

Annex A

Constitution of the Republic of Singapore (Amendment) Bill

Bill No. / .

Read the first time on .

A BILL

intituled

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

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

Short title and commencement

1. This Act may be cited as the Constitution of the Republic of Singapore (Amendment) Act 2014 and shall come into operation on such date as the President may, by notification in the *Gazette*,
5 appoint.

Amendment of Article 2

2. Article 2(1) of the Constitution of the Republic of Singapore (referred to in this Act as the Constitution) is amended by deleting the definition of “Judge of the Supreme Court” and substituting the
10 following definition:

““Judge of the Supreme Court” means the Chief Justice, a Judge of Appeal or a Judge of the High Court;”.

Amendment of Article 22

3. Article 22(1) of the Constitution is amended by deleting the
15 words “Judges and Judicial Commissioners” in paragraph (a) and substituting the words “the Judges of the Supreme Court, and the Judicial Commissioners and International Judges of the Supreme Court”.

Amendment of Article 94

20 4. Article 94 of the Constitution is amended by deleting clauses (2) to (5) and substituting the following clauses:

“(2) The Court of Appeal shall consist of the Chief Justice and the Judges of Appeal.

25 (3) The High Court shall consist of the Chief Justice and the Judges of the High Court.

(4) A Judge of Appeal may sit in the High Court on such occasion as the Chief Justice requires.

(5) A Judge of the High Court may sit in the Court of Appeal on such occasion as the Chief Justice requires.

30 (6) A person appointed under Article 95(3) to exercise the powers and perform the functions of a Judge of the High Court

may, in accordance with the terms of his appointment and subject to Article 95(6), (7), (8) and (9), as the case may be —

- (a) sit in the High Court; and
- (b) sit in the Court of Appeal on such occasion as the Chief Justice requires.”.

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Amendment of Article 95

5. Article 95 of the Constitution is amended —

- (a) by deleting clauses (2) and (3) and substituting the following clauses:

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“(2) The President may, if he, acting in his discretion, concurs with the advice of the Prime Minister, appoint a person who is 65 years or older and who is either qualified for appointment as a Judge of the Supreme Court or has ceased to be a Judge of the Supreme Court, to be the Chief Justice, a Judge of Appeal or a Judge of the High Court for a specified period.

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(3) In order to facilitate the disposal of business in the Supreme Court, the President may, if he, acting in his discretion, concurs with the advice of the Prime Minister —

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- (a) appoint a person who is qualified for appointment as a Judge of the Supreme Court to be a Judicial Commissioner of the Supreme Court; or

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- (b) appoint a person who, in the opinion of the Chief Justice, is a person with the necessary qualifications, experience and professional standing to be an International Judge of the Supreme Court, to be an International Judge of the Supreme Court.

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(4) For the purposes of clause (3), a Judicial Commissioner or an International Judge of the Supreme Court may —

(a) subject to clause (9), be appointed to hear and determine a specified case only; or

(b) be appointed for a specified period.

5 (5) Before tendering his advice as to an appointment under clause (1), (2) or (3)(a), other than the appointment of the Chief Justice, the Prime Minister shall consult the Chief Justice.

10 (6) A Judicial Commissioner appointed for a specified period may exercise the powers and perform the functions of a Judge of the High Court in any case or in respect of such classes of cases as the Chief Justice may specify.

15 (7) An International Judge appointed for a specified period may exercise the powers and perform the functions of a Judge of the High Court in such cases or classes of cases as the Chief Justice specifies under clause (8).

20 (8) The Chief Justice may, from time to time and subject to clause (9), require an International Judge appointed for a specified period to hear and determine any specific case, or such classes of cases as the Chief Justice may specify.

25 (9) Parliament may by law limit the classes of cases that may be heard and determined by an International Judge.

30 (10) Anything done by a Judicial Commissioner or an International Judge when acting in accordance with the terms of his appointment shall have the same validity and effect as if done by a Judge of the High Court and, in respect thereof, he shall have the same powers and enjoy the same immunities as if he had been a Judge of the High Court.

(11) The office of a Judge of the Supreme Court shall not be abolished during his continuance in office.”; and

- (b) by inserting, immediately after the word “Court” in the Article heading, the words “, etc.”.

Amendment of Article 97

6. Article 97 of the Constitution is amended —

- 5 (a) by deleting the words “The Chief Justice and every person appointed or designated to sit as a Judge of the High Court or a Judge of Appeal or appointed as a Judicial Commissioner of the Supreme Court” in clause (1) and substituting the words “Every person appointed as a Judge
10 of the Supreme Court or a Judicial Commissioner or an International Judge of the Supreme Court”; and
- (b) by deleting the words “a Judicial Commissioner who is appointed under Article 94(5)” in clause (2), and substituting the words “a Judicial Commissioner or an
15 International Judge of the Supreme Court who is appointed under Article 95(3)”.

Amendment of Article 98

7. Article 98 of the Constitution is amended —

- 20 (a) by deleting the words “a Judge of the Supreme Court” in clause (1) and substituting the words “a person appointed as a Judge of the Supreme Court under Article 95(1)”;
- (b) by deleting the words “A Judge of the Supreme Court” in clause (2) and substituting the words “A Judge of the Supreme Court or a Judicial Commissioner or an
25 International Judge of the Supreme Court”;
- (c) by deleting the words “a Judge of the Supreme Court” in clause (3) and substituting the words “a person holding office as a Judge of the Supreme Court or a Judicial Commissioner or an International Judge of the Supreme
30 Court”;
- (d) by deleting the words “the Judge” in clause (3) and substituting the words “the person”;

- (e) by deleting the words “any other Judge” in clause (5) and substituting the words “any other Judge of the Supreme Court or a Judicial Commissioner or an International Judge of the Supreme Court”; and
- 5 (f) by deleting the words “a Judge of the Supreme Court” in clause (5) substituting the words “a Judge of the Supreme Court, or a Judicial Commissioner or an International Judge of the Supreme Court (as the case may be)”.

Amendment of Article 99

- 10 8. Article 99 of the Constitution is amended by deleting the words “a person designated to sit as such a Judge or a Judicial Commissioner” and substituting the words “a Judicial Commissioner or an International Judge of the Supreme Court”.

Amendment of First Schedule

- 15 9. The First Schedule to the Constitution is amended by deleting the words “*and a Judicial Commissioner*” in the heading to the form of Oath of Office of the Chief Justice, a Judge of the Supreme Court and a Judicial Commissioner and substituting the words “*and a*
20 *Judicial Commissioner and an International Judge of the Supreme Court*”.

EXPLANATORY STATEMENT

This Bill seeks to amend the Constitution of the Republic of Singapore (1999 Revised Edition).

EXPENDITURE OF PUBLIC MONEY

This Bill will involve the Government in extra financial expenditure, the exact amount of which cannot at present be ascertained.

Note: Constitution of the Republic of Singapore (Amdt) Bill 2014 (v 12) (SZX)