

Singapore's Constitution

PART VI: THE LEGISLATURE

26. Legislature of Singapore

The legislative power of Singapore shall be vested in the Legislature which shall consist of the President and Parliament.

27. Parliament

- I. Parliament shall consist of—
 - a. such number of elected Members as is required to be returned at a general election by the constituencies prescribed by or under any law made by the Legislature;
 - b. such other Members, not exceeding 12 in number, who shall be known as non-constituency Members, as the Legislature may provide in any law relating to Parliamentary elections to ensure the representation in Parliament of a minimum number of Members from a political party or parties not forming the Government; and
 - c. such other Members not exceeding 9 in number, who shall be known as nominated Members, as may be appointed by the President in accordance with the provisions of the Fourth Schedule.
2. A nominated Member shall not vote in Parliament on any motion pertaining to—
 - a. a Bill to amend the Constitution;
 - b. a Supply Bill, Supplementary Supply Bill or Final Supply Bill;
 - c. a Money Bill as defined in Article 68;
 - d. a vote of no confidence in the Government;
 - e. removing the President from office under Article 22L; and

- f. any question on which nominated Members are excluded by this Constitution from the number of Members required for an affirmative decision.
- 3. In this Article and in Articles 39A and 47, a constituency shall be construed as an electoral division for the purposes of Parliamentary elections.
- 4. If any person who is not a Member of Parliament is elected as Speaker or Deputy Speaker, he shall, by virtue of holding the office of Speaker or Deputy Speaker, be a Member of Parliament in addition to the Members aforesaid, except for the purposes of Chapter 2 of Part V and of Article 46.

39A. Group representation constituencies

- 1. The Legislature may, in order to ensure the representation in Parliament of Members from the Malay, Indian and other minority communities, by law make provision for—
 - a. any constituency to be declared by the President, having regard to the number of electors in that constituency, as a group representation constituency to enable any election in that constituency to be held on a basis of a group of not less than 3 but not more than 6 candidates; and
 - b. the qualifications, in addition to those in Article 44, of persons who may be eligible for any election in group representation constituencies, including the requirements referred to in clause(2).
 - 2. Any law made under clause (1) shall provide for—
 - a. the President to designate every group representation constituency—
 - i. as a constituency where at least one of the candidates in every group shall be a person belonging to the Malay community; or
 - ii. as a constituency where at least one of the candidates in every group shall be a person belonging to the Indian or other minority communities;
 - b. the establishment of—
 - i. a committee to determine whether a person desiring to be a candidate belongs to the Malay community; and
 - ii. a committee to determine whether a person desiring to be a candidate belongs to the Indian or other minority communities,
- for the purpose of any election in group representation constituencies;

- c. all the candidates in every group to be either members of the same political party standing for election for that political party or independent candidates standing as a group;
 - d. the minimum and maximum number of Members to be returned by all group representation constituencies at a general election; and
 - e. the number of group representation constituencies to be designated under paragraph (a) (i).
 3. No provision of any law made pursuant to this Article shall be invalid on the ground of inconsistency with Article 12 or be considered to be a differentiating measure under Article 78.
 4. In this Article—
 - "election" means an election for the purpose of electing a Member of Parliament;
 - "group" means a group of not less than 3 but not more than 6 candidates nominated for any election in any group representation constituency;
 - "person belonging to the Malay community" means any person, whether of the Malay race or otherwise, who considers himself to be a member of the Malay community and who is generally accepted as a member of the Malay community by that community;
 - "person belonging to the Indian or other minority communities" means any person of Indian origin who considers himself to be a member of the Indian community and who is generally accepted as a member of the Indian community by that community, or any person who belongs to any minority community other than the Malay or Indian community.

40. Speaker

1. When Parliament first meets after any general election and before it proceeds to the despatch of any other business, it shall elect a person to be Speaker, and, whenever the office of Speaker is vacant otherwise than by reason of a dissolution of Parliament, shall not transact any business other than the election of a person to fill that office.
2. The Speaker may be elected, in such manner as Parliament may from time to time decide, either from among the Members of Parliament who are neither Ministers nor Parliamentary Secretaries or from among persons who are not Members of Parliament:

Provided that a person who is not a Member of Parliament shall not be elected as Speaker if, under any of the provisions of this Constitution, he is not qualified for election as a Member of Parliament.

3. Upon the Speaker being elected and before he enters upon the duties of his office, he shall (unless he has already done so in accordance with Article 61) take and subscribe before Parliament the Oath of Allegiance in the form set out in the First Schedule.
4. The Speaker may at any time resign his office by writing under his hand addressed to the Clerk of Parliament, and shall vacate his office—
 - a. when Parliament first meets after a general election;
 - b. in the case of a Speaker elected from among the Members of Parliament, if he ceases to be a Member of Parliament otherwise than by reason of a dissolution thereof or if he is appointed to be a Minister or a Parliamentary Secretary; or
 - c. in the case of a Speaker elected from among persons who are not Members of Parliament, if any circumstance arises that, if he had been elected to a seat in Parliament, would cause him to vacate his seat by virtue of Article 46 (2) (a) or (e).

41. Remuneration of Speaker

The Speaker shall be paid such salary as Parliament may from time to time determine, and that salary, which is hereby charged on the Consolidated Fund, shall not be diminished during his continuance in office.

42. Deputy Speaker

1. Parliament shall from time to time elect 2 Deputy Speakers; and whenever the office of a Deputy Speaker is vacant otherwise than by reason of a dissolution of Parliament, Parliament shall, as soon as convenient, elect a person to that office.
2.
 - a. A Deputy Speaker may be elected, in such manner as Parliament may from time to time decide, either from among the Members of Parliament who are neither Ministers nor Parliamentary Secretaries or from among persons who are not Members of Parliament:

Provided that a person who is not a Member of Parliament shall not be elected as Deputy Speaker if, under any of the provisions of this Constitution, he is not qualified for election as a Member of Parliament.

- b. Upon a Deputy Speaker being elected and before he enters upon the duties of his office, he shall (unless he has already done so in accordance with Article 61) take and subscribe before Parliament the Oath of Allegiance in the form set out in the First Schedule.
 - c. A Deputy Speaker may at any time resign his office, by writing under his hand addressed to the Clerk of Parliament, and shall vacate his office—

- i. when Parliament first meets after a general election;
 - ii. in the case of a Deputy Speaker elected from among the Members of Parliament, if he ceases to be a Member of Parliament otherwise than by reason of a dissolution thereof or if he is appointed to be a Minister or a Parliamentary Secretary; or
 - iii. in the case of a Deputy Speaker elected from among persons who are not Members of Parliament, if any circumstance arises that, if he had been elected to a seat in Parliament, would cause him to vacate his seat by virtue of Article 46 (2) (a) or (e).
3. A Deputy Speaker shall be paid such salary or allowance as Parliament may from time to time determine, and that salary or allowance, which is hereby charged on the Consolidated Fund, shall not be diminished during his continuance in office.

43. Performance of functions of Speaker

The functions conferred by this Constitution upon the Speaker shall, if there is no person holding the office of Speaker or if the Speaker is absent from a sitting of Parliament or is otherwise unable to perform those functions, be performed by a Deputy Speaker, or if there be no Deputy Speaker or if he is likewise absent or unable to perform those functions, by some other person to be elected by Parliament for the purpose.

44. Qualifications for membership of Parliament

1. Members of Parliament shall be persons qualified for election or for appointment in accordance with the provisions of this Constitution and elected in the manner provided by or under any law for the time being in force in Singapore or appointed in accordance with the provisions of the Fourth Schedule.
2. A person shall be qualified to be elected or appointed as a Member of Parliament if—
 - a. he is a citizen of Singapore;
 - b. he is of the age of 21 years or above on the day of nomination;
 - c. his name appears in a current register of electors;
 - d. he is resident in Singapore at the date of his nomination for election and has been so resident for periods amounting in the aggregate to not less than 10 years prior to that date;

- e. he is able, with a degree of proficiency sufficient to enable him to take an active part in the proceedings of Parliament, to speak and, unless incapacitated by blindness or other physical cause, to read and write at least one of the following languages, that is to say, English, Malay, Mandarin and Tamil; and
 - f. he is not disqualified from being a Member of Parliament under Article 45.
3. Any question whether any person possesses the qualifications mentioned in clause (2) (e) shall be determined in such manner as may be prescribed by or under any law for the time being in force in Singapore or, in so far as not so prescribed, as may be provided by order made by the President and published in the Gazette.

45. Disqualifications for membership of Parliament

1. Subject to this Article, a person shall not be qualified to be a Member of Parliament who—
- a. is and has been found or declared to be of unsound mind;
 - b. is an undischarged bankrupt;
 - c. holds an office of profit;
 - d. having been nominated for election to Parliament or the office of President or having acted as election agent to a person so nominated, has failed to lodge any return of election expenses required by law within the time and in the manner so required;
 - e. has been convicted of an offence by a court of law in Singapore or Malaysia and sentenced to imprisonment for a term of not less than one year or to a fine of not less than \$2,000 and has not received a free pardon:

Provided that where the conviction is by a court of law in Malaysia, the person shall not be so disqualified unless the offence is also one which, had it been committed in Singapore, would have been punishable by a court of law in Singapore;
 - f. has voluntarily acquired the citizenship of, or exercised rights of citizenship in, a foreign country or has made a declaration of allegiance to a foreign country; or
 - g. is disqualified under any law relating to offences in connection with elections to Parliament or the office of President by reason of having been convicted of such an offence or having in proceedings relating to such an election been proved guilty of an act constituting such an offence.

2. The disqualification of a person under clause (1) (d) or (e) may be removed by the President and shall, if not so removed, cease at the end of 5 years beginning from the date on which the return mentioned in clause (1) (d) was required to be lodged or, as the case may be, the date on which the person convicted as mentioned in clause (1) (e) was released from custody or the date on which the fine mentioned in clause (1) (e) was imposed on such person; and a person shall not be disqualified under clause (1) (f) by reason only of anything done by him before he became a citizen of Singapore.
3. In clause (1) (f), "foreign country" does not include any part of the Commonwealth or the Republic of Ireland.

46. Tenure of office of Members

1. Every Member of Parliament shall cease to be a Member at the next dissolution of Parliament after he has been elected or appointed, or previously thereto if his seat becomes vacant, under the provisions of this Constitution.
2. The seat of a Member of Parliament shall become vacant—
 - a. if he ceases to be a citizen of Singapore;
 - b. if he ceases to be a member of, or is expelled or resigns from, the political party for which he stood in the election;
 - c. if, by writing under his hand addressed to the Speaker, he resigns his seat in Parliament;
 - d. if during 2 consecutive months in each of which sittings of Parliament (or any committee of Parliament to which he has been appointed) are held, he is absent from all such sittings without having obtained from the Speaker before the termination of any such sitting permission to be or to remain absent therefrom;
 - e. if he becomes subject to any of the disqualifications specified in Article 45;
 - f. if he is expelled from Parliament in the exercise of its power of expulsion; or
 - g. if being a nominated Member, his term of service as such a Member expires.
- 2A.** A non-constituency Member of Parliament shall vacate his seat as such a Member if he is subsequently elected as a Member of Parliament for any constituency.
- 2B.** A nominated Member of Parliament shall vacate his seat as such a Member—

- a. if he stands as a candidate for any political party in an election; or
 - b. if, not being a candidate referred to in paragraph (a), he is elected as a Member of Parliament for any constituency.
3. Any person whose seat in Parliament has become vacant may, if qualified, again be elected or appointed as a Member of Parliament from time to time.
4. If any Member of Parliament becomes subject to any disqualification specified in Article 45(1) (a), (b), (e) or (g) because he is—
 - a. adjudged or otherwise declared a bankrupt;
 - b. adjudged or otherwise declared to be of unsound mind;
 - c. convicted of an offence by a court of law in Singapore or Malaysia and sentenced to imprisonment for a term of not less than one year or to a fine of not less than \$2,000; or
 - d. convicted or is proven guilty of an act constituting any offence in connection with elections to Parliament,

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

5. A Member of Parliament shall vacate his seat if, at the end of the period of 180 days referred to in clause (4), he continues to be subject to any disqualification specified in Article 45(1) (a), (b), (e) or (g).
6. Notwithstanding clause (5), where on the determination of any such appeal the Member of Parliament continues to be subject to any disqualification specified in Article 45 (1) (a) or (b) and—
 - a. no further appeal is open to him; or
 - b. by reason of the expiration of any period for entering an appeal or notice thereof or the refusal of leave to appeal or for any other reason it ceases to be open for the Member to appeal, the Member shall then immediately vacate his seat even if the period of 180 days has not lapsed.

7. Where, at any time before the end of the period of 180 days referred to in clause (4), the Member of Parliament ceases to be subject to any disqualification specified in Article 45 (1) (a), (b), (e) or (g) by reason of any pardon, any final determination of an appeal or otherwise, he shall be entitled to resume sitting or voting in Parliament or any committee thereof on the day immediately after he ceases to be so disqualified.
8. For the avoidance of doubt, clauses (4) to (7)—
 - a. shall not apply for the purpose of any nomination, election or appointment to be a Member of Parliament, and any disqualifying event referred to in Article 45 shall take effect immediately on the occurrence of the event for the purposes of such nomination, election or appointment; and
 - b. shall not operate to extend the term of service of a nominated Member beyond the period prescribed in the Fourth Schedule.

47. Provision against double membership

A person shall not be at the same time a Member of Parliament for more than one constituency.

48. Decision on questions as to disqualification

Any question whether—

- a. any Member of Parliament has vacated his seat therein; or
- b. in the case of any person who has been elected as Speaker or Deputy Speaker from among persons who are not Members of Parliament, any circumstance has arisen that, if he had been elected to a seat in Parliament, would cause him to vacate his seat by virtue of Article 46 (2) (a) or (e),

shall be determined by Parliament whose decision shall be final:

Provided that this Article shall not be taken to prevent the practice of Parliament postponing a decision in order to allow for the taking or determination of any proceedings that may affect the decision (including proceedings for the removal of the disqualification).

49. Filling of vacancies

1. Whenever the seat of a Member, not being a non-constituency Member, has become vacant for any reason other than a dissolution of Parliament, the vacancy shall be filled by election in the manner provided by or under any law relating to Parliamentary elections for the time being in force.
2. The Legislature may by law provide for—
 - a. the vacating of a seat of a non-constituency Member in circumstances other than those specified in Article 46;

- b. the filling of vacancies of the seats of non-constituency Members where such vacancies are caused otherwise than by a dissolution of Parliament.

50. Penalty for unqualified persons sitting or voting in Parliament

1. Any person who sits or votes in Parliament, knowing or having reasonable ground for knowing that he is not entitled to do so, shall be liable to a penalty not exceeding \$200 for each day on which he so sits or votes.
2. The said penalty shall be recoverable by action in the High Court at the suit of the Attorney-General.

51. Staff of Parliament

1. The staff of Parliament shall consist of a Clerk of Parliament and such other officers as may from time to time be appointed under Part IX to assist him.
2. The Clerk of Parliament shall be appointed by the President after consultation with the Speaker and the Public Service Commission.
3. The Clerk of Parliament may at any time resign his office by writing under his hand addressed to the Speaker and, subject to clause (4), may be removed from office by the President after consultation with the Speaker.
4. The Clerk of Parliament shall not be removed from office under clause (3) unless Parliament, by a resolution which has received the affirmative votes of not less than two-thirds of all the Members thereof, has resolved that he ought to be so removed for inability to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour.
5. The staff of Parliament shall not be eligible for promotion or transfer to any other office in the public service without the consent of the Speaker.
6. Subject to Article 159, the terms of service of the staff of Parliament may be determined by Parliament after receiving the advice of a Commission consisting of the following persons, that is to say:
 - a. the Speaker, as Chairman;
 - b. not more than 3 Ministers nominated by the Prime Minister, of whom one shall be the Minister responsible for finance; and
 - c. a member of the Public Service Commission.

52. Standing Orders

Subject to the provisions of this Constitution, Parliament may, from time to time, make, amend and revoke Standing Orders for the regulation and orderly conduct of its own proceedings and the despatch of business.

53. Use of languages in Parliament

Until the Legislature otherwise provides, all debates and discussions in Parliament shall be conducted in Malay, English, Mandarin or Tamil.

54. Presiding in Parliament

The Speaker shall preside at each sitting of Parliament.

55. Validity of proceedings of Parliament

Parliament shall not be disqualified for the transaction of business by reason of any vacancy among the Members thereof, including any vacancy not filled when Parliament is first constituted or is reconstituted at any time; and any proceedings therein shall be valid notwithstanding that some person who was not entitled to do so sat or voted in Parliament or otherwise took part in the proceedings.

56. Quorum

If objection is taken by any Member present that there are present (besides the Speaker or other Member presiding) fewer than one-quarter of the total number of Members and, after such interval as may be prescribed in the Standing Orders of Parliament, the Speaker or other Member presiding ascertains that the number of Members present is still less than one-quarter of the total number of Members, he shall thereupon adjourn Parliament.

57. Voting

1. Subject to this Constitution, all questions proposed for decision in Parliament shall be determined by a majority of the votes of the Members present and voting; and if, upon any question before Parliament, the votes of the Members are equally divided, the motion shall be lost.
2. If the Speaker has been elected from among persons who are not Members of Parliament, he shall not vote, but subject to this provision, the Speaker or other person presiding shall have an original vote but no casting vote.

58. Exercise of legislative power

1. Subject to the provisions of Part VII, the power of the Legislature to make laws shall be exercised by Bills passed by Parliament and assented to by the President.

2. A Bill shall become law on being assented to by the President and such law shall come into operation on the date of its publication in the Gazette or, if it is enacted either in such law or in any other law for the time being in force in Singapore that it shall come into operation on some other date, on that date.

59. Introduction of Bills

1. Subject to the provisions of this Constitution and of Standing Orders of Parliament, any Member may introduce any Bill or propose any motion for debate in, or may present any petition to, Parliament, and the same shall be debated and disposed of according to the Standing Orders of Parliament.
2. A Bill or an amendment making provision (directly or indirectly) for—
 - a. imposing or increasing any tax or abolishing, reducing or remitting any existing tax;
 - b. the borrowing of money, or the giving of any guarantee, by the Government, or the amendment of the law relating to the financial obligations of the Government;
 - c. the custody of the Consolidated Fund, the charging of any money on the Consolidated Fund or the abolition or alteration of any such charge;
 - d. the payment of moneys into the Consolidated Fund or the payment, issue or withdrawal from the Consolidated Fund of any moneys not charged thereon, or any increase in the amount of such a payment, issue or withdrawal; or
 - e. the receipt of any moneys on account of the Consolidated Fund or the custody or issue of such moneys,

being provision as respects which the Minister responsible for finance signifies that it goes beyond what is incidental only and not of a substantial nature having regard to the purposes of the Bill or amendment, shall not be introduced or moved except on the recommendation of the President signified by a Minister.

3. A Bill or an amendment shall not be deemed to make provision for any of the said matters by reason only that it provides for the imposition or alteration of any fine or other pecuniary penalty or for the payment or demand of a licence fee or a fee or charge for any service rendered.

60. Words of enactment of laws

In every Bill presented for assent, the words of enactment shall be as follows:

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

61. Oath of Allegiance

No Member of Parliament shall be permitted to take part in the proceedings thereof (other than proceedings necessary for the purpose of this Article) until he has taken and subscribed before Parliament the Oath of Allegiance in the form set out in the First Schedule:

Provided that the election of a Speaker may take place before the Members of Parliament have taken and subscribed such Oath.

62. Address by President

The President may address Parliament and may send messages thereto.

63. Privileges of Parliament

It shall be lawful for the Legislature by law to determine and regulate the privileges, immunities or powers of Parliament.

64. Sessions of Parliament

1. There shall be a session of Parliament once at least in every year and a period of 6 months shall not intervene between the last sitting of Parliament in any one session and the first sitting thereof in the next session.
2. The sessions of Parliament shall be held in such places and shall commence at such times as the President may, from time to time, by Proclamation in the Gazette, appoint.

65. Prorogation and dissolution of Parliament

1. The President may, at any time, by Proclamation in the Gazette, prorogue Parliament.
2. If, at any time, the office of Prime Minister is vacant, the President shall, by Proclamation in the Gazette, dissolve Parliament as soon as he is satisfied, acting in his discretion, that a reasonable period has elapsed since that office was last vacated and that there is no Member of Parliament likely to command the confidence of a majority of the Members thereof.
3. The President may, at any time, by Proclamation in the Gazette, dissolve Parliament if he is advised by the Prime Minister to do so, but he shall not be obliged to act in this respect in accordance with the advice of the Prime Minister unless he is satisfied that, in tendering that advice, the Prime Minister commands the confidence of a majority of the Members of Parliament.
- 3A.** The President shall not dissolve Parliament after a notice of motion proposing an inquiry into the conduct of the President has been given under Article 22L (3) unless—

- a. a resolution is not passed pursuant to the notice of such motion under Article 22L (4);
 - b. where a resolution has been passed pursuant to the notice of such motion under Article 22L (4), the tribunal appointed under Article 22L (5) determines and reports that the President has not become permanently incapable of discharging the functions of his office or that the President has not been guilty of any of the other allegations contained in such motion;
 - c. the consequent resolution for the removal of the President is not passed under Article 22L (7); or
 - d. Parliament by resolution requests the President to dissolve Parliament.
4. Parliament, unless sooner dissolved, shall continue for 5 years from the date of its first sitting and shall then stand dissolved.

66. General elections

There shall be a general election at such time, within 3 months after every dissolution of Parliament, as the President shall, by Proclamation in the Gazette, appoint.

67. Remuneration of Members

The Legislature may by law make provision for the remuneration of Members of Parliament.