

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

Bill No. 35/2023.

Read the first time on 6 November 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 No. 3) Act 2023.

5 (2) Sections 2 and 4 are deemed to have come into operation on 14 September 2023.

New Article 22Q

2. In the Constitution of the Republic of Singapore (called in this Act the Constitution), after Article 22P, insert —

10 **“President may perform foreign and international roles in private capacity if national interest requires**

22Q.—(1) The President may accept and hold an office in a foreign or international organisation in his private capacity if, and only if —

15 (a) the President is not disabled by Article 19A(1) from performing the functions of that office;

(b) the Cabinet advises the President that it is in the national interest for the President to accept and hold that office; and

20 (c) the President, acting in his discretion, concurs with the advice of the Cabinet.

(2) The Cabinet may from time to time advise the President against saying or doing anything in the performance of the functions of any office the President is holding pursuant to clause (1), and the President must act in accordance with the advice of the Cabinet.

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(3) The President must relinquish any office he holds pursuant to clause (1) if so advised by the Cabinet.

(4) The President’s acceptance or relinquishment of any office pursuant to this Article must be published in the *Gazette*.”.

New Article 33A

3. In the Constitution, after Article 33, insert —

“Ministers may perform foreign and international roles in private capacity if national interest requires

33A.—(1) A Minister may accept and hold an office in a foreign or international organisation in his private capacity if, and only if — 5

(a) the Minister is not disabled by Article 33 from performing the functions of that office; and

(b) the Prime Minister considers it to be in the national interest for the Minister to accept and hold that office and gives permission for the Minister to do so. 10

(2) The Prime Minister may from time to time instruct a Minister against saying or doing anything in the performance of the functions of any office the Minister is holding pursuant to clause (1), and the Minister must act in accordance with the instructions of the Prime Minister. 15

(3) A Minister must relinquish any office he holds pursuant to clause (1) if so instructed by the Prime Minister.

(4) A Minister’s acceptance or relinquishment of any office pursuant to this Article must be published in the *Gazette*.”. 20

Miscellaneous amendments

4. In the Constitution —

(a) in Article 21A, replace clause (6) with —

“(6) This Article does not apply to — 25

(a) the President’s discretion under this Constitution to withhold consent to a request for a dissolution of Parliament; and

(b) the President’s discretion under Article 22Q(1)(c).”; and 30

- (b) in Article 37IA(2)(c), after sub-paragraph (i), insert —
“(ia) the President’s discretion under Article 22Q(1)(c);”.
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EXPLANATORY STATEMENT

This Bill seeks to amend the Constitution of the Republic of Singapore to create frameworks for the President and Ministers to perform foreign and international roles in their private (i.e., personal) capacities.

Clause 1 relates to the short title and commencement. Clauses 2 and 4 are deemed to have come into operation on 14 September 2023, the date on which the incumbent President assumed office. Clause 3 will come into operation when the Act is published in the *Gazette*.

Clause 2 inserts a new Article 22Q to enable the President to accept and hold an office in a foreign or international organisation in his private capacity.

- (a) Three conditions must be met before the President may do so. First, the President must not be disabled by Article 19A(1) from performing the functions of the office. Second, the Cabinet must advise the President that it is in the national interest for the President to accept and hold the office. Third, the President, acting in his discretion, must concur with the Cabinet’s advice. In deciding whether to give his concurrence, the President is not subject to a time limit or required to consult the Council of Presidential Advisers — clause 4 amends Articles 21A and 37IA to provide for this.
- (b) The Cabinet may advise the President against saying or doing anything in performing the functions of the office, and the President must act in accordance with the advice. Subject to any such advice, the President acts independently in performing the functions of the office. Article 21(1) would not apply because the President is acting in his private capacity and not exercising the Constitutional or other official functions of the President.
- (c) The President must relinquish the office if so advised by the Cabinet.

Clause 3 inserts a new Article 33A to govern the conditions under which a Minister may accept and hold an office in a foreign or international organisation in his private capacity. The provisions are similar to the new Article 22Q.

EXPENDITURE OF PUBLIC MONEY

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