is not less than 45 years of age;

(c)
possesses the qualifications specified in Article 44(2)(c) and (d);

(d) is not subject to any of the disqualifications specified in Article 45;

(e) satisfies the Presidential Elections Committee that he is a person of integrity, good character and reputation;

(f) is not a member of any political party on the date of his nomination for election; and

(g) has for a period of not less than 3 years held office —

(i) as Minister, Chief Justice, Speaker, Attorney-General, Chairman of the Public Service Commission, Auditor-General, Accountant-General or Permanent Secretary;

(ii) as chairman or chief executive officer of a statutory board to which Article 22A applies;

(iii) as chairman of the board of directors or chief executive officer of a company incorporated or registered under the Companies Act (Cap. 50) with a paid-up capital of at least \$100 million or its equivalent in foreign currency; or

(iv) in any other similar or comparable position of seniority and responsibility in any other organisation or department of equivalent size or complexity in the public or private sector which, in the opinion of the Presidential Elections Committee, has given him such experience and ability in administering and managing financial affairs as to enable him to carry out effectively the functions and duties of the office of President.

(3) The President shall —

(a) not hold any other office created or recognised by this Constitution;

(b) not actively engage in any commercial enterprise;

(c) not be a member of any political party; and

(d) if he is a Member of Parliament, vacate his seat in Parliament.

(4) Nothing in clause (3) shall be construed as requiring any person exercising the functions of the office of President under Article 22N or 22O to —

(a) if he is a member of any political party, resign as a member of that party; or

(b) vacate his seat in Parliament or any other office created or recognised by this Constitution.

Term of office

20.

—(1) The President shall hold office for a term of 6 years from the date on which he assumes office.

(2) The person elected to the office of President shall assume office on the day his predecessor ceases to hold office or, if the office is vacant, on the day following his election.

(3) Upon his assumption of office, the President shall take and subscribe in the presence of the Chief Justice or of another Judge of the Supreme Court the Oath of Office in the form set out in the First Schedule.

Discharge and performance of functions of President

21.

—(1) Except as provided by this Constitution, the President shall, in the exercise of his functions under this Constitution or any other written law, act in accordance with the advice of the Cabinet or of a Minister acting under the general authority of the Cabinet.

(2) The President may act in his discretion in the performance of the following functions:

(a) the appointment of the Prime Minister in accordance with Article 25;

(b) the withholding of consent to a request for a dissolution of Parliament;

(c) the withholding of assent to any Bill under Article 5A^{*}, 22E, 22H, 144(2) or 148A;

^{*} Article 5A was not in operation at the date of this Reprint.

(d) the withholding of concurrence under Article 144 to any guarantee or loan to be given or raised by the Government;

(e) the withholding of concurrence and approval to the appointments and budgets of the statutory boards and Government companies to which Articles 22A and 22C, respectively, apply;

(f) the disapproval of transactions referred to in Article 22B(7), 22D(6) or 148G;

(g) the withholding of concurrence under Article 151(4) in relation to the detention or further detention of any person under any law or ordinance made or promulgated in pursuance of Part XII;

(h) the exercise of his functions under section 12 of the Maintenance of Religious Harmony Act (Cap. 167A); and

(i) any other function the performance of which the President is authorised by this Constitution to act in his discretion.

(3) The President shall consult the Council of Presidential Advisers before performing any of his functions under Articles 22, 22A(1), 22B(2) and (7), 22C(1), 22D(2) and (6), 142(1A), 144, 148A, 148B and 148G.

(4) Except as otherwise provided in clause (3), the President may, in his discretion, consult the Council of Presidential Advisers before performing any of his functions referred to in clause (2)(c) to (i).

(5) The Legislature may by law make provision to require the President to act after consultation with, or on the recommendation of, any person or body of persons other than the Cabinet in the exercise of his functions other than —

functions exercisable in his discretion; and (a)

functions with respect to the exercise of which provision is made in any other provision of this Constitution. (b)

Appointment of public officers, etc.

22.

—(1) Notwithstanding any other provision of this Constitution, the President, acting in his discretion, may refuse to make an appointment to any of the following offices or to revoke any such appointment if he does not concur with the advice or recommendation of the authority on whose advice or recommendation he is, by virtue of that other provision of this Constitution or any other written law, to act:

the Chief Justice, Judges and Judicial Commissioners of the Supreme Court; (a)

the Attorney-General; (b)

the Chairman and members of the Presidential Council for Minority Rights; (c)

the chairman and members of the Presidential Council for Religious Harmony constituted under the Maintenance of Religious Harmony Act (Cap. 167A); (d)

the chairman and members of an advisory board constituted for the purposes of Article 151; (e)

the Chairman and members of the Public Service Commission; (f)

a member of the Legal Service Commission, other than an ex-officio member referred to in Article 111(2)(a), (b) or (c); (fa)

the Chief Valuer; (g)

the Auditor-General; (h)

the Accountant-General; (i)

the Chief of Defence Force; (j)

the Chiefs of the Air Force, Army and Navy; (k)

a member (other than an ex-officio member) of the Armed Forces Council established under the Singapore Armed Forces Act (Cap. 295); (l)

the Commissioner of Police; and (m)

the Director of the Corrupt Practices Investigation Bureau. (n)

(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.

Appointment of members of statutory boards

22A.

—(1) Notwithstanding any other provision of this Constitution —

(a)

where the President is authorised by any written law to appoint the chairman, member or chief executive officer of any statutory board to which this Article applies, the President, acting in his discretion, may refuse to make any such appointment or to revoke such appointment if he does not concur with the advice or recommendation of the authority on whose advice or recommendation he is required to act; or

(b)

in any other case, no appointment to the office of chairman, member or chief executive officer of any statutory board to which this Article applies and no revocation of such appointment shall be made by any appointing authority unless the President, acting in his discretion, concurs therewith.

(1A) Where the President, contrary to the recommendation of the Council of Presidential Advisers, refuses to make or to concur with an appointment, or refuses to revoke an appointment or to concur with a revocation of an appointment, as the case may be, 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.

(1B) Upon the passing of a resolution under clause (1A), the President shall be deemed to have made or revoked the appointment, or to have concurred with the appointment or revocation of appointment, as the case may be, on the date of the passing of such resolution.

(2) (a) The chairman or member of a statutory board to which this Article applies shall be appointed for a term not exceeding 3 years and shall be eligible for reappointment.

(b) Any appointment to the office of chairman, member or chief executive officer of a statutory board under clause (1) (b) or any revocation thereof shall be void if made without the concurrence of the President.

(3) This Article shall apply to the statutory boards specified in Part I of the Fifth Schedule.

(4) Subject to clause (5), the President acting in accordance with the advice of the Cabinet may, by order published in the *Gazette*, add any other statutory board to Part I of the Fifth Schedule; and no statutory board shall be removed from that Part by any such order.

(5) No statutory board shall by order under clause (4) be added to Part I of the Fifth Schedule if the total value of the reserves of the statutory board on the date of making of such order is less than \$100 million.

Budgets of statutory boards

22B.

—(1) Every statutory board to which Article 22A applies shall —

(a)
before the commencement of its financial year, present to the President for his approval its budget for that financial year, together with a declaration by the chairman and the chief executive officer of the statutory board whether the budget when implemented is likely to draw on the reserves which were not accumulated by the statutory board during the current term of office of the Government;

(b)
present to the President for his approval every supplementary budget for its financial year together with a declaration referred to in paragraph (a) relating to such supplementary budget; and

(c)
within 6 months after the close of that financial year, present to the President —

(i)
a full and particular audited statement showing the revenue received and expenditure incurred by the statutory board during that financial year;

(ii)
as far as practicable, an audited statement of the assets and liabilities of the statutory board at the end of that financial year; and

(iii)
a declaration by the chairman and the chief executive officer of the statutory board whether the statements referred to in sub-paragraphs (i) and (ii) show any drawing on the reserves which were not accumulated by the statutory board during the current term of office of the Government.

(2) The President, acting in his discretion, may refuse to approve any budget or supplementary budget of any such statutory board if, in his opinion, the budget is likely to draw on reserves which were not accumulated by the statutory board during the current term of office of the Government, except that if he approves any such budget notwithstanding his opinion that the budget is likely to so draw on those reserves, the President shall cause his opinion to be published in the *Gazette*.

(3) Where by the first day of the financial year of such statutory board the President has not approved its budget for that financial year, the statutory board —

(a)
shall, within 3 months of the first day of that financial year, present to the President a revised budget for that financial year together with the declaration referred to in clause (1); and

(b)
may, pending the decision of the President, incur expenditure not exceeding one-quarter of the amount provided in the approved budget of the statutory board for the preceding financial year,
and if the President does not approve the revised budget, the statutory board may during that financial year incur total expenditure not exceeding the amount provided in the approved budget of the statutory board for the preceding financial year; and the budget for the preceding financial year shall have effect as the approved budget for that financial year.

(4) Any amount expended during a financial year under clause (3) (b) shall be included in any revised budget subsequently presented to the President under that clause for that financial year.

(5) Nothing in this Article shall prevent the taking of any action by the Monetary Authority of Singapore in the management of the Singapore dollar; and a certificate under the hand of the chairman of the board of directors of the Monetary Authority of Singapore shall be conclusive evidence that any action was or was not taken for such purpose.

(6) It shall be the duty of every statutory board and its chief executive officer to which this Article applies to inform the President of any proposed transaction of the statutory board which is likely to draw on the reserves accumulated by the statutory board prior to the current term of office of the Government.

(7) Where the President has been so informed under clause (6) of any such proposed transaction, the President, acting in his discretion, may disapprove the proposed transaction, except that if he does not disapprove any such proposed transaction even though he is of the opinion that the proposed transaction is likely to draw on the reserves accumulated by the statutory board prior to the current term of office of the Government, the President shall cause his decision and opinion to be published in the *Gazette*.

(8) Where after 30th November 1991 a statutory board is specified in Part I of the Fifth Schedule pursuant to an order made under Article 22A(4), any reference in this Article to the approved budget of a statutory board for the preceding financial year shall, in relation to the first-mentioned statutory board, be read as a reference to the budget for the financial year of the first-mentioned statutory board during which that order was made.

(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 —

(a) the Government;

(b) any Government company specified in Part II of the Fifth Schedule (referred to in this clause and clause (10) as the transferee company); or

(c) 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 —

(i) 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;

(ii) in the case of a proposed transfer or transfer of reserves by a transferor board to a transferee company — the board of directors of the transferee company by resolution resolves that those reserves of the transferor board shall be added to the reserves

accumulated by the transferee company before the current term of office of the Government; or

(iii)

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, transferee company 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.

Appointment of directors of Government companies

22C.

—(1) Notwithstanding the provisions of the memorandum and articles of association of the company, the appointment or removal of any person as a director or chief executive officer of any Government company to which this Article applies shall not be made unless the President, acting in his discretion, concurs with such appointment or removal.

(1A) Where the President, contrary to the recommendation of the Council of Presidential Advisers, refuses to concur with an appointment or removal of any person as a director or chief executive officer 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.

(1B) Upon the passing of a resolution under clause (1A), the President shall be deemed to have concurred with the appointment or removal of any person as a director or chief executive officer on the date of the passing of such resolution.

(2) (a) A director of a Government company to which this Article applies shall be appointed for a term not exceeding 3 years and shall be eligible for reappointment.

(b) Any appointment or removal of any director or chief executive officer of a Government company to which this Article applies without the concurrence of the President shall be void and of no effect.

(3) This Article shall apply to the Government companies specified in Part II of the Fifth Schedule.

(4) Subject to clause (5), the President acting in accordance with the advice of the Cabinet may, by order published in the *Gazette*, add any other Government company to Part II of the Fifth Schedule; and no Government company shall be removed from that Part by any such order.

(5) No Government company shall by order under clause (4) be added to Part II of the Fifth Schedule unless on the date of making of such order —

(a) the value of the share holders' funds of the company attributable to the Government's interest in the company is worth \$100 million or more; and

(b) it is not a subsidiary of any of the Government companies specified in Part II of the Fifth Schedule; and for the purposes of this paragraph, "subsidiary" shall have the same meaning as in the Companies Act (Cap. 50).

Budgets of Government companies

22D.

—(1) The board of directors of every Government company to which Article 22C applies shall —

(a) before the commencement of its financial year, present to the President for his approval its budget for that financial year, together with a declaration by the chairman of the board of directors and the chief executive officer of the Government company whether the budget when implemented is likely to draw on the reserves which were not accumulated by the Government company during the current term of office of the Government;

(b) present to the President for his approval every supplementary budget for its financial year together with a declaration referred to in paragraph (a) relating to such supplementary budget; and

(c) within 6 months after the close of that financial year, present to the President —

(i) a full and particular audited profit and loss account showing the revenue collected and expenditure incurred by the Government company during that financial year, and an audited balance-sheet showing the assets and liabilities of the Government company at the end of that financial year; and

(ii) a declaration by the chairman of the board of directors and the chief executive officer of the Government company whether the audited profit and loss account and balance-sheet of the Government company show any drawing on the reserves which were not accumulated by the Government company during the current term of office of the Government.

(2) The President, acting in his discretion, may disapprove the budget or supplementary budget of any such Government company if, in his opinion, the budget is likely to draw on reserves which were not accumulated by that company during the current term of office of the Government, except that if he approves any such budget notwithstanding his opinion that the budget is likely to so draw on those reserves, the President shall cause his opinion to be published in the *Gazette*.

(3) Where by the first day of the financial year of such Government company the President has not approved its budget for that financial year, the Government company —

(a)

shall, within 3 months of the first day of that financial year, present to the President a revised budget for that financial year together with the declaration referred to in clause (1); and

(b)

may, pending the decision of the President, incur expenditure not exceeding one-quarter of the amount provided in the approved budget of the Government company for the preceding financial year,

and if the President does not approve the revised budget, the Government company may during that financial year incur a total expenditure not exceeding the amount provided in the approved budget of the Government company for the preceding financial year; and the budget for the preceding financial year shall have effect as the approved budget for that financial year.

(4) Any amount expended during a financial year under clause (3) (b) shall be included in any revised budget subsequently presented to the President under that clause for that financial year.

(5) It shall be the duty of the board of directors and the chief executive officer of every Government company referred to in this Article to inform the President of any proposed transaction of the company which is likely to draw on the reserves accumulated by the company prior to the current term of office of the Government.

(6) Where the President has been so informed under clause (5) of any such proposed transaction, the President, acting in his discretion, may disapprove the proposed transaction, except that if he does not disapprove any such proposed transaction even though he is of the opinion that the proposed transaction is likely to draw on the reserves accumulated by the Government company prior to the current term of office of the Government, the President shall cause his decision and opinion to be published in the *Gazette*.

(7) Where after 30th November 1991 a Government company is specified in Part II of the Fifth Schedule pursuant to an order made under Article 22C(4), any reference in this Article to the approved budget of a Government company for the preceding financial year shall, in relation to the first-mentioned Government company, be read as a reference to the budget for the financial year of the first-mentioned Government company immediately preceding the making of that order.

(8) For the purposes of this Article, a proposed transfer or transfer by any Government company to which this Article applies (referred to in this clause and clause (9) as the transferor company) of any of its reserves to —

(a)

the Government;

(b)

any statutory board specified in Part I of the Fifth Schedule (referred to in this clause and clause (9) as the transferee board); or

(c)

another such Government company (referred to in this clause and clause (9) as the transferee company),

shall not be taken into account in determining whether the reserves accumulated by the transferor company before the current term of office of the Government are likely to be or have been drawn on if —

(i)

in the case of a proposed transfer or transfer of reserves by a transferor company to the Government — the Minister responsible for finance undertakes in writing to add those reserves of the transferor company to the reserves accumulated by the Government before its current term of office;

(ii)

in the case of a proposed transfer or transfer of reserves by a transferor company to a transferee board — the transferee board by resolution resolves that those reserves of the transferor company shall be added to the reserves accumulated by the transferee board before the current term of office of the Government; or

(iii)

in the case of a proposed transfer or transfer of reserves by a transferor company to a transferee company — the board of directors of the transferee company by resolution resolves that those reserves of the transferor company shall be added to the reserves accumulated by the transferee company before the current term of office of the Government.

(9) Any reserves transferred by a transferor company together with or under any undertaking or resolution referred to in clause (8) shall be deemed to form part of the reserves accumulated by the Government, transferee board or (as the case may be) transferee company before the current term of office of the Government as follows:

(a)

where the budget of the transferor company 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 company provides for the proposed transfer of reserves 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.

Moneys of the Central Provident Fund

22E. The President, acting in his discretion, may withhold his assent to any Bill passed by Parliament which provides, directly or indirectly, for varying, changing or increasing the powers of the Central Provident Fund Board to invest the moneys belonging to the Central Provident Fund.

President's access to information

22F.

—(1) In the exercise of his functions under this Constitution, the President shall be entitled, at his request, to any information concerning —

(a)

the Government which is available to the Cabinet; and

(b)

any statutory board or Government company to which Article 22A or 22C, as the case may be, applies which is available to the members of the statutory board or the directors of the Government company.

(2) The President may request —

(a)

any Minister, or any senior officer of a Ministry or of a department of the Government; or

(b)

the chief executive officer and any member of the governing board of any statutory board or the directors of any Government company to which Article 22A or 22C, as the case may be, applies,

to furnish any information referred to in clause (1) concerning the reserves of the Government, the statutory board or Government company, as the case may be, and the Minister, member, officer or director concerned shall be under a duty to provide the information.

Concurrence of President for certain investigations

22G. Notwithstanding that the Prime Minister has refused to give his consent to the Director of the Corrupt Practices Investigation Bureau to make any inquiries or to carry out any investigations into any information received by the Director touching upon the conduct of any person or any allegation or complaint made against any person, the Director may make such inquiries or carry out investigations into such information, allegation or complaint if the President, acting in his discretion, concurs therewith.

President may withhold assent to certain Bills

22H.

—(1) The President may, acting in his discretion, in writing withhold his assent to any Bill (other than a Bill seeking to amend this Constitution), 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 (and whether before or after his assent has been withheld to a Bill under 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) 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.

Restraining order under Maintenance of Religious Harmony Act

22I. The President, acting in his discretion, may cancel, vary, confirm or refuse to confirm a restraining order made under the Maintenance of Religious Harmony Act (Cap. 167A) where the advice of the Cabinet is contrary to the recommendation of the Presidential Council for Religious Harmony.

Civil List and personal staff of President

22J.

—(1) The Legislature shall by law provide a Civil List for the maintenance of the President.

(2) Any person exercising the functions of the office of President under Article 22N or 22O shall, during any period in which he exercises those functions, be entitled to such remuneration as the Legislature may by law provide.

(3) The Civil List for the maintenance of the President or any person exercising the functions of the office of President shall be charged on and paid out of the Consolidated Fund and shall not be diminished during the continuance in office of the President or that person.

(4) Subject to clause (5), the appointment, terms of service, disciplinary control, termination of appointment and dismissal of the personal staff of the President shall be matters for the President acting in his discretion.

(5) The President may, if he so desires, appoint to his personal staff such public officers as he may select, after consultation with the Prime Minister, from a list of names submitted by the Public Service Commission; and the provisions of clause (4) (except in so far as they relate to appointment) shall apply in relation to a person so appointed as respects his service on the personal staff of the President but not as respects his service as a public officer.

(6) The remuneration of the personal staff of the President, other than a person appointed under clause (5), shall be defrayed out of the Civil List for the maintenance of the President.

Immunity of President from suit

22K.

—(1) Except as provided in clause (4), the President shall not be liable to any proceedings whatsoever in any court in respect of anything done or omitted to be done by him in his official capacity.

(2) No proceedings in any court in respect of anything done or omitted to be done by the President in his private capacity shall be instituted against him during his term of office.

(3) Where provision is made by law limiting the time within which proceedings of any description may be brought against any person, the period of time during which such person holds office as President shall not be taken into account in calculating any period of time prescribed by that law.

(4) The immunity conferred by clause (1) shall not apply to —

(a) any inquiry held by a tribunal pursuant to a resolution passed by Parliament under Article 22L; or

(b) any proceedings before the Election Judge under Article 93A to determine the validity of any Presidential election.

Vacation of and removal from office of President

22L.

—(1) The office of President shall become vacant —

(a) upon the death of the President;

(b)

if the President resigns his office by writing under his hand addressed to the Prime Minister;

(c)

if the President is removed from office in accordance with clauses (3) to (7);

(d)

if the Election Judge in the exercise of his powers under Article 93A determines that the election of the President was void and does not determine that any other person was duly elected as President; or

(e)

if upon the expiration of the term of office of the incumbent the person declared elected as President fails to assume the office of President.

(2) [*Deleted by Act 17/94*]

(3) The Prime Minister or not less than one-quarter of the total number of the elected Members of Parliament referred to in Article 39(1)(a) may give notice of a motion alleging that the President is permanently incapable of discharging the functions of his office by reason of mental or physical infirmity or that the President has been guilty of —

(a)

intentional violation of the Constitution;

(b)

treason;

(c)

misconduct or corruption involving the abuse of the powers of his office; or

(d)

any offence involving fraud, dishonesty or moral turpitude,

and setting out full particulars of the allegations made and seeking an inquiry and report thereon.

(4) Where the motion referred to in clause (3) has been adopted by not less than half of the total number of the elected Members of Parliament referred to in Article 39(1)(a), the Chief Justice shall appoint a tribunal to inquire into the allegations made against the President.

(5) A tribunal appointed by the Chief Justice shall consist of not less than 5 Judges of the Supreme Court of whom the Chief Justice shall be one, unless he otherwise decides and such tribunal may regulate its own procedure and make rules for that purpose.

(6) A tribunal shall, after due inquiry at which the President shall have the right to appear and to be heard in person or by counsel, make a report of its determination to the Speaker together with the reasons therefor.

(7) Where the tribunal reports to the Speaker that in its opinion the President is permanently incapable of discharging the functions of his office by reason of mental or physical infirmity or that the President has been guilty of any of the other allegations contained in such resolution, Parliament may by a resolution passed by not less than three-quarters of the total number of the elected Members of Parliament referred to in Article 39(1)(a) remove the President from office.

Determination by Election Judge that President was not duly elected or election of President was void

22M.

—(1) Where the Election Judge in the exercise of his jurisdiction under Article 93A determines —

(a)

that the election of the President was void and does not determine that any other person was duly elected, then, a poll for the election of the President shall be taken not later than 6 months from the date of the determination; or

(b)

that any other person was duly elected as President, then, such other person shall assume the office of President forthwith after the determination.

(2) Upon the Election Judge making any determination that the election of the President was void and no other person was duly elected as President, the person who immediately before such determination was exercising the functions of the office of President shall forthwith cease to exercise such functions.

(3) The exercise, performance and discharge by any person of the powers, duties and functions of the office of President shall not be invalid by reason only of the fact that the Election Judge subsequently determines that the election of such person as President was void or undue.

Persons to exercise functions of President when office is vacant

22N.

—(1) If the office of President becomes vacant, the Chairman of the Council of Presidential Advisers or, if he is unavailable, the Speaker shall exercise the functions of the office of President during the period between the date the office of President becomes vacant and the assumption of office by the person declared elected as President.

(2) If neither the Chairman of the Council of Presidential Advisers nor the Speaker is available, Parliament may appoint a person in accordance with clause (3) to exercise the functions of the office of President during the period referred to in clause (1).

(3) Parliament shall not appoint any person to exercise the functions of the office of President under clause (2) unless the person is qualified to be elected as President.

(4) The provisions of this Chapter relating to immunity from suits shall apply in relation to any person exercising the functions of the office of President pursuant to this Article as if references to the President in those provisions were references to that person.

(5) Any person required or appointed to exercise the functions of the office of President pursuant to this Article or Article 22O shall, before exercising those functions, take and subscribe in the presence of the Chief Justice or another Judge of the Supreme Court the Oath of Office in the form set out in the First Schedule, except that neither the Chairman of the Council of Presidential Advisers nor the Speaker shall, during his term of office as such Chairman or as Speaker, be required to take such oath more than once in respect of occasions when he is required to exercise the functions of the office of President.

Temporary disability of President

22O.

—(1) Subject to clause (2), if the President becomes temporarily unable, whether by reason of ill-health, absence from Singapore or otherwise, to perform his functions under this Constitution or any other written law, one of the persons referred to in Article 22N shall exercise the functions of the office of President during the period of temporary disability, and the provisions of Article 22N shall apply, with the necessary modifications, to that person.

(2) Parliament shall not appoint any person to exercise the functions of the office of President under this Article unless the President agrees to that person being so appointed.

(3) Clause (2) shall not apply if the President is unable for any reason to signify his agreement to a person being appointed under this Article to exercise the functions of the office of President.

Grant of pardon, etc.

22P.

—(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 clause (1).

[12/2004 wef 15/05/2004]

Chapter 2 — The Executive

Executive authority of Singapore

23.

—(1) The executive authority of Singapore shall be vested in the President and exercisable subject to the provisions of this Constitution by him or by the Cabinet or any Minister authorised by the Cabinet.

(2) The Legislature may by law confer executive functions on other persons.

Cabinet

24.

—(1) There shall be in and for Singapore a Cabinet which shall consist of the Prime Minister and such other Ministers as may be appointed in accordance with Article 25.

(2) Subject to the provisions of this Constitution, the Cabinet shall have the general direction and control of the Government and shall be collectively responsible to Parliament.

Appointment of Prime Minister and Ministers

25.

—(1) The President shall appoint as Prime Minister a Member of Parliament who in his judgment is likely to command the confidence of the majority of the Members of

Parliament, and shall, acting in accordance with the advice of the Prime Minister, appoint other Ministers from among the Members of Parliament:

Provided that, if an appointment is made while Parliament is dissolved, a person who was a Member of the last Parliament may be appointed but shall not continue to hold office after the first sitting of the next Parliament unless he is a Member thereof.

(2) Appointments under this Article shall be made by the President by instrument under the public seal.

Tenure of office of Prime Minister and Ministers

26.

—(1) The President shall, by writing under the public seal, declare the office of Prime Minister vacant —

(a) if the Prime Minister resigns his office by writing under his hand addressed to the President; or

(b) if the President, acting in his discretion, is satisfied that the Prime Minister has ceased to command the confidence of a majority of the Members of Parliament:

Provided that, before declaring the office of Prime Minister vacant under this paragraph, the President shall inform the Prime Minister that he is satisfied as aforesaid, and, if the Prime Minister so requests, the President may dissolve Parliament instead of making such a declaration.

(2) A Minister, other than the Prime Minister, shall vacate his office —

(a) if his appointment to that office is revoked by the President, acting in accordance with the advice of the Prime Minister, by instrument under the public seal; or

(b) if he resigns his office by writing under his hand addressed to the President.

(3) A person who has vacated his office as Minister may, if qualified, be again appointed as Minister from time to time.

(4) (a) Whenever the Prime Minister is ill or absent from Singapore or has been granted leave of absence from his duties under Article 32, the functions conferred on him by this Constitution shall be exercisable by any other Minister authorised by the President, by instrument under the public seal, in that behalf.

(b) The President may, by instrument under the public seal, revoke any authority given under this clause.

(c) The powers conferred upon the President by this clause shall be exercised by him acting in his discretion, if in his opinion it is impracticable to obtain the advice of the Prime Minister owing to the Prime Minister's illness or absence, and in any other case shall be exercised by the President in accordance with the advice of the Prime Minister.

Oath

27. The Prime Minister and every other Minister shall, before entering on the duties of his office, take and subscribe before the President the Oath of Allegiance and the appropriate Oath for the due execution of his office in the forms set out in the First Schedule.

Summoning of and presiding in Cabinet

28.

—(1) The Cabinet shall not be summoned except by the authority of the Prime Minister.

(2) The Prime Minister shall, so far as is practicable, attend and preside at meetings of the Cabinet and, in his absence, such other Minister shall preside as the Prime Minister shall appoint.

Validity of proceedings in Cabinet

29. Any proceedings in the Cabinet shall be valid notwithstanding that some person who was not entitled to do so sat or voted therein or otherwise took part in the proceedings.

Assignment of responsibility to Ministers

30.

—(1) The Prime Minister may, by directions in writing —

charge any Minister with responsibility for any department or subject; and

revoke or vary any directions given under this clause.

(2) The Prime Minister may retain in his charge any department or subject.

Parliamentary Secretaries

31.

—(1) The President, acting in accordance with the advice of the Prime Minister, may by instrument under the public seal, appoint Parliamentary Secretaries from among the Members of Parliament to assist Ministers in the discharge of their duties and functions:

Provided that, if an appointment is made while Parliament is dissolved, a person who was a Member of the last Parliament may be appointed a Parliamentary Secretary but shall not continue to hold office after the first sitting of the next Parliament unless he is a Member thereof.

(2) Article 26(2) and (3) and Article 27 shall apply to Parliamentary Secretaries as they apply to Ministers.

Leave of absence for Ministers and Parliamentary Secretaries

32. The President, acting in accordance with the advice of the Prime Minister, may grant leave of absence from his duties to the Prime Minister, to any other Minister and to any Parliamentary Secretary.

Disabilities of Ministers and Parliamentary Secretaries

33. A member of the Cabinet or Parliamentary Secretary shall not hold any office of profit and shall not actively engage in any commercial enterprise.

Permanent Secretaries

34.

—(1) There shall be for each Ministry one or more Permanent Secretaries who shall be persons who are public officers.

(2) (a) Appointments to the office of Permanent Secretary shall be made by the President, acting in accordance with the advice of the Prime Minister, from a list of names submitted by the Public Service Commission.

(b) The responsibility for the allocation of each Permanent Secretary to a Ministry shall be vested in the Prime Minister.

(3) Every Permanent Secretary shall, subject to the general direction and control of the Minister, exercise supervision over the department or departments to which he is allocated.

Attorney-General

35.

—(1) The office of Attorney-General is hereby constituted and appointments thereto shall be made by the President, if he, acting in his discretion, concurs with the advice of the Prime Minister, from among persons who are qualified for appointment as a Judge of the Supreme Court.

(2) When it is necessary to make an appointment to the office of Attorney-General otherwise than by reason of the death of the holder of that office or his removal from office under clause (6), the Prime Minister shall, before tendering advice to the President under clause (1), consult the person holding the office of Attorney-General or, if that office is then vacant, the person who has last vacated it, and the Prime Minister shall, in every case, before tendering such advice, consult the Chief Justice and the Chairman of the Public Service Commission.

(3) The Prime Minister shall not be obliged to consult any person under clause (2) if he is satisfied that by reason of the infirmity of body or mind of that person or for any other reason it is impracticable to do so.

(4) The Attorney-General may be appointed for a specific period and, if he was so appointed, shall, subject to clause (6), vacate his office (without prejudice to his eligibility for reappointment) at the expiration of that period, but, subject as aforesaid, shall otherwise hold office until he attains the age of 60 years:

Provided that —

(a)
he may at any time resign his office by writing under his hand addressed to the President;
and

(b)
the President, if he, acting in his discretion, concurs with the advice of the Prime Minister, may permit an Attorney-General who has attained the age of 60 years to remain in office for such fixed period as may have been agreed between the Attorney-General and the Government.

(5) Nothing done by the Attorney-General shall be invalid by reason only that he has attained the age at which he is required by this Article to vacate his office.

(6) (a) The Attorney-General may be removed from office by the President, if he, acting in his discretion, concurs with the advice of the Prime Minister, but the Prime Minister shall not tender such advice except for inability of the Attorney-General to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour and except with the concurrence of a tribunal consisting of the Chief Justice and 2 other Judges of the Supreme Court nominated for that purpose by the Chief Justice.

(b)
The tribunal constituted under this clause shall regulate its own procedure and may make rules for that purpose.

(7) It shall be the duty of the Attorney-General to advise the Government upon such legal matters and to perform such other duties of a legal character, as may from time to time be referred or assigned to him by the President or the Cabinet and to discharge the functions conferred on him by or under this Constitution or any other written law.

(8) The Attorney-General shall have power, exercisable at his discretion, to institute, conduct or discontinue any proceedings for any offence.

(9) In the performance of his duties, the Attorney-General shall have the right of audience in, and shall take precedence over any other person appearing before, any court or tribunal in Singapore.

(10) The Attorney-General shall be paid such remuneration and allowances as may from time to time be determined and such remuneration and allowances shall be charged on and paid out of the Consolidated Fund.

(11) Subject to this Article, the terms of service of the Attorney-General shall either —

(a)
be determined by or under any law made under this Constitution; or

(b)
(in so far as they are not determined by or under any such law) be determined by the President.

(12) The terms of service of the Attorney-General shall not be altered to his disadvantage during his continuance in office.

(13) For the purposes of clause (12), in so far as the terms of service of the Attorney-General depend upon his option, any terms for which he opts shall be taken to be more advantageous to him than any for which he might have opted.

Secretary to Cabinet

36.

—(1) The President, acting in accordance with the advice of the Prime Minister, may appoint a public officer to be the Secretary to the Cabinet.

(2) The Secretary to the Cabinet shall be responsible, in accordance with such instructions as may be given to him by the Prime Minister, for arranging the business for, and keeping the minutes of, the meetings of the Cabinet and for conveying the decisions of the Cabinet to the appropriate person or authority and shall have such other functions as the Prime Minister may from time to time direct.

Chapter 3 —

Capacity as regards property, contracts and suits

Capacity of Government as regards property, contracts and suits

37.

—(1) The Government shall have power to acquire, hold and dispose of property of any kind and to make contracts.

(2) The Government may sue and be sued.