

# **Attorney-General (Additional Functions) Bill**

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**Bill No. 19/2014.**

*Read the first time on 7th July 2014.*

## **ATTORNEY-GENERAL (ADDITIONAL FUNCTIONS) ACT 2014**

**(No. of 2014)**

### ARRANGEMENT OF SECTIONS

Section

1. Short title and commencement
  2. Interpretation
  3. Representing relevant statutory boards in judicial review and related court proceedings
  4. Representing relevant statutory boards in other court proceedings
  5. Fees
  6. Amendment of Schedule
  7. Related amendment to Legal Profession Act
- The Schedule — Relevant statutory boards
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A BILL

*intituled*

An Act to confer on the Attorney-General certain functions in addition to functions conferred by or under the Constitution of the Republic of Singapore (1999 Reprint) and any other written law, and to make a related amendment to the Legal Profession Act (Chapter 161 of the 2009 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 Attorney-General (Additional Functions) Act 2014 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

## 5 Interpretation

2. In this Act, unless the context otherwise requires —

“administrative decision” means a decision of an administrative character which is, is proposed to be, or is required to be, made (whether or not in the exercise of a discretion and whether before, on or after the date of commencement of this Act) under any public Act;

“instrument of legislative character” includes an instrument of legislative character made before the date of commencement of this Act under any public Act;

“judicial review” includes proceedings instituted by way of —

(a) an application in respect of an administrative decision for a Mandatory Order, a Prohibiting Order or a Quashing Order, or in respect of an instrument of legislative character for a Quashing Order; or

(b) an application for a declaration or an injunction, or any other suit or action, relating to or arising out of any administrative decision or instrument of legislative character;

“relevant statutory board” means any statutory board specified in the Schedule;

“statutory board” means a body corporate or unincorporate established by or under any public Act to perform or discharge a public function.

## 30 Representing relevant statutory boards in judicial review and related court proceedings

3.—(1) The Attorney-General may represent a relevant statutory board in a judicial review instituted by any person in respect of an

administrative decision or instrument of legislative character of the relevant statutory board, and in any proceedings in court (however instituted) for a liquidated sum, damages, equitable relief or restitution if a Mandatory Order, Prohibiting Order, Quashing Order or declaration is made pursuant to the judicial review, if — 5

- (a) the relevant statutory board makes a request to the Attorney-General for such representation;
- (b) the Minister charged with the responsibility for the relevant statutory board consents to such representation;
- (c) the Attorney-General is of the opinion that the Government and the relevant statutory board have no conflicting interests in the matter; and 10
- (d) the Attorney-General is of the opinion that such representation is not contrary to the public interest.

(2) Any decision made by the Attorney-General to, or not to, represent a relevant statutory board pursuant to subsection (1) shall be final and conclusive. 15

### **Representing relevant statutory boards in other court proceedings**

4.—(1) The Attorney-General may represent a relevant statutory board in other proceedings in court (however instituted) not referred to in section 3(1) if — 20

- (a) the relevant statutory board makes a request to the Attorney-General for such representation;
- (b) the Minister charged with the responsibility for the relevant statutory board consents to such representation; 25
- (c) the Attorney-General is of the opinion that the Government and the relevant statutory board have no conflicting interests in the matter; and
- (d) the Attorney-General is of the opinion that the proceedings concern a matter of public importance. 30

(2) Any decision made by the Attorney-General to, or not to, represent a relevant statutory board pursuant to subsection (1) shall be final and conclusive.

### **Fees**

5     **5.** The Attorney-General may require a relevant statutory board to pay a fee of such reasonable amount as he determines for representing the relevant statutory board in any proceedings in court referred to in section 3 or 4, and that fee shall be a charge on the funds of that statutory board.

### 10    **Amendment of Schedule**

**6.** The President may, by order published in the *Gazette*, amend the Schedule.

### **Related amendment to Legal Profession Act**

15    **7.** Section 29(2) of the Legal Profession Act (Cap. 161) is amended by inserting, immediately after the word “Government” in paragraph (a), the words “, or on behalf of any statutory board pursuant to section 3(1) or 4(1) of the Attorney-General (Additional Functions) Act 2014,”.

## THE SCHEDULE

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Sections 2 and 6

### RELEVANT STATUTORY BOARDS

1. Monetary Authority of Singapore.
  2. Singapore Land Authority.
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## EXPLANATORY STATEMENT

This Bill seeks to confer on the Attorney-General certain functions in addition to functions conferred by or under the Constitution of the Republic of Singapore (1999 Reprint) and any other written law.

The Bill also makes a related amendment to the Legal Profession Act (Cap. 161).

Clause 1 relates to the short title and commencement.

Clause 2 defines certain terms used in the Bill.

Clause 3 empowers the Attorney-General to represent a relevant statutory board in a judicial review in respect of an administrative decision or instrument of legislative character of the relevant statutory board, and in any proceedings for a liquidated sum, damages, equitable relief or restitution if a Mandatory Order, Prohibiting Order, Quashing Order or declaration is made pursuant to the judicial review, if certain requirements are satisfied. The decision of the Attorney-General to, or not to, represent a relevant statutory board will be final and conclusive.

Clause 4 empowers the Attorney-General to represent a relevant statutory board in other court proceedings not referred to in clause 3(1), if certain requirements are satisfied. The decision of the Attorney-General to, or not to, represent a relevant statutory board will be final and conclusive.

Clause 5 authorises the Attorney-General to charge a relevant statutory board a fee for representing the relevant statutory board in any court proceedings referred to in clause 3 or 4, and provides that the fee be payable out of the funds of that statutory board.

Clause 6 empowers the President to amend the Schedule by order published in the *Gazette*.

The Schedule specifies the relevant statutory boards to which clauses 3 and 4 apply.

Clause 7 makes a related amendment to section 29(2)(a) of the Legal Profession Act. The amendment clarifies that the exclusive right of an advocate and solicitor under section 29(1) of that Act, to appear and plead in all courts of justice in Singapore, will not affect the right of the Attorney-General and certain other persons to appear and plead in those courts on behalf of any statutory board pursuant to clause 3(1) or 4(1) of the Bill.

## EXPENDITURE OF PUBLIC MONEY

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

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