

Constitution of the Republic of Singapore (Amendment) Bill

Bill No. 10/2023.

Read the first time on 24 February 2023.

A BILL

intituled

An Act to amend the Constitution 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.—(1) This Act is the Constitution of the Republic of Singapore (Amendment) Act 2023.

5 (2) Section 2 comes into operation on a date that the President appoints by notification in the *Gazette*.

Amendment of Article 9

2. Article 9(6) of the Constitution of the Republic of Singapore (called in this Act the Constitution) is amended by inserting, immediately after the word “drugs” in paragraph (b), the words
10 “, psychoactive substances”.

Amendment of Article 46

3. Article 46 of the Constitution is amended by deleting the word “leave” wherever it appears in clauses (4) and (6)(b) and substituting in each case the word “permission”.

Amendment of Article 148C

4. Article 148C of the Constitution is amended by inserting, immediately after clause (4), the following clauses:

“(5) The Minister responsible for finance may withdraw any sum from —

20 (a) a Contingencies Fund for the Consolidated Fund with a view to transferring the sum to the Consolidated Fund; or

25 (b) a Contingencies Fund for the Development Fund with a view to transferring the sum to the Development Fund,

being a sum in the Contingencies Fund concerned which the Minister, after proper inquiry, is satisfied to be in excess of what is likely necessary to meet an urgent and unforeseen need for expenditure from that Contingencies Fund.

(6) The Minister responsible for finance must present to Parliament a report of every transfer under clause (5) as soon as practicable after the transfer is made.”.

EXPLANATORY STATEMENT

This Bill seeks to amend the Constitution of the Republic of Singapore for the following purposes:

- (a) to allow a law to authorise the arrest and detention of a person for treatment and rehabilitation for misuse of psychoactive substances;
- (b) to make a change in terminology relating to leave of court or another authority;
- (c) relating to the Contingencies Funds for the Consolidated Fund and for the Development Fund.

Clause 1 relates to the short title and commencement.

As there is no requirement for a notification to be made to bring the amendments in clauses 3 and 4 into force, once the Bill is passed and assented, the amendments contained in clauses 3 and 4 come into force upon the publication of the Act in the *Gazette*.

Clause 2 amends Article 9 to ensure that the Article does not invalidate any law that authorises the arrest and detention for treatment and rehabilitation of persons misusing psychoactive substances. A reference to “psychoactive substances” is inserted in the exception in Article 9(6)(b) so that it extends to any law relating to the misuse of psychoactive substances which authorises the arrest and detention of any person for the purpose of treatment and rehabilitation. This extends Article 9(6)(b) to encompass the proposed amendments in the Misuse of Drugs (Amendment) Bill to extend the treatment and rehabilitation regime for drug addicts to addicts of psychoactive substances.

Clause 3 makes a technical amendment to Article 46(4) and (6)(b) by replacing the word “leave”, in relation to the leave of court or other authority, with the word “permission”, to be consistent with the same amendment made in other Acts by the Courts (Civil and Criminal Justice) Reform Act 2021. There is no change to the meaning of the provisions.

Clause 4 contains an amendment to Article 148C that empowers the Finance Minister to transfer any sum from the Contingencies Fund for the Consolidated Fund to the Consolidated Fund, being a sum which the Finance Minister is

satisfied is in excess of what is likely necessary to meet an urgent and unforeseen need for expenditure from that Contingencies Fund.

A corresponding power is also conferred on the Finance Minister to allow transfers from the Contingencies Fund for the Development Fund to the Development Fund.

The Finance Minister has to present to Parliament a report of every transfer as soon as practicable after the transfer is made.

EXPENDITURE OF PUBLIC MONEY

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