

# Constitution of the Republic of Singapore (Amendment No. 3) Bill

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**Bill No. 32/2022.**

*Read the first time on 20 October 2022.*

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

1. This Act is the Constitution of the Republic of Singapore (Amendment No. 3) Act 2022.

### New Article 156

5 2. The Constitution of the Republic of Singapore is amended by inserting, immediately after Article 155, the following Article:

#### “Institution of marriage

10 **156.**—(1) The Legislature may, by law, define, regulate, protect, safeguard, support, foster and promote the institution of marriage.

(2) Subject to any written law, the Government and any public authority may, in the exercise of their executive authority, protect, safeguard, support, foster and promote the institution of marriage.

15 (3) Nothing in Part 4 invalidates a law enacted before, on or after the date of commencement of the Constitution of the Republic of Singapore (Amendment No. 3) Act 2022 by reason that the law —

20 (a) defines marriage as a union between a man and a woman; or

(b) is based on such a definition of marriage.

25 (4) Nothing in Part 4 invalidates an exercise of executive authority before, on or after the date of commencement of the Constitution of the Republic of Singapore (Amendment No. 3) Act 2022 by reason that the exercise is based on a definition of marriage as a union between a man and a woman.”.

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## EXPLANATORY STATEMENT

This Bill seeks to amend the Constitution of the Republic of Singapore.

Clause 1 relates to the short title.

Clause 2 inserts a new Article 156 relating to the institution of marriage.

The new Article 156(1) expressly enables the Legislature to legislate for the purposes of defining, regulating, protecting, safeguarding, supporting, fostering and promoting the institution of marriage. The new Article 156(2) similarly provides that the Government and public authorities may, in the exercise of their executive authority, protect, safeguard, support, foster and promote the institution of marriage. Examples of measures that could be taken under these provisions include housing preferences and financial benefits for married persons, as well as education and media policies that promote and safeguard the institution of marriage.

The new Article 156(3) and (4) seeks to protect the definition of marriage as a union between a man and a woman. In particular, the new Article 156(3) provides that nothing in Part 4 (fundamental liberties) invalidates a law (whether enacted before, on or after the date of commencement of the Bill) by reason that the law defines marriage as a union between a man and a woman or is based on such a definition of marriage. Examples of such laws include —

- (a) section 12(1) of the Women’s Charter 1961, which provides that a marriage is void if the parties are not respectively male and female at the date of the marriage;
- (b) section 96(1) of the Administration of Muslim Law Act 1966, which prohibits the solemnisation of a marriage under that Act unless the marriage satisfies the conditions for a valid marriage under Muslim law, which in turn requires a Muslim marriage to (among other things) be between a man and a woman; and
- (c) laws that confer rights or benefits on or in relation to persons married under those enactments.

Similar provision is made by the new Article 156(4) in relation to the exercise of executive authority (whether the executive authority was exercised before, on or after the date of commencement of the Bill).

## EXPENDITURE OF PUBLIC MONEY

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

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