

EDUCATION FACTSHEET: HOW LAWS ARE MADE?

Produced by Education & Publicity Department, Parliament of Singapore

If you go to the library and ask for the laws of Singapore, the librarian will show you several volumes of binders in red entitled "Statutes of the Republic of Singapore". These statute books contain many laws ranging from our Constitution, the Penal Code (criminal law), Women's Charter (matrimonial law) to the Young Persons and Offenders Act. Many of these laws help to regulate our everyday needs such as prevention of crime, promotion of commercial enterprise and keeping a clean environment. Have you ever wondered who wrote all these laws and how they were made?

Most statutes or Acts of Parliament begin life as Bills which are drafted by lawyers in the Attorney-General's Chambers. Drafting a bill is a very specialised skill. The draftsman must write the law as concisely as possible using simple and clear language. Try reading through any statute and you will see that drafting it is not an easy job!

A Bill is broken down into many parts. Each part contains clauses which are identified by numbered paragraphs. Each paragraph deals with a certain aspect of the law. The various parts and clauses help to organise a Bill and make it easier to understand. Once a Bill has been drafted and refined, it must go through a process before it can be made law. This process is known as the legislative process and we sometimes use the word "legislature" to describe Parliament.

FIRST READING

A Bill must first be introduced in Parliament. This is known as the First Reading of the Bill. Only the short title of the Bill is read out by the Clerk of Parliament. There is no debate. Copies of the Bill are then printed and distributed to Members of Parliament. They are expected to read the Bill, do their research and prepare their comments for the Second Reading of the Bill.

SECOND READING

Notice will be given to MPs for the Second Reading of the Bill. At this stage, the Bill will be debated. The Minister will begin by explaining why he had introduced the Bill and how the Bill works. He then says, "I beg to move that the Bill be read a second time." After this, the debate begins with MPs taking turns to comment on the Bill. Questions may be raised for the Minister to answer and doubts can be raised on the whole Bill or parts of the Bill. You will hear both arguments for and against the Bill. After the debate, the Minister will reply to the points made by the MPs. A vote is then taken. Excerpts of these debates are televised and reported in the press.

If sufficient MPs support the Bill, the Clerk will read out the title of the Bill a second time, hence the term "Second Reading".

Origin of Bills

Bills originated from the Petitions of the early English Parliaments. When Parliaments wanted the king to correct any injustice, they would send a petition to the king. If the king agreed to the petition he would send a reply. This reply had the force of law. As Parliament grew in power, it began drafting the laws themselves.

These drafts laws were called Bills. It presented them to the king for his assent. As more and more Bills were sent to the king, Parliament developed into a legislative body. All Bills are read in Parliament. This dates back to the practice in the early English Parliaments where not all members could read and copies of Bills were not easily available. The Speaker or the Clerk would read the Bill before asking Parliament to agree to it.

COMMITTEE STAGE

After the Second Reading, the Bill has to be referred to a Committee to go through the clauses of the Bill. Usually, Parliament will form a Committee of the whole House immediately after the Second Reading. You can tell that Parliament is sitting in Committee when the Speaker steps down from his Chair and sits beside the Clerks.

MPs who support the Bill in principle but do not agree with certain clauses can take this opportunity to amend those clauses at this stage. Another debate follows and the Committee will then vote whether or not to support the amendments.

In special cases, the Bill may be referred to a Select Committee comprising several MPs. A Select Committee on a Bill can seek the comments of the public on the contents of the Bill.

The Select Committee will advertise for written representations from the public. Some representatives may be called to appear before the Committee. The purpose is for the Committee to discuss the recommendations made in the representations. The Committee will consider all the representations and may make amendments to the Bill. The Committee's report containing minutes of meetings, representations considered and recommended amendments will then be tabled before Parliament. At the next sitting, the Minister in charge of the Bill will then move that the Bill be read a third time.

THIRD READING

This stage is a formality. Any debate at the Third Reading is limited to only minor amendments, for example, corrections of typographical errors. This is to prevent any repetition of proceedings since Parliament had already approved the Bill at the Second Reading and in Committee. If any MP disagrees with the Committee's amendments or wishes to propose further amendments, the Bill can be recommitted to a Committee of the whole Parliament for consideration.

COLLECTION OF THE "AYES" AND "NOES" AND DIVISION

All decisions of Parliament are taken by a vote. A vote can be taken in two ways. Firstly, there is the collection of voices, that is the "ayes" and "noes", and secondly, by way of a division.

For most Bills and motions, unless it is one which requires the support of two-thirds of all MPs, the Speaker would first ask all those in support to say "aye" followed by the "noes". How does the Speaker decide the vote? He listens carefully and determines whether the "ayes" or the "noes" have the loudest support.

Sometimes, this can be less than accurate and any MP supported by at least four others can call for a division. In a division, bells are rung for three minutes to summon all MPs into the Chamber. After that, the Chamber doors are locked. Each MP's name is then called and his vote is recorded by the Clerk. The Clerk will then count the votes and report to the Speaker who, in turn, will declare the results.

PRESIDENTIAL COUNCIL FOR MINORITY RIGHTS

Except for certain cases as provided for in the Constitution, most Bills are referred to the Presidential Council for Minority Rights to determine if any clause in the Bill is discriminatory to any religious or racial group. If the Council feels that certain provisions are discriminatory, it will refer the Bill back to Parliament to consider amending the Bill. Parliament can either amend the Bill and refer the amended Bill back to the Council or present the Bill to the President notwithstanding the Council's adverse report.

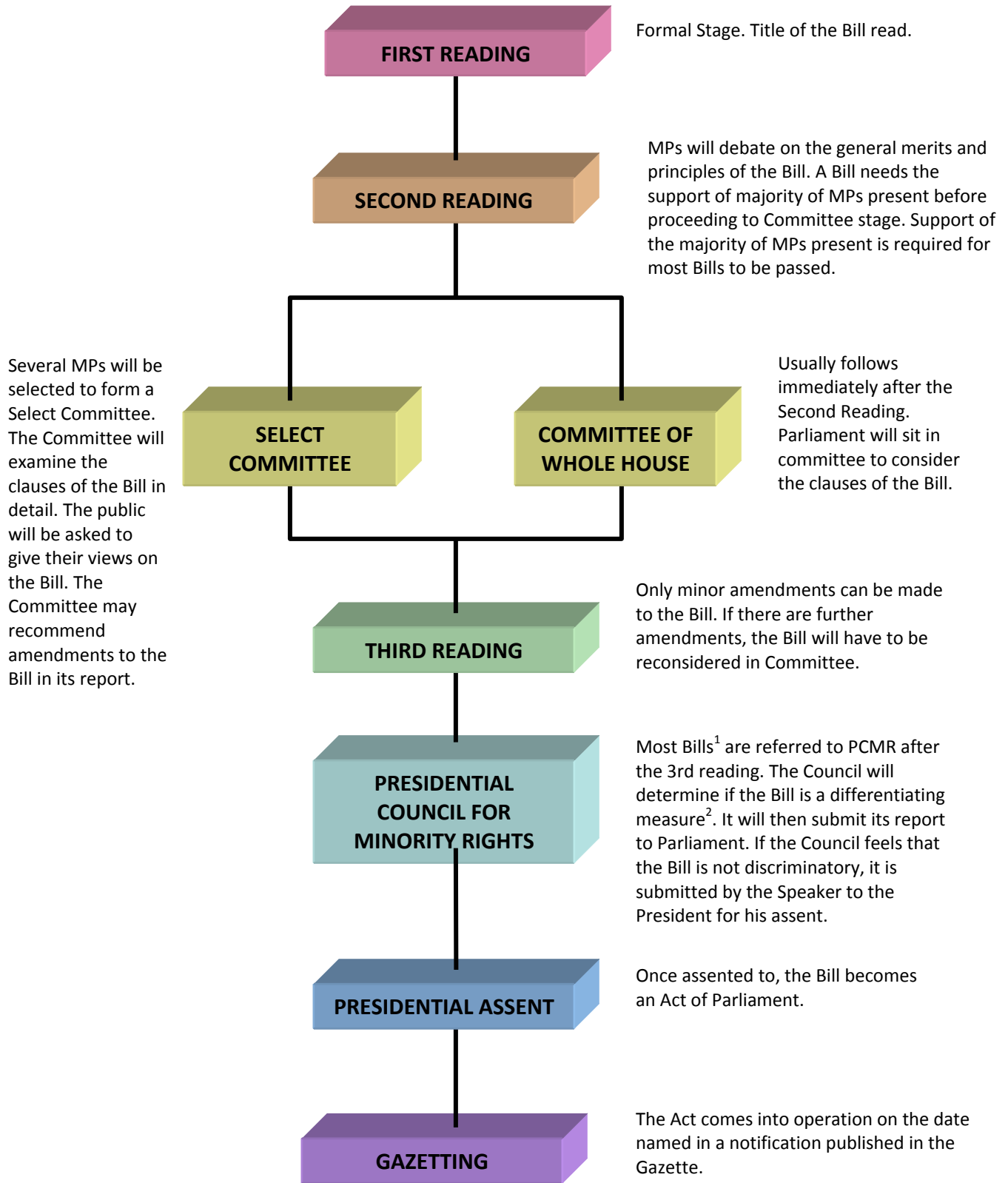
PRESIDENTIAL ASSENT

After the Council has reported that the Bill is not discriminatory, the Bill is presented to the President for approval. This step is usually a formality as the President will act according to the advice of the Prime Minister on most Bills. Once the President assents to a Bill, it becomes an Act of Parliament. For certain Bills or amendments to the Constitution, the President acts according to the advice of the Council of Presidential Advisers and can refuse to approve the Bills. These exceptions are provided for in the Constitution.

GAZETTING

The Act does not come into operation until it is published in a document known as the Government Gazette. The Government Gazette basically contains notices published by the government. The Act will have effect from the day it is published or on the date stated in the Gazette.

FROM BILL TO LAW



¹ The following Bills will not be sent to the Council: a) a Money Bill; b) a Bill certified by the Prime Minister as being one which affects the defence or security of Singapore or which relates to public safety, peace or good order in Singapore; or c) a Bill certified by the Prime Minister to be so urgent that it is not in the public interest to delay its enactment.

² Differentiating measure means any measure which is, or is likely in its application to be, disadvantageous to persons of any racial or religious community and not equally disadvantageous to persons of other such communities, either directly by prejudicing persons of that community or indirectly by giving advantage to persons of another community.