

# **Statutes (Miscellaneous Amendments — Deputy Attorney-General) Bill**

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**Bill No. 37/2014.**

*Read the first time on 7 October 2014.*

A BILL

*i n t i t u l e d*

An Act to amend certain statutes of the Republic of Singapore.

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 Statutes (Miscellaneous Amendments — Deputy Attorney-General) Act 2014 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

### Amendment of Interpretation Act

2.—(1) Section 2(1) of the Interpretation Act (Cap. 1, 2002 Ed.) is amended —

(a) by inserting, immediately after the words “of Singapore” in the definition of “Attorney-General”, the words “and in relation to any function, power or duty of the Attorney-General, includes a Deputy Attorney-General so assigned by the Attorney-General to perform that function, power or duty”; and

(b) by inserting, immediately after the definition of “Crown Agents”, the following definition:

““Deputy Attorney-General” means a Deputy Attorney-General appointed under Article 35A of the Constitution;”.

(2) Section 43 of the Interpretation Act is amended —

(a) by inserting, immediately after the words “the Attorney-General,”, the words “a Deputy Attorney-General,”; and

(b) by inserting, immediately after the words “Minister, Attorney-General,” wherever they appear, the words “Deputy Attorney-General,”.

### Amendment of Criminal Procedure Code

3.—(1) Section 5 of the Criminal Procedure Code (Cap. 68, 2012 Ed.) is amended by inserting, immediately after the word “Attorney-General”, the words “, a Deputy Attorney-General”.

(2) Section 11 of the Criminal Procedure Code is amended —

(a) by deleting subsection (2) and substituting the following subsection:

“(2) The Deputy Attorney-General assigned by the Attorney-General to have control and direction of criminal prosecutions and proceedings under this Code or any other written law shall have all the powers of the Public Prosecutor, and any reference in this Code or any other written law to the Public Prosecutor shall, unless the context otherwise requires, include a reference to this Deputy Attorney-General.”;

(b) by inserting, immediately after the words “Public Prosecutor may appoint” in subsection (3), the words “the Solicitor-General,”;

(c) by inserting, immediately after the words “The Public Prosecutor,” in subsection (5), the words “the Deputy Attorney-General referred to in subsection (2),”;

(d) by inserting, immediately after the words “the Public Prosecutor,” in subsections (6) and (8), the words “the Deputy Attorney-General referred to in subsection (2),”; and

(e) by inserting, immediately after the words “other than” in subsection (7), the words “the Deputy Attorney-General referred to in subsection (2),”.

(3) Section 13 of the Criminal Procedure Code is amended by inserting, immediately after the words “other than the Public Prosecutor,” the words “the Deputy Attorney-General referred to in section 11(2),”.

#### **Amendment of Evidence Act**

4. Section 3(7) of the Evidence Act (Cap. 97, 1997 Ed.) is amended —

(a) by deleting the word “or” at the end of paragraph (a); and

(b) by inserting, immediately after paragraph (a), the following paragraph:

“(aa) any Deputy Attorney-General; or”.

### **Amendment of Government Proceedings Act**

5     **5.** Section 2(2) of the Government Proceedings Act (Cap. 121, 1985 Ed.) is amended by inserting, immediately after the word “Attorney-General” in the definition of “law officer”, the words “, a Deputy Attorney-General”.

### **Amendment of Inquiries Act**

10     **6.** The Schedule to the Inquiries Act (Cap. 139A, 2008 Ed.) is amended by inserting, immediately after the words “at the direction of the Attorney-General,” in paragraph 11(1) and (2), the words “a Deputy Attorney-General,”.

### **Amendment of Legal Profession Act**

15     **7.—(1)** Section 29(2) of the Legal Profession Act (Cap. 161, 2009 Ed.) is amended by inserting, immediately after the words “the Attorney-General,” in paragraph (a), the words “a Deputy Attorney-General,”.

(2) Section 30(8) of the Legal Profession Act is amended —

(a) by inserting, immediately after the words “the Attorney-General”, the words “, a Deputy Attorney-General”; and

20     (b) by inserting, immediately after the words “appointed Attorney-General”, the words “, Deputy Attorney-General”.

(3) Section 31(1) of the Legal Profession Act is amended by inserting, immediately after the words “the Attorney-General”, the words “, any Deputy Attorney-General”.

25     (4) Section 34(1) of the Legal Profession Act is amended by deleting paragraph (a) and substituting the following paragraph:

“(a) the Attorney-General, a Deputy Attorney-General or the Solicitor-General or any other person acting under the authority of any of them;”.

### **Amendment of Revised Edition of the Laws Act**

30     **8.** Section 3(1) of the Revised Edition of the Laws Act (Cap. 275, 1995 Ed.) is amended by inserting, immediately after paragraph (a), the following paragraph:

“(aa) a Deputy Attorney-General;”.

### **Amendment of Singapore Academy of Law Act**

9.—(1) Section 5(1) of the Singapore Academy of Law Act (Cap. 294A, 1997 Ed.) is amended by inserting, immediately after paragraph (c), the following paragraph:

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“(ca) every Deputy Attorney-General;”.

(2) Section 12(c) of the Singapore Academy of Law Act is amended by inserting, immediately the word “Attorney-General”, the words “, Deputy Attorney-General”.

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## EXPLANATORY STATEMENT

This Bill seeks to amend various Acts in connection with the new office of Deputy Attorney-General.

Clause 1 relates to the short title and commencement.

Clause 2 amends various provisions of the Interpretation Act (Cap. 1). Added to the list of general definitions in section 2(1) is a new definition for the term “Deputy Attorney-General”, which is a Deputy Attorney-General appointed under Article 35A of the Constitution. The definition of “Attorney-General” is also expanded to include a Deputy Attorney-General who is assigned to perform the duty of the Attorney-General.

The other amendment is to section 43, which relates to evidence of signature on any requisite fiat, authorisation or sanction of the President, a Minister, the Attorney-General, the Solicitor-General, the Public Prosecutor or a Deputy Public Prosecutor before any prosecution or action may be commenced. By the amendment, any document purporting to bear the fiat, authorisation or sanction of a Deputy Attorney-General may likewise be received as prima facie evidence in any such proceedings without proof being given that the signature is that of a Deputy Attorney-General.

Clause 3 makes a number of amendments to the Criminal Procedure Code (Cap. 68) in relation to the exercise of prosecutorial powers.

First, section 5 of the Criminal Procedure Code is amended to make it clear that the Code also does not derogate from the jurisdiction or powers of any Deputy Attorney-General just as it does not derogate from the jurisdiction and powers of the Attorney-General or the Solicitor-General today.

Secondly, various amendments are made to section 11 of the Criminal Procedure Code, which relates to the Public Prosecutor. First, section 11(2) is amended to provide that a Deputy Attorney-General so assigned by the Attorney-General regarding matters of prosecution is to have all the powers of the Public Prosecutor. Any reference in the Code or any other written law to the Public Prosecutor will therefore include a reference to the Deputy Attorney-General so assigned. This Deputy Attorney-General replaces the Solicitor-General as the official who automatically acts as the Public Prosecutor in the absence of the Attorney-General.

Section 11(3) is in turn amended to provide for the appointment of the Solicitor-General to act as a Deputy Public Prosecutor.

Section 11(5) (relating to the granting of fiats) is amended to make it clear that the Deputy Attorney-General so assigned by the Attorney-General regarding matters of prosecution may also authorise any person, on terms and conditions, to act for the Public Prosecutor in the conduct of a case or prosecution in court or in any part of such conduct.

Section 11(6) and (8) is amended to provide that any criminal proceeding before the High Court or State Court must be conducted by the Public Prosecutor, the Deputy Attorney-General so assigned by the Attorney-General regarding matters of prosecution, the Solicitor-General, a Deputy Public Prosecutor, an Assistant Public Prosecutor, or a person authorised under fiat.

Finally, the persons who are allowed by section 11(7) to appear on behalf of the Public Prosecutor in any criminal appeal, or any case stated or criminal reference is expanded to include the Deputy Attorney-General so assigned by the Attorney-General regarding matters of prosecution.

The last amendment is to section 13 of the Criminal Procedure Code, which relates to the Public Prosecutor's power to take over private prosecutions.

Clause 4 amends the definition of "legal counsel" in section 3(7) of the Evidence Act (Cap. 97) to make it clear that insofar as that provision pertains to legal professional privilege, the definition includes Deputy Attorneys-General, who would not be officers in the Singapore Legal Service and which the definition now refers to.

Clause 5 amends section 2(2) of the Government Proceedings Act (Cap. 121) to expand the definition of "law officer" to include a Deputy Attorney-General. This will have the effect of enabling a Deputy Attorney-General to appear as an advocate on behalf of the Government and may appear, act and make applications in respect of such proceedings on behalf of the Government no less than other legal officers.

Clause 6 amends the Schedule to the Inquiries Act (Cap. 139A), in particular paragraph 11. If the Attorney-General has been appointed to lead evidence in an inquiry under the terms of reference, then in addition to the Solicitor-General or

State Counsel leading evidence in the inquiry (at the direction of the Attorney-General), the amendment will allow a Deputy Attorney-General to do likewise. A Deputy Attorney-General, at the direction of the Attorney-General, will also be entitled at any time to appear before and address the inquiry body on any matter which appears to the Attorney-General to be relevant to the inquiry.

Clause 7 makes several amendments to the Legal Profession Act (Cap. 161). First, section 29(2)(a) is amended to make clear that section 29(1) (on the privilege of advocates and solicitors to appear and plead in all courts in Singapore) also does not affect a Deputy Attorney-General's capacity to perform his or her duties of appearing and pleading on behalf of the Government in those courts.

Section 30(8) is amended so that any person who holds office as a Deputy Attorney-General, if not already a Senior Counsel, is to be regarded as having been appointed as Senior Counsel on that day that he or she is appointed as Deputy Attorney-General.

Next, the order of precedence of Senior Counsel in section 31(1) is amended to make clear that Senior Counsel will rank in precedence after the Attorney-General, any Deputy Attorney-General and the Solicitor-General.

Finally, section 34(1)(a) is amended to make it clear that the prohibition in section 33 against unauthorised persons acting as advocates and solicitors will also not apply to the Attorney-General, a Deputy Attorney-General or the Solicitor-General or any other person acting under the authority of any of them.

Clause 8 amends section 3(1) of the Revised Edition of the Laws Act (Cap. 275) to make a Deputy Attorney-General a Law Revision Commissioner.

Clause 9 amends section 5(1) of the Singapore Academy of Law Act (Cap. 294A) to make every Deputy Attorney-General ex-officio a member of the Senate of the Singapore Academy of Law. Section 12(c) is also amended to provide that a person who has held office as a Deputy Attorney-General for at least 2 years becomes a Fellow of the Singapore Academy of Law.

## EXPENDITURE OF PUBLIC MONEY

This Bill will not involve the Government in any extra financial expenditure.

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